

COUNCIL AGENDA

Monday, May 2, 2022



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 or by registering to attend remotely via video conference.

The 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.

To attend the city council meeting virtually register here:

https://us02web.zoom.us/webinar/register/WN_88Avwwy6RgGxVxdRIPUdsA

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. A Request for Accommodation form may be obtained on the first floor of City Hall or by calling the City of Ellensburg ADA Coordinator at (509) 962-7222 or email ADAAccordinator@ci.ellensburg.wa.us.

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. You may also attend by phone, only, and listen to the meeting by following the registration instructions under "Remote testimony during the meeting," below. Once you register, you will be sent a meeting invite with a phone number for the meeting.

City Council accepts testimony or comments in person or via remote testimony under Citizen Comment on Non-Agenda Items (Item No. 7) as well as for all 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@ci.ellensburg.wa.us. 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@ci.ellensburg.wa.us. 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. Register for the meeting at: https://us02web.zoom.us/webinar/register/WN_88Avwwy6RgGxVxdRIPUdsA. 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: 1) under Item 7 on non-agenda items, or 2) on any listed agenda items. If you wish to speak, you must:
 - a) **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.
 - b) **Wait to be called upon by the Mayor** using your name, e-mail, or phone number used to log in to the teleconference.
6. **Please state your name, address, 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, address, and whether you are representing only yourself or others.
- ◆ Each speaker's comments are to be limited to 3 MINUTES.
- ◆ Submit 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).

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 schedule 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:

- ◆ 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.
- ◆ Please state your name, address, and whether you are representing only yourself or others.
- ◆ Please limit your comments to 5 MINUTES.
- ◆ Submit written comments to the City Clerk.

**CITY OF ELLENSBURG
COUNCIL AGENDA
Council Chambers
501 North Anderson Street
Ellensburg, WA 98926
And virtually via Zoom
Monday, May 2, 2022
6:00 PM – Study Session
7:00 PM - Regular Meeting**

Study Session

Kittitas Valley Event Center Improvements KVEC 2019 Economic Impact Report KVEC Rodeo Project Summary - 2022 Bond Scenario Analysis Kittitas Co 2022-04-20	8
---	---

Pledge of Allegiance

1. Call to Order and Roll Call

2. Proclamations

2.A National Day of Prayer Proclamation National Day of Prayer 2022 Proclamation	14
2.B National Public Works Week National Public Works Week Proclamation	15
2.C Arts Education Month Arts Education Month Proclamation	16
2.D Jewish American Heritage Month Jewish American Heritage Month 2022 Proclamation	17
2.E Asian American/Native Hawaiian and Pacific Islander (AANHPI) Heritage Month AANHPI 2022 Proclamation	18
2.F Bicycle Month Bicycle Month Proclamation 2022	19
2.G National Historic Preservation Month 2022 National Historic Preservation Month 2022 Proclamation	20

3. Awards and Recognitions

4. Approval of Agenda

5. Consent Agenda

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 April 18, 2022 Regular Meeting
4-18-22 Regular Meeting Minutes | 21 |
| 5.B Acknowledge Minutes of Boards and Commissions
Arts Commission 3-10-22
EBDA/CenterFuse 3-9-22
Environmental Commission 2-16-22
Environmental Commission 3-16-22
Landmarks & Design Commission 1-4-22
Landmarks & Design Commission 1-19-22
Landmarks & Design Commission 2-1-22
Library Board 3-8-22
Parks & Recreation Commission 3-9-22
Sr. Citizen Advisory Commission 1-11-22
Sr. Citizen Advisory Commission 2-8-22
Sr. Citizen Advisory Commission 3-8-22
Utility Advisory Commission 3-17-22 | 26 |
| 5.C Extension Agreement with Clearwater Studios, LLC for Public Access Cable Television Management and Production Services
Clearwater Agreement Extension for ECTV Operations
ECTV Operations Contract with Clearwater. (2013)
ECTV Operations Contract with Clearwater - Amendment #1 (2014)
ECTV Operations Contract Extension through 06-02-22 (2019) | 59 |
| 5.D Project Acceptance - RFQ 2020-18 - Annual Substation Inspection and Testing | 80 |
| 5.E Approve May 2, 2022 Voucher Listing
5-2-22 Voucher Listing | 81 |

6. Petitions, Protests, and Communications

7. Citizen Comment on Non-agenda Issues

8. Business Requiring Public Hearings

8.A	Closed Record Hearing (quasi-judicial) to Consider a Resolution to Approve Application for Preliminary Plat Approval (P21-157) Submitted by Tyler Glahn, Crytyl Enterprises Inc., Owner Katie Meadows Plat Resolution - P21-157 Katie Meadows Preliminary Plat Approval Exhibit 1 Hearing Examiner Decision Katie Meadows Exhibit 1.1 Vicinity Map Exhibit 1.2 P21-157 Preliminary Plat 2.3.22 Exhibit 1.3 Electric Comments Exhibit 1.4 Gas Comments Exhibit 1.5 PW Comments Exhibit 1.6 Fire Comments Exhibit 1.7 Cascade Irrigation Comment Letter Exhibit 1.8 P21-111 SEPA Determination Exhibit 1.9 Affidavit of Publication Exhibit 1.10 Certificate of Mailing Exhibit 1.11 Affidavit of Posting Exhibit 1.12 Application Materials Exhibit 1.13 Prelim Subdivision Agenda Report to Hearings Examiner Exhibit 2 Affidavit of Publication Exhibit 3 Affidavit of Posting	82
8.B	Public Hearing - 2021-2022 Supplemental Budget Ordinance Table 1 - Items by Fund Table 2 - Summary of Budget Adjustments by Fund Proposed Ordinance - 2021-2022 Supplemental Budget Exhibits A & B - 2021-2022 Supplemental Budget	188
8.C	Proposed Amendments to Ellensburg City Code (ECC) Pertaining to Zoning and Land Use Regulations, Amending Chapter 2.30 and Chapter 14.04 and Title 15 Land Development Code, Chapters 15.130, 15.280, 15.300, 15.310, 15.320 and Amending Area Wide Zoning Boundary Maps #1 Airport Manager Request dated 3.31.22 #2 Public comment dated 4.12.22 #3 Public Comment dated 4.14.22 Ordinance - 2022 Land Development Code Revisions	200
9.	Introduction and Adoption of Ordinances and Resolutions	
9.A	Increasing City Manager Contracting Authority, Amending Chapter 1.06 of the Ellensburg City Code Ordinance - Chapter 1.06 City Manager and Assistant City Manager	285
9.B	Resolution - 2022 Policy Update - Holidays RESOLUTION - 2022 Policy Update - Holidays - 05.02.2022 Holiday Policy Holiday Policy Redline - Juneteenth	291

10. Unfinished Business

11. New Business

- 11.A [2022 First Quarter Financial Status and Investment Reports](#) 298
[1st Quarter Financial Report as of 4-07-22](#)
[Investment Report 2022 March](#)

12. Miscellaneous

- 12.A Manager's Report 314
[5-2-22 Manager's Report](#)
- 12.B Councilmembers' Reports

13. Executive Session

14. Adjournment

Next Ord. 4886
Next Res. 2022-14



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: May 2, 2022

Item Title/Agenda Subject: Kittitas Valley Event Center Improvements

Submitted by: Heidi Behrends Cerniwey City Manager Department

Recommended Action or Motion: This item is for discussion purposes only.

Background/Summary: The Kittitas Valley Event Center (KVEC) is in need of significant facility and infrastructure improvements. Kittitas County Commissioner Wachsmith and staff requested an opportunity to present the project benefits and discuss a potential partnership with the City to fund the improvements.

Previous Council Action: The City participated in bond payments through the lodging tax fund for a previous phase of the Event Center improvement.

Analysis: At the study session, County staff will review the facility needs, economic impacts, previous community partnerships, and potential funding scenarios.

Financial Impact: This topic is for discussion purposes only.

Attachments:

[KVEC 2019 Economic Impact Report](#)

[KVEC Rodeo Project Summary - 2022](#)

[Bond Scenario Analysis Kittitas Co 2022-04-20](#)



KVEC Year-Round Economic Impact Numbers for 2019 (includes Fair and Rodeo):

KVEC's Local Spending for Operations: \$365,657

Donations back to the community via Resolution: \$113,502

Estimated number of visitors Out-of-County/Overnight: 55,000

Estimated number of visitors Out-of-City of Ellensburg: 40,000

Total estimated number of non-Ellensburg visitors: 95,000

According the 2019 Dean Runyan Report for our state, overnight visitors spent an average of about \$363 during their stay. So, our total number of 55,000 annual overnight visitors has created an economic spending impact on our County and City of \$19,965,000 alone. When combining with direct community impacts from the Kittitas Valley Event Center, the **total economic impact in 2019 was \$20,444,159** during the entire year to include interim events and Fair/Rodeo Weekend.

Rodeo Arena Year-Round Economic Impact Numbers for 2019 (includes Fair and Rodeo):

Estimated number of visitors Out-of-County/Overnight: 18,119

Total Rodeo Arena Event Attendees: 39,256

According the 2019 Dean Runyan Report for our state, overnight visitors spent an average of about \$363 during their stay. So, our total number of 18,119 overnight visitors from solely Rodeo Arena based events created an **economic spending impact on our County and City of \$6,577,197** during the entire year to include interim events and Fair/Rodeo Weekend. This number does not include the local spending or community impacts directly related to the Rodeo Arena, even though it is an annual contributor.



Ellensburg Rodeo Arena Partnership Improvements

Since 1990, the Ellensburg Rodeo Association has contributed \$3 million dollars plus in improvements to the Ellensburg Rodeo Arena at the Kittitas Valley Event Center. Many of these improvements have been made possible because of community partnerships with the City of Ellensburg and Kittitas County. The following list highlights these improvements based on available documentation:

Buckaroo (Aluminum Grandstands/Announcers Booth) (above rough stock chutes)

- Constructed 1991
- Funded by Guaranteed Loan from Kittitas County (payments by Ellensburg Rodeo, Kittitas County Admissions Tax to event, then City of Ellensburg Admissions Tax to event)

South Grandstand (Wood Grandstands)

- Constructed 2001
- Funded partially by Grant from Kittitas County (payments by Ellensburg Rodeo, City of Ellensburg, Kittitas County)

Gold Buckle (East end)

- Constructed 2001
- Funded by Ellensburg Rodeo

Western Village

- Constructed 2004
- Funded by Ellensburg Rodeo

Section 9 (Aluminum Grandstands) (SE Corner)

- Constructed 2007
- Funded by Ellensburg Rodeo

Other Notable Improvements by Ellensburg Rodeo

Rough Stock Chutes (2000)

Track Utilities (water/power) (2010)

Rough Stock Pens (2011)

Timed Event Chutes (2017)

Arena Dirt/Drain System (2016) (with Kittitas County)

Grandstand Renewal Project (Northwest and Northeast Grandstands)

- Design started in 2015, Reviewed 2016, 60% Design Complete 2017
- Funded by Kittitas County and Ellensburg Rodeo

Kittitas County, Washington
Bond Structure Analysis

\$12MM Project Fund; 15-Year Term	
Sources:	
Par Amount	\$11,440,000
Premium	765,618
Total Estimated Sources:	\$12,205,618
Uses:	
Project Fund	\$12,000,000
Cost of Issuance	125,000
Underwriter's Discount	80,080
Additional Proceeds	538
Total Estimated Uses:	\$12,205,618

Key Statistics	
TIC	4.158%
Total Debt Service	\$16,532,500
Average Annual Debt Service	\$1,102,167

Estimated Debt Service			
Period Ending 12/1	Principal	Interest	Debt Service
2023	530,000	572,000	1,102,000
2024	555,000	545,500	1,100,500
2025	585,000	517,750	1,102,750
2026	615,000	488,500	1,103,500
2027	645,000	457,750	1,102,750
2028	675,000	425,500	1,100,500
2029	710,000	391,750	1,101,750
2030	745,000	356,250	1,101,250
2031	785,000	319,000	1,104,000
2032	825,000	279,750	1,104,750
2033	865,000	238,500	1,103,500
2034	905,000	195,250	1,100,250
2035	950,000	150,000	1,100,000
2036	1,000,000	102,500	1,102,500
2037	1,050,000	52,500	1,102,500
Total	\$ 11,440,000	\$ 5,092,500	\$ 16,532,500

\$12MM Project Fund; 20-Year Term	
Sources:	
Par Amount	\$11,455,000
Premium	750,304
Total Estimated Sources:	\$12,205,304
Uses:	
Project Fund	\$12,000,000
Cost of Issuance	125,000
Underwriter's Discount	80,185
Additional Proceeds	119
Total Estimated Uses:	\$12,205,304

Key Statistics	
TIC	4.344%
Total Debt Service	\$18,388,500
Average Annual Debt Service	\$919,425

Estimated Debt Service			
Period Ending 12/1	Principal	Interest	Debt Service
2023	340,000	572,750	912,750
2024	365,000	555,750	920,750
2025	380,000	537,500	917,500
2026	400,000	518,500	918,500
2027	420,000	498,500	918,500
2028	440,000	477,500	917,500
2029	465,000	455,500	920,500
2030	490,000	432,250	922,250
2031	510,000	407,750	917,750
2032	540,000	382,250	922,250
2033	565,000	355,250	920,250
2034	595,000	327,000	922,000
2035	625,000	297,250	922,250
2036	655,000	266,000	921,000
2037	685,000	233,250	918,250
2038	720,000	199,000	919,000
2039	755,000	163,000	918,000
2040	795,000	125,250	920,250
2041	835,000	85,500	920,500
2042	875,000	43,750	918,750
Total	\$ 11,455,000	\$ 6,933,500	\$ 18,388,500

\$12MM Project Fund; 25-Year Term	
Sources:	
Par Amount	\$11,500,000
Premium	710,434
Total Estimated Sources:	\$12,210,434
Uses:	
Project Fund	\$12,000,000
Cost of Issuance	125,000
Underwriter's Discount	80,500
Additional Proceeds	4,934
Total Estimated Uses:	\$12,210,434

Key Statistics	
TIC	4.479%
Total Debt Service	\$20,393,750
Average Annual Debt Service	\$815,750

Estimated Debt Service			
Period Ending 12/1	Principal	Interest	Debt Service
2023	240,000	575,000	815,000
2024	255,000	563,000	818,000
2025	265,000	550,250	815,250
2026	280,000	537,000	817,000
2027	295,000	523,000	818,000
2028	310,000	508,250	818,250
2029	325,000	492,750	817,750
2030	340,000	476,500	816,500
2031	355,000	459,500	814,500
2032	375,000	441,750	816,750
2033	390,000	423,000	813,000
2034	410,000	403,500	813,500
2035	435,000	383,000	818,000
2036	455,000	361,250	816,250
2037	475,000	338,500	813,500
2038	500,000	314,750	814,750
2039	525,000	289,750	814,750
2040	550,000	263,500	813,500
2041	580,000	236,000	816,000
2042	610,000	207,000	817,000
2043	640,000	176,500	816,500
2044	670,000	144,500	814,500
2045	705,000	111,000	816,000
2046	740,000	75,750	815,750
2047	775,000	38,750	813,750
Total	\$ 11,500,000	\$ 8,893,750	\$ 20,393,750

Note: All scenarios assume a delivery date of December 1, 2022; A MMD rates as of 4/18/2022 plus 1.00%. Results are preliminary and subject to change.

Kittitas County, Washington
Bond Structure Analysis

\$700k Annual Debt Service; 15-Year Term		
Sources:		
Par Amount		\$7,240,000
Premium		484,513
Total Estimated Sources:		\$7,724,513
Uses:		
Project Fund		\$7,548,833
Cost of Issuance		125,000
Underwriter's Discount		50,680
Total Estimated Uses:		\$7,724,513

Key Statistics	
TIC	4.158%
Total Debt Service	\$10,463,000
Average Annual Debt Service	\$697,533

Estimated Debt Service			
Period Ending 12/1	Principal	Interest	Debt Service
2023	335,000	362,000	697,000
2024	350,000	345,250	695,250
2025	370,000	327,750	697,750
2026	390,000	309,250	699,250
2027	410,000	289,750	699,750
2028	430,000	269,250	699,250
2029	450,000	247,750	697,750
2030	470,000	225,250	695,250
2031	495,000	201,750	696,750
2032	520,000	177,000	697,000
2033	545,000	151,000	696,000
2034	575,000	123,750	698,750
2035	600,000	95,000	695,000
2036	635,000	65,000	700,000
2037	665,000	33,250	698,250
Total	\$ 7,240,000	\$ 3,223,000	\$ 10,463,000

\$700k Annual Debt Service; 20-Year Term		
Sources:		
Par Amount		\$8,695,000
Premium		569,174
Total Estimated Sources:		\$9,264,174
Uses:		
Project Fund		\$9,078,309
Cost of Issuance		125,000
Underwriter's Discount		60,865
Total Estimated Uses:		\$9,264,174

Key Statistics	
TIC	4.344%
Total Debt Service	\$13,953,250
Average Annual Debt Service	\$697,663

Estimated Debt Service			
Period Ending 12/1	Principal	Interest	Debt Service
2023	265,000	434,750	699,750
2024	275,000	421,500	696,500
2025	290,000	407,750	697,750
2026	305,000	393,250	698,250
2027	320,000	378,000	698,000
2028	335,000	362,000	697,000
2029	350,000	345,250	695,250
2030	370,000	327,750	697,750
2031	390,000	309,250	699,250
2032	410,000	289,750	699,750
2033	430,000	269,250	699,250
2034	450,000	247,750	697,750
2035	470,000	225,250	695,250
2036	495,000	201,750	696,750
2037	520,000	177,000	697,000
2038	545,000	151,000	696,000
2039	575,000	123,750	698,750
2040	600,000	95,000	695,000
2041	635,000	65,000	700,000
2042	665,000	33,250	698,250
Total	\$ 8,695,000	\$ 5,258,250	\$ 13,953,250

\$700k Annual Debt Service; 25-Year Term		
Sources:		
Par Amount		\$9,830,000
Premium		607,381
Total Estimated Sources:		\$10,437,381
Uses:		
Project Fund		\$10,243,571
Cost of Issuance		125,000
Underwriter's Discount		68,810
Total Estimated Uses:		\$10,437,381

Key Statistics	
TIC	4.479%
Total Debt Service	\$17,438,000
Average Annual Debt Service	\$697,520

Estimated Debt Service			
Period Ending 12/1	Principal	Interest	Debt Service
2023	205,000	491,500	696,500
2024	215,000	481,250	696,250
2025	225,000	470,500	695,500
2026	240,000	459,250	699,250
2027	250,000	447,250	697,250
2028	265,000	434,750	699,750
2029	275,000	421,500	696,500
2030	290,000	407,750	697,750
2031	305,000	393,250	698,250
2032	320,000	378,000	698,000
2033	335,000	362,000	697,000
2034	350,000	345,250	695,250
2035	370,000	327,750	697,750
2036	390,000	309,250	699,250
2037	410,000	289,750	699,750
2038	430,000	269,250	699,250
2039	450,000	247,750	697,750
2040	470,000	225,250	695,250
2041	495,000	201,750	696,750
2042	520,000	177,000	697,000
2043	545,000	151,000	696,000
2044	575,000	123,750	698,750
2045	600,000	95,000	695,000
2046	635,000	65,000	700,000
2047	665,000	33,250	698,250
Total	\$ 9,830,000	\$ 7,608,000	\$ 17,438,000

Note: All scenarios assume a delivery date of December 1, 2022; A MMD rates as of 4/18/2022 plus 1.00%. Results are preliminary and subject to change.

Kittitas County, Washington
Bond Structure Analysis



City of Ellensburg

PROCLAMATION

National Day of Prayer

May 5, 2022

Whereas, on April 17, 1952, the Congress of the United States approved a Joint Resolution to provide for setting aside an appropriate day as a National Day of Prayer (Public Law 82-324; 66 Stat. 64); and

Whereas, the history of our nation is indelibly marked with the role that prayer has played in the lives of individuals and the nation; and

Whereas, historically our greatest leaders have turned to prayer in times of crisis and thanksgiving; and

Whereas, the virtues of prayer reflect a common bond; hopes and aspirations, sorrows and fears, remorse and renewed resolve, thanks and joyful praise, and love;

Now, therefore, we do hereby proclaim May 5, 2022 as the

DAY OF PRAYER

in the City of Ellensburg, Washington, in keeping with the wishes of the Congress of the United States. We urge all citizens to join in this special observance.

Signed this 2nd day of May, 2022.

Mayor

Attest: _____
City Clerk



City of Ellensburg

PROCLAMATION

National Public Works Week

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Washington; and

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings and other structures and facilities essential for our citizens; and

WHEREAS, it is in the public interest for the citizens, civic leaders and children of the state of Washington to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and

WHEREAS, the year 2022 marks the 62nd annual National Public Works Week sponsored by the American Public Works Association.

NOW, THEREFORE, the City Council and the City of Ellensburg do hereby designate the week of May 15-21, 2022 as "**National Public Works Week**"; we urge all our citizens to join with representatives of the American Public Works Association and government agencies in activities, events and ceremonies designed to pay tribute to our public works professionals, maintenance and operations personnel, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

Signed this 2nd day of May, 2022

Mayor

Attest _____
City Clerk



PROCLAMATION

Arts Education Month Proclamation

WHEREAS, the City of Ellensburg recognizes the arts as an essential element of a balanced education for all students; and collaboration, creativity and critical thinking are increasingly understood as essential skills needed in the 21st century workforce; and

WHEREAS, learning through the arts enables students to express their unique stories through many mediums, languages and perspectives; and encourages children, youth, educators to look for connections and broader meaning; and

WHEREAS, arts education helps students develop problem solving skills, experience belonging and cross-cultural understanding, and supports interdisciplinary academic success; and

WHEREAS, the arts help close the opportunity gap for students, preschool through higher education, by supporting the development of social emotional skills alongside academic content through joyful online, remote, and in-home learning at this transformative time; and

WHEREAS, while it is difficult to teach virtually, arts educators, who are accustomed to adaptability and ingenuity, are doing an incredible job of ensuring that families have access to physical and digital arts materials and relevant curriculum; and

WHEREAS, many schools facing budget shortfalls may prioritize subjects like reading, writing and math, arts education through theatre, visual arts, media arts, music, dance, are included in rigorous and relevant core academic content; and

WHEREAS, equitable access to culturally responsive arts education is sustained by a wide range of partners, including school leadership, educators, families, teaching artists, arts organizations, and local and statewide organizations; and

WHEREAS, we recognize the professional and innovative efforts of arts educators and advocates around the City of Ellensburg and call for community leaders to continue to strengthen efforts that increase access to inclusive arts education for every student, regardless of geographic location;

NOW, THEREFORE, we, the City Council of the City of Ellensburg, do hereby proclaim the month of May, as Arts Education Month

Dated this 2nd day of May, 2022.

Nancy Lillquist
Mayor

Attest: _____
City Clerk



City of Ellensburg

PROCLAMATION

Jewish American Heritage Month 2022

Whereas, the first Jewish Immigrants arrived on American soil in 1654 in New Amsterdam, fleeing oppression from other areas of the world and looking for the possibility of a freer future¹; and

Whereas, President George W. Bush issued the first Presidential Proclamation in 2006 designating May as Jewish American Heritage Month; and

Whereas, as we recognize the impact of the increasing bias acts committed toward our Jewish neighbors today, we remember the lessons of the Holocaust and recognize the need to root out prejudice and combat anti-Semitism in this Nation; and

Whereas, we recognize Jewish Americans who have made and continue to make significant contributions to our society, Americans such as:

- Elise Frenkel-Brunswick, Ph.D., a social psychologist who made significant contributions to research on the impacts of antisemitism;
- Dr. Eric Berne who developed groundbreaking transactional analysis that is use across many organizations; and to
- Daniel Levine who wrote extensively on Jewish identity; and

Whereas, we recognize Jewish Americans who contributed to our local community, such as:

- Henry and Selig Samuel Kleinberg, who came to Ellensburg in 1885, whose heritage includes the Kleinberg building and Kleinberg park, and
- Samuel Kreidel, who owned a general merchandise store, who built the Kreidel Building and served as mayor of Ellensburg first, in 1915, and then served several terms as a City Council member; and
- Betty Jean (Gottlieb) Allen, who worked alongside her husband to open "Allen's Ice Cream/" Ellensburg's first in-and-out, roller skate, curb-service business that served local families and students from 1946-1962; and
- Martin Kaatz, who taught geography at Central Washington University over four decades, served on the Ellensburg Downtown Task Force from 1980 to 2010, and whose insight helped shape land use planning in Ellensburg and the region; and

Whereas, the City of Ellensburg recognizes and honors the Jewish Americans residing herein who strengthen our medical, educational, business, religious, and civic organizations; and

Now, Therefore, the City Council of the City of Ellensburg does hereby proclaim May 2022 as Jewish American Heritage Month in Ellensburg and encourages all citizens to join in this observance by building bridges of understanding and friendship with our Jewish American neighbors.

Signed this 2nd day of May, 2022.

Nancy Lillquist
Mayor

Attest: _____
City Clerk

Citations: 1: <https://jcrc.org/jewish-american-heritage-month/#:~:text=2022%20Information%20and%20Resources%20May%20is%20Jewish%20American.to%20American%20culture.%20From%20the%20Jewish%20American%20Archives%3A>



City of Ellensburg

PROCLAMATION

Asian American/Native Hawaiian and Pacific Islander (AANHPI) Heritage Month 2022

Whereas, May is a celebration of Asian American/Native Hawaiian and Pacific Islander cultures, languages, and religions and a recognition that these peoples, as individuals and groups, have enriched the United States' culture and society and strengthened its global connection ; and

Whereas, these AANHPI communities have contributed significantly to make our Nation more vibrant through their diversity of cultures, languages, and religions; and

Whereas, we acknowledge the AANHPI communities continue to experience exclusion, racism, discrimination, physical attackers, incarceration, and deportation and a lack equity in this country; and

Whereas, "The American story as we know it would be impossible without the strength, contributions, and legacies of AANHPIs who have helped build and unite this country in each successive generation. From laying railroad tracks, tilling fields, and starting businesses, to caring for our loved ones and honorably serving the country in uniform, AANHPI communities are deeply rooted in the history of the United States;" and,

Whereas, historically, many residents made significant contributions to the City of Ellensburg, such as:

- Bun Yom, who opened the first Thai restaurant in Ellensburg and published his story, "Tomorrow I Am Dead" chronicling his imprisonment and escape from the Khmer Rouge, and his immigration from Cambodian to Ellensburg with his family in 1984; and
- Solomon Laingo, a Philippine immigrant and highly decorated Tech V soldier in World War II, serving our country in exchange for his citizenship; and
- Tokio and Machi Ota, one of many Ellensburg area Asian-American families, who became part of the 112,000 Asian-American residents on the West Coast, incarcerated in internment camps as a result of Federal Executive Order 9066 after the Pearl Harbor attack in 1941; and
- Officer Nelson Ng, Ellensburg Police Department, who died in the line of duty in 2008; and

Whereas, the City of Ellensburg recognizes and honors many other Asian American, Native Hawaiians, and Pacific Islanders residing herein who contribute each day to the strength and vibrancy of our community.

Now, Therefore, the City Council of the City of Ellensburg does hereby proclaim May 2021 as Asian/Pacific

American Heritage Month in Ellensburg and encourages all citizens to join in this observance by building bridges of understanding and friendship with our Asian/Pacific American neighbors.

Signed this 2nd day of May, 2022.

Mayor

Attest: _____
City Clerk

Citations 1-2: A Proclamation on Asian American and Native Hawaiian / Pacific Islander Heritage Month, 2021, President's Briefing Room, April 30, 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/04/30/a-proclamation-on-asian-american-and-native-hawaiian-pacific-islander-heritage-month-2021/>



City of Ellensburg

PROCLAMATION

Bicycle Month Proclamation May 2022

Whereas, the bicycle is a healthy, convenient, financially and environmentally sound form of transportation and an excellent tool for recreation and enjoyment of Ellensburg's scenic beauty; and

Whereas, Ellensburg and Kittitas County's road and trail system attracts bicyclists each year, providing economic health, transportation, tourism, and scenic benefits; and

Whereas, creating a cycling-friendly community has been shown to improve residents' physical and mental health, well-being, and quality of life, growing the economy of Ellensburg, attracting tourism dollars, improving traffic safety, supporting student learning outcomes, and reducing pollution, congestion, and wear and tear on our streets and roads; and

Whereas, greater public awareness of bicycle operation and safety education will reduce collisions, injuries, and fatalities and improve health and safety for everyone on the road; and

Whereas, the State of Washington has been ranked the #1 Bicycle-Friendly State in the nation since 2008; and

Whereas, the City of Ellensburg is a Silver-level Bicycle Friendly Community; and

Whereas, Friday, May 20, 2022 is National Bike to Work Day, and the Kittitas County Chamber of Commerce will offer a free breakfast for bicyclists on their way to work; and

Whereas, the City of Ellensburg and other community organizations will collaborate on a Bike Month celebration ride on the Palouse to Cascades Trail from downtown Ellensburg to the Renslow Trestle on Saturday, May 21, 2022, leaving at 9:00 a.m. from Unity Park.

Now therefore, the City Council of the City of Ellensburg does hereby proclaim May 2022 as **Bike Month** in Ellensburg, and urges all residents to join in this special observance.

Signed this 2nd day of May, 2022

Nancy Lillquist
Mayor

Attest: _____
City Clerk





City of Ellensburg

PROCLAMATION

National Historic Preservation Month 2022

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals and public agencies in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, historic preservation is an effective tool for revitalizing neighborhoods, managing growth and sustainable development, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, "People Saving Places" is the national theme embraced for Ellensburg's Preservation Month 2022, cosponsored by the Ellensburg Landmarks & Design Commission, the Kittitas County Historical Museum, the EDA, and the National Trust for Historic Preservation.

NOW, THEREFORE, we, the City Council of the City of Ellensburg, do proclaim May 2022 as National Historic Preservation Month and call upon the people of Ellensburg to join their fellow citizens across the United States of America in recognizing and participating in this special observance.

Signed this 2nd day of May, 2022.

Nancy Lillquist
Mayor

Attest: _____
City Clerk



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of City Council, Regular Meeting

April 18, 2022

7:00 PM

Council Chambers 501 North Anderson Street

Ellensburg, WA 98926

And remotely via Zoom

Pledge of Allegiance

The Pledge of Allegiance was led by Councilmember David Miller

1. Call to Order and Roll Call

Roll Call Present: Rich Elliott, Nancy Goodloe, Nancy Lillquist, David Miller, Monica Miller, Bruce Tabb, Adam Winn

Others present in person: City Manager Behrends Cerniwey, City Attorney Weiner, City Clerk Leader, Executive Assistant Gigstead, Assistant City Attorney Reiman and approximately eight members of the public.

Others present remotely via Zoom: Planning Manager Ayling and approximately four members of the public

2. Proclamations

2.A. Arbor Day Proclamation

Councilmember David Miller read the proclamation.

Councilmember Tabb moved to Approve the Mayor's signature on the proclamation.

Motion Approved 7-0.

3. Awards and Recognitions

4. Approval of Agenda

Councilmember Tabb moved to Approve the Agenda as presented. **Motion Approved 7-0.**

5. Consent Agenda

5.A. Approve Minutes of April 4, 2022 Regular Meeting

5.B. Approve Minutes of April 4, 2022 Study Session

5.C. Acknowledge Minutes of Boards and Commissions

5.D. 2021-2023 Capacity Grant Agreement with the Department of Ecology

5.E. Bid Award – Bid Call No. 2022-04 for the 2022 Residential Sidewalk Repair Program

5.F. Resolution 2022-12 approving Bassett Street Tree Removal Request at 1111 E 2nd Avenue

5.G. Ridgeview Division 3 Subdivision Final Plat Application and Approval of Resolution

5.H. Approve Requests from Ellensburg Rodeo and Kittitas County Fair for Operation of 2022 Fair and Rodeo

5.I. Approve University Way Banner Request for National Day of Prayer April 25 - May 8, 2022

5.J. Approve April 18, 2022 Voucher Listing

Councilmember Elliott moved to Approve the Consent Agenda as presented. **Motion Approved 7-0.**

Councilmember Tabb commented staff was aware of the delay in Board and Commission minutes being included in the agendas.

6. Petitions, Protests, and Communications

6.A. Board and Commission Appointment

Councilmember Monica Miller reviewed the process she was involved with to interview Mr. Redmon.

Fred Redmon introduced himself and spoke about his interest in serving on the Landmarks and Design Commission.

Councilmember Monica Miller moved to Approve appointment of Fred Redmon to the Landmarks and Design Commission. **Motion Approved 7-0.**

7. Citizen Comment on Non-agenda Issues

8. Business Requiring Public Hearings

8.A. Public Hearing (Quasi-Judicial) on Ellensburg Taxi Service Application for Taxicab Certificate

The Mayor opened the Public Hearing. Beth Leader, City Clerk, presented information in the staff report.

Shawn Graham, owner of Ellensburg Taxi Service, commented on his application.

Rick Miles, 2103 E. 3rd Ave, spoke in favor of Mr. Graham's application.

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

Councilmember Elliott moved to Approve directing the City Clerk to issue a certificate of public convenience and necessity to Ellensburg Taxi Service. **Motion Approved 7-0.**

9. Introduction and Adoption of Ordinances and Resolutions

10. Unfinished Business

11. New Business

11.A. Revised Boards and Commissions Handbook

Terry Weiner, City Attorney, presented information in the staff report. Councilmembers asked questions of staff. There were suggested modifications to the handbook, which included:

- reference to the code of conduct for removal of a board or commission member
- inclusion of the Fire Relief & Pension Board
- inclusion of grant programs for the four commissions which administer them
- inclusion of bicycle committee duties within the Environmental Commission
- include the RCW that applies to the Lodging Tax Committee
- provide additional guidance for board & commission chairs on running meetings

Councilmember Elliott moved to Approve directing staff to make suggested amendments and adopt the updated board and commission handbook. **Motion Approved 7-0.**

11.B. Approval of One Washington Memorandum of Understanding for Potential Opioid Litigation Settlement

Terry Weiner presented information in the staff report.

Councilmember Elliott moved to Approve authorizing the City Manager to sign the One Washington Memorandum of Understanding regarding the allocation of funds for future settlement of state opioid claims. **Motion Approved 7-0.**

11.C. Affordable Housing Commission Recommendation on Sales Tax Funding to HopeSource for Affordable Housing

Jamey Ayling, Planning Manager, presented information in the staff report.

Susan Grindle, HopeSource CEO, commented on the Affordable Housing Commission.

Jordan Ruhle, Affordable Housing Commission member, spoke regarding a contract with HopeSource.

Charlie Sorenson, Affordable Housing Commission member, spoke regarding the Commission's recommendation.

Councilmember Tabb suggested deleting the fourth bullet point on the second page of the letter of commitment, which reads: "The budget and scope of work will be based on the applications and supplemental attachments submitted".

Councilmember Tabb moved to Approve support of the Affordable Housing Commission's recommendation; authorize the Mayor's signature on the award letter subject to modifications as discussed; approve the necessary budget amendment and provide staff direction to initiate contract negotiations with HopeSource. **Motion Approved 7-0.**

12. Miscellaneous

12.A. Manager's Report

The City Manager reviewed the Report. She requested Council set a public hearing for May 2, 2022, for the 2022 supplemental budget ordinance.

Councilmember Elliott moved to Approve scheduling a public hearing for the 2022 supplemental budget ordinance on May 2, 2022. **Motion Approved 7-0.**

She announced Community Development Director, Kirsten Sackett's resignation, and Jamey Ayling will serve as Interim Director. An invitation was received to CWU's Health Sciences building grand opening and health education project groundbreaking on April 29, 2022.

12.B. Councilmembers' Reports

- Councilmember Winn reported on the County Lodging Tax meeting
- Councilmember Monica Miller requested public notification of the rodeo parade route and parking options and participated in a historic preservation month meeting
- Councilmember David Miller attended the Washington Forestry Council and Arts Commission meetings
- Councilmember Goodloe attended a DEI committee meeting and acknowledged Jack Frost's contributions in the community
- Councilmember Elliott reported on EBDA/CenterFuse and attended a Planning commission meeting
- Mayor Lillquist attended the Adult Activity Center open house, People for People Transportation Planning open house, Beverly Bridge dedication, Airport Advisory Commission meeting and a bike month planning meeting

13. Executive Session

14. Adjournment

Meeting adjourned @ 8:15 pm

Mayor

ATTEST: _____
City Clerk



CITY OF ELLENSBURG	MINUTES OF ARTS COMMISSION, Regular Meeting
Date of Meeting:	March 10, 2022
Time of Meeting:	4:00pm
Place of Meeting:	CCCR and ZOOM

1. CALL TO ORDER

Chair Eyre called the meeting to order at 4:04pm

2. ATTENDANCE

PRESENT: Alex Eyre, Jerry Dougherty, Cassandra Town, Gwen Budnik, Laura Bobovski, Brian Kooser

COUNCIL LIASON: David Miller

ABSENT: None

VISITOR: Meredith Massey, Courtney Blackstock, Nan Dolittle, Marie Marchand

STAFF: Josephine Camarillo, Nicole Klauss

3. APPROVAL OF AGENDA

MOTION made by Town to approve the agenda, seconded, motion approved.

4. CORRESPONDENCE AND CITIZEN COMMENTS

Commission applicants Meredith Massey and Courtney Blackstock introduced themselves.

Jessica Black from VMT was unable to bring revised 2022 proposal to March meeting due to family issues and is requesting to reschedule. EAC approved her reschedule for April 2022 meeting.

5. GUEST SPEAKER/PRESENTER

Nan Dolittle from Northwest Expressive Arts Response presented her flag art piece she created in response to crisis in Ukraine. She contacted the mayor to see if there would be a place in the City to display the flag. Public Art Committee will work with Dolittle to find best location.

6. APPROVAL OF MINUTES

MOTION made by Town to approve February 2022 minutes, seconded, motion approved.

7. BUDGET/FINANCIAL REPORT

No report

8. NEW BUSINESS

Poet Laureate- Applicant Marie Marchand presented to commission.

MOTION made by Town to recommend Marie Marchand for 2022 Ellensburg Poet Laureate. Seconded. Motion passed.

Ellensburg Cultural Arts Program- Will be a standing item on agenda with a monthly update to the commission. Two surveys currently open:

[Ellensburg Community Cultural Arts Plan | City of Ellensburg \(beheardeb.org.com\)](#)
[Community Visioning Sessions Tickets, Multiple Dates | Eventbrite](#)

Revised City Boards/Commission Applications- City has revised application process for open vacancies on boards and commissions. Vacancies expiring in May 31, application deadline will be March 31. All applicants will be required to attend at least one meeting of the commission/board of their choice. Current members with terms expiring must also reapply. Interview panel consisting of board/commission chair, council liaison and city staff will review applications and select qualified applicants to interview. Once interviews are completed, panel will make recommendation of applicant(s) to council for final approval.

9. UNFINISHED BUSINESS

May Arts Education Month Proclamation- David Miller spoke to Mayor and City Manager. Draft Proclamation will be sent to Commission for review and projected to be presented at first Council meeting in May.

10. SUBCOMMITTEE BUSINESS

- A. Funding: Commission would like to open their grant applications at the same time as the other City grants (June 1-Aug 31). Staff will follow-up.
- B. Public Art: Plaques still being created. No update on bus shelter. Printers still unable to print the glass. Miller reported that FISH building expansion would like to feature public art.
- C. Advocacy/Public Relations: No report
- D. Art Walk: Gwen met with all current FFAW venues. Evolve has rejoined FFAW as a venue; Pretty Fair Beer will be an official venue next month; First Family Friday Art Walk to be held in May. EDA updated art walk map; suggested that they incorporate May Arts Proclamation and Poet Laureate. Brian can bring out puppets for May Art Walk. Commission would like to involve more activities for the kids and families. Jerry will contact Karen Scott and Brian will contact CWU art education students.

11. UNSCHEDULED BUSINESS

Cassandra working with City to create City Art Walk map and map for FFAW venues.

Commission would like to work with DEI Commission in some capacity.

12. ANNOUNCEMENTS

None

13. NEXT MEETING

April 14, 2022

14. ADJOURNMENT

With no further discussion, meeting adjourned at 5:40pm

Respectfully submitted,
Josephine Camarillo, Staff Liaison
Drafted: 3-10-22
Approved: 4-14-22



Centerfuse

Ellensburg Business Development Authority BOARD OF DIRECTORS MEETING MINUTES

Regular meeting held synchronously in-person and virtually

Wednesday, March 9, 2022

4:00-5:30 PM

Members in Attendance: Garrett Poshusta, Chair; Andreas Bohman, Vice Chair; Del Bankston, Secretary; John Perrie, Board Member; Jared Vallejo, Board Member; James Jankowski, Board Member, and Bob Rapp, Board Member

Excused: Grant Clark, Treasurer

Others present: Parker Jones, Matthew-CWU Student Ambassador, Paul Elstone, Heidi Cerniway, Jennifer Lubanski; Rich Elliott, Ellensburg City Council liaison, and Margaret Reich, Executive Director

1. Meeting Called To Order

Meeting was called to order at 4:01 PM

2. Approval of Agenda

Agenda was amended to remove Bryan Elliot's board member application for consideration and to rescind the current CenterFuse Conflict of Interest policy.

Motion to approve the meeting's agenda as amended by Jared Vallejo, second by John Perrie.
Motion approved by unanimous vote.

3. Approval of Minutes

Motion to approve February 2022 regular meeting minutes by Jared Vallejo, second by James Jankowski. Motion approved by unanimous vote.

4. Board Business

a. Organizational Effectiveness

Executive Director Reich presented the financial reports including an update on collections activity.

Board members interviewed board applicant, Jennifer Lubanski. Board discussed the applicant's qualifications and filling the vacant board seat.



Motion to recommend for Jennifer Lubanski to fill the board vacancy and send endorsement to Ellensburg City Council by John Perrie, second by Jared Vallejo. Motion approved by vote 6 yeas, 1 nay, 1 abstention.

CenterFuse Attorney Chuck Zimmerman presented his legal findings regarding organizational structure options, Open Public Meetings Act (OPMA), Public Records Act (PRA), serving customers outside the UGA, funding and bonding. He recommended the board rescind the current Conflict of Interest Policy and rely on the Charter for such information and retain the current organization's structure. Zimmerman will refer a name of bond counsel.

Motion to rescind the existing CenterFuse policy on Conflicts of Interest and refer to the CenterFuse charter by Jared Vallejo, second by Andreas Bohman. Motion approved by unanimous vote.

Executive Director Reich has requested the county to present an offer should they wish to purchase the EBDA building. She also presented proposed building improvements.

Motion to direct staff to research the scope, cost, and benefit of building improvements by Del Bankston, second by Andreas Bohman. Motion approved by unanimous vote.

Executive Director Reich provided a Washington State legislative update report including HB 1333 which would extend the sunset date for .09 funding that is stuck in Rules.

b. Build Local Capacity

Executive Director Reich discussed the March 7th presentation to Ellensburg City Council, an update on the Kittitas County/City of Ellensburg economic development plan (shared county level data and focus groups), Creative District planning and new regional leadership meeting.

c. Marketing

The Start In Ellensburg website launched at 4 PM on March 7th. A website audit is currently underway.

Motion to implement recommendations of the website audit by Del Bankston, second by Andreas Bohman. Motion approved by unanimous vote.

Per the Marketing advisors, Executive Director Reich reached out to Washington Commerce requesting information about which businesses are interested in moving to Washington State. There was no reply, so she will pursue the answer to the question with the Director of the Office of Economic Development and Competitiveness. Marketing advisors recommend moving forward with a contract with Chmura, data analytics firm.

Motion to secure a non-profit rate subscription for Ellensburg level data analytics by Del Bankston, second by Andreas Bohman. Motion approved by unanimous vote.

d. Business Recruiting

Executive Director Reich notified the board of the submittal of a grant application to the USDA Rural Business Development Grant program in the amount of \$25,000 to

perform an inventory of retail/office/commercial/industrial buildings and land in Ellensburg. Senator Murray's office is seeking 'directed spending' request and Reich is meeting with Murray's Office to discuss the biomass feasibility study.

Representatives from CWU presented information about the CWU student ambassador program.

5. **For the good of the order**

None

6. **Adjournment** – time 5:39 Motion to adjourn by Del Bankston

Drafted: 3/14/2022

Approved: *Del Bankston*

Submitted by: Margaret Reich



ELLENSBURG ENVIRONMENTAL COMMISSION

**February 16, 2022 Regular Meeting
(5:15 p.m. to 6:15 p.m.)
Hybrid Meeting In-Person and Zoom**

Members Present: Christina Wollman, Kristine Steinkoenig, Steve Luten, Andrea Sledge, Daphne Condon, and Raven Harlin

Members Absent:

Also present: Council Member Winn, Council Liaison; Stefanie Wickstrom, Environmental Commission Applicant; and Laura Wilson, Planner

CALL TO ORDER

Commissioner Wollman called the meeting to order at 5:15 p.m.

AGENDA

The agenda was acknowledged with no changes.

MINUTES

Commissioner Steinkoenig moved to approve the December 15, 2021 regular meeting minutes as presented. Commissioner Sledge seconded the motion. The motion passed with all in favor.

Commissioner Steinkoenig moved to approve the January 19, 2022 regular meeting minutes as presented. Commissioner Condon seconded the motion. The motion passed with all in favor.

CITIZEN COMMENT

There was no citizen comment.

BICYCLE ADVISORY

Commission Harlin provided a brief update from the Bike Month planning meeting held in January. Commissioner Steinkoenig asked that she be notified of the next planning meeting. Council Member Winn stated he would find out when the next meeting would be and pass the information to Mrs. Wilson.

STAFF UPDATE/DISCUSSION ITEMS

Mrs. Wilson provided a brief update from the January meeting on the Environmental Commission's goals. She stated the purpose of the discussion was to get an idea of the Commission's priority regarding which sections of city code, to include parts of the building code, they would want to learn more about. She wanted to know from the commission members what they were most concerned about regarding the environment. Commissioner Steinkoenig asked where there may be some overlap in the commissions.

Mrs. Wilson reviewed the powers and duties from Ellensburg City Code 1.60.280 and gave examples of each duty. She stated item C, 'Propose programs for consideration by the city council, and when authorized by the council, carry out these projects and programs' may be an area the commission could focus their attention. Commissioner Wollman also shared previous commission discussions which led to looking further into what city code already required.

Commissioner Wollman stated that in the previous discussions, there was a lot of focus by former commission members how to improve energy efficiency of homes but there wasn't full understanding of how strict the state code requirements already were. The previous commission discussed ideas such as providing incentives for

developers to recycle building materials or build solar ready structures. The former members also identified barriers to incentives. The overall goal was to encourage citizens to be more energy efficient by possibly providing incentives for developers to incorporate conservation measures during construction. Commissioner Sledge mentioned another discussion idea was to meet with developers to get a sense of obstacles and issues related to efficiency measures required by the state. Commissioner Wollman remembered one of the priorities of the commission has been to increase energy efficiency of new construction and if the commission's focus was energy efficiency it could be helpful to understand what the developers are proposing specific to the topic without having to dig through different sections of the checklist to find out the answer to their question.

There was a brief discussion of the comprehensive plan update schedule and Commissioner Luten suggested getting more information on that process. He preferred getting more involved in that process as it would allow input on the growth of Ellensburg that would happen over the next 5, 10, and 15 years. He shared his experience with the energy code as there were always discussions happening at the state and national level. It's a continual discussion and by the time it gets to implementation at the local level, there were already discussions at the state level on the future energy code changes. He said the Commission could have a more tangible impact shaping what the community will look like at the local level.

Commissioner Sledge noted three areas to look at based on the discussion so far which were: property development that commissioner Wollman mentioned; urban planning that commissioner Luten mentioned, and finally community advocacy that are positive relative to the environment. Commissioner Sledge's example was the plastic bag ban which impacted the community.

Mrs. Wilson reviewed the suggestions from the discussion which were to invite the Building Official to explain the energy code update, have staff explain the comp plan update process, and ask the City's Public Information Officer highlight the Environmental Commission on its social media page. Commissioner Harlin suggested supporting programs that were already underway with other community groups. One suggestion was to have the City's Public Information Officer highlight the Environmental Commission on social media or the city's website. Commissioner Wollman asked to Mrs. Wilson to notify them of upcoming Planning Commission meeting agendas. Council Member Winn asked about starting a Be Heard Eburg survey about what environmental issues the community would like the city to address.

ADJOURNMENT- The meeting adjourned at 6:15 pm.

Respectfully Submitted by
Laura Wilson
Recording Secretary (Drafted 3/1/2022)



ELLENSBURG ENVIRONMENTAL COMMISSION

**March 16, 2022 Regular Meeting
(5:15 p.m. to 6:15 p.m.)
Hybrid Meeting In-Person and Zoom**

Members Present: Christina Wollman, Kristine Steinkoenig, Steve Luten, Andrea Sledge, Daphne Condon, and Raven Harlin

Members Absent:

Also present: Council Member Winn, Council Liaison; Jean Marie Linhart, Environmental Commission Applicant; and Kirsten Sackett, Community Development Director

CALL TO ORDER

Commissioner Wollman called the meeting to order at 5:15 p.m.

AGENDA

The agenda was acknowledged with no changes.

MINUTES

Commissioner Sledge moved to approve the amended February 16, 2022 regular meeting minutes. Commissioner Luten seconded the motion. The motion passed with all in favor.

CITIZEN COMMENT

There was no citizen comment.

BICYCLE ADVISORY

The commission discussed the letter from Palouse to Cascade Trail Coalition asking for a letter of support for renovating the Kittitas Railroad Depot.

Motion

Commissioner Wollman moved the Environmental Commission recommend the City submit a letter of support for the renovation of the Kittitas Railroad Depot to be included in the capital budget. Commissioner Luten seconded the motion. The motion passed with all in favor.

STAFF UPDATE/DISCUSSION ITEMS

Kirsten Sackett, Community Development Director, provided an in-depth explanation of the comprehensive plan, the annual comprehensive plan update process, and the 10-year comprehensive plan update process. Director Sackett proposed the Environmental Commission review the environmental chapter of the comprehensive plan.

Director Sackett also explained the land development code update SEPA. The commission will review the proposed changes and bring any questions or comments to the next Environmental Commission meeting for discussion.

ADJOURNMENT- The meeting adjourned at 6:15 pm.



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

MINUTES OF THE LANDMARKS & DESIGN COMMISSION REGULAR MEETING

Date and Time: Tuesday, January 4, 2021, 5:45 p.m.
Place of Meeting: Hybrid Meeting In Person and via Zoom
Present-In Person:
Present-Via Zoom Amy McCoy, Dorothy Stanley, Marty Blackson, Darren Reid, Zane Kanyer, Mollie Edson.
Absent: Lathan Wedin
Others Present: Stacey Henderson, Senior Planner – Historic Preservation; Kirsten Sackett, Community Development Director; Darren Nelson, applicant (in person); Jesse Sivak (virtual)

Note: These are **Summary** Minutes *not* Verbatim Minutes

1. Call to order and roll call of members

Meeting called to order by Chair Mollie Edson at 5:48 pm. Commissioner McCoy made a motion to excuse the absence of Commissioner Wedin. Commissioner Stanley seconded.

All in favor, motion passed.

2. Approval of the agenda

Commissioner Stanley made a motion to approve the agenda as submitted. Commissioner McCoy seconded.

All in favor, motion passed.

3. Approval of the minutes of the Meeting of November 16, 2021.

Commissioner McCoy made a motion to approve the minutes of November 16, 2021. Commissioner Stanley seconded.

All in favor, motion passed.

4. New Business

- a. Public Hearing for Consideration of a Certificate of Appropriateness (COA) to install a walk-in cooler and make fence improvements at 416 N. Main Street

Chairwoman Edson opened the public hearing. No issues were raised on the appearance of fairness.

Planner Henderson shared her screen and described the project. The applicant wishes to install a walk-in cooler and make improvements to a fence at 416 N Main Street, Parcel ID #286933, in Central Commercial (C-C) zoning. The proposed location for the cooler is north of the existing building, and the applicant is proposing to improve the fence along the north side of the building, both of which are visible from Main Street. The cooler is intended to provide extra space for the future business since the building is a small space. This proposed work is located within the Downtown Ellensburg National Register Historic District and Local Landmarks District, for which it is a contributing building. The application (Exhibit B.1) was received by the Department and determined to be complete per ECC 15.280.090(C)(2)(b), on December 15, 2021.

Henderson stated that after review of the criteria in the Code, staff recommends that the Certificate of Appropriateness (COA) be granted by the LDC to approve the location of the walk-in cooler, black vinyl to cover the cooler, installation of ivy to hide the cooler, and make fence improvements including black privacy slats, with no conditions.

Applicant Darren Nelson said that staff explained the project adequately, but did add that he is amenable to other colors as well.

Commissioner McCoy asked how tall the fake greenery would go, only as tall as the fence or as tall as the cooler? The Applicant noted that if they used the greenery it would wrap around the cooler to give the appearance of a hedge.

Commissioner Stanley asked what kind of vinyl would be used? Something like siding? The Applicant noted the proposed material is similar to a vinyl wrap that would go on a car, which is a more durable selection than paint.

Commissioner Reid asked if the applicant preferred the greenery or the wrap? The applicant would fix the fence and then thinks the greenery would look better.

Commissioner Edson asked about the finish of the vinyl wrap- could it be a matte finish instead shiny/glossy? The Applicant noted that it could be either finish.

Chair Edson closed the public hearing.

Commissioner McCoy read the Findings of Fact.

Commissioner McCoy noted that she likes the idea of the greenery more than the vinyl.

Commissioner Kanyer felt that anything to conceal the mechanics is preferred and agreed the finish should be matte. He also asked if the applicant would be open to a different color instead of black? If possible, he would like the applicant to come back with some renderings and color schemes, to help the commission better evaluate the proposal.

Commissioner Stanley would like to see a sample of the vinyl.

Commissioner Blackson asked about the function of the cooler with a dark wrap. Planner Henderson noted that the color of the wrap won't affect the function of the cooler. Commissioner Blackson suggested a wrap the color of the brick.

Commissioner Edson noted that the fake greenery can really look fake sometimes when the sun hits it. She would prefer a wrap on the cooler and not the greenery.

Commissioner Kanyer also noted that the tree should also help the cooler blend in and fade to the background.

Commissioner McCoy asked if the height of the fence could be taller? Planner Henderson noted that the fence is already taller than it can be with today's City fence code.

Commissioner Edson noted that Jet Black doesn't really blend and fade away. Maybe the commission could look at other color options.

Commissioner Reid noted that the black might also work with the business branding.

Commissioner Kanyer also liked the idea of seeing the branding matches and possible other color combos that can be reviewed by the commission.

Commissioner McCoy made the motion to approve the location of the cooler, but asked the Applicant to please come back with official color selections and renderings depicting the proposed options.

Commissioner Blackson seconded. **All in favor; motion passed**

b. Public Hearing for Consideration of a Certificate of Appropriateness (COA) for proposed improvements at 804 ½ North C Street.

Chairwoman Edson opened the public hearing. In response to the appearance of fairness questions Commissioner Stanley noted that she did communicate with the applicant outside of the public hearing. There was no objection to the participation of any members.

Senior Planner Henderson shared her screen and said that there are several facets to this project. The applicant seeks approval for several different exterior improvement projects at 804 ½ N. C Street, Parcel ID #563334, in Residential Low Density (R-L) zoning. The applicant notes in the narrative (Exhibit B.3), that the current siding is deteriorating, there is rot in the windows, and the roof is leaking which is causing damage within the structure. The proposed improvements include replacing the siding, windows, and roof of the main structure, as well as installing exterior lights. The applicant will be replacing the roof in-kind, with composition shingles. The proposed siding is LP Smartsiding, which is an engineered wood siding, and the proposed replacement windows are vinyl windows.(Exhibit B.4) This house was built ca. 1895, and is considered a contributing structure within the First Railroad Addition National Register and Local Landmarks Historic Districts. The application (Exhibit B.1) was received by the Department and determined to be complete per ECC 15.280.090(C)(2)(b), and December 15, 2021.

Senior Planer Henderson said that staff recommends that the Certificate of Appropriateness (COA) be **granted** by the Commission for: the installation of the proposed light fixture, the replacement of the roof with the proposed gray shingles, replacement of the siding with the LP Smart Siding horizontal 5" smooth texture Lap Siding, Sherwin Williams Historic Color SW 0008 Cajun Red and White Trim, and replacement of windows with compatible windows with white trim as proposed, with **one condition**:

1. The applicant should access the following publications to consider and utilize best available procedures per the Secretary of Interior's Standards whenever possible and applicable: *Preservation Brief 16: The Use of Substitute Materials on Historic Building Exteriors*; *Preservation Brief 35: Understanding Old Buildings: The Process of Architectural Investigation*.

Applicant Jesse Sivak noted that the big reason for the board and bat siding instead of the horizontal Lap Siding is that board and batt siding will help give the structure more lateral stability. He thinks the building used to be a barn, and mentioned the structure needs a lot of work but he is happy to bring it back and preserve it. With regards to the windows, the Applicant stated that fiberglass windows are very hard to come by at this time and the cost is prohibitive.

Commissioner Blackson noted that the applicant has a lot of work cut out for him.

Commissioner Kanyer feels that the board and bat siding is appropriate, and the lap siding might not be the original siding either. He is glad that someone is taking on the project.

Commissioner Stanley had staff share screen and display a picture of an alley barn. She thinks this structure might have been moved to this location. She would like to encourage authentic materials and looks. She wants to make sure it is preserved but she also wants to be sure that it doesn't have a false historic appearance. She approves of either of the sidings but feels the windows need to be more authentic. She would like to see them wood because that is what looks the most authentic and historic.

The applicant noted that the windows in many of the houses around this structure are vinyl windows and trying to find windows that would work and be energy efficient and matching would be prohibitively expensive and difficult to do.

Commissioner Reid noted that the matching windows and continuity is as important as the authenticity.

Commissioner Kanyer asked about the barn picture, and if it is representative of Ellensburg or the actual alley. Commissioner Stanley said that it was not the actual alley, but it is from Ellensburg.

Commissioner Stanley asked if the applicant had talked to Jon Graf about windows. The applicant had not.

Chairwoman Edson closed the public hearing.

Commissioner McCoy read the Findings of Fact.

The Commission further discussed the project, followed by a motion from McCoy, and then discussion amongst the Commission.

Commissioner McCoy made a motion recommending that the Certificate of Appropriateness (COA) be **granted** by the Commission for the installation of the proposed light fixtures, the replacement of the roof with the proposed gray shingles, replacement of the siding with the LP Smart Siding horizontal 5" smooth texture Lap Siding, Sherwin Williams Historic Color SW 0008 Cajun Red and White Trim, and replacement of windows with compatible windows with white trim as proposed, with **one condition**:

1. The applicant should access the following publications to consider and utilize best available procedures per the Secretary of Interior's Standards whenever possible and applicable: *Preservation Brief 16: The Use of Substitute Materials on Historic Building Exteriors*; *Preservation Brief 35: Understanding Old Buildings: The Process of Architectural Investigation*.

Commissioner Kanyer seconded.

Commissioner Kanyer made an amendment to the motion to include that the commission approves of either of the siding options proposed by the applicant. Commissioner Stanley seconded. Amendment to motion passed.

Commissioner McCoy liked the idea of more historic windows but feels that the applicant should be able to do what they need to do to rehabilitate the building. Commissioner Stanley noted that the frames need to be proportionate, or they won't look appropriate. Commissioner Reid thought the recommendation could be included in the motion for the applicant to consider the proportions of the frames to the building when looking at the windows.

Commissioners discussed not holding up the project by not approving the windows.

Commissioner Stanley feels that the commission doesn't follow the historic preservation standards with regards to windows.

Commissioner Stanley proposed a second amendment to the motion to not approve the vinyl windows. There was no second so the amendment did not pass.

The Commission voted 5 in favor, one against; motion passed

2. Old Business- none

3. Citizen Comment- No one in the audience.

4. Staff Update/Discussion Items

a. January 19, 2022 Public Meeting

Senior Planner Henderson said that the notices were mailed out today to discuss the upcoming survey of the structures in the historic residential district. At that same meeting, they might also review the rendering from Darren Nelson.

b. Historic Preservation Month Award Plans

Henderson is recommending that the Commission start looking at guidelines and structures for this year's historic preservation awards.

5. Commission Representative Update

- a. EDA Update. Commissioner Reid said the EDA got a quote back for lighting buildings on Pine Street, and some of the trees. The lighting will be along the rooftops and street lighting as ambience lighting. They are going to move forward with the bid. The same vendor is also going to remove and house the snowflake lighting from year to year. The EDA is also working on property owner information for all downtown building owners.
- b. Commissioner Stanley feels that John Graf has done an exceptional job with window replacements and thinks he should be nominated for an award from

DAHP. Planner Henderson said she could look into the guidelines and instructions for nomination.

6. Adjournment

Commissioner McCoy moved to adjourn the meeting. Commissioner Stanley seconded.
All in favor; motion passed. Meeting adjourned at 7:12 pm.



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

MINUTES OF THE LANDMARKS & DESIGN COMMISSION REGULAR MEETING

Date and Time: Wednesday, January 19, 2022, 5:45 p.m.
Place of Meeting: Hybrid Meeting In Person and via Zoom
Present-In Person: Darren Reid
Present-Via Zoom: Amy McCoy, Dorothy Stanley, Zane Kanyer
Absent: Lathan Wedin, Marty Blackson
Others Present (in person): Stacey Henderson, Senior Planner – Historic Preservation; Kirsten Sackett, Community Development Director; Sarah Desimone, MAHP; 8 members of the public, including David Cross, Tom Stahl, Pat Michl, Linda Graf, Frank Crimp, Jason White and John Mouusey, Tatiana Gunn.
Online: Shane Scott, Dale and Stephanie Hubbard, Ken Gerrard and Patricia Cutright, Karen and Larry Gookin.

Note: These are **Summary** Minutes *not* Verbatim Minutes

1. Call to order and roll call of members

Meeting called to order by Vice-Chair Amy McCoy at 5:48 pm.

2. Approval of the agenda

The commission will approve the January 4, 2022 meeting minutes at the next LDC meeting.

3. New Business

a. Reconnaissance Level Survey

Planner Henderson explained that this is a preliminary meeting to introduce the upcoming survey. The City is conducting a survey of the local and national First Railroad Addition Historic Districts. Today it will be explained why the survey is being done. Everyone within the boundaries of the district was invited. She has heard from several owners who were unable to attend, so she may hold another meeting in the spring if there is enough interest.

Henderson said she would introduce some basics about the district to provide context for the project. She introduced members involved, including herself as a historic preservation planner, Kirsten Sackett the Community Development Director, and Sarah Desimone as the City's historic preservation consultant. Sarah works with other Certified Local Governments (CLG's) and has done a lot of survey work for other consulting firms. Henderson also introduced the members of the Landmarks & Design Commission and explained their qualifications and the work that they do. She also stated that Sadie Thayer, director of the Kittitas County Historical Museum could not attend tonight, but is excited about this project and interested in helping in any way possible.

Planner Henderson explained that this survey is being completed due to a grant awarded by the State Dept of Archaeology and Historic Preservation (DAHP) through their CLG Grant Program. The City was awarded a CLG grant in Spring of 2021 to complete this survey.

Planner Henderson provided some background about the First Railroad Addition district and displayed a map of the boundaries. She explained that the City has two National Register districts, and two Local Landmarks districts. The one under review is the First Railroad Addition Historic District, which is residential in nature and located west of campus. She depicted the boundaries of the national register versus the local register district to demonstrate that they are not the same. She said that the First Railroad Addition historic district was formed in 1987. At that time several of the buildings were not old enough (50 years) to be considered historic, and since then several structures have also been heavily modified or demolished. As such, it is time to update the historic district. The first step to updating this district information is to perform this survey. Through assessment and research, the City will look towards updating the survey forms for each of the structures, and also analyze whether the boundaries of the district should be modified. None of these updates would occur without further notification to the residents. For now, they are just performing a survey to lay the groundwork for updating the district.

Planner Henderson said that this district is very important, with several varieties of architectural styles, including Craftsman, Victorian, mid-Century modern, etc. Many residents of this neighborhood have contributed to the area adding an additional layer of significance. Planner Henderson displayed several pictures that were included in the original national district nomination form. She provided some examples of homes where the City has much more information now than what was portrayed in the original nomination, including the Otto Klug house, the Henry Hale House, etc. There are also several houses that had no information included because they weren't 50 years old at the time. She said that they have also found some discrepancies in the nomination forms that they would like to clarify.

Planner Henderson explained what type of information would be gathered during the survey, and that it would help determine if the boundary should be updated. She said that the City utilizes historic documents quite frequently to help preserve the character of the historic buildings when alterations are proposed, and when community members want to find out more information about a house they just purchased.

City Staff and the consultant will be conducting a sidewalk survey within the boundaries of both historic districts. They are looking to be out near the end of February, and then again possibly next fall. The survey will take place only from outside, by taking photographs from the sidewalk. The survey will be conducted in the winter because it is easier to take photographs of the buildings without leaves on them. The City will also work with several volunteers within the district, who have stated that they have additional information about the structures, the architects, and the original homeowners.

The City will hold another meeting in August to share the information that was gathered during the survey. The City will complete historic inventory property forms on the State's WISAARD program. She explained what type of information will be included in the structural evaluation as well as the survey report. It provides a great base of information for future use.

Planner Henderson then provided some information about the benefits that come with being in a historic district. Taking care of the historic structures contributes to the community by preserving the local history and culture. The property owners are also eligible for historic preservation grants from the City of Ellensburg. There are also some Special Tax Valuations and Credits available either locally or with the Federal Government

Planner Henderson then concluded the presentation and opened the meeting for questions:

Pat Michl 115 W. 9th, corner of 9th and Main. She asked if there was a possibility that anyone in the district would be expected to pay for anything, or required to make any improvements to their home. Planner Henderson said that it wouldn't be required. Ms. Michl then asked about the requirements to go before a committee to make changes.

Planner Henderson said that yes, the Landmarks & Design Commission does still review exterior changes to homes within the landmarks district. The review is required by City code, it doesn't cost any money, but documentation does need to be submitted for review by the Commission. If approved, then the City issues a Certificate of Appropriateness.

Tatiana Gunn 115 W. 10th Ave. She asked if she needed permission to paint her home and asked about covering up graffiti.

Planner Henderson reiterated that the commission does a review if the exterior is going to change to make sure the exterior work is compatible with the district. Director Sackett noted that in special circumstances the maintenance work like graffiti cover up could be done without going to the commission, but would be a case by case decision.

Dale & Stephanie Hubbard, 1006 E C Street. Dale asked how in depth are we going to go with history. He asked if Planner Henderson would like owners to provide any history on a structure. He said their home is very unique and they have a lot of information.

Henderson stated that she would welcome any and all information homeowners have about their residences.

Tom Stahl, 115 W 9th Ave. stated they all heard about the stick (that they can't paint their house without permission.) But he wanted to know if there were any tax breaks for living in the district.

Henderson explained that there is a program called Special Tax Valuation. She said when people rehabilitate a structure, the value of the improvements is removed from the tax valuation, which can lead to a reduction in the taxes. She also said that there is an annual historic preservation grant available for owners of historic structures listed on the local or national register.

John Mounsey, 106 E. 10th Ave spoke. He said that there is a historic district Facebook group. They are pretty tight as a network to get information out. He also said that they all have a lot of information available at the public library about their homes. He said that they have a QR code on the homes that take you straight to information about their structure.

Planner Henderson said that she would send out another mailing to the residents to see if anyone would be willing to share information.

She also said that historic preservation month is coming up in May.

Tom Stahl asked about the historic district plaque, and Planner Henderson said that it would be on the public right of way, not on anyone's property.

At the conclusion of the discussion additional property owners said that they would be willing to share the historic information about their homes.

4. Citizen Comment

5. Staff Update/Discussion Items

Senior Planner Henderson said that she received notice from Mollie Edson that she has resigned from the Commission. She said that she would get a thank you card sent around for all the commissioners to sign. This also means that they would need to nominate a new chair and vice-chair at the next meeting when all members are in attendance. In addition, she said we will also need try to recruit a new member for the commission. Ms. Edson had been filling the position of being a historic property owner.

She said that they will hold a meeting on February 1 to review Darren Nelson's walk-in cooler proposal, as well as hold elections for chair and vice-chair if all commissioners are in attendance.

Planner Henderson updated the commission on the Historic Preservation awards that commissioner Stanley mentioned at the previous meeting. Stanley had suggested that John Graaf be nominated for this award. Henderson will be sending out information regarding this award nomination process, and is happy to submit a letter of support.

6. Commission Representative Update

Commissioner Stanley asked where the photos came from that were used in the presentation. Planner Henderson said that they came out of the original historic district nomination forms.

Commissioner Stanley noted that she and Sadie from the Kittitas Museum are working on a project to celebrate local Architects and developers for Historic Preservation Month.

7. Adjournment

Commissioner Stanley moved to adjourn the meeting, Commissioner Reid seconded. All in favor. Meeting adjourned at 6:40 pm.



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

MINUTES OF THE LANDMARKS & DESIGN COMMISSION REGULAR MEETING

Date and Time: Tuesday, February 1, 2022, 5:45 p.m.
Place of Meeting: Hybrid Meeting In Person and via Zoom
Present-In Person: Darren Reid
Present-Via Zoom: Amy McCoy, Dorothy Stanley, Marty Blackson
Absent: Lathan Wedin, Zane Kanyer
Others Present (in person): Stacey Henderson, Senior Planner – Historic Preservation; Jamey Ayling, Planning Manager, Community Development Director;
Online: .

Note: These are **Summary** Minutes *not* Verbatim Minutes

1. Call to order and roll call of members

Meeting called to order by Vice-Chair Amy McCoy at 5:45 pm.

2. Approval of the agenda

Commissioner Stanley made a motion to approve the minutes, Commissioner Blackson seconded. All in favor, motion passed.

3. Approval of the minutes

- a. January 4, 2022 Minutes
- b. January 17, 2022 Minutes

Commissioner Stanley made a motion to approve the minutes, Commissioner Reid seconded. All in favor, motion passed.

4. New Business

- a. P22-006 Public Hearing for Consideration of a Certificate of Appropriateness (COA) to apply a vinyl cover to a large walk-in cooler and make fence improvements at 416 N. Main Street.

Vice-Chair McCoy opened the public hearing. There were no appearance of fairness issues.

Planner Henderson began her presentation of the project. She noted that the applicant was not able to attend, so hopefully the renderings he provided will be able to be approved, but if not he might have to come back to the commission at a later date. Planner Henderson shared her screen to show the applicant's proposed renderings and colors to be used to wrap the cooler and repair the fence.

Acting Chair McCoy stated for the record that the applicant was not present at the meeting. Commissioner McCoy opened the floor to testimony from the public, there were no members of the public in attendance.

Commissioner Stanley is not in favor of the chain link fence and doesn't feel that they are appropriate in the historic districts. Commissioner Blackson asked what the fence looks like now? Planner Henderson described the old fence as chain link with broken slats. Vice Chair asked what the commission thinks about the vinyl examples. Commissioner McCoy feels that the brick vinyl would be the best choice for hiding the cooler from the road.

Commissioner Blackson read the Findings of Fact as outlined within the Staff report and made a motion that the Certificate of Appropriateness (COA) be **granted** by the Commission for the proposed new Enchantment Brewing sign, with no conditions. Commissioner Stanley seconded. All in favor, motion passed.

- b. Elections for new Landmarks and Design Commission Chair and Vice-Chair. Commissioners made a unanimous motion to table this item to the next meeting. Commissioner Stanley seconded. All in favor motion passed. Vice-Chair McCoy will continue to chair meetings until the elections have occurred.

5. Old Business

6. Citizen Comment

7. Staff Update/Discussion Items

Planner Henderson thanked the commission for their support at the public meeting. The next meeting will be March 1, 2022 to discuss Historic Preservation Month and preservation awards.

Regarding the Nomination of John Graaf, that is something that needs to be pursued by the commission not staff. Planner Henderson will write a letter of recommendation to go with the nomination if it is pursued.

Planner Henderson also gave clarification information about standards of care code.

8. Commission Representative Update

- a. EDA update- Commission Reid-Updated the commission on the B&O tax. The board of the EDA is very happy with the new staff. There will be a volunteer fair at the end of February.
- b. Commissioner Stanley asked if Commissioner Blackson knew if there were any pictures of the Urban Renewal Project that were done in the 50's or 60's. She is specifically looking for the Paul Lundstrom houses. He will check and let her know what he can find.

9. Adjournment

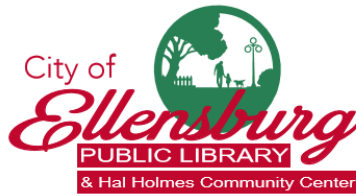
Commissioner Stanley moved to adjourn the meeting, Commissioner Blackson seconded. All in favor. Meeting adjourned at 6:17 pm.

CITY OF ELLENSBURG

Date of Meeting:

Time of Meeting:

Place of Meeting:



LIBRARY BOARD

March 8, 2022

4:30pm

Council Conference
Room/ZOOM

Marty Blackson, Chair, term expires December 31, 2022

Loretta Gray, Secretary, term expires December 31, 2022

Mary Holmgren, term expires December 31, 2026

Andreina Delgado, term expires December 31, 2023

Julie Cloninger, term expires December 31, 2024

Andrea Sledge, term expires December 31, 2026

Mary James, term expires December 31, 2022

1. CALL TO ORDER

Chair Blackson called the meeting to order at 4:34 pm

2. ATTENDANCE

PRESENT: Marty Blackson, Andreina Delgado, Loretta Gray, Mary Holmgren, Mary James, Andrea Sledge

COUNCIL LIASON: Monica Miller

ABSENT: Julie Cloninger

VISITOR: None

STAFF: Josephine Camarillo

3. APPROVAL OF AGENDA

Motion made by Mary James to approve the agenda, seconded by Mary Holmgren, **motion approved.**

4. APPROVAL OF MINUTES

Motion made by Mary Holmgren to approve February minutes, seconded by Mary James, **motion approved.**

5. CORRESPONDENCE AND CITIZEN COMMENTS

None

6. REPORTS

A. Director's Report: (1) Staff retreat was successful. (2) Laptops and hotspots are available for a one-week checkout. (3) A grab-and-go activity was held. (4) Summer Reading Program is being planned. (5) Adjustments to the collection and circulation statistics were discussed. (6) The Seed Library opens soon. (7) Hal Homes events were discussed, including the availability of a warming shelter during the cold snap in February.

B. Budget Report: None.

C. Friends of the Library Report: The Book Tea is scheduled on April 11. Patricia Cutright will be speaking.

7. UNFINISHED BUSINESS

A. Patron Exclusion Policy. Motion made by Loretta Gray to approve the policy (with a few minor edits), seconded by Mary Holmgren, **motion approved**.

8. NEW BUSINESS

A. In-person programming for youth and adults is restarting. Zoom will still be an option. Safety will continue to be a priority.

B. A recap of the staff retreat was discussed.

9. UPCOMING PROGRAMS

For March, the following are scheduled: Library Book Club meeting and Friends of the Library meeting.

10. UNSCHEDULED BUSINESS

The Board discussed the news that librarian positions at the high school and the middle school were discontinued.

11. NEXT MEETING

April 12, 2022

12. ADJOURNMENT

With no further discussion, meeting adjourned by Marty Blackson at 5:10 pm

Respectfully submitted,
Loretta Gray, Secretary



Parks & Recreation Advisory Commission Meeting Minutes – March 9, 2022

DATE OF MEETING: March 9, 2022
MEMBERS PRESENT: Laci Harrison, Dan Witkowski, Ali Brown, Kathleen Kelleher, Fiona Corner, Nikki Pollock
OTHERS PRESENT: Parks & Recreation Director Case, Council Liaison Monica Miller and two members from the public
LOCATION: Meeting was held at the Council Conference Room and Remotely

CALL TO ORDER – Commission Chair Harrison called the meeting to order at 5:30pm.

MEETING MINUTES - The meeting minutes from the February 9, 2022 meeting were approved.
All in favor.

CITIZEN COMMENT ON NON-AGENDA ITEMS – Scott Kennedy provided an update on the work being done by a group of private citizens wanting to build a new skate park in Ellensburg.

NEW BUSINESS – Commission Appointment Process – Staff reviewed with the Commission a new process for appointing vacancies on City Boards and Commissions.

PROJECT UPDATES

Unity Park – City entered into an agreement with Walker Macy on February 22, 2022 to develop a park master plan for Unity Park. At this time the city is moving forward with the demolition of the old drive thru structure.

Pearl Street Promenade – There has been a lot of community conversation about the potential closure of Pearl Street between 4th & 5th Avenue. Plan is to look at the promenade as a part of the Unity Park planning process but only in terms of how the park and street interface. The Council wants the focus of the Unity Park planning to be on the park and not the promenade idea.

Reed Park – the city has hired a firm to complete the survey work at Reed Park. Upon completion of that work the City will begin park planning.

APRIL MEETING

Staff will be attending the Washington Recreation and Park Association annual conference on April 13th, so the Commission elected to push the meeting date back to April 20th.

COMMISSION MEMBER REPORTS

Staff was asked when the parks would open for the season; park restrooms will open March 21st and the front gate at Irene Rinehart Riverfront Park will open April 4th.

STAFF REPORT

1. The running club program has 81 kids signed up. Clinics meet at the EHS and North Alder Street Park. 2. Approximately 130 kids have signed up for the youth co-ed volleyball program. 3. KEEN, in partnership with the City, received \$276,000 in grant funding through the SEEK (Summer Experiences & Enrichment for Kids Fund) to offer summer day camp programs. 4. Staff

placed temporary signage in parks about the public picking up after their pets. Staff also reached out to a couple of apartment managers requesting that they send out reminders to their tenants about picking up after picking up pet waste. Both managers stated that they already do this on a regular basis. 5. The Downtown Spring Clean Up is scheduled for Saturday April 23rd. 6. Bike ride celebrating Bike Month is scheduled for May 21st, starting in Ellensburg and ending just past the newly refurbished Renslow Trestle. 7. Touch a Truck is scheduled for Wednesday, June 22nd. 8. The City will be following the most updated masking mandates which will not require masking in City facilities. 9. The Whitfield Triangle property surplus will be back in front of Council on April 4th.

Meeting adjourned at 6:35pm.

Tuesday, January 11, 2022

Join Zoom Meeting

<https://us02web.zoom.us/j/4799521830>

Meeting ID: 479 952 1830

Meeting called to order at 1:02 p.m. by Chair Ed Sendelbach

ROLL CALL:

Chair – Ed Sendelbach, present

Vice Chair– Marcia Hedrick, present

Edd Bracken, present

Wendy-Jean Fischer, present

Mildred Miller, absent

Lilly Park, absent

AAC Coordinator – Katelyn Clavette, present

REVIEW AND APPROVAL OF PREVIOUS: December 14, 2021 meeting minutes with no corrections made. Motion made for approval by Edd Bracken, seconded by Marcia Hedrick, approved by Commission vote.

CITIZEN COMMENT ON NON-AGENDA ITEMS: None

OLD BUSINESS: None

NEW BUSINESS

- **Commission Member Reports /Other Business:** Edd Bracken commented that Tai Ji participants are grateful the Adult Activity Center has continued to stay open as much as possible. Wendy-Jean Fischer commented that Morning Exercise participants have said the same thing.

Ed Sendelbach thanked Katelyn Clavette for providing a printed copy of the budget for the commission.

- **Staff Reports** - December check-ins 281
New/renewals – 4

Katelyn notified the commission that she painted the entry way wall blue. The wall was white before.

New Activities for February:

- Table Tennis time added for Tuesdays from 2:00 pm – 3:30 pm in addition to the Wednesday time scheduled from 9:00 am – 10:30 am. Some participants did not like only having the morning time to play table tennis

- Line dancing changed from every other Thursday to every Wednesday from 1:00 pm – 1:45 pm come February.
- Card making is back with Jean Kirkham. This will begin on February 10 from 1:00 pm – 2:00 pm
- Notes to Neighbors will be February 10 from 2:00 – 3:00. There are three of these one January 20, February 10 and March 3. This activity is a pen pal program with CWU students.
- Special Events for February: Informative Insights Betsy Dunbar with Central Transit February 4, Valentine's Day Party playing Family Feud Valentine's Edition February 11, Movie Day: 50 First Dates February 18.
- Shuffleboard table arrived. There will not be an instructor however, Katelyn put together a book of how to play. Shuffleboard is scheduled for every Wednesday beginning in February from 9:00 am – 11:00 am. Katelyn stated she did not want anyone playing shuffleboard while exercise classes are happening.

Marcia suggested putting the suggested donation for Jean's card making class on the flyer. Katelyn stated that she would tell people that there is a suggested donation for those that are interested in this class.

Ed Sendelbach asked how the AAC did with notifying people that the AAC was closed when it snowed on January 6. Katelyn said that she called Edd Bracken, Tai Ji Instructor, to let him know of the closure and to brain storm with him who was currently showing up to Tai Ji classes. Katelyn called all Tai Ji participants and informed them that the class is cancelled. Katelyn also said that the City's Public Information Officer Nicole Klauss posted on the City Facebook pages letting the public know of the closures. Katelyn is currently working on a participant phone number list that she can access from home if this happens again. The AAC will then be able to call all participants to let them know of closures and cancellations.

Meeting adjourned at 1:24 p.m. Motion made by Marcia Hedrick, seconded by Wendy-Jean Fischer, passed by Commission vote.

Next Senior Advisory Commission meeting will be held on February 8, 2022 at 1:00 p.m.

Tuesday, February 8, 2022

Join Zoom Meeting

<https://us02web.zoom.us/j/4799521830>

Meeting ID: 479 952 1830

Meeting called to order at 1:02 p.m. by Chair Ed Sendelbach

ROLL CALL:

Chair – Ed Sendelbach, present

Vice Chair– Marcia Hedrick, present

Edd Bracken, present

Wendy-Jean Fischer, present

Mildred Miller, absent

AAC Coordinator – Katelyn Clavette, present

Liaison – Monica Miller, present

REVIEW AND APPROVAL OF PREVIOUS: January 11, 2022 meeting minutes with no corrections made. Motion made for approval by Marcia Hedrick, seconded by Wendy-Jean Fischer approved by Commission vote.

CITIZEN COMMENT ON NON-AGENDA ITEMS: Shirley Sendelbach commented that the hard copy of the newsletter has been wonderful to have. She loved the Central Transit and Hopesource presentation that occurred on Friday, February 4, 2022. There was a lot of useful information. She also mentioned that her daughter participated in SAIL exercise on Monday, February 7, 2022 and that it is a great workout for everyone.

Paula McMinn commented about the lead in the plane flyovers on Alder St and harmful effects that it has on health. She mentioned it is harmful for elders, baby, and pregnant women.

Monica Miller introduced herself as the new liaison for the Senior Advisory Commission. She has also served on the Arts commission for ten years and the lodging tax commission.

OLD BUSINESS: None

NEW BUSINESS

- **Commission Member Reports /Other Business:**
- **Staff Reports** - January check-ins 352
New/renewals – 27

Activity and facility updates:

- Yoga is beginning on Tuesdays and Thursdays from 8:00-9:00 in March

- Meditation Mondays with Bob Ota beginning in April from 3-3:30.
- Notes to Neighbors will be March 3 from 2-3
- Special Events for March: Informative Insights David Schwan Ethics Discussion March 4, Movie Day Black Panther March 11, St Patrick's Day Party March 18.
- Upcoming Trips:
 - Great Gatsby on March 26 from 6:00 – 11:00 Cost is \$72 user \$77 non-user April 14 Tulip festival 8:00 – 6:00 \$79 user and \$84 non-user
 - May 10 Olive Branch Café 9:00 am – 5:00 pm \$35.00 user and \$45 non-user
 - June 9 Museum of glass 7:30 – 5:30 \$66 user and 72 non-user
 - June 15 Mariners game 9:30 – 7:00 \$67 user and \$78 non-user
- Katelyn mentioned that if there is nothing on the agenda for the month, she will email the commission to cancel the meeting. The commission will meet at least once a quarter.

Meeting adjourned at 1:18 pm. Motion made by Edd Bracken, seconded by Marcia Hedrick, passed by Commission vote.

Next Senior Advisory Commission meeting will be held on Tuesday, March 8, 2022 at 1:00 p.m.

Tuesday, March 8, 2022

Join Zoom Meeting

<https://us02web.zoom.us/j/4799521830>

Meeting ID: 479 952 1830

There was no meeting held due to lack of a quorum.

ROLL CALL:

REVIEW AND APPROVAL OF PREVIOUS:

CITIZEN COMMENT ON NON-AGENDA ITEMS:

OLD BUSINESS:

NEW BUSINESS

- Commission Member Reports /Other Business:
- Staff Reports -



CITY OF ELLENSBURG

Utility Advisory Committee

Date of Meeting

March 17, 2022

Time of Meeting

3:30 PM

Place of Meeting

Council Conference & remotely via Zoom

Nancy Goodloe, Chairperson, term expires May 31, 2024

Ed Barry, Vice Chairperson, term expires May 31, 2023

Nancy Lillquist, City Council, term expires May 31, 2022

Shane Scott, CWU, term expires May 31, 2025

Bryan Clark, KITTCOM, term expires May 31, 2023

Jim Goeben, Telecommunications Utility customer, term expires May 31, 2023

Nate Sitton, City Utility Customer, term expires May 31, 2023

1. CALL TO ORDER

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

2. ROLL CALL

Members present: Nancy Goodloe, Chair; Ed Barry, Vice Chair; Nancy Lillquist, City Council; Nate Sitton, City Utility Customer; Shane Scott, CWU; Jim Goeben, Telecom; Bryan Clark, KITTCOM.

Also present: Ryan Lyyski, Public Works & Utilities Director; Darren Larsen, Assistant Utilities Director; Derek Mayo, Engineering Services Manager; Mike Helgeson, Assistant Public Works Director; Kim Bowie, Operations Analyst; Darin Yusi, Gas Engineer; Buddy Stanavich, Power & Gas Manager; Heidi Behrends Cerniwey, City Manager; Paul Meyer, Electrical Engineer; Jon Morrow, Stormwater Manager; Ben Faubion, IT; Nicole Klauss, Public Information Officer; Brad Case, Parks & Rec.

Others present remotely via Zoom and approximately two members of the public.

3. APPROVAL OF MINUTES

3.A. Approve minutes - February 17th, 2022 regular meeting minutes

Committee member Barry moved to approve the minutes. **Motion approved. 5-0**

4. APPROVAL OF CONSENT AGENDA

4.A. 2021-2023 Biennial Stormwater Capacity Grant

4.B. Bid Award - Cured-In-Place Sewer Line Rehabilitation Bid Call #2022-05

4.C. Bid Call 2021-14 Dolarway Substation Power Transformer

Committee member Barry moved to approve the consent agenda. **Motion approved. 5-0**

5. CORRESPONDENCE AND CITIZEN COMMENTS ON NON-AGENDA ITEMS

No Correspondence.

6. TELECOMMUNICATIONS UTILITY DISCUSSION ITEMS

6.A. Telecommunications Issues and Updates

Ben Faubion gave an update on telecommunications.

Committee member Lillquist requested a future agenda item to discuss requiring developers put fiber conduit in new developments.

Telecommunication members are allowed to vote on telecommunication items only per ECC 1.50.040.

7. ELECTRIC, NATURAL GAS, WATER, WASTEWATER, STORMWATER UTILITY DISCUSSION ITEMS

7.A. Public Forum to Establish Water Use Efficiency Goals

Committee member Lillquist moved the committee recommend the adoption of the new water use efficiency goals to be included in the update of the water system plan. **Motion approved. 5-0**

8. INFORMATIONAL ITEMS

8.A. Carbon Monoxide Detectors

Staff informed the committee carbon monoxide detectors do not qualify for energy conservation rebates.

8.B. Late Payments - Verbal Report

Staff shared current past due account data as of February 28, 2022.

8.C. Sustainable Energy Scope Planning Discussion

City Manager, Heidi Behrends Cerniwey, presented three scope options for future sustainable energy planning.

Meghan Anderson commented that the sustainable energy planning should retire the natural gas utility.

Judy Hendricks commented about potential funding included with the Climate Commitment Act to help mitigate impacts on low-income customers.

Committee member Lillquist moved the committee make a favorable recommendation that the City proceed with an RFP for a consultant to provide a sustainability plan with a focus on meeting state energy requirements. **Motion approved. 5-0**

8.D. Public Works & Utilities Issues and Updates

Staff shared key points on departmental issues and updates.

9. NEXT MEETING

9.A. April 21st, 2022 at 3:30 pm

10. ADJOURNMENT

With no further discussion, the meeting adjourned at 5:06 pm.

Kim Bowie
Recording Secretary
Drafted: 3/21/2022
Approved: 4/21/2022



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: May 2, 2022

Item Title/Agenda Subject: Extension Agreement with Clearwater Studios, LLC for Public Access Cable Television Management and Production Services

Submitted by: Terry Weiner City Attorney Department

Recommended Action or Motion: Authorize the City Manager to execute a five-year extension of the Agreement for Professional Services with Clearwater Studios, LLC to provide Public Cable Television Channel Management and Production Services.

Background/Summary: Clearwater Studios, LLC ("Clearwater Studios") is the City's provider of services for public television access and production services. The current contract with Clearwater expires June 2, 2022, and the new agreement will incorporate all the terms and conditions of the expired contract (including the current charges for services) and extend the term for the next five years.

Previous Council Action: Council last extended the contract for three years on June 17, 2019.

Analysis: Clearwater Studios has successfully operated ECTV as required in its scope of work since 2013, which includes providing the City's public access and production services for the City's Public, Education and Government ("PEG") channel, Ellensburg Community Television ("ECTV"). They have also assisted the City with advising on equipment purchases from the PEG capital fund, which is funded by the City's cable franchisee, Charter/Spectrum.

The new agreement will be effective from June 3, 2022 to June 2, 2027. The scope of work and charges for services will remain the same, and there is no increase in the cost of the services.

Financial Impact: The annual cost of the agreement is \$60,000. The adopted 2021-2022 biennial budget includes adequate expenditure

authority for remainder of 2022. Thereafter, expenditures will be included as part of the future biennial budget development process.

Attachments:

Clearwater Agreement Extension for ECTV Operations

ECTV Operations Contract with Clearwater. (2013)

ECTV Operations Contract with Clearwater - Amendment #1 (2014)

ECTV Operations Contract Extension through 06-02-22 (2019)

**AGREEMENT FOR EXTENSION OF PROFESSIONAL SERVICES BETWEEN THE
CITY OF ELLENSBURG AND CLEARWATER STUDIOS, LLC FOR PUBLIC ACCESS
CABLE TELEVISION CHANNEL MANAGEMENT AND PRODUCTION SERVICES**

THIS AGREEMENT is made and entered into this _____ day of May 2022, by and between THE CITY OF ELLENSBURG (hereinafter called the “City”) and Clearwater Studios, LLC (“Contractor”).

WHEREAS, the City entered into an agreement with the Contractor on June 26, 2013 (“Former Agreement”); and

WHEREAS, the City entered into an Amended Agreement No. 1 with the Contractor, on June 2, 2014, which expired on June 2, 2019; and

WHEREAS, the City entered into an Agreement to extend the Amended Agreement No. 1 through June 2, 2022; and

WHEREAS, the City and the Contractor desire to enter into this agreement on the same terms and conditions as Amended Agreement No. 1 with the exception of changing the term through June 2, 2027;

NOW, THEREFORE, in consideration of the above representations and the terms, conditions, covenants, and agreements set forth below, the parties hereto agree as follows:

I. AGREEMENT

The Parties agree that all terms, conditions and requirements of the Former Agreement, attached hereto as Exhibit 1, as amended by Amendment No. 1, attached hereto as Exhibit 2, shall be incorporated into this Agreement as if fully set forth herein except as specifically modified below.

II. TERM

The term of the Agreement shall be from June 3, 2022 through June 2, 2027. All actions taken by the parties prior to the execution date are hereby ratified and approved.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year first written above.

// // //

// // //

// // //

// // //

// // //

CITY OF ELLENSBURG

CLEARWATER STUDIOS, LLC

City Manager

Jon Ward, Owner

Attest: _____
City Clerk

Approved as to form:

City Attorney

AGREEMENT between THE CITY OF ELLENSBURG AND CLEARWATER STUDIOS LLC

For Public Access Cable Television Channel Management and Production Services

THIS CONTRACT made and entered into this 26th day of June, 2013, by and between the CITY OF ELLENSBURG, hereinafter called the "City", and CLEARWATER STUDIOS LLC, hereinafter referred to as the "Contractor."

WITNESSETH:

That in consideration of the terms and conditions contained herein and attached and made a part of this contract, the parties hereto covenant and agree as follows:

1. The Contractor, in order to provide non-commercial community access television programming, will manage the broadcasting schedule for the community access channel, ECTV Channel 2 ("ECTV" or "access channel"), and ECTV shall air locally originated programming made available from qualified community producers and City originated programming. City originated programming will include, at a minimum, the broadcast of all regular meetings of the Ellensburg City Council, the Ellensburg School Board and the Rodeo Parade. As used in this agreement, "qualified community producer" means one who has satisfactorily completed training in the basics of television production equivalent to those provided for in the Ellensburg Community Producers Handbook (Exhibit B), revised May 2011 and as it may be revised in the future.
2. The Contractor will provide all notices under this agreement to the City Manager or his/her designee(s)
3. The Contractor will be responsible to ensure successful broadcast of regular events as detailed in paragraph 1. Ensuring successful broadcast may include, but is not limited to, troubleshooting ECTV related Audio/Video (AV) equipment located inside City facilities, troubleshooting ECTV related AV wiring located in City facilities and/or arriving to meeting in advance to ensure all equipment is operational prior to live broadcast. The Contractor will, to the best of their ability, assist in rectifying any AV problems prior to and during broadcast meetings. AV equipment as referenced may include, but is not limited to City owned, microphones, projectors, cameras, audio systems, video systems, wiring and so forth that are used in the conduct of a meeting inside or outside of City facilities. Contractor may contact City IT personnel before or after business hours for troubleshooting support with AV equipment. IT Division business hours are specified as 8:00 a.m. to 5:00 p.m. weekdays excluding holidays. City IT Division cannot provide support on Macintosh hardware or software. Additionally City IT Division will not provide support for Contractor-owned equipment. Contractor will not make any changes or alterations to City owned equipment without prior approval. Contractor shall within the first sixty (60) days of this agreement provide a list of recommended equipment for addition or replacement at City Hall to facilitate current and future broadcast of events.
4. An annual review by the Contractor and the City of the performance of this agreement and the operation and programming of the access channel shall commence by March 31 of each year of this agreement. This review shall be conducted in a formally scheduled joint meeting of the parties and include consideration of any information deemed relevant by either party. The

meeting shall be recorded and the minutes supplied to both parties and retained as a public record.

5. The Contractor will cooperate with the City and Charter Communications to permit the interconnecting and enhancement of the access channel facilities.
6. The Contractor will maintain a seven day per week year around schedule of programming for ECTV, to be used as the backbone of the community access programming. Locally produced programming shall have priority and should be scheduled primarily from 6 p.m. to 11 p.m. unless otherwise mutually agreed upon in writing by both parties.
7. The City will establish a webpage dedicated to ECTV to include information such as hours of operation, location, etc. The Contractor will ensure published information is correct and will notify the City if published information is in error. Contractor will not establish or employ additional websites to communicate information about ECTV or program scheduling unless agreed upon in writing by the City.
8. The City may provide programming or content and specify desired times for said programming to be aired on ECTV. The City may also supply promotional segments or materials for upcoming programming, content or events. The Contractor will ensure City-supplied programming, content and/or promotional materials are aired per City stipulations.
9. The Contractor will coordinate programming and broadcasting efforts with the City Cable Television Commission, which is responsible for establishing the City's policy guidelines for the programming content of the broadcasting on the access channel.
10. The Contractor will adhere to eligibility for use of facilities and equipment standards, community programming quality standards, program content standards, copyright standards, video programming standards, channel scheduling standards, grievance procedures and all other rules, policies and standards as established by the Federal Communications Commission, Ellensburg Cable TV Commission (specifically, but not limited to, those provisions contained in the Ellensburg Community Producers Handbook (Exhibit B)), and/or Ellensburg City Council. The Contractor may not prohibit access to ECTV by non-commercial programmers and non-revenue producing programming except to the extent authorized by 47 U.S.C. 532(h).
11. If required by the Cable Franchise, the Contractor will ensure enough hours of locally originating or produced programming is scheduled for broadcast to comply with any applicable cable franchise agreement stipulations for maintenance of the ECTV channel. The Contractor will prepare and submit a monthly status report to the City Manager or his/her designee detailing the program titles, duration, airing date and airing time of programming to fulfill these requirements. The Contractor will notify the City Manager or their designee(s) within twenty-four (24) hours of determining that it will not be able to meet any programming requirements of the franchise agreement.
12. The Contractor will be responsible for offering a minimum of three community training workshops per year. These workshops are to be advertised, at a minimum, on the access channel and in the Daily Record and the Observer. Individuals or groups interested in producing local programming for the access channel who are residents of or have a physical presence in the City of Ellensburg may attend at no charge; non-residents or groups located outside the City may attend for a fee as may be determined by the City. Any non-labor costs incurred by the Contractor for the workshops will be paid by the City. Prior City approval is required for any proposed workshop related costs exceeding \$500.

13. The Contractor will maintain regular office hours, allowing access by the public for the check in and check out of equipment, and for the performance of other administrative duties necessary for the operation of the access channel programming and broadcasting; at a minimum, unless otherwise agreed to by the parties, office hours will be 10:00 a.m. to 2:00 p.m., Monday through Friday, excluding holidays. Additionally, no less than 10 additional hours a week will be spent on city-related productions and direct support to the local community producers. Within thirty (30) days of the effective date of this contract and after consultation with community producers, Contractor shall establish at least four (4) hours a week of regularly scheduled community producer support hours on evenings and/or weekends. These hours shall be part of and not in addition to the 10 hours referenced above. Time spent to produce/air regular City Council meetings, regular School Board meetings, and the Rodeo Parade will be in addition to the office hours and community producer support hours referenced above.
14. The Contractor will provide the City media production services at the rates listed below. These rates are based on studio productions and remote shoots shall be custom quoted. Contractor will provide knowledge and manpower to employ ECTV equipment for the production of broadcast-quality content for City departments and interests outside of those purposes declared in Paragraph 1 to be aired on ECTV. Media production charges will be submitted by Contractor by monthly invoice. Prices for production services for the first year of the agreement will be as follows:

Production rate per hour:	\$105.00
Additional Camera Person per hour (if needed):	\$40.00
Editing rate per hour:	\$65.00

For budgeting purposes only and based on the above costs, the minimum expected cost of various length spots would be:

- 15 Second: \$117.50
- 30 Second: \$170.00
- 60 Second: \$255.00
- 15 Minute: \$372.50
- 30 Minute: \$457.50
- 60 Minute: \$680.00

Pricing for years 2-4 are subject to negotiation.

15. As part of the negotiated price for this Agreement, the City will lease the Contractor suitable office space in Hal Holmes to accommodate general office, production/editing, and storage of equipment for \$1 per year. The City will also provide connections for internet, telephone and cable television. Raw Internet connection through an ISP of the City's choosing will be provided to two (2) editing stations, Contractor office and interview room (if required). No access will be provided to the City's enterprise network or network systems/resources. Initially, the server tied to Charter's headend will remain on the CWU campus but upon ninety (90) days' notice by CWU the server will be relocated to Hal Holmes and the City will arrange with Charter to install the necessary fiber connections to tie in to Charter's headend.

16. City-owned leased space will be accessible to authorized City staff at any time. The contractor will make no prohibition of access to any City-owned or City-funded materials or facility.
17. The Contractor will maintain the equipment owned by the city as of the date this agreement is signed that are included in Exhibit A and any additional equipment that may be acquired during the course of this agreement. (If contract is signed before initial inventory (Exhibit A) is complete, contractor will deliver a letter of acknowledgement to the City within seven (7) days of receipt of initial inventory.) The Contractor has a duty to maintain the City equipment which also includes the duty to inventory the equipment and its condition on an annual basis. In addition, the Contractor will provide the City with information on the status of equipment and will assist the City in developing a plan for the addition or replacement of equipment. The Contractor shall be responsible to oversee repair or replacement of any damage to City owned equipment and ensure that equipment is fully functional and operational. All costs to maintain, repair or replace equipment shall be paid by the City upon invoice by the Contractor. Contractor labor costs to maintain, repair or replace equipment are considered part of the basic services provided by the Contractor and are not eligible for separate reimbursement.
18. The City may pay for replacement of equipment to meet new technological needs depending upon the availability of funds. Damage to equipment, office space or other City-owned assets caused by negligence on the part of the Contractor will be the responsibility of the Contractor and must be repaired or replaced by the Contractor at its expense. This applies only to the Contractor and not damage caused by community producers.
19. The Contractor may recommend the purchase of production equipment and the City may purchase production equipment, subject to the availability of funds, for the use of qualified community producers in producing local programming. The Contractor will act as advisor and consultant in all equipment purchases for use in the access channel and the City will ascertain the needs of the Contractor when equipment is contemplated. Specialized equipment may be used by qualified community producers subject to written requirements and restrictions to be established by the City and only under the direct supervision and direction of the Contractor. The Parties agree that phase out of the Production Truck is in both parties' best interest and Contractor shall identify portable equipment for City purchase to phase out the Production Truck as soon as possible but no later than December 31, 2013. The parties agree that until the equipment replacement is complete and replacement equipment functional Contractor will continue to provide services with existing equipment including the Production Truck that shall remain parked at City Hall until portable equipment is available or the City will provide a driver for the vehicle.
20. Contractor shall submit an annual bill for the \$60,000 price quoted by the Contractor in response to the City's request for proposals every July and the City shall pay via electronic deposit in pro-rated monthly installments on the first of each month beginning in August. Any additional expenses that are authorized in writing shall also be paid by the City upon submittal of an invoice by Contractor. Any unauthorized expenses undertaken by the Contractor will be the sole responsibility of the Contractor.
21. The Contractor will not use ECTV assets to promote or further non-ECTV or non-City-related business interests. City-owned equipment will likewise not be used by the Contractor for any non-ECTV or non-City-related purposes. In addition, the Contractor is prohibited from displaying non-ECTV/non-City signage or making available non-ECTV/non-City promotional materials while engaged in ECTV activities or on City property unless permission is received in writing from the City. However, Contractor is expressly permitted to utilize City leased office and

production space for non-ECTV video production activities.

22. Contractor is responsible to ensure consistent data backups for all ECTV equipment including servers, workstations, editing stations, etc. However, until such time as the existing server is replaced, backup of the existing server is acknowledged to be unachievable. Steps should also be taken to ensure ECTV equipment is protected from damage using surge protection.
23. The parties agree that the officers and employees of the Contractor, in the performance of this agreement, shall act in an independent capacity and not as officers, employees or agents of the City.
24. This agreement is not assignable by either party in whole or in part without the prior written agreement of the other party.
25. The provisions of this agreement shall extend to, be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of the respective parties.
26. It is mutually understood and agreed that no alteration or variation of the terms of this agreement shall be valid unless made in writing and signed by the parties, and no oral understanding or agreement, not incorporated into this agreement, shall be binding.
27. The parties agree that in fulfilling the terms and conditions of this agreement neither shall discriminate upon the basis of race, creed, color, national origin, age, sex, marital status, sexual orientation, or the presence of any physical, sensory or mental disability.
28. All obligations of the parties incurred or existing under the terms of this agreement as of the date of termination shall survive such termination.
29. Should any term or condition of this agreement or application thereof to any person or circumstance be held invalid, such invalidity shall not affect other terms, conditions or applications of the agreement which can be given effect without the invalid term, condition or application; to this end the terms and conditions of this agreement are declared severable.
30. No delay or failure of either party in exercising any right hereunder, and no single or partial exercise thereof, shall be deemed to constitute a waiver of such right or any other right hereunder.
31. This term of this agreement shall be one (1) year from the date approved by the Ellensburg City Council provided, however, that four (4) one year extensions may be granted upon mutual agreement of the parties. This agreement may also be terminated upon ninety (90) days written notice by either party to the other.
32. This contract may only be modified by the mutual written agreement of the parties. The City Manager is authorized to agree to contract modifications on behalf of the City.
33. The parties acknowledge that they have read and understand this agreement, including any attachments or supplements thereto, and do agree thereto in every particular. The parties further agree this agreement is subject to the "General Provisions" attached to this contract, which together with this Contract, constitute the entire agreement between the parties.

IN WITNESS WHEREOF the parties hereto have caused this contract to be executed the day and year first hereinafter written.

CITY OF ELLENSBURG

City Manager

ATTEST:

This 26th day of June, 2013

City Clerk

CLEARWATER STUDIOS LLC
CONTRACTOR

Signed

By: Jon Ward - owner

Approved as to form:

City Attorney

Optional provisions:

Obscenity

Record Keeping/Public Records

GENERAL PROVISIONS

Regulations and Laws

The Contractor at all times shall observe and comply with all Federal and State Laws, County and applicable City ordinances and regulations in any way affecting the conduct of the work and shall indemnify and save harmless the City against any claims arising from the violation of any such laws, ordinances, or regulations.

Non-Discriminatory Employment

The Contractor hereby covenants, stipulates, and agrees that during the performance of this contract, he will not discriminate against any person in hiring, discharging, compensating, or in any other term or condition of employment by reason of such person's race, color, religion, ancestry, or national origin, and that the foregoing provision will be inserted in all his contracts for work covered by this contract; provided that such provision shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.

Public Liability and Property Damage Insurance

The Contractor shall obtain and keep in force during the term of the contract, public liability and property damage insurance in companies and in form to be approved by the City. Said insurance shall be provided by this Contractor, any subcontractor performing work provided by this contract, and the City. The City shall be named as an additional insured on said policy insofar as the work and obligations performed under the contract are concerned. The coverage so provided shall protect against claims for personal injuries, including accidental death, as well as claims for property damages which may arise from any act or omission of the Contractor or subcontractor, or by anyone directly or indirectly employed by either of them.

The minimum policy limits of such insurance shall be as follows: Bodily injury liability coverage with limits of not less than \$1,000,000 for bodily injury, including accidental death to any one person, and subject to the limit for each person, an amount of not less than \$1,000,000 for each accident; and property damage coverage in an amount of not less than \$1,000,000 for each accident. The property damage and public liability insurance policy shall be endorsed indicating that the City of Ellensburg is specifically named as an additional insured thereunder. Copy of such endorsement will be furnished to the City prior to execution of the contract.

Indemnification and Hold Harmless

Contractor shall indemnify, defend and hold harmless the City of Ellensburg, and its officers, agents and employees from and against any and all claims, actions, suits at law or equity, liability, loss, costs, expenses or damages of any nature or kind whatsoever (including but not limited to reasonable attorney's fees and litigation costs), brought against the City of Ellensburg, its officers, agents and/or employees, arising out of, or in connection with, or incident to, the execution of this contract and/or the performance or failure to perform any aspect of this agreement; provided however, that nothing herein shall require Contractor to hold harmless or defend the City of Ellensburg, its officers, agents or employees from any claims arising from the sole negligence of the City of Ellensburg, its officers, agents or employees.

Office and Production Facilities

The City will lease office and production space for use by the Contractor at the Hal Homes Library, all necessary equipment to produce programming, computer hardware and software, local area networking and Internet access, and a head-end connection to the cable television network at no charge. The City expects the Contractor will provide due care for all City provided resources.

Facility rules including noise level, security, private areas and other considerations must be observed by the Contractor. Changes or alterations to provided space must be approved in writing by the City Manager or his/her designee(s).

Subcontracts

The Contractor shall be fully responsible to the City for acts and omissions of its subcontractors and of persons either directly or indirectly employed by them, as he is for the acts and omissions of persons directly employed by him.

The Contractor shall cause appropriate provisions to be inserted in all subcontracts relative to the work to require compliance by each subcontractor with the applicable provisions of the contract.

Nothing contained in the contract shall create any contractual relation between any subcontractor and the City.

Business and Occupation License

Prior to the effective date of this agreement, the Contractor shall obtain a Business and Occupation License from the City of Ellensburg. This license is obtained from the City Clerk's Office at the following rate schedule:

1 to 5 employees	\$30.00 / year
6 to 12 employees	\$65.00 / year
13 to 25 employees	\$120.00 / year
26 to 50 employees	\$150.00 / year

Safety Requirements

The Contractor is solely responsible for safety on the job site, with all work to be done wholly at the risk of the Contractor. The City assumes no responsibility for the Contractor's safety program. However, the City reserves the right to suspend the Contractor's activities including revocation of the contract and/or requiring removal of personnel of the Contractor, Sub-contractor, or suppliers for violating safety rules.

The Contractor, at his own cost, expense, and risk, shall defend any and all actions, suits or other legal proceedings that may be brought or satisfy any judgment that may be rendered against the City in any such action, suit, or legal proceeding or result thereof.

Claims

All claims of the Contractor against the City and all questions which the Contractor has concerning the interpretation of the agreement shall be presented to the City in writing. Where such claim or question relates to an increased cost to the Contractor, such claim or question shall be presented to the City within twenty (20) days after the date such cost is incurred. The City shall, within a reasonable time after presentation, make decisions in writing on all such claims and on all other matters relating to the performance of any work required thereby shall be final and binding and the Contractor shall immediately proceed to carry out such decision and any further orders thereunder promptly.

Protest

If the Contractor considers any work required by him to be outside the provisions of the contract, or considers any record of ruling to be improper, he shall immediately upon such work being required or such record or ruling being made, proceed without delay to perform the work or to conform_ to the record of ruling, and within twenty (20) days after date of receipt of the instructions, or record of ruling and order shall file a written protest with the City which shall state clearly and in detail the

base of his objection thereto and include an itemized statement of any increased costs alleged to have resulted therefrom. Except for such claims, protests or objections as are made in the manner herein, no claim, question, objection or protest shall be allowed and the records, ruling, instructions or orders of the City in connection therewith shall be final and conclusive and binding on the Contractor.

Right to Terminate Contract

If the Contractor should neglect to prosecute the work properly or should fail to perform any other provision of this contract, the City may, without prejudice to any other remedy it may have, serve upon the Contractor written notice specifying such failure and stating that if it is not corrected within three (3) days, or such longer period as the City may determine, the City may, among such other remedies (1) terminate all or part of the contract or (2) take over and do all or part of the work by contract or otherwise. The action taken under this paragraph by the City shall not relieve the Contractor from liability arising from his failure to perform the contract. In the event the City terminates the contract pursuant to this paragraph, the Contractor shall not remove any material or equipment from its location at the time of termination without the written consent of the City.

Assignment

The Contractor shall not assign, transfer, convey, sublet, or otherwise dispose of this contract or his right, title, or interests in or to the same, or to any part thereof, without the previous consent in writing of the City. All work sublet shall come under the provisions of the general contract and the Contractor shall be held responsible for the prompt, efficient, and faithful performance of such work.

Video Streaming, Video-On-Demand and Future Broadcast Technologies

The Contractor shall counsel the City with regard to future broadcast technologies as they become available and/or are deemed necessary. No additional avenues of video or audio broadcast present or future shall be employed unless directed by the City Manager or his/her designee(s).

Copyright and Ownership of Audio, Video, and Related Materials

The City shall maintain sole copyright and ownership of any audio, video or other material produced, filmed, recorded, stored or in some other way created by the Contractor while Contractor is engaged in activity for ECTV or City operations. Such works will not be used by the Contractor in any non-ECTV, non-City-related production, demonstration, or activity without written permission from the City.

The City will claim no ownership or copyright of work and material produced by the Contractor outside of activities related to ECTV and City operations.

Digital Storage Format

The City and the Contractor will agree in writing on standard, non-proprietary formats in which all ECTV and City-related audio, video and other materials will be digitally stored. Once established, the storage formats will not be altered by the Contractor unless agreed upon in writing by the City.

EXHIBIT A
CITY OWNED EQUIPMENT

Note: Exhibit A will be completed upon receipt of equipment from Central Washington University.

**AMENDMENT No. 1 TO THE
AGREEMENT BETWEEN THE CITY OF ELLENSBURG AND
CLEARWATER STUDIOS, LLC**

**FOR PUBLIC ACCESS CABLE TELEVISION CHANNEL MANAGEMENT
AND PRODUCTION SERVICES**

THIS AGREEMENT is made and entered into this 2nd day of June, 2014, by and between THE CITY OF ELLENSBURG (hereinafter called the "CITY") and Clearwater Studios, LLC, (hereinafter called the "CONTRACTOR").

WHEREAS, the CITY entered into an AGREEMENT with the CONTRACTOR on June 26, 2013, (the AGREEMENT);

WHEREAS, the CITY and the CONTRACTOR desire to amend the AGREEMENT to extend its term; and

WHEREAS, the CITY and the CONTRACTOR desire to amend the AGREEMENT to modify, delete, and add new paragraphs to meet new City needs and interests that were unable to be foreseen in the original agreement;

NOW, THEREFORE, in consideration of the above representations and the terms, conditions, covenants, and agreements set forth below, the parties hereto agree as follows:

I AMENDMENTS TO AGREEMENT

Paragraphs 1, 3, 4, 6, 7, 9-15, 17, 19-22, and 31 of the original Agreement are modified, paragraph 4 is deleted, and new paragraphs 34-37 are hereby incorporated into the Agreement as follows:

1. The Contractor, in order to provide non-commercial community access television programming, will manage the broadcasting schedule for the community access channel, ECTV Channel 191 ("ECTV" or "access channel"), and ECTV shall air locally originated programming made available from qualified community producers, Ellensburg School District, Central Washington University, ECTV community bulletin board, and City originated programming. City originated programming will include, at a minimum, the live cablecasting and videostreaming of all regular meetings of the Ellensburg City Council, and the Ellensburg School Board from the City Hall Council Chambers. If the City acquires equipment to produce remote events the Contractor shall cablecast and videostream the Rodeo Parade live. As used in this agreement, "qualified community producer" means one who has satisfactorily completed training in the basics of television production equivalent to those provided for in the Ellensburg Community Producers Handbook, revised May 2011 and as it may be revised in the future.

3. The Contractor will be responsible to ensure successful cablecasting and videostreaming of regular events as detailed in paragraph 1. Ensuring successful cablecasting and videostreaming broadcast may include, but is not limited to, troubleshooting ECTV related Audio/Video (AV) equipment located inside City facilities, troubleshooting ECTV related AV

wiring located in City facilities and/or arriving to meeting in advance to ensure all equipment is operational prior to live broadcast. The Contractor will, to the best of their ability, assist in rectifying any AV problems prior to and during broadcast meetings. AV equipment as referenced may include, but is not limited to City owned, microphones, projectors, cameras, audio systems, video systems, wiring and so forth that are used in the conduct of a meeting inside or outside of City facilities. Contractor may contact City IT personnel before or after business hours for troubleshooting support with AV equipment for regular events as detailed in paragraph 1. IT Division business hours are specified as 8:00 a.m. to 5:00 p.m. weekdays excluding holidays. City IT Division cannot provide support on Macintosh hardware or software. Additionally City IT Division will not provide support for Contractor-owned equipment. Contractor will not make any changes or alterations to City owned equipment without prior approval. On or before June 30th of each year the Contractor shall provide a list of recommended equipment for addition or replacement to facilitate current and future cablecasting and videostreaming of events.

6. The Contractor will maintain a seven day per week year around schedule of programming for ECTV, to be used as the backbone of the community access programming. Locally produced programming shall have priority and shall be scheduled in accordance with Section 13 of the City of Ellensburg cable television franchise ordinance No. 4662.

7. The City will establish a webpage dedicated to ECTV to include information such as hours of operation, location, an Internet based application form for ECTV community bulletin board events, etc. The Contractor will ensure published information is correct and will notify the City if published information is in error. Contractor will not establish or employ additional websites to communicate information about ECTV or program scheduling unless agreed upon in writing by the City.

9. The Contractor will coordinate programming and broadcasting efforts with the City Cable Television Franchise Commission, which is responsible for establishing the City's policy guidelines for the programming content of the broadcasting on the access channel. The Contractor shall attend regular meetings of the City Cable Television Franchise Commission and provide a report on monthly activities, which may be verbal or written.

10. The Contractor will adhere to eligibility for use of facilities and equipment standards, community programming quality standards, program content standards, copyright standards, video programming standards, channel scheduling standards, grievance procedures and all other rules, policies and standards as established by the Federal Communications Commission, Ellensburg Cable Television Franchise Commission (specifically, but not limited to, those provisions contained in the Ellensburg Community Producers Handbook), and/or Ellensburg City Council. The Contractor may not prohibit access to ECTV by non-commercial programmers and non-revenue producing programming except to the extent authorized by 47 U.S.C. 532(h).

11. Beginning February 2016, the Contractor will ensure enough hours of locally originating or produced programming is scheduled for broadcast to comply with Section 13 of the City of Ellensburg cable television franchise ordinance No. 4662. Beginning February 2016 if requested by the Cable Television Operator, the City Manager or his/her designee may require the Contractor to prepare and submit a monthly report to the City Manager or his/her designee

detailing the program titles, duration, airing date and airing time of programming to fulfill these requirements.

12. Upon request by an individual or a group, the Contractor will be responsible for providing up to three community training workshops per year. Individuals or groups interested in producing local programming for the access channel who are residents of or have a physical presence in the City of Ellensburg may attend at no charge; non-residents or groups located outside the City may attend for a fee as may be determined by the City. Any costs incurred by the Contractor for the workshops will be paid by the City.

13. The Contractor will maintain regular office hours, allowing access by the public for the check in and check out of equipment, and for the performance of other administrative duties necessary for the operation of the access channel programming and broadcasting; at a minimum, unless otherwise agreed to by the parties, office hours will be 10:00 a.m. to 2:00 p.m., Monday through Friday, excluding holidays. Additionally, no less than 10 additional hours a week will be spent on city-related productions and direct support to the local community producers. Contractor shall provide up to four (4) hours a week of regularly scheduled community producer support hours on evenings and/or weekends. These hours shall be part of and not in addition to the 10 hours referenced above. Time spent to produce/air regular City Council meetings, regular School Board meetings, and the Rodeo Parade will be in addition to the office hours and community producer support hours referenced above.

14. Upon a request for a production from either the City Manager or his/her designee or the Contractor, the Contractor will provide a written summary of the proposed production including its length and charge for delivering a produced program at the rates listed below. Prior to proceeding with the proposed production the City Manager or his/her designee shall approve the Contractor's written request subject to the availability of adequate funding. These rates are based on studio productions and remote shoots shall be custom quoted.

The Contractor will provide knowledge and manpower to employ ECTV equipment for the production of broadcast-quality content for City departments and interests outside of those purposes declared in Paragraph 1 to be aired on ECTV. Media production charges will be submitted by Contractor by monthly invoice. Prices for production services for the term of the agreement will be as follows:

Production rate per hour:	\$105.00
Additional Camera Person per hour (if needed):	\$40.00
Editing rate per hour:	\$65.00

For budgeting purposes only and based on the above costs, the minimum expected cost of various length spots would be:

- o 15 Second: \$117.50
- o 30 Second: \$170.00
- o 60 Second: \$255.00
- o 15 Minute: \$372.50

- o 30 Minute: \$457.50
- o 60 Minute: \$680.00

15. As part of the negotiated price for this Agreement, the City will lease the Contractor suitable office space in Hal Holmes to accommodate general office, production/editing, and storage of equipment for \$1 per year. The City will also provide connections for a cable television headend, internet, telephone and cable television including a set-top box if required. Raw Internet connection through an ISP of the City's choosing will be provided to two (2) editing stations, Contractor office and interview room (if required). No access will be provided to the City's enterprise network or network systems/resources.

17. The Contractor will maintain at City expense the equipment owned by the city as of the date this agreement is signed that are included in Exhibit A and any additional equipment that may be acquired during the course of this agreement. The Contractor has a duty to maintain the City equipment which also includes the duty to inventory the equipment and its condition on an annual basis. The Contractor shall be responsible to oversee repair or replacement of any damage to City owned equipment and ensure that equipment is fully functional and operational.

19. The Contractor may recommend the purchase of production equipment and the City may purchase production equipment, subject to the availability of funds, for the use of qualified community producers in producing local programming. The Contractor will act as advisor and consultant in all equipment purchases for use in the access channel and the City will ascertain the needs of the Contractor when equipment is contemplated. Use of specialized equipment may be used by qualified community producers subject to written requirements and restrictions to be established by the City and only under the direct supervision and direction of the Contractor.

20. Contractor shall submit an annual bill for the \$60,000 price quoted by the Contractor in response to the City's request for proposals every July and the City shall pay via electronic deposit in pro-rated monthly installments on the first of each month beginning in August. The Contractor may charge the City or Ellensburg School District for any special meetings beyond regularly scheduled meetings in an amount to be agreed upon by the parties. Any additional expenses that are authorized in writing by the City Manager or his/her designee shall ~~also~~ be paid by the City upon submittal of an invoice by Contractor. Any unauthorized expenses undertaken by the Contractor will be the sole responsibility of the Contractor.

21. The Contractor will not use ECTV assets to promote or further non-ECTV or non-City-related business interests. City-owned equipment will likewise not be used by the Contractor for any non-ECTV or non-City-related purposes. In addition, the Contractor is prohibited from displaying non-ECTV/non-City signage or making available non-ECTV/non-City promotional materials while engaged in ECTV activities or on City property unless permission is received in writing from the City. Contractor is expressly permitted to use ECTV assets to promote or further ECTV and City-related business interests such as videostreaming and video on demand services. However, Contractor is expressly permitted to utilize City leased office and production space for non-ECTV related activities.

22. Contractor is responsible to ensure consistent data backups for all ECTV equipment including servers, workstations, editing stations, etc. Steps should also be taken to ensure ECTV equipment is protected from damage using surge protection.
31. This term of this agreement shall be five (5) years from the date approved by the Ellensburg City Council. This agreement may also be terminated upon ninety (90) days written notice by either party to the other.
34. The Contractor shall offer sponsorship of ECTV programs in accordance with Section 13 of the City of Ellensburg cable television franchise ordinance No. 4662. The Contractor shall prepare an Internet-based application form and produce a template sponsor program within 60 days of acceptance of this Agreement, which must be approved by the City Manager or his/her designee. Sponsorship of ECTV programs shall be paid to the City, and the City shall pay the Contractor for 50% of sponsorship revenues received. Any Contractor costs for customizing the template sponsor program shall be paid by the sponsor.
35. The Contractor shall provide a marketing plan each trimester to promote viewership of ECTV to the City Manager or his/her designee that includes the proposed marketing activities, schedule, and fees for the next trimester. Subject to approval by the City Manager or his/her designee the maximum allowable trimester marketing plan fee is \$2,000. The first trimester marketing plan shall be provided to the City within 60 days of acceptance of this Agreement, subsequent plans shall be submitted to the City Manager or his/her designee on or before the 1st day of the month proceeding the end of each trimester. The Contractor shall request the City Manager or his/her designee to approve each advertisement proof copy included in the marketing plan prior to media placement.
36. On or before June 3, 2014, the Contractor shall incorporate programming from Channel 16 for the Ellensburg School District into ECTV Channel 191. On or before October 1, 2014, the Contractor shall incorporate programming from Channels 14 and 15 into ECTV Channel 191.
37. Upon City request, the Contractor shall dub prior program recordings onto a Digital Video Disk (DVD). Dubbing of ECTV programs shall be paid to the City. The City shall pay the Contractor a \$10.00 fee per DVD dub.

I AMENDMENTS TO AGREEMENT EXHIBITS

Exhibit A of the original Agreement is deleted and replaced with the current City owned equipment list as detailed in Exhibit A.

The following paragraph from the General Provisions shall be amended as follows:

Future Broadcast Technologies

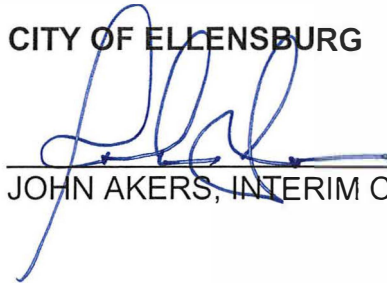
The Contractor shall counsel the City with regard to future broadcast technologies as they become available and/or are deemed necessary. No additional avenues of video or audio broadcast shall be employed unless directed by the City Manager or his/her designee(s).

III SIGNATURES

Except as modified herein, the original AGREEMENT as amended shall remain in effect.

In WITNESS WHEREOF, the parties hereto have executed Amendment 1 to the Agreement as of the date and year first written above.

CITY OF ELLENSBURG



JOHN AKERS, INTERIM CITY MANAGER

CONTRACTOR



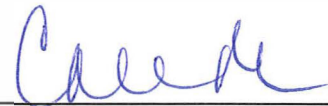
TITLE: Jon Ward - owner

APPROVED AS TO FORM:



TERRY WEINER, CITY ATTORNEY

ATTEST:



COREEN RENO, CITY CLERK

**AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF
ELLENSBURG AND CLEARWATER STUDIOS, LLC FOR PUBLIC ACCESS CABLE
TELEVISION CHANNEL MANAGEMENT AND PRODUCTION SERVICES**

THIS AGREEMENT is made and entered into this 20th day of June 2019, by and between THE CITY OF ELLENSBURG (hereinafter called the "City") and Clearwater Studios, LLC ("Contractor").

WHEREAS, the City entered into an agreement with the Contractor on June 26, 2013 ("Former Agreement"); and

WHEREAS, the City entered into an Amended Agreement No. 1 with the Contractor, on June 2, 2014, which expired on June 2, 2019; and

WHEREAS, the City and the Contractor desire to enter into this agreement on the same terms and conditions as the expired Amended Agreement No. 1 with the exception of changing the term through June 2, 2022,

NOW, THEREFORE, in consideration of the above representations and the terms, conditions, covenants, and agreements set forth below, the parties hereto agree as follows:

I. AGREEMENT

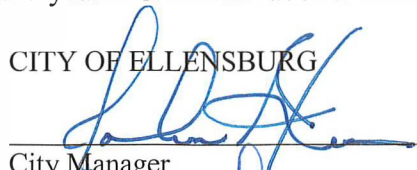
The Parties agree that all terms, conditions and requirements of the Former Agreement, attached hereto as Exhibit 1, as amended by Amendment No. 1, attached hereto as Exhibit 2, shall be incorporated into this Agreement as if fully set forth herein except as specifically modified below.

II. TERM

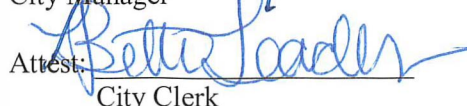
The term of the Agreement shall be from June 3, 2019 through June 2, 2022. All actions taken by the parties prior to the execution date are hereby ratified and approved.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year first written above.

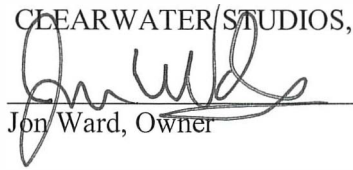
CITY OF ELLENSBURG


City Manager

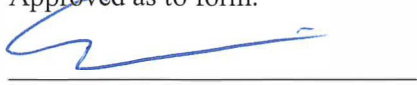
Attest:


City Clerk

CLEARWATER STUDIOS, LLC


Jon Ward, Owner

Approved as to form:


City Attorney



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: May 2, 2022

Item Title/Agenda Subject: Project Acceptance - RFQ 2020-18 - Annual Substation Inspection and Testing

Submitted by: Paul Meyer Public Works & Utilities

Recommended Action or Motion: Accept as complete - RFQ 2020-18 - Annual Substation Inspection and Testing

Background/Summary: The Electric Utility has an inspection and testing strategy that is required to properly maintain the City's multiple substations. In coordination with this strategy, staff issued RFQ 2020-18 to complete the annual inspections at all the required substations, and also complete the three and six-year periodic testing at the East Ellensburg Substation.

Previous Council Action: This project was awarded to Specialty Engineers Inc. at the November 2, 2020 City Council Meeting.

Analysis: The City issued the request to three contractors on the City's small works roster. Staff received one quote from Specialty Engineers Inc. in the amount of \$54,583.20 including tax. Specialty Engineers Inc. has successfully performed similar work in this and other City Substations and is familiar with City equipment, operation and procedures.

Financial Impact: A total of \$50,000 was included in the 2020 Light fund for Annual Substation Inspection and testing. Including sales tax, the total project cost including all change orders was \$64,140.67. The Light fund had adequate funds to cover this and the additional costs. The Light Division completed a supplemental budget adjustment in the 2020 Light fund to cover remaining costs. The City has received and paid the final invoice and there are no outstanding issues.

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

4-27-22
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 **2ND DAY OF MAY 2022**. THE COUNCIL, BY A VOTE, HAS APPROVED FOR PAYMENT THE VOUCHERS INCLUDED IN THE ABOVE LIST AND FURTHER DESCRIBED AS FOLLOWS:

Claims Fund				Total Amounts
Check #'s	157189	TO	157397	\$ 1,187,783.74
EFT #'s	5444	TO	5478	\$ 1,612,185.99

Payroll Fund				Total Amounts
Check #'s	95707	TO	95716	\$ 10,692.86
Direct Deposits	47194	TO	67423	\$ 416,779.29

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

ATTEST: _____
CITY CLERK



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: May 2, 2022

Item Title/Agenda Subject: Closed Record Hearing (quasi-judicial) to Consider a Resolution to Approve Application for Preliminary Plat Approval (P21-157) Submitted by Tyler Glahn, Crytyl Enterprises Inc., Owner – Katie Meadows Plat

Submitted by: Jamey Ayling Community Development

Recommended Action or Motion: Adopt the attached Resolution approving the Preliminary Plat application of Katie Meadows Subdivision, submitted by Tyler Glahn, property owner, and incorporating the Hearing Examiner's March 25, 2021 Recommended Findings of Fact, Conclusion of Law, Decision and Conditions of Approval.

Background/Summary: The purpose of this closed record quasi-judicial hearing is for City Council to consider the application for a proposed preliminary plat subdivision, known as "Katie Meadows" submitted by Tyler Glahn, Crytyl Enterprises Inc., property owner. This hearing is being held pursuant to the requirements of Chapter 15.260, Subdivision Procedures, of the Ellensburg City Code. A SEPA Mitigated Determination of Non-Significance (MDNS) was issued for this project on October 18, 2021.

The Hearing Examiner's March 25, 2022 Findings of Fact, Conclusions of Law, Decision and Conditions of Approval is attached to this report as Exhibit 1, and includes 13 exhibits which are attached to this report as Exhibits 1.1 thru 1.13, including the March 25, 2022 Staff Agenda Report submitted to the Hearing Examiner record as Exhibit 1.13.

The applicant appeared at the hearing and testified in favor of the project, and agreed with the staff proposed conditions of approval as outlined in Exhibit 1.13. No public testimony was provided at the hearing.

This proposed preliminary plat is located on Kittitas County Assessor Parcel ID #791133 (7.32 acres), which is on the south side of Bender Road, just east of the Bender/Hannah

Road intersection in the City of Ellensburg, WA. A vicinity map and reduced scale preliminary drawing showing the location of the lots and other plat features are included as Exhibits 1.1 and 1.2.

The subject property is 7.32 acres in size and currently zoned Residential Suburban (R-S). This zoning allows for detached single-family dwellings as the predominate land use with a base maximum density of 6 dwelling units/acre. The applicant's proposal would create 40 separate residential lots, which is within the allowable maximum density. One lot 37,079 square feet, will accommodate the existing home, and the remaining lots will range in size from 3,634 square feet to 10,351 square feet, intended for single-family homes.

The northern street frontage known as Bender Road is an existing major collector street and is further defined as a landscaped street. The proposed interior road system includes new local access streets and provides an extension of 26th Avenue, a local access street, all of which will be defined as landscaped streets. The Public Works Department works with the Ellensburg School District at the time of civil construction review of the plat to ensure that the goals of their "Guide for Planning and Improving School Walk and Bike Routes" are implemented on projects within one mile of schools. The existing School Walk and Bike routes will be enhanced through the construction of connecting sidewalks required as part of the half street improvements to Bender Road, and the full street improvements to all interior local access streets including the extended 26th Avenue. This infill project requires the construction of full street improvement for the interior local access streets to provide neighborhood connectivity and achieve the goals and policies within the land use, housing, and transportation chapters of the Ellensburg Comprehensive Plan.

Site Characteristics:

North: Residential – Dispersed residential lots, county jurisdiction.

South: Residential – Single family residences on average 7,000 square foot lots within city limits.

East: Residential – approved preliminary plat intended for

single family residences within city limits.

West: Residential – single family residences on 2 acre lots, county jurisdiction.

Previous Council Action: N/A

Analysis:

The Review Procedures and Criteria for the Preliminary Plat process are outlined in Chapter 15.260 of the Land Development Code. Pursuant to Ellensburg City Code (ECC) 15.260.060(D), a public hearing was held before Hearing Examiner Andrew Kottkamp on March 25, 2022. Kottkamp's March 25, 2022 Recommended Findings of Fact, Conclusion of Law, and Decision and Conditions of Approval have been included within this report as Exhibit 1. The Hearing Examiner recommended that the Katie Meadows Preliminary Plat be approved with the eight conditions as depicted in Exhibit 1.

Pursuant to ECC 15.260.060(E)(1), the City Council shall, at the conclusion of the hearing, make its own decision supported by written findings of fact and conclusions of law and approve, approve with conditions, or disapprove the preliminary subdivision application.

Council is being requested to approve the preliminary plat subdivision application by adopting the proposed Resolution, which incorporates the Hearing Examiner's Recommendations. Alternatively, prior to making a decision and pursuant to ECC 15.260.060(E)(2), Council may: 1) refer the preliminary subdivision application back to the hearing examiner for further consideration; 2) require the applicant to modify the preliminary subdivision application; or 3) require more information to be submitted by the applicant.

The decision criteria that City Council must consider are set forth in ECC 15.260.060(F) as follows:

1. The preliminary subdivision conforms to all applicable zoning standards of the city as set forth in the Land Development Code (LDC), including the form and intensity standards in Chapter 15.320 ECC, the streetscape design standards in Chapter 15.410 ECC, the subdivision design standards in Chapter 15.420 ECC, the project design standards in Division V, and the public works development

standards;

2. All lots within the preliminary subdivision are provided with satisfactory access established consistent with the requirements of the public works development standards, ECC Title 4, public works construction, the streetscape design standards and subdivision design and block standards in Division IV, and the project design standards in Division V;
3. All lots within the preliminary subdivision are provided with adequate provisions for water supplies, sanitary wastewater facilities, and storm drainage and surface water facilities consistent with the requirements of the public works development standards and ECC Title 9, Utilities;
4. All lots within the preliminary subdivision are provided with adequate provisions for electric service, and for natural gas service if applicable, consistent with the requirements of the city's energy services department design standards and with ECC Title 9, Utilities;
5. The preliminary subdivision conforms to all applicable critical areas standards set forth in Division VI; and
6. The preliminary subdivision makes appropriate provisions for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, natural gas mains and services, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.

Staff agrees with the Hearing Examiner's conclusion that the proposed preliminary plat application meets the above requirements.

Financial Impact: None at this time.

Attachments:

[Resolution - P21-157 Katie Meadows Preliminary Plat Approval](#)
[Exhibit 1 Hearing Examiner Decision Katie Meadows](#)

Exhibit 1.1 Vicinity Map
Exhibit 1.2 P21-157 Preliminary Plat 2.3.22
Exhibit 1.3 Electric Comments
Exhibit 1.4 Gas Comments
Exhibit 1.5 PW Comments
Exhibit 1.6 Fire Comments
Exhibit 1.7 Cascade Irrigation Comment Letter
Exhibit 1.8 P21-111 SEPA Determination
Exhibit 1.9 Affidavit of Publication
Exhibit 1.10 Certificate of Mailing
Exhibit 1.11 Affidavit of Posting
Exhibit 1.12 Application Materials
Exhibit 1.13 Prelim Subdivision Agenda Report to Hearings Examiner
Exhibit 2 Affidavit of Publication
Exhibit 3 Affidavit of Posting

RESOLUTION NO. 2022-____

A RESOLUTION OF THE CITY COUNCIL OF ELLENSBURG, WASHINGTON
relating to the preliminary plat approval of the Katie Meadows Subdivision No. P21-157
of property located in Ellensburg, Washington.

WHEREAS, on December 15, 2021 Tyler Glahn, Crytly Enterprises Inc., property owner, filed a preliminary plat application (P21-157) for forty (40) lots to be developed on Kittitas County Assessor Parcel ID #791133 (7.32 acres), located at 604 W. Bender Road, commonly referred to as the “Katie Meadows Subdivision”; and

WHEREAS, the applicant also submitted an associated Washington State Environmental Policy Act (SEPA) checklist as part of the application; and

WHEREAS, on October 18, 2021 the City’s SEPA Responsible Official issued a Mitigated Determination of Non-Significance (MDNS) for the preliminary plat; and

WHEREAS, following a duly noticed open record public hearing held before the Hearing Examiner on March 25, 2022 to consider the preliminary plat application for the Katie Meadows Subdivision, as provided by Chapter 15.260 ECC, the Hearing Examiner received exhibits and testimony into evidence, and issued his March 25, 2022 Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval; and

WHEREAS, following a duly noticed closed record public hearing held during a regularly scheduled Ellensburg City Council Meeting on May 2, 2022, regarding the preliminary plat application for the Katie Meadows Subdivision application, the City Council approved the preliminary plat subject to certain conditions;

NOW, THEREFORE, the Ellensburg City Council do resolve as follows:

Section 1. The Ellensburg City Council makes the following findings of fact:

A. The proposed preliminary plat is in conformance with the goals and policies of the City of Ellensburg Comprehensive Plan, as amended, if developed in accordance with the conditions stated herein;

B. The proposed use and corresponding preliminary plat has been designated in accordance with the permitted uses and future land use designations within the Comprehensive Plan classification and standards for development set forth in the City’s Land Development Code if developed in accordance with the conditions stated herein;

C. Appropriate provisions have been made for public health, safety, and general welfare and for such other factors enumerated in RCW 58.17.110(2)(a) if the preliminary plat is developed subject to the conditions stated herein. Public facilities, such as roads, sewer and water and other public facilities are adequate to support the use and layout of the proposed preliminary plat if developed in accordance with the conditions stated herein;

D. The public use and interest will be served if the preliminary plat is developed in accordance with the conditions stated herein;

E. The proposal for the preliminary plat development conforms to the policies, standards and design principles specified in Chapter 15.260 of the Ellensburg City Code if developed in accordance with the conditions stated herein; and

F. The findings of fact and recommendations of the Hearing Examiner dated March 25, 2022 are hereby adopted and incorporated herein as the findings of the Ellensburg City Council with respect to the preliminary plat.

G. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

Section 2. The preliminary plat involving property is located at 604 W. Bender Road, commonly referred to as the Katie Meadows Subdivision, and legally described as follows:

Parcel 2 of that certain Survey as recorded May 10, 2021, in Book 43 of Surveys, Pages 199 and 200, under Auditor's File No. 202105100003, records of Kittitas County, Washington; being a portion of the Southwest Quarter of Section 26, Township 18 North, Range 18 East, W.M., in the County of Kittitas, State of Washington.

Section 3. The preliminary plat of the Katie Meadows Subdivision (P21-157) shall be developed in accordance with the following conditions of approval, which shall apply to the applicant, and the applicant's heirs, successors in interest and assigns:

1. Fulfillment of all City code required final plat design and construction requirements for on-site and off-site improvements prior to final plat approval.
2. The applicant will meet the requirements of the Energy Services – Light Department discussed in its memorandum dated March 8, 2022.
3. The applicant will meet the requirements of the Energy Services – Gas Department discussed in its memorandum dated March 17, 2022.
4. The applicant will meet the requirements of the Public Works & Utilities Department discussed in its memoranda dated March 11, 2022.
5. The applicant will meet the requirements of the City of Ellensburg Fire Marshal's memorandum March 9, 2022.
6. The applicant will meet the requirements of the SEPA Official's issuance of Mitigated Determination of Non-Significance (MDNS) dated October 18, 2021.

7. If applicable, the applicant may be required to obtain an NPDES Construction Storm Water General Permit from the Washington State Department of Ecology, as well as all other permits (site grading permit, SWPPP, etc.) that may be required as a result of plat development. Subdivision and land development activities shall follow the requirements of the Ellensburg City Code, including the Design Standards.
8. All requirements of utility providers, City departments, and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents.
9. No certificates of occupancy shall be issued prior to completion of required public improvements in a manner acceptable to the City in its sole discretion. Issuance of any certificate of occupancy prior to full completion of any of the required improvements shall not be deemed to be a waiver of this section, and such issuance shall not stop the City or impair its ability to demand full completion of required improvements prior to issuance of any further certificates of occupancy.

Section 4. The Ellensburg City Council makes the following conclusions of law:

A. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Ellensburg City Code and Comprehensive Plan.

B. As conditioned, the proposal does conform to the standards specified in Ellensburg City Code.

C. As conditioned, the use will comply with all required performance standards as specified in the Ellensburg City Code.

D. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of the Ellensburg City Code or the Comprehensive Plan.

E. As conditioned, this proposal does comply with Comprehensive Plan, the zoning code and other land use regulations, and SEPA.

F. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

Section 5. This resolution is the final decision of the City of Ellensburg upon this matter.

Section 6. Notice is hereby given that appeal of the land use decision shall be barred unless a petition requesting review is filed in the Superior Court of the State of Washington and properly served within twenty-one (21) days after passage of this resolution in accordance with Chapter 36.70C of the Revised Code of Washington.

Adopted this 2nd day of May, 2022.

MAYOR

Attest: _____
City Clerk

**CITY OF ELLENSBURG
LAND USE HEARING EXAMINER**

IN THE MATTER OF

P 21-157

Katie Meadows Plat Subdivision

)
)
)
)
)

**RECOMMENDED FINDINGS OF
FACT, CONCLUSIONS OF LAW,
DECISION AND CONDITIONS
OF APPROVAL**

THIS MATTER having come on for hearing in front of the City of Ellensburg Hearing Examiner on March 25, 2022, the Hearing Examiner having taken evidence hereby submits the following Recommended Findings of Fact, Conclusions of Law, and Decision and Conditions of Approval as follows:

I. RECOMMENDED FINDINGS OF FACT

1. This is an application for a major subdivision proposing to divide 7.32 acres into 40 residential lots.
2. This proposed preliminary plat is located on Kittitas County Assessor's Parcel ID# 791133, located along the south side of Bender Road, just east of the Bender/Hannah Road intersection, in the City of Ellensburg, WA.
3. The owner/Applicant is Crytyl Enterprises, Inc., PO BOX 4546, Ellensburg, WA 98926, and their agent is Tyler Glahn.
4. The subject property site is 7.32 acres in size and is currently zoned Residential Suburban Density (R-S).
5. Property zoned as Residential Suburban (R-S) allows for detached single-family dwellings as the predominate land use, with a base maximum density of 6 dwelling units/acre. The applicant's proposal would create 40 separate residential lots, which is within the allowable maximum density. One lot will accommodate the existing home on 37, 079 sf., and the remaining lots will range in size from 3,634 sf. to 10,351 sf.
5. The northern street frontage known as Bender Road is an existing major collector street and is further defined as a landscaped street. The proposed interior road system includes new local access streets and provides an extension of 26th Avenue, a local access street, all of which will be defined as a landscaped streets. The Public Works Department works with the Ellensburg School District at the time of civil construction review of the plat to ensure that the goals of their "Guide for Planning and improving School Walk and Bike Routes" are implemented on projects within one mile of schools. The subdivision half street improvements to Bender Road, and the full street improvements to all interior local access streets including the extended 26th Avenue will enhance the existing School Walk and Bike routes by providing connecting sidewalks. This infill project requires the construction of full street improvement for the interior local access streets to provide neighborhood connectivity and achieve goals and policies within the land use, housing, and transportation chapters of the Ellensburg Comprehensive Plan.

P21-157
Katie Meadows Preliminary Plat Subdivision
Page 1 of 5

6. Specific to meeting open space and parks needs that will result from the new development, the applicant will be required to pay a park impact fee for each single family lot or structure, which will in turn be used to enhance the City of Ellensburg Parks system.
7. Site Characteristics:
North: Residential – Dispersed residential lots, county jurisdiction
South: Residential – Single family residences on average 7,000 square foot lots within city limits.
East: Residential – Approved preliminary plat intended for single family residences within city limits.
West: Residential – single family residences on 2 acre lots, county jurisdiction.
8. A SEPA checklist was submitted as a requirement of the preliminary plat process, and a SEPA Mitigated Determination of Non-Significance (MDNS) was issued on October 18, 2021.
9. Subsequent to the SEPA environmental review, public notice and distribution of the full preliminary plat application was undertaken. As a result of that effort, departmental comments for the application have been received from the following: The Ellensburg Fire Department, the Cascade Irrigation District, Ellensburg Public Works Department, and the Ellensburg Utility Services Gas and Light Departments. Those comments received mirrored their previous SEPA environmental points regarding final design and construction of required facilities, and referred to the previous comments submitted for SEPA and/or the Pre-Application Reviews.
10. No additional public comments on the proposed subdivision have been received.
11. The requirements pertaining to preliminary plat approval are found within ECC Sections 15.260.060 through 15.260.090. Specifically, the decision criteria are found in ECC 15.260.060(F), which states the following:
 - 11.1 Decision Criteria. The city may approve, approve with conditions, or deny a preliminary subdivision application based on conformance with the following decision criteria:
 - 11.1.1. The preliminary subdivision conforms to all applicable zoning standards of the city as set forth in the LDC, including the form and intensity standards in Chapter 15.320 ECC, the streetscape design standards in Chapter 15.410 ECC, the subdivision design standards in Chapter 15.420 ECC, the project design standards in Division V, and the public works development standards;
 - 11.1.2. All lots within the preliminary subdivision are provided with satisfactory access established consistent with the requirements of the public works development standards, ECC Title 4, public works construction, the streetscape design standards and subdivision design and block standards in Division IV, and the project design standards in Division V;
 - 11.1.3. All lots within the preliminary subdivision are provided with adequate provisions for water supplies, sanitary wastewater facilities, and storm drainage and surface water facilities consistent with the requirements of the public works development standards and ECC Title 9, Utilities;

P21-157

Katie Meadows Preliminary Plat Subdivision

Page 2 of 5

- 11.1.4. All lots within the preliminary subdivision are provided with adequate provisions for electric service, and for natural gas service if applicable, consistent with the requirements of the city's energy services department design standards and with ECC Title 9, Utilities;
 - 11.1.5. The preliminary subdivision conforms to all applicable critical areas standards set forth in Division VI; and
 - 11.1.6. The preliminary subdivision makes appropriate provisions for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, natural gas mains and services, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.
- 12. The public agency comments relate to normal plat design and construction requirements that are routinely part of the final plat design and approval process. It is the full intention of the City to enforce and follow those final plat requirements.
 - 13. Prior to final plat approval, the applicant will need to correct the signature blocks as per ECC 15.260.100(g.) on the face of the final plat for the following: City Engineer, Community Development Director, Public Works & Utilities Director, Cascade Irrigation District, County Treasurer, County Auditor; & the Mayor of Ellensburg.
 - 14. Construction of the subdivision and single-family units will be required to comply with all applicable standards outlined in the Ellensburg City Code design standards and guidelines.
 - 15. An open record public hearing after due legal notice was held March 25, 2022 via Zoom videoconference.
 - 16. The following exhibits were admitted into the record:
 - 16.1 Ex. 1: Vicinity Location Map;
 - 16.2 Ex. 2: Preliminary Plat of Katie Meadows Plat;
 - 16.3 Ex. 3: March 8, 2022 memo from City of Ellensburg Energy Services Light Department;
 - 16.4 Ex. 4: March 17, 2022 memo from City of Ellensburg Energy Services Gas Department;
 - 16.5 Ex. 5: March 11, 2022 memo from City of Ellensburg Public Works Department;
 - 16.6 Ex. 6: Corrected March 9, 2022 memo from City of Ellensburg Fire Marshall;
 - 16.7 Ex. 7: March 15, 2022 memo from Cascade Irrigation District;
 - 16.8 Ex. 8: October 18, 2021 SEPA MDNS Determination;
 - 16.9 Ex. 9: Legal Notice of Public Hearing;
 - 16.10 Ex. 10: Area of Notification Map with 300-Foot Buffer Notification List;

- 16.11 Ex. 11: Affidavit of Posting and Photo of Notice Sign on Property;
- 16.12 Ex. 12: Application Cover Page & Materials;
- 16.13 Ex. 13 Staff Report.
17. Appearing and testifying on behalf of the Applicant was Tyler Glahn. Mr. Glahn testified that he is the Applicant and property owner. Mr. Glahn indicated that he had reviewed the staff report and proposed Conditions of Approval. He agreed with all of the representations set forth within the staff report, as well as agreeing with all of the proposed Conditions of Approval. He had reviewed the corrected Exhibit No. 6, the memorandum from the City of Ellensburg Fire Marshall, and agreed with all of the recommendations set forth therein.
18. No member of the public appeared at the hearing.
19. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located.
20. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
21. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. RECOMMENDED CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted authority to render this Recommendation.
2. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the City of Ellensburg Municipal Code and Comprehensive Plan.
3. As conditioned, the proposal will conform to the standards specified in City of Ellensburg.
4. As conditioned, the use will comply with all required performance standards as specified in City of Ellensburg Municipal Code.
5. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of either the City of Ellensburg Municipal Code or the Comprehensive Plan.
6. As conditioned, this proposal does comply with Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.
7. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. RECOMMENDED DECISION

Based on the above Recommended Findings of Fact and Conclusions of Law, the Hearing Examiner is recommending to the Ellensburg City Council that they approve Application P21-157 Katie

P21-157
Katie Meadows Preliminary Plat Subdivision
Page 4 of 5

Meadows Preliminary Plat Subdivision, subject to the following Recommended Conditions of Approval.

IV. RECOMMENDED CONDITIONS OF APPROVAL

1. The applicant will meet the requirements of the Public Works Department discussed in its memorandum dated March 11, 2022.
2. The applicant will meet the requirements of the Energy Services - Light Department discussed in its memorandum dated March 8, 2022.
3. The applicant will meet the requirements of the Energy Services – Gas Department discussed in its memorandum dated March 17, 2022.
4. The applicant will meet the requirements of the Fire Department for hydrants and access as per Fire Marshal's corrected memorandum dated March 9, 2022.
5. The applicant will meet the requirements of the Cascade Irrigation District (CID) as per CID's memorandum dated March 15, 2022.
6. The applicant will meet the requirements of the SEPA Official's issuance of Mitigated Determination of Non-Significance (MDNS) dated October 18, 2021.
7. The applicant may be required to obtain an NPDES Construction Storm Water General Permit from the Washington State Department of Ecology, as well as all other permits (site grading permit, SWPPP, etc.) that may be required as a result of plat development. Subdivision and land development activities shall follow the requirements of the Ellensburg City Code, including the Design Standards.
8. All requirements of utility providers, City departments, and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents.

Dated this 25 day of March, 2022.

CITY OF ELLENSBURG HEARING EXAMINER



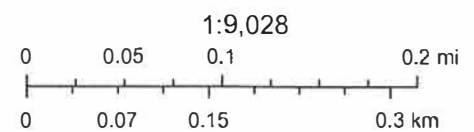
Andrew L. Kottkamp

EXHIBIT 1.1 Katie Meadows Vicinity Map



3/18/2022, 3:20:21 PM

- Urban Growth Area
- City Limits
- Stream 85ft Buffer



© OpenStreetMap (and) contributors, CC-BY-SA

EXHIBIT 1.2

KATIE MEADOWS PRELIMINARY PLAT
A PORTION OF THE NW 1/4 OF THE SE 1/4 OF SECTION 26
T14N R14E S14W, KITTITAS COUNTY, IOWA
CITY OF ELLENSBURG, KITTITAS COUNTY

ADJACENT SURVEY BOOK 26, PAGE 88



ADJACENT SURVEY BOOK 12, PAGE 8

APPROVALS:

CITY ENGINEER: _____ DATE: _____
PUBLIC WORKS DIRECTOR: _____ DATE: _____
COMMUNITY DEVELOPMENT DIRECTOR: _____ DATE: _____
MAYOR: _____ DATE: _____

CERTIFICATE OF COMPLIANCE - MINIMUM REQUIREMENTS

THIS PRELIMINARY PLAT MEETS ALL MINIMUM REQUIREMENTS AND STANDARDS OF THE CASCADIA BRIGADIER DISTRICT.
CASCADIA BRIGADIER DISTRICT: _____ DATE: _____
RECORDING'S CERTIFICATE: _____ DATE: _____
FILED FOR RECORD THIS _____ DAY OF _____ 2022 AT _____
IN BOOK _____ AT PAGE _____ AT THE REQUEST OF _____
SURVEYOR'S NAME: _____
COUNTY AUDITOR: _____

CERTIFICATE OF KITTITAS COUNTY TREASURER

I HEREBY CERTIFY THAT ALL STATE AND COUNTY TAXES HAVE BEEN PAID IN FULL AND ACCORDING TO THE BOOKS AND RECORDS OF MY OFFICE, HAVE BEEN PAID IN FULL.
KITTITAS COUNTY TREASURER: _____ DATE: _____
CITY OF ELLENSBURG, INC.: _____

DESCRIPTION OF EXISTING PARCELS

PARCELS 2 & 3 OF SAID CERTAIN SURVEY AS RECORDED MAY 15, 2022, IN BOOK 42 OF KITTITAS COUNTY RECORDS, KITTITAS COUNTY, IOWA, ARE THE SAME AS THE PARCELS SHOWN ON THE PLAT HEREIN. THE PLAT HEREIN IS A CORRECTION TO THE PLAT RECORDED IN BOOK 42 OF KITTITAS COUNTY RECORDS, KITTITAS COUNTY, IOWA, MAY 15, 2022, IN THE COUNTY OF KITTITAS, STATE OF IOWA.

NOTES:
1. THIS PLAT IS THE SOLE PROPERTY OF THE CITY OF ELLENSBURG, IOWA.
2. THE CITY OF ELLENSBURG, IOWA, IS THE OWNER OF THE PLAT HEREIN.
3. THE CITY OF ELLENSBURG, IOWA, IS THE OWNER OF THE PLAT HEREIN.
4. THE CITY OF ELLENSBURG, IOWA, IS THE OWNER OF THE PLAT HEREIN.

NORTH
SCALE 1" = 40'
LEGEND:
FOUND IRON PIN
PROPERTY LINE
EXISTING ASPHALT
NON-RESIDENTIAL EXISTING
PROPOSED SIDEWALK
PROPOSED LOT LINE
PROPOSED STREETLIGHT

OWNER/DEVELOPER:
CITY OF ELLENSBURG, INC.
1000 S. 1ST ST., STE. B
ELLENSBURG, IA 52521
SURVEYOR:
GRAY SURVEYING & ENGINEERING, INC.
1000 S. 1ST ST., STE. B
ELLENSBURG, IA 52521
ZONING:
RS-HORIZONTAL SUBURBAN

22	23	24
27	28	25
34	35	36

SECTION MAP
NOT TO SCALE

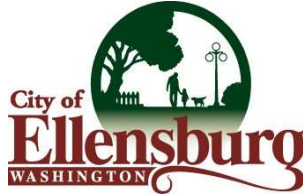


VICINITY MAP
NOT TO SCALE



Know what you're buying.
Call before you dig.

CAD



CITY OF ELLENSBURG

Public Works and Utilities

501 North Anderson Street; Ellensburg, WA 98926

Ph: (509) 962-7124 Fax: (509) 925-8662

www.ci.ellensburg.wa.us

Memorandum

Date: March 8, 2022

To: Shannon Johnson, Senior Planner

From: Luis Perez, Engineering Tech.

Thru: Tyler Goeden, Project Engineer

Re: P21-157 Katie Meadows 40 Lot Long Plat Application

The following are the City of Ellensburg Electric Utility (City Light) comments for P21-157 Katie Meadows 40 Lot Long Plat Application, located on the south side of Bender Road, approximately 500 feet east of Hannah Road.

Electric:

As noted in the pre-application meeting, P21-087, City Light has an overhead distribution line along the south side of Bender Road, and Kittitas County PUD (KPUD) has an overhead distribution line along the west edge of the property.

There remains conflict, or potential of conflict, between the existing electric utilities and the proposed roadway and improvements. The plat or the electrical system would need to be altered to resolve these conflicts. The civil plans, house plans, and driveways will affect the design of the electric system that would be installed to supply power to each new lot, as well as the existing structure, so we request driveways to be shown on the final civil plans. All alterations or new construction for the electric system must meet all applicable codes, including those mentioned in the pre-application meeting.

The electric duct and vault system is to be installed behind walk, and along the entire frontage throughout the development. This will require a 10' utility easement to be included throughout the plat and shown on the survey.

For more details refer to pre-application meeting comments on P21-087.



Public Works & Utilities Department

Natural Gas Division

501 North Anderson Street; Ellensburg, WA 98926

Ph: (509) 962-7124 Fax: (509) 925-8662

www.ci.ellensburg.wa.us

Memorandum

Date: July 29, 2021

To: Shannon Johnson, Community Development

From: Heather Forgey, Gas Engineering Specialist 

Re: Proposed 40 Lots at 604 W Bender Road – P21-087

The following are the City of Ellensburg Gas Division comments for the proposed 40 Lot Development project located at 604 W Bender Road.

Natural Gas:

There is a natural gas utility map attached showing the existing gas main line. There is a 6-inch main on the south side of Bender Road that would be used to serve the proposed development.

The proposed development would be required to extend the gas main throughout, including main stubs on 26th Ave for future developments to the east and west and provide service stubs to each lot. It is preferred that the existing and proposed main pipeline be shown on the civil plans to help in planning and determining issues that may come up as the project progresses. No details will be needed, just the mainline shown where installation is being proposed. Any private access roads that serve multiple lots will require a 10' access and utility easement. It is also important that service stub locations are determined at an early stage. Service lines and meters cannot run through backyards or be behind fences.

The applicant is responsible for exposing the main line for connection, providing trenching, smooth sand bedding, and backfill at the specified depth and required utility separation as indicated on detail sheets G-12 and G-13 attached. City Gas Division crews will provide the materials and perform the gas pipeline installation in the developer provided trenches.

To serve the homes with natural gas, the applicant can apply for service through applications found on the City's website or at City Hall. There are also natural gas rebates for new construction at this time. These rebates are reviewed annually and may not be available in the future.

For any further questions or clarifications regarding these comments or the proposed project, please call the City Gas Division at 509-962-7124.

Remember to always call 811 (the One-Call Underground Utility Notification Center) prior to any excavation on private property or in the right-of-way.





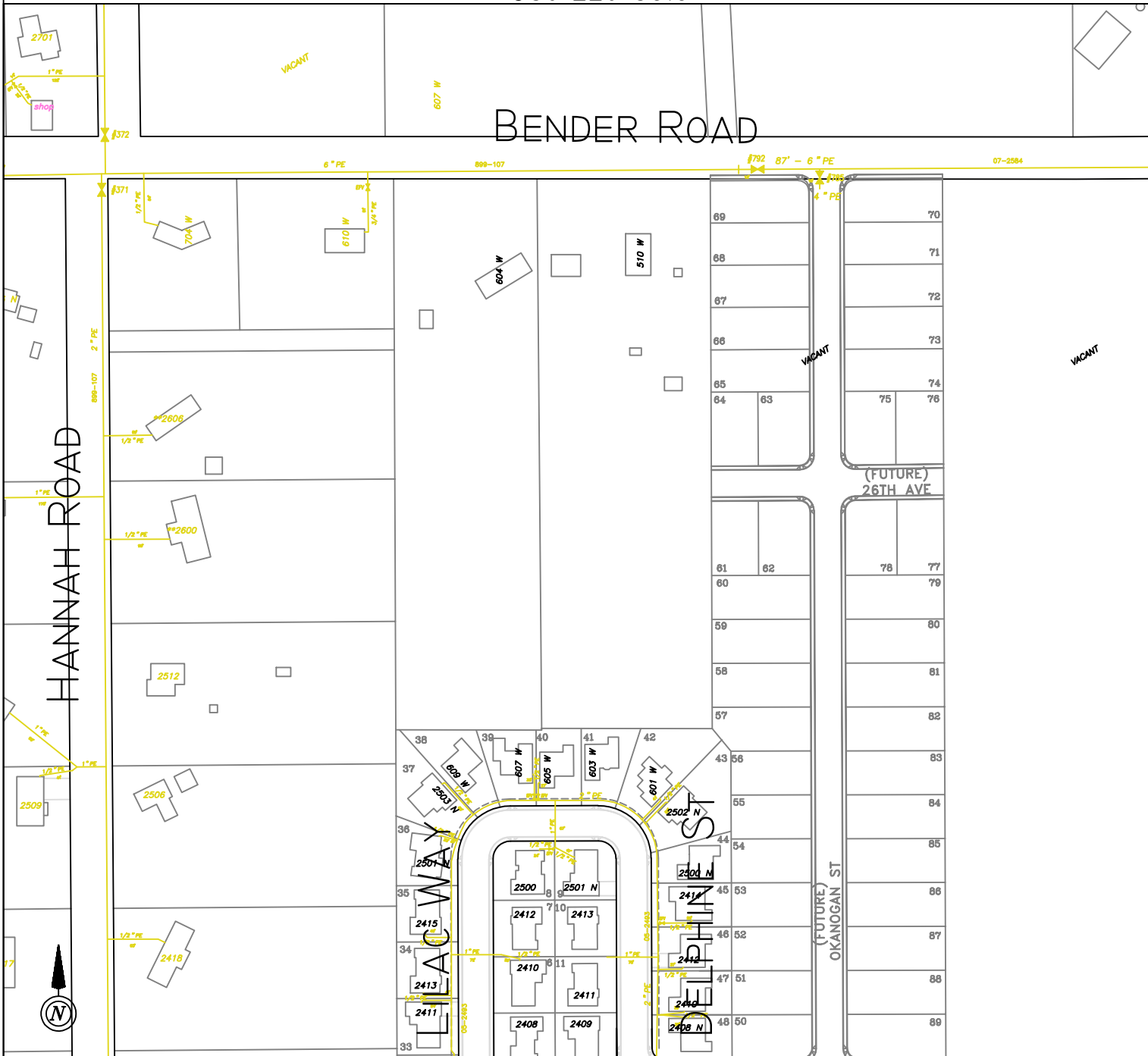
CITY OF ELLENSBURG
NATURAL GAS DIVISION
UTILITY MAP REQUEST INFORMATION

PROJECT ADDRESS
604 W BENDER ROAD

DATE
07/16/2021

CONTACT NAME
TYLER GLAHN

WORK PHONE
360-220-6518



QUESTIONS: DARIN YUSI 509-962-7229

DISCLAIMER:

THE CITY OF ELLENSBURG ENERGY SERVICES DEPARTMENT CANNOT VERIFY THE ACCURACY OF THE UTILITIES REPRESENTED ON THIS PLAN. THEY ARE DISPLAYED FOR EASE OF PLANNING AND INSTALLATION AND ARE BASED UPON BEST INFORMATION AVAILABLE. CONTRACTORS AND DEVELOPERS SHOULD REFER TO CIVIL PLAN FOR MOST CURRENT DESIGN REVISION AND CALL 811 BEFORE YOU DIG.



Know what's below.
Call before you dig



CITY OF ELLENSBURG

Public Works Department
501 N. Anderson St.; Ellensburg, WA 98926
Ph: (509) 962-7230 Fax: (509) 962-7127

Memorandum

Date: March 11, 2022
To: Shannon Johnson, Senior Planner
From: Craig Jones, Development Coordinator *CJ*
Through: Derek Mayo, City Engineer *DKM*
Re: Preliminary Plat for 40 lot Plat P21-157

The following are the Public Works SEPA comments for the proposed 40 lot Plat in the 600 blk of west Bender Rd.

The applicant can view the City of Ellensburg's Development Standards on the City's website for more information. <http://www.ci.ellensburg.wa.us/index.aspx?NID=339>

At time of civil plan review, Staff will work with the developer's engineer regarding the specific issues related to frontage and utility improvements.

Water:

The water main available to serve this development is a 12" Ductile Iron main that runs in Bender Rd. There are no existing stubs, all future connections will be hot taps on the main. The developer will need to build an 8" water main on all the proposed interior roads. Each lot will need a separate water service. The maximum number of lots that can be served by one water connection is 40 lots. Looping of an interior water main may be needed depending on fire flows. The existing house will need to be disconnected from the well and connected to City water. See attached utility map.

A latcomer's fee has been established for the water main in Bender Rd. These fees will be included in the Public Works permits for this development.

Fire hydrants shall be placed in the proposed development per the Fire Marshal's requirements. Developer's engineer may be required to verify that fire flow capacity will meet the necessary requirements.

Specific issues related to water main and meter locations will be addressed at project civil submittal.

Sewer:

The sewer main available to serve this development is an 8" PVC main in the southwest corner of the property between lots 37 and 38 of the Ridgeview Plat. The developer will need to install

8" sewer mains on the interior roads and side sewer stubs to each lot. An 8" sewer main will also need to be installed in Bender Rd along the project frontage. The existing house will need to connect to sewer and abandon the septic system. See attached utility map.

Specific issues related to sewer main and side sewer construction will be addressed at project civil submittal.

Roadway and access:

This project will trigger the requirement for half street improvements along the Bender Rd frontage. The interior roads will need full street improvements and have adequate turn-around that meet KVFR and City Development Standards. Bender Rd is a collector road and is a designated bike route on the Active Transportation Plan and will need to include additional width to accommodate the future bike lane. 26th Ave will need to be verified that it aligns with the neighboring plat to the east. Street improvements include concrete curb/gutter, sidewalks, street lighting, permanent signage, asphalt, asphalt markings, gravel base, storm drainage, and other items associated with minimum public improvements consistent with Public Works Development Standards. Under the Land Development Code the sidewalks will need to be separated from the curb. Existing power poles may need to be relocated to accommodate these frontage improvements.

Specific issues related to roadway and access construction will be addressed at project civil submittal.

Storm water:

There is no storm system available for a direct discharge. The existing road side ditches will need to be conveyed across the frontages of the property. All storm facilities will need to be designed so they will not be inundated with ground water. Your engineer will need to verify groundwater during peak irrigation season to confirm the project will not be effected by it.

The applicant shall use the current Stormwater Management Manual for Eastern Washington, or approved equivalent for reference in design of stormwater treatment and flow control for post construction requirements for new development and redevelopment. The design shall at a minimum use the following design storms, or as recommended for the proposed BMP, whichever is greater. Treatment shall be designed for the first ½" of rainfall on the property, and storm drainage detention on a 10 year storm event (1.2" of precipitation/24 hours) and retention facilities based on a 25 year storm event (1.6" of precipitation/24 hours). Specific issues related to storm water will be reviewed at time of civil plan submittal.

The applicant's design engineer should determine groundwater elevations in the vicinity of proposed storm water treatment and flow control facilities. The water surface elevation needs to be utilized in the facility designs and should be verified when groundwater is at its highest. Typically the groundwater in the Ellensburg area is elevated from April 15th through October 15th. However, groundwater on the subject site may not be associated with seasonal irrigation and could crest at another time during the year.

The following comments are from the City Stormwater Department;

1. If the site is an acre or greater the developer will need to make Notice of Intent (NOI) with Ecology and apply for a Stormwater General Construction Permit months in advance of

construction. <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-general-permits/Construction-stormwater-permit>

2. The Ecology permit requires a Stormwater Pollution Prevention Plan (SWPPP) be submitted with the plan set and be reviewed by the City of Ellensburg Stormwater Utility along with a set of temporary sediment erosion control plans (TESC).

3. In addition, Ecology now requires an Operation and Maintenance (O&M) Plan be submitted to the City for review and retainage. The O&M Plan must address the long term maintenance of the stormwater facilities (swales) that will be constructed onsite to deal with the flow control and treatment requirements of Core Element 5&6 in the Eastern Washington Stormwater Management Manual.

Here is a link for additional information from Ecology;

<https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-general-permits/Construction-stormwater-permit/eCoverage-packet>

Other issues:

During civil plan review, Public Works establishes the preliminary addressing plan, the developer will need to work with the Post Office to establish the mail delivery routing plan and mailbox locations. The Post Office requires the use of metal Collection Box Unit style mailboxes.

The developer is required to obtain all other permits (HPA if required, DOE construction site grading permit, etc.) that may be required as a result of plat development.

Additional utility easements may be required for any proposed utility outside of the right of way. Specific issues will be addressed at civil plan submittal.

Any phasing plans for the project will need to be reviewed and may have additional requirements associated with utilities or temporary turn around.

Irrigation water will need to comply with Irrigation District requirements, and be continued through the site to downstream users.

Landscape plans will need to be included for review of any conflicts with existing or proposed utilities.

Proposed road names will go through a review process that includes the entire Kittitas County to eliminate any duplicate or similar sounding road names.

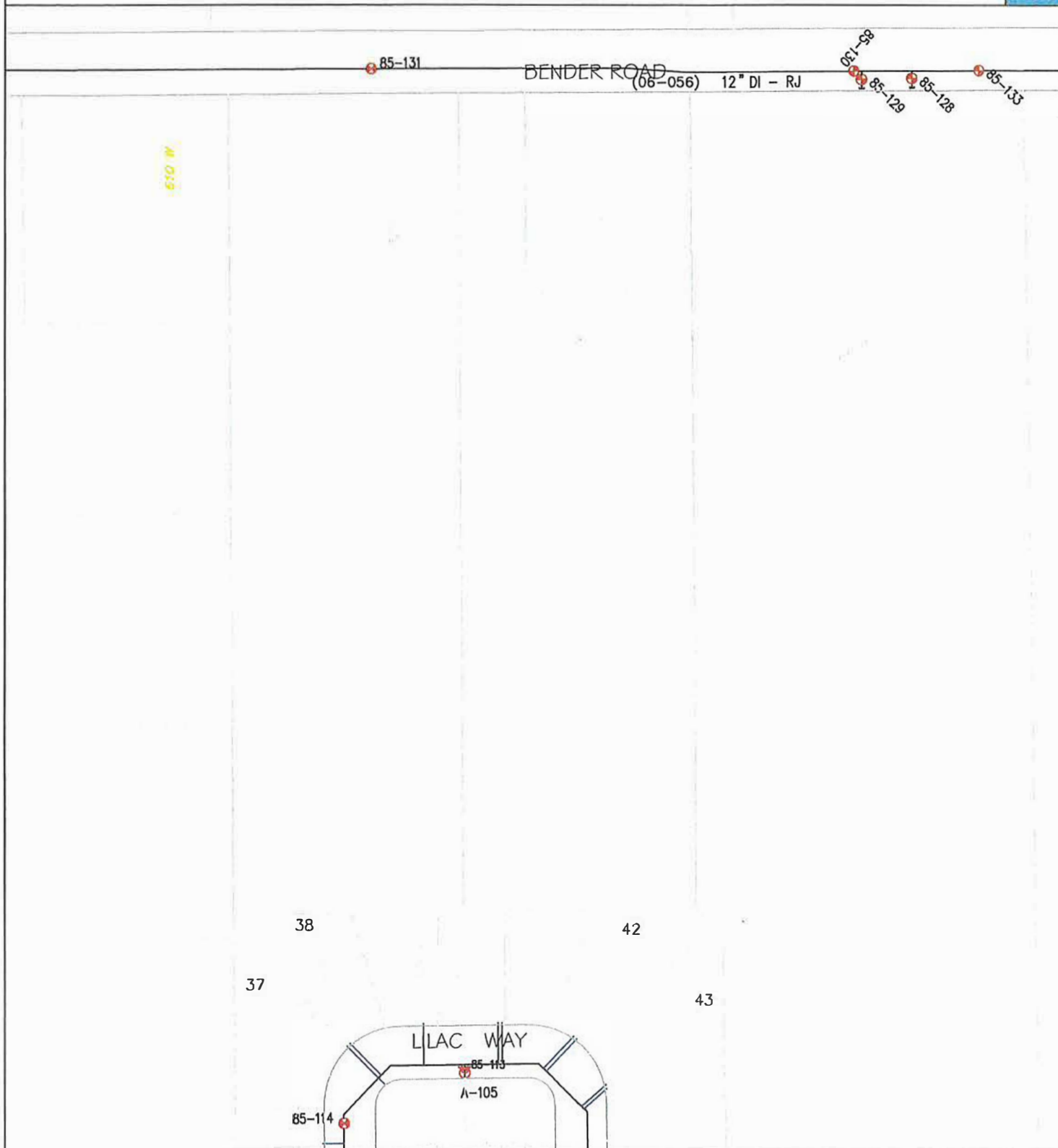
Cc File 21-105





CITY OF ELLENSBURG
PUBLIC WORKS DEPARTMENT
UTILITY MAP REQUEST INFORMATION

W
A
T
E
R



DISCLAIMER:
THE CITY OF ELLENSBURG PUBLIC WORKS DEPARTMENT CANNOT VERIFY THE ACCURACY OF THE UTILITIES REPRESENTED ON THIS PLAN. THEY ARE DISPLAYED FOR EASE OF PLANNING AND INSTALLATION AND ARE BASED UPON THE BEST INFORMATION AVAILABLE. CONTRACTORS AND DEVELOPERS SHOULD REFER TO CIVIL PLANS FOR MOST CURRENT DESIGN REVISION AND CALL 811 BEFORE YOU DIG.

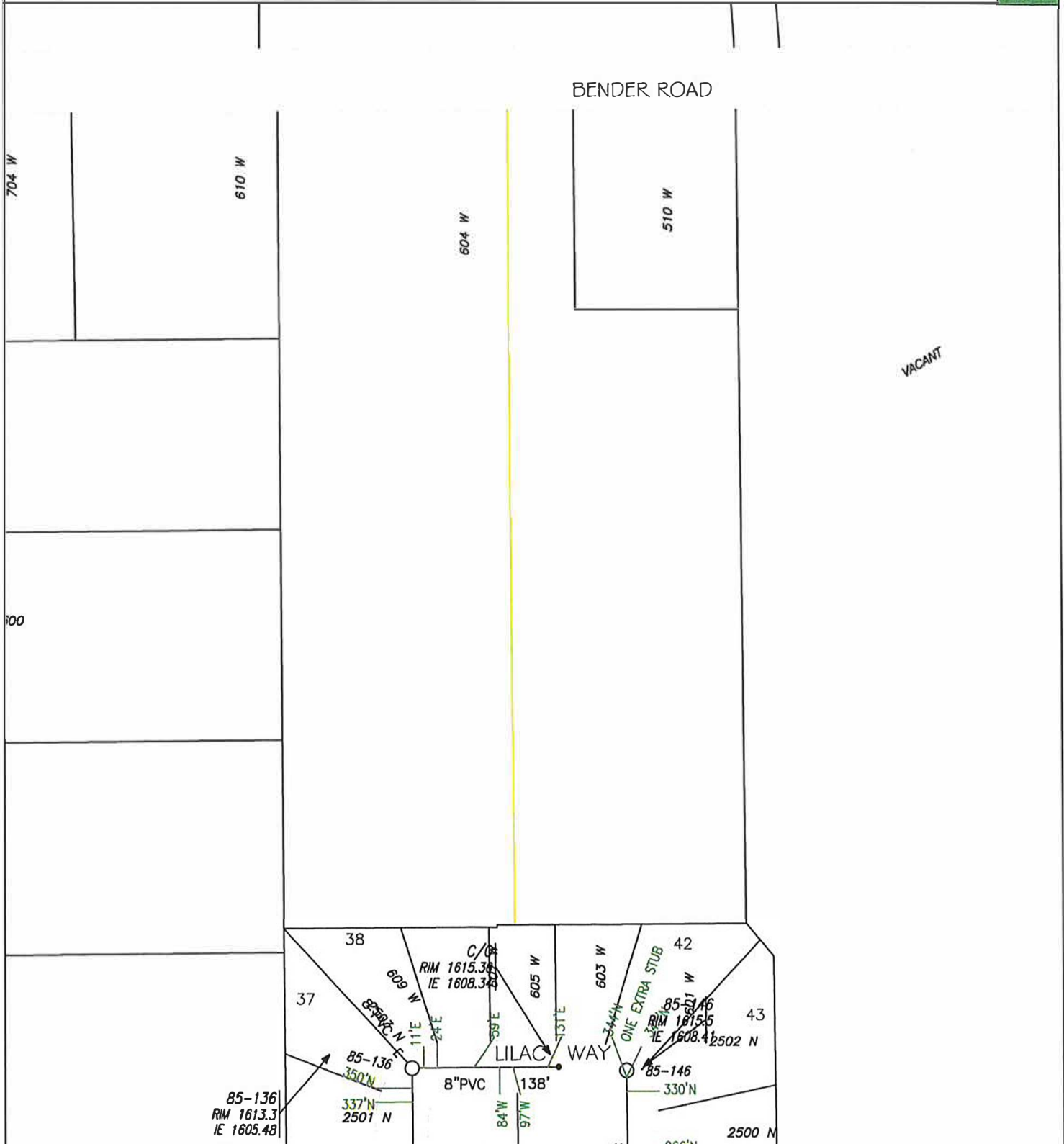


Know what's below.
Call before you dig.



CITY OF ELLENSBURG
PUBLIC WORKS DEPARTMENT
UTILITY MAP REQUEST INFORMATION

SEWER



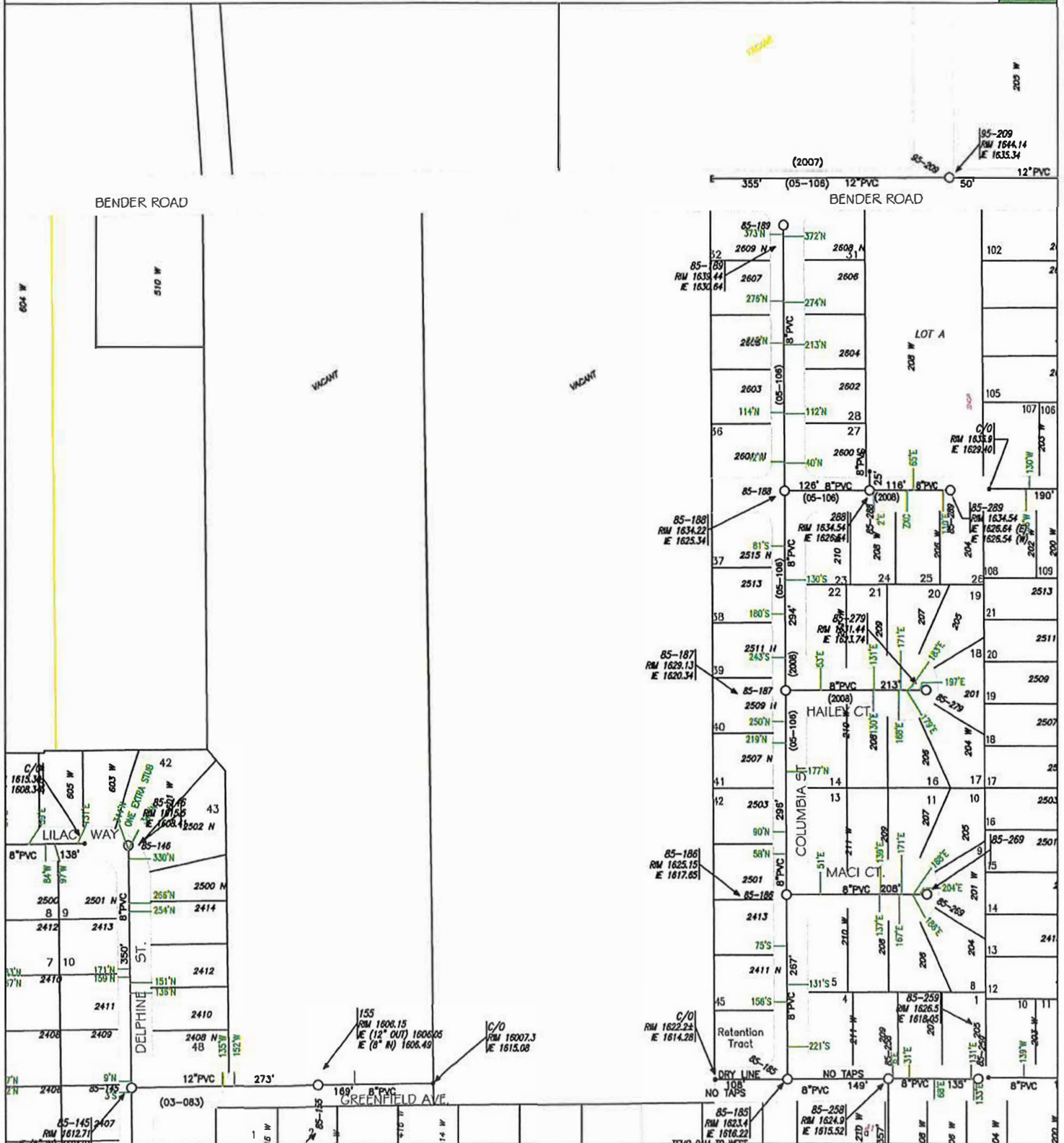
DISCLAIMER:
THE CITY OF ELLENSBURG PUBLIC WORKS DEPARTMENT CANNOT VERIFY THE ACCURACY OF THE UTILITIES REPRESENTED ON THIS PLAN. THEY ARE DISPLAYED FOR EASE OF PLANNING AND INSTALLATION AND ARE BASED UPON THE BEST INFORMATION AVAILABLE. CONTRACTORS AND DEVELOPERS SHOULD REFER TO CIVIL PLANS FOR MOST CURRENT DESIGN REVISION AND CALL 811 BEFORE YOU DIG.





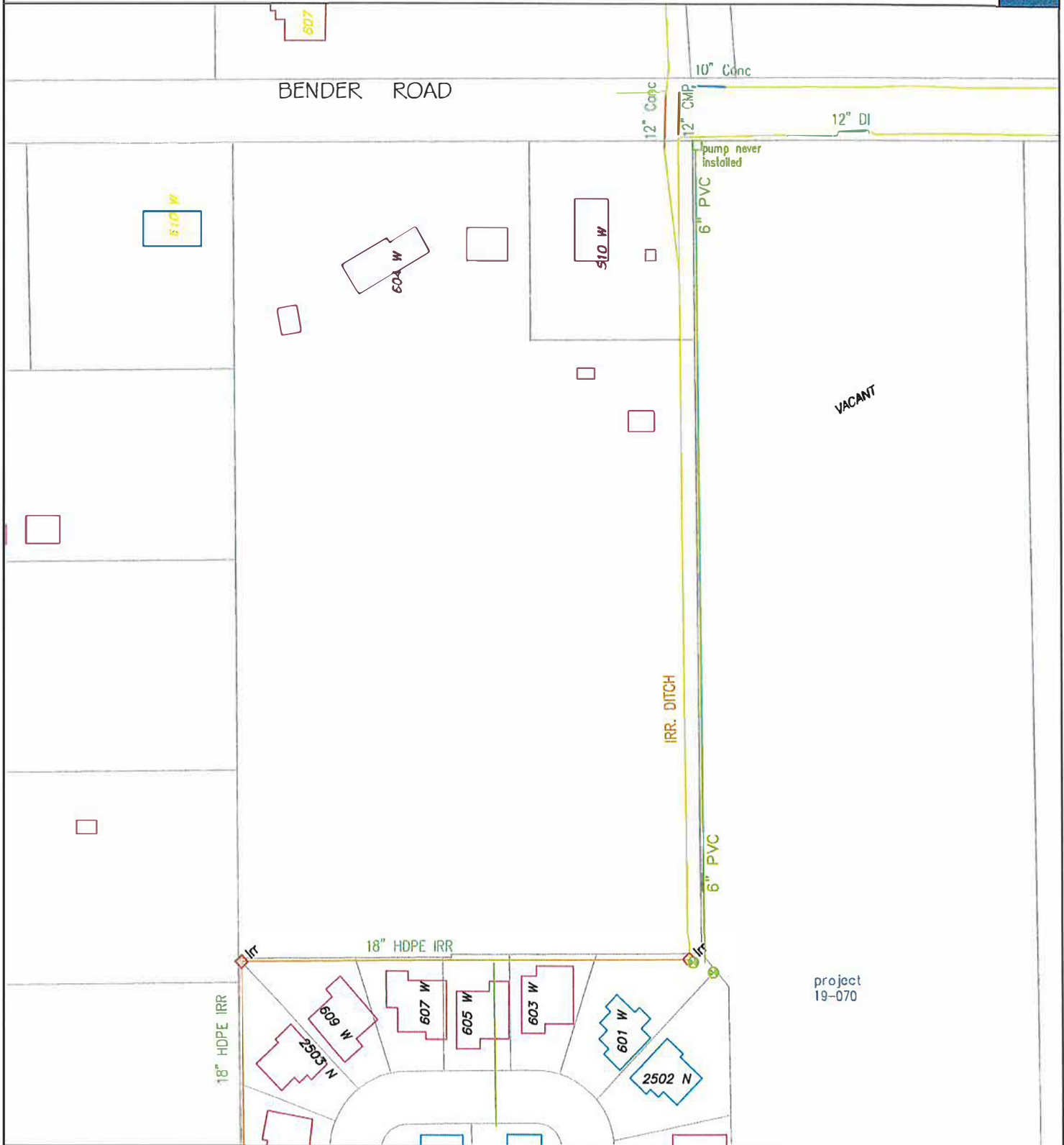
CITY OF ELLENSBURG
PUBLIC WORKS DEPARTMENT
UTILITY MAP REQUEST INFORMATION

SEWER



DISCLAIMER:
THE CITY OF ELLENSBURG PUBLIC WORKS DEPARTMENT CANNOT VERIFY THE ACCURACY OF THE UTILITIES REPRESENTED ON THIS PLAN. THEY ARE DISPLAYED FOR EASE OF PLANNING AND INSTALLATION AND ARE BASED UPON THE BEST INFORMATION AVAILABLE. CONTRACTORS AND DEVELOPERS SHOULD REFER TO CIVIL PLANS FOR MOST CURRENT DESIGN REVISION AND CALL 811 BEFORE YOU DIG.





DISCLAIMER:

THE CITY OF ELLENSBURG PUBLIC WORKS DEPARTMENT CANNOT VERIFY THE ACCURACY OF THE UTILITIES REPRESENTED ON THIS PLAN. THEY ARE DISPLAYED FOR EASE OF PLANNING AND INSTALLATION AND ARE BASED UPON THE BEST INFORMATION AVAILABLE. CONTRACTORS AND DEVELOPERS SHOULD REFER TO CIVIL PLANS FOR MOST CURRENT DESIGN REVISION AND CALL 811 BEFORE YOU DIG.



Know what's below.
Call before you dig.



Fire Marshal
509-856-4455 cell
509-933-7241 office
prevention@kvfr.org

Fire Marshal Preliminary Plat Comments

Project: Katie Meadows Long Plat-Bender Road
Permit#: P21-157
Occupancy Type: R
Date: 3/09/2022

Comments:

- 1) Must meet 2018 IFC and City of Ellensburg Code requirements at the time of construction for the occupancy classification and construction type. Will be required to meet current IFC and City of Ellensburg Code anytime there is a change in occupancy classification.
- 2) Standard Addressing per City Code requirements to include ADU units if applicable.
- 3) Fire dept. access and turnarounds per IFC and Appendix D. Fire department access roads shall be a minimum of 20' wide, access roads shall be a minimum of 26' wide in the vicinity of fire hydrants or meet the City Street Standard if greater. It may be required to post "No Parking Signs" on one or both sides of the fire access road, depending on width. Fire dept. access roads cannot exceed 150' in length without an approved turnaround per IFC Appendix D. The fire access hammerhead shall be required to meet Appendix D requirements including radius. Road surfaces must be rated for a minimum of 75,000 lbs. or City of Ellensburg street standard if it requires a higher rating.
- 4) Per IFC Appendix D107.1 two access roads are required based on the number of lots. D107.2 Remoteness, requires that the two access roads be a minimum of half of the

maximum diagonal of the overall project area when measured in a straight line between the two access roads.

- 5) The site would require additional hydrants meeting the requirements of IFC Appendix B and C and COE code for spacing, quantity, location, and type. Hydrants are required to be spaced every 400-600' on an approved route of travel. Be aware that under COE code if any of the access roads are identified as major or minor arterials, fire hydrants on the opposite side of the street aren't credited.
- 6) Fire flow requirements are a minimum of 1500 gpm for residential occupancies.
- 7) Any phasing of the project would be required to meet IFC requirements for Fire Dept. access, turnarounds, and water supply.

Thank you,



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

CASCADE IRRIGATION DISTRICT

8063 Highway 10
Ellensburg, Washington 98926
509-962-9583

Overview

Cascade Irrigation District will require a \$50 per lot plat fee (*CID Resolution #01-2006*) as well as an engineered irrigation plan based on Cascade Irrigation District specifications (*CID Resolution #3-94 & CID Procedure #1 Standard Specifications for Irrigation Water Distribution Systems*).

The irrigation plan must include the point of entry of irrigation water, the system for provision of irrigation water to each parcel, a description of system proposed, and a description of provisions made including right of ways for the protection of other parcel within Cascade Irrigation District which are affected.

If pressurized pipe is proposed, it must include a sump, pump and the proposed system of water to the sump. (*CID Resolution #03-94 and CID Procedure #1 Standard Specifications for Irrigation Water Distribution Systems*).

Before Cascade Irrigation District can release or sign-off we require 1) approved, inspected and in place irrigation system, or 2) a signed Irrigation Facility Installation Agreement with respective bond covering proposed construction and costs, (*CID Procedure #1*) or 3) a variance. A variance is only by Cascade Irrigation District Board of Directors action after Board of Directors receives, reviews, and approves a formal petition for such.

If the plat is part of or wishes to become part of an existing LID operating within CID, they must complete all work to hook-up to the LID and pay the associated hook-up fees or a signed Irrigation Facility Installation Agreement with respective bond covering proposed construction and costs involved in such hook-up.

If installing a pressurized system not associated with an LID, the Developer will be required to form an owner's association to cover the operating costs and maintenance of the infrastructure. (*CID Resolution #2-2006*)

Attachments: All attachments may be obtained by Dropbox, please call or email Cascade Irrigation District at CID@fairpoint.net for the Dropbox online link to the files OR you may come to our office and pick up hard copies.

Thank you,

Kelton Montgomery
Cascade Irrigation District Manager
509-962-9583



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

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

Proponent: Tyler Glahn, Owner

Date: October 18, 2021

Description: A SEPA Environmental Checklist submitted for a proposed 40-lot subdivision intended for residential lots and single-family homes. Lots will range in size from 3,634 sf to 10,351 sf. The proposed project is located at 604 W Bender Road, on Parcel ID #791133, in Residential Suburban (R-S) zoning. The applicant has proposed main access to the lots from Bender Rd, as a future local access road. 26th Avenue will intersect the proposed access road by running east to west through the proposed development.

Location: The proposed project is located on the south side of Bender Rd, just east of the Bender Rd. and Hannah Rd. intersection, on Parcel ID #791133.

Lead Agency: City of Ellensburg

File #: P21-111

The City of Ellensburg acting as lead agency for this proposal, has determined that the proposal, as mitigated, does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

The lead agency for this proposal has determined that certain **mitigation measures** shall be necessary in order to issue a Determination of Non-Significance for this proposal. Failure to comply with the mitigation measures herein will result in the issuance of a Determination of Significance (DS) for this project. **The mitigation measures include the following conditions which shall apply based on project specific analysis:**

1. The applicant shall comply with all requirements outlined in the City of Ellensburg Public Works division memo, dated 9/20/2021, regarding roadway and access, water, sewer, stormwater and the TIA.
2. The applicant shall comply with all requirements outlined in the City of Ellensburg Fire Marshall's memo, dated 9/23/2021, regarding IFC and City of Ellensburg code requirements.
3. The applicant shall develop civil and building plans that address the stormwater requirements of both the City of Ellensburg and the State Department of Ecology. These shall address any potential for flooding as may be required by Ellensburg City Code Chapter 15.630. Such plans shall be approved by City Staff prior to construction.

4. Per the request of the Department of Archaeology and Historic Preservation (DAHP), email dated 9/22/2021, the applicant shall complete a professional archaeological survey of the property. The completed report shall be sent to all requesting parties, and the City, for review and approval prior to ground disturbing activities.
5. In the event that previously unknown cultural resources or human remains are encountered during the implementation of the project, work in the vicinity of the discovery shall be halted and a professional archaeologist, the Washington State DAHP, and all affected tribes should be consulted before proceeding.
6. The applicant shall comply with all requirements outlined in the Cascade Irrigation District memo, dated 9/9/2021, regarding irrigation on the property.
7. Requirements of all City Departments, the Fire District, all utility providers, and affected agencies must be satisfied, as outlined in adopted City Codes and other regulatory documents.
8. If the applicant wishes to add to, or change, the proposed scope of work included in this application, a new SEPA proposal and/or addendum will need to be submitted to address any changes.

This **Mitigated Determination of Non-significance (MDNS)** is issued using the standard MDNS process under WAC 197-11-350.

Responsible Official: Kirsten Sackett
Title: Community Development Director
Address: City of Ellensburg
Community Development Dept.
501 N. Anderson St.
Ellensburg WA 98926
Phone: (509) 962-7232 Fax: (509) 925-8655

Date: 10-18-21 **Signature:** Kirsten Sackett

Appeals: Following the issuance of this MDNS, is a 14-day appeal period. Pursuant to ECC 15.270.200, appeals must be submitted as required by the City of Ellensburg's administrative appeal procedures for Type II permits per ECC 15.230.040(B), and shall be made to the Hearing Examiner and meet all requirements contained in Chapter 15.230 ECC.

EXHIBIT 1.9

NOTICE OF A PUBLIC HEARING SUBDIVISION REQUEST

NOTICE IS HEREBY GIVEN that the Hearings Examiner for the City of Ellensburg will hold an open record public hearing on Friday March 25, 2022 at 2:00 pm, held both in-person in the Council Chambers AND virtually via Zoom, to consider Application P21-157 submitted by Tyler Glahn, Property Owner for a Preliminary Plat Subdivision. The proposed preliminary plat within the Residential Suburban (R-S) zone is a 40-lot long plat for residential and single family home construction. One lot will accommodate the existing home on 37,079 sf, and the remaining lots will range in size from 3,191 sf to 10,282 sf. The proposed plat will be accessed from Bender road, with multiple interior local access roads serving the lots within the development. The current zoning for the project site, located on Kittitas County Assessor's Parcel ID #791133 is Residential Suburban (R-S). A notice of SEPA Mitigated Determination of Non-Significance (MDNS) was published in the Daily Record on October 18, 2021.

Permit application: December 15, 2021

Determination of completeness: February 09, 2022

Notice of application: February 24, 2022

Comment due date: March 17, 2022

Project Location: The property is addressed as 604 W Bender Road, Ellensburg, WA 98926. Kittitas County Assessor's Parcel ID Number: 791133.

Materials Available for Review: The submitted application and file documents may be examined by the public by visiting the **City of Ellensburg Community Development Department webpage** at <https://www.ci.ellensburg.wa.us/623/Public-NoticesCurrent-Projects>

Written Comments from interested persons will be accepted by email up until 5:00 p.m. on March 17, 2022 by sending them to johnsons@ci.ellensburg.wa.us. Written comments sent via USPS must arrive by the same deadline.

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

Staff contact: Shannon Johnson, Senior Planner johnsons@ci.ellensburg.wa.us

NOTICE IS FURTHER GIVEN that all persons interested in this matter may participate in the Hybrid/REMOTE meeting by contacting Staff no later than 5:00 pm on **Thursday, March 24, 2022**. An email link, text link, or phone number will be provided which will allow for electronic participation in the public hearing. * In-person attendees that are not fully vaccinated will need to wear face coverings.

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. A "Request for Accommodation" form may be obtained from the City Clerk Beth Leader by calling 509-925-8614.

PUBLISH IN LEGAL: **Thursday, February 24, 2022**

AFFIDAVIT OF PUBLICATION

RECEIVED

MAR 02 2022

COMMUNITY DEVELOPMENT

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

CITY OF ELLENSBURG-CITY CLERK
N/PUBLIC HEARING P21-157

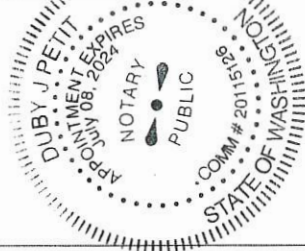
is published in regular issues (and not in supplement form) of said newspaper once a week for a period of 1 consecutive week(s), commencing on the following days.

02/24/22

All dates inclusive and that such newspaper were regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of \$172.81 the rate of \$8.80 per column inch for each insertion.

Michelle Bowman

Subscribed to me this date: 02/24/22



Duby J. Petit

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

Signed Name

Legals

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KITTITAS COUNTY

UMB BANK, NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS LEGAL TITLE TRUSTEE FOR LVS TITLE TRUST XIII,

Cause No.: 15-2-00041-4

vs.

Plaintiff,

UNKNOWN HEIRS AND DEVISEES OF AARON R. BLANCHARD; REBECCA M. BLANCHARD; DR. LISA ANSELMO, NOT INDIVIDUALLY, BUT AS GUARDIAN AD LITEM FOR HUNTER BLANCHARD AND AMALIA BLANCHARD, MINOR CHILDREN; OCCUPANTS OF THE PREMISES,

Defendants.

To: UNKNOWN HEIRS AND DEVISEES OF AARON R. BLANCHARD; REBECCA M. BLANCHARD; DR. LISA ANSELMO, NOT INDIVIDUALLY, BUT AS GUARDIAN AD LITEM FOR HUNTER BLANCHARD AND AMALIA BLANCHARD, MINOR CHILDREN; OCCUPANTS OF THE PREMISES, Judgment Debtors

The Superior Court of Kittitas County has directed the undersigned Sheriff of Kittitas County to sell the property described below to satisfy a judgment in the above-entitled action.

The property to be sold is described as:

Assessor's Parcel/Tax ID Number:

561833 / 17-19-02061-0029

LOT 29, ROSSER ADDITION, AS PER PLAT THEREOF, RECORDED IN VOLUME 7 OF PLATS, PAGES 62, 63, AND 64, RECORD OF KITTITAS COUNTY, STATE OF WASHINGTON

Also commonly known as 302 Barbara Lane, Kittitas, Washington 98934.

The sale of the above-described property is to take place:

Time: 10:00 AM

Date: Friday, April 8, 2022

Place: Kittitas County Courthouse
205 West Fifth Avenue
Ellensburg, Washington 98926

The judgment debtors can avoid the sale by paying the judgment amount of \$193,450.08, together with interest, costs and fees, before the sale date. For the exact amount, contact the sheriff at the address stated below.

Dated this 15th day of February 2022.

Clay Myers, Sheriff of Kittitas County, Washington.

By:

James Canterbury, Civil Deputy
Kittitas County Sheriff's Office
307 W. Umpahum Rd.
Ellensburg, Washington 98926
509-962-7525

PUBLISH: Daily Record: February 17 & 24, 2022 and March 3 & 10, 2022 / LEGAL #: 204219

NOTICE OF A PUBLIC HEARING SUBDIVISION REQUEST

NOTICE IS HEREBY GIVEN that the Hearings Examiner for the City of Ellensburg will hold an open record public hearing on Friday March 25, 2022 at 2:00 pm, held both in-person in the Council Chambers AND virtually via Zoom, to consider Application P21-157 submitted by Tyler Glahn, Property Owner for a Preliminary Plat Subdivision. The proposed preliminary plat within the Residential Suburban (R-S) zone is a 40-lot long plat for residential and single family home construction. One lot will accommodate the existing home on 37,079 sq. ft. and the remaining lots will range in size from 3,191 sq. ft. to 10,232 sq. ft. The proposed plat will be accessed from Bender road, with multiple interior local access roads serving the lots within the development. The current zoning for the project site located on Kittitas County Assessor's Parcel ID #79133 is Residential Suburban (R-S). A notice of SEPA Mitigated Determination of Non-Significance (MDNS) was published in the Daily Record on October 16, 2021.

Permit application: December 15, 2021

Determination of completeness: February 09, 2022

Notice of application: February 24, 2022

Comment due date: March 17, 2022

Project Location: The property is addressed as 604 W Bender Road, Ellensburg, WA 98926. Kittitas County Assessor's Parcel ID Number: 791133.

Materials Available for Review: The submitted application and file documents may be examined by the public by visiting the City of Ellensburg Community Development Department webpage at <https://www.ci.ellensburg.wa.us/623/Public-Notices/Current-Projects>

Written Comments from interested persons will be accepted by email up until 5:00 p.m. on March 17, 2022 by sending them to johnson@ci.ellensburg.wa.us. Written comments sent via USPS must arrive by the same deadline.

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

Staff contact: Shannon Johnson, Senior Planner johnson@ci.ellensburg.wa.us

NOTICE IS FURTHER GIVEN that all persons interested in this matter may participate in the Hybrid/REMOTE meeting by contacting Staff no later than 5:00 pm on Thursday, March 24, 2022. An email link, text link, or phone number will be provided which will allow for electronic participation in the public hearing. * In-person attendees that are not fully vaccinated will need to wear face coverings.

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. A "Request for Accommodation" form may be obtained from the City Clerk Beth Leader by calling 509-925-8614.

PUBLISH: Daily Record: February 24, 2022 / LEGAL #: 207234

Public Notice
Kittitas County, Ellensburg WA

Kittitas County is accepting bid proposals from interested qualified legal newspapers to be the official county newspaper from 7:122 - 6:3023. Sealed bids are due no later than 12:00 pm on Friday March 25, 2022 at which time bids will no longer be accepted and will be opened at that time. Bids will be opened at the Kittitas County Commissioners Office 205 W 5th Ave, #108, Ellensburg, WA.

More information is online at <http://www.co.kittitas.wa.us/polcses/>.

Julie Kioravik
Clerk of the Board

PUBLISH: North Kittitas County Tribune: February 17 & 24, 2022

PUBLISH: Daily Record: February 17 & 24, 2022 / LEGAL #: 204073

Legals

Legals

Legals

Legals

NOTICE TO BIDDERS

CITY OF ELLENSBURG

BID CALL 2021-17
DOLARWAY 115KV CIRCUIT SWITCHER

Sealed bids will be received by the City of Ellensburg at the office of the City Clerk at City Hall, 501 N. Anderson St., Ellensburg, WA 98926, until 3:00 PM on Wednesday, March 9th, 2022, and will then and there be opened and read for the provision of materials. Each bid shall be plainly marked "Bid Call 2021-17 Dolarway 115KV Circuit Switcher". All bid proposals shall be accompanied by a bid proposal deposit in cash, certified check, cashier's check, or surety bond in an amount equal to five percent (5%) of the amount of such bid proposal. Should the successful bidder fail to enter into such contract and furnish satisfactory performance bond within the time stated in the specifications, the bid proposal deposit shall be forfeited to the City of Ellensburg.

The project consists of furnishing one 115KV Circuit Switcher to the City of Ellensburg.

The City of Ellensburg Public Works and Utilities has included standard specifications in this bid. The City of Ellensburg Public Works and Utilities can be reached by telephone, at (509) 962-7124. The City of Ellensburg, Washington, reserves the right to reject any or all bids and to waive irregularities or informalities in the bid or in the bidding. Responsibility and competency of bidders and their subcontractors will be considered in making the award.

The City of Ellensburg in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, Part 21, nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all submitters that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit qualifications in response to this invitation and will not be discriminated against on the grounds of race, color, national origin or sex in considerations for an award.

No bidder may withdraw their bid after the hour set for the opening thereof or before the award of contract, unless said award is delayed for a period exceeding sixty days.

/s/ Derek K Mayo

Derek K Mayo, City Engineering Services Manager

Bid Opening: Wednesday, March 9th, 2022, 3:00 pm

PUBLISH: Seattle Daily Journal: February 17 & 24, 2022

PUBLISH: Daily Record: February 17 & 24, 2022 / LEGAL #: 203507

NOTICE TO BIDDERS

CITY OF ELLENSBURG

BID CALL 2021-18
DOLARWAY 15KV CIRCUIT BREAKER

Sealed bids will be received by the City of Ellensburg at the office of the City Clerk at City Hall, 501 N. Anderson St., Ellensburg, WA 98926, until 3:15 PM on Wednesday, March 9th, 2022, and will then and there be opened and read for the provision of materials. Each bid shall be plainly marked "Bid Call 2021-18 Dolarway 15KV Circuit Breaker". All bid proposals shall be accompanied by a bid proposal deposit in cash, certified check, cashier's check, or surety bond in an amount equal to five percent (5%) of the amount of such bid proposal. Should the successful bidder fail to enter into such contract and furnish satisfactory performance bond within the time stated in the specifications, the bid proposal deposit shall be forfeited to the City of Ellensburg.

The project consists of furnishing two 15kv Circuit Breakers to the City of Ellensburg.

The City of Ellensburg Public Works and Utilities has included standard specifications in this bid. The City of Ellensburg Public Works and Utilities can be reached by telephone, at (509) 962-7124. The City of Ellensburg, Washington, reserves the right to reject any or all bids and to waive irregularities or informalities in the bid or in the bidding. Responsibility and competency of bidders and their subcontractors will be considered in making the award.

The City of Ellensburg in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, Part 21, nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all submitters that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit qualifications in response to this invitation and will not be discriminated against on the grounds of race, color, national origin or sex in considerations for an award.

No bidder may withdraw their bid after the hour set for the opening thereof or before the award of contract, unless said award is delayed for a period exceeding sixty days.

/s/ Derek K Mayo

Derek K Mayo, City Engineering Services Manager

Bid Opening: Wednesday, March 9th, 2022, 3:15 pm

PUBLISH: Seattle Daily Journal: February 17 & 24, 2022

PUBLISH: Daily Record: February 17 & 24, 2022 / LEGAL #: 203512

BEFORE THE KITTITAS COUNTY WATER CONSERVANCY BOARD ELLENSBURG, WASHINGTON

Notice of one (1) Application to Change the Point of Diversion of water right S4-84238-J.

TAKE NOTICE: On December 15, 2020, Trout Unlimited (TU) on behalf of Aaron and Stephanie Royer, and Michelle and David Coburn, filed application number KITT-20-06 with the Kittitas County Water Conservancy Board to change the Point of Diversion (POD) for water right certificate number S4-84238-J (water right). The water right, with a priority date of June 30, 1689, authorizes diversion of 1.0 cubic-foot/second and 54 acre-foot/year from the Yakima River. The currently authorized POD is located at 300 feet north and 1200 feet east from the southwest corner of Section 11, being within the SW1/4 SW1/4 of Section 11, T. 17 N., R. 18 E., W.M. The water right authorizes irrigation of 9 acres and stockwater from April 15 through October 15 within a Place of Use described as the south 495 feet of the NW1/4SE1/4 of Section 13, T. 17 N., R. 18 E.W.M. lying east of Bull Road and north of Tjossem Road, EXCEPT that portion described as follows: Beginning at a point on the east boundary line of said quarter/quarter section which is 30 feet north of the center of the SE1/4 of said section and on the north boundary line of the right of way of the Tjossem County Road; thence N 0°45' W along the east boundary of said quarter/quarter section 495 feet; thence N 88°35' W 287 feet; thence S 0°45' E 355 feet; thence S 88°33' E 117 feet; thence S 0°45' E 100 feet; thence S 88°15' E along the north boundary of said Tjossem Road 170 feet to the point of beginning.

Under KITT-20-06, the applicant proposes to change the POD to two (2) wells located within the Place of Use. Proposed POD #1, on Kittitas County parcel number 998733, is within the NW1/4SE1/4 of Section 13, T. 17 N., R. 18 E.W.M. Proposed POD #2, on Kittitas County parcel number 806336, is within the NW1/4SE1/4 of Section 13, T. 17 N., R. 18 E.W.M. In the event of relinquishment of water associated with S4-84238-J, water from water right S4-84250-J (CS4-00497sb9) will be used to mitigate for any reduction in water associated with said relinquishment allowing the uses under S4-84238-J to continue undiminished and ensuring no impact to other water rights from such continued use.

Any protests or objections to approval of the above-described Board Change Application may be filed with the Washington Department of Ecology and must include a detailed statement of the basis for objections. All letters of protest will become public record. Fees must be paid by check or money order (cash shall not be accepted) and are nonrefundable. Protests must be accompanied by a \$50 recording fee payable to the Washington Department of Ecology Cashiering Unit, P.O. Box 47611, Olympia WA 98504-7611, within 30 days from March 3, 2022.

Any interested party may submit comments, objections, and other information directly to the Board. Comments and information may be submitted in writing or verbally at any public meeting of the Board held to discuss or decide on the Board Change Application. The Board Change Application will be on the Board agenda during its next regular meeting, to be held on Tuesday, March 15, 2022, at 3:00 p.m., and on the third Tuesday of each month thereafter at the same time and place until the Board renders decisions on the Board Change Applications. Additionally, the Board may receive written comments or information within 30 days from March 3, 2022, at its offices located at PO Box 605, Ellensburg, WA 98926.

PUBLISH: Daily Record: February 24, 2022 and March 3, 2022 / LEGAL #: 207064

AMENDED

AMENDMENT (1) TO BID CALL #22-001
- Utility Tree Trimming -

Clarification must be made to the following in the recent Bid Call #22-001:

BID OPENING DATE: Bid opening date has been extended to March 15, 2022 at 3:00 p.m.

Karen Galbraith
Contract Administrator
February 22, 2022

PUBLISH: Daily Record: February 24, 2022 / LEGAL #: 207169



COMMUNITY DEVELOPMENT DEPARTMENT

501 N. Anderson St., Ellensburg WA 98926

Land Use Permitting (509) 962-7231 Construction Permitting (509) 962-7239

Kirsten Sackett, Director

Phone: (509) 962-7232 Fax: (509) 925-8655 E-Mail: sackettk@ci.ellensburg.wa.us

February 23, 2022

RE: Notice of Application and Open Record Public Hearing for Subdivision Application, Case # P21-157, submitted by Tyler Glahn, Property Owner

Dear Property Owner,

Notice is hereby given that the City of Ellensburg has received a Subdivision Permit Application for the following project that may be of interest to you. As a property owner within three hundred feet (300') of this proposal you are invited to comment on it.

Date of application: December 15, 2022

Date of notice of complete application: February 9, 2022

Comments due date: March 17, 2022

Project Applicant: Submitted by Tyler Glahn, Property Owner.

Project Description: **Case # P21-157;** a Preliminary Long Plat Subdivision. Tyler Glahn, Property Owner for a Preliminary Plat Subdivision. The proposed preliminary plat within the Residential Suburban (R-S) zone is a 40-lot long plat for residential and single family home construction. One lot will accommodate the existing home on 37,079 sf, and the remaining lots will range in size from 3,191 sf to 10,282 sf. The proposed plat will be accessed from Bender road, with multiple interior local access roads serving the lots within the development. The current zoning for the project site, located on Kittitas County Assessor's Parcel ID #791133 is Residential Suburban (R-S). A notice of SEPA Mitigated Determination of Non-Significance (MDNS) was published in the Daily Record on October 18, 2021.

NOTICE IS HEREBY GIVEN that an **Open Record Public Hearing** has been scheduled before the Ellensburg Hearing Examiner for **Friday, March 25, 2022 at 2:00 pm** to consider Long Plat Subdivision Application, P21-157. The hearing will be held both remotely via Zoom and in Council Chambers for those wishing to attend in person. *In-person attendees that are not fully vaccinated will need to wear face coverings.

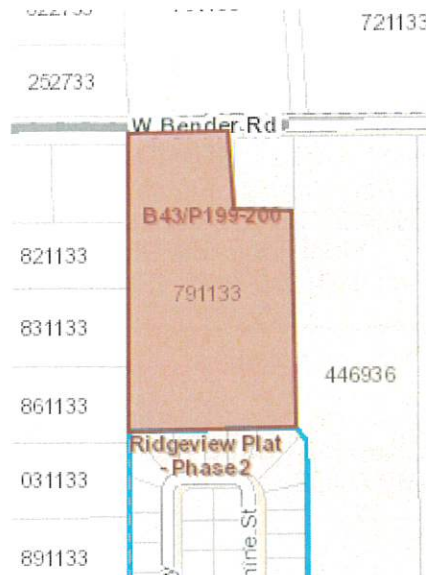
P21-157
CERTIFICATE OF TRANSMITTAL

On this day, the undersigned sent to the addressee(s) the original document(s) by U.S. Mail.

I certify under penalty of perjury under the laws of the State of WA that the forgoing is true and correct.

Date 2/23/22 Signed

Alivia Uri



Project Location: The property is addressed as 604 W Bender Road, Ellensburg, WA 98926. Kittitas County Assessor's ID# 791133 as seen in the map above.

Materials Available for Review: The submitted application and file documents may be examined by the public by visiting the **City of Ellensburg Community Development Department webpage** at <https://www.ci.ellensburg.wa.us/623/Public-NoticesCurrent-Projects>

Written Comments: The public is encouraged to review and comment on the proposed project. **Comments must be submitted in writing by 5:00 pm on Thursday, March 17, 2022 by either:**

Mail delivery postmarked by the deadline, addressed to:

- 1) City of Ellensburg Community Development Department
501 N Anderson Street, Ellensburg, WA 98926 or
- 2) Via email by 5:00 pm on the deadline, to the staff contact listed below

NOTICE IS FURTHER GIVEN that all persons interested in this matter may participate in the Hybrid meeting by contacting Staff no later than 5:00 pm on Thursday, March 24. An email link, text link, or phone number will be provided which will allow for electronic participation in the public hearing.

Staff contact: Shannon Johnson, Senior Planner. Email: johnsons@ci.ellensburg.wa.us

Sincerely,

Shannon D. Johnson
Shannon D. Johnson
Senior Planner

JOHNSON, TODD H
2500 N DELPNINE ST
ELLENSBURG, WA 98926-2371

CALLAHAN, SHAUN S & HILARY
2998 W PHILLIPS RD
OTHELLO, WA 99344

STAWICKI, CAROL V
607 W BENDER RD
ELLENSBURG, WA 98926

FISCHER, RICHARD A & PATRICIA K
505 W BENDER RD
ELLENSBURG, WA 98926-9487

BALL, MICHAEL A & LYNETT L
2606 N HANNAH RD
ELLENSBURG, WA 98926-9402

HADDON, JOHN ETUX
2501 N DELPHINE ST
ELLENSBURG, WA 98926

HUFF, JULIE A & CHARLES
2501 N LILAC WAY
ELLENSBURG, WA 98926-2391

DAY, CATHERINE A &
COPPIN, PAUL L
503 W BENDER RD
ELLENSBURG, WA 98926-9487

ROBERTS, JULIANNE E
2414 N DELPHINE ST
ELLENSBURG, WA 98926-2319

CLAUSSEN, AMY L ETVIR
2503 N LILAC WAY
ELLENSBURG, WA 98926-2391

WEIDERT, WAYNE E
37419 SE FURY ST
SNOQUALMIE, WA 98065-5100

GOLDEN ACRES LLC
PO BOX 1092
EPHRATA, WA 98823-1092

KISER, JENNA M
601 W LILAC WAY
ELLENSBURG, WA 98926-2390

MCCABE, STEVEN L
PO BOX 1015
IDAHO CITY, ID 83631-1015

BEACH, PAUL & SANDRA
510 W BENDER RD
ELLENSBURG, WA 98926-9487

KERNAN, GARRY L & PATRICIA A
2418 N HANNAH RD
ELLENSBURG, WA 98926-9401

TOLMAN, ROSCO N
704 W BENDER RD
ELLENSBURG, WA 98926-9484

MCDONALD, JASON
610 W BENDER RD
ELLENSBURG, WA 98926-9486

LOWERY, ROBERT ETUX
2714 PIONEER RD
ELLENSBURG, WA 98926

MORGENSTERN, ALEXANDRA
32765 142ND ST SE
SULTAN, WA 98294-5011

PATRY, ROGER & MARGARET
PO BOX 1172
EPHRATA, WA 98823-1172

LEE, HYUN O & KIM, HYUN JU
603 W LILAC WAY
ELLENSBURG, WA 98926-2390

FINCH, WILLIAM S SR & SHERRY J
605 W LILAC WAY
ELLENSBURG, WA 98926-2390

BDN PROPERTIES LLC
PO BOX 926
ELLENSBURG, WA 98926-1924

FINN, DONALD L ETUX
2415 N LILAC WAY
ELLENSBURG, WA 98926

HILL, LARRY & CHERYL K
2500 N LILIAC WAY
ELLENSBURG, WA 98926-2391

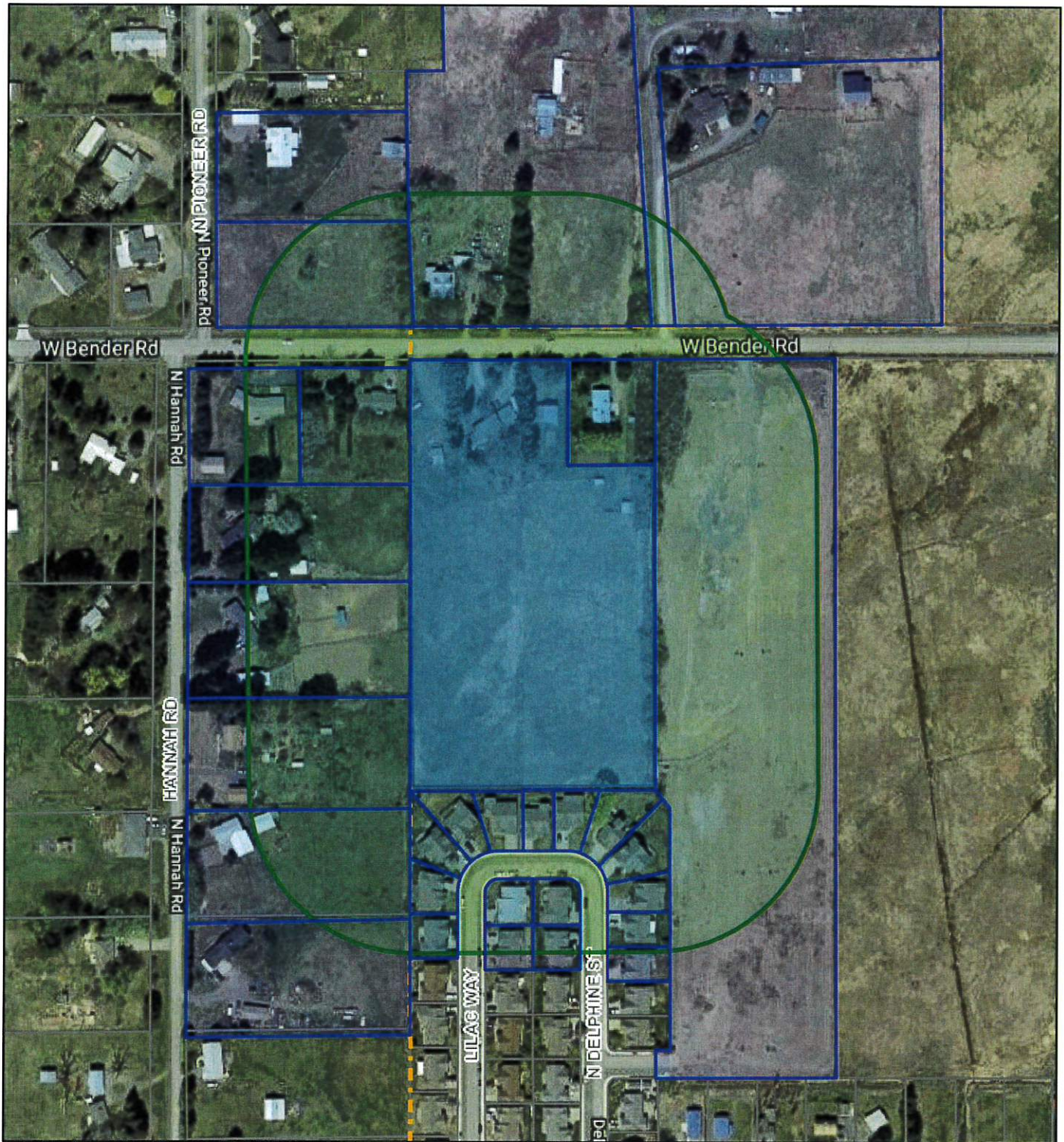
CRYTYL ENTERPRISES INC
PO BOX 454
ELLENSBURG, WA 98926-1915

GUSTAFSON, PHILIP & ROBERTA
607 W LILAC WAY
ELLENSBURG, WA 98926-2390

HAYNES, JACOB STANLEY &
LEA E M HAYNES
3631 E SPOKANE ST
TACOMA, WA 98404-3027

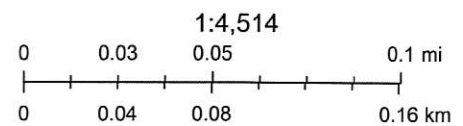
ROTTER, JOE & KELLY M
2600 HANNAH RD
ELLENSBURG, WA 98926-9402

eburg map



2/10/2022, 11:11:55 AM

- Urban Growth Area
- City Limits



© OpenStreetMap (and) contributors, CC-BY-SA


COMMUNITY DEVELOPMENT DEPARTMENT

501 N. Anderson St, Ellensburg WA 98926

Land Use Permitting (509) 962-7231 Construction Permitting (509) 962-7239

Kirsten Sackett, Director

Phone: (509) 962-7232 Fax: (509) 925-8655 E-Mail: sackettk@ci.ellensburg.wa.us

AFFIDAVIT OF POSTING

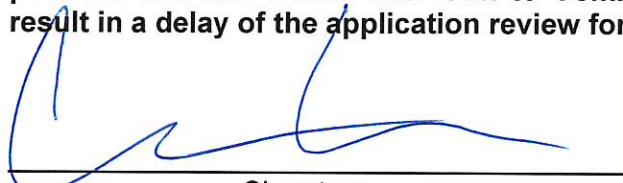
The Ellensburg City Code requires that all projects requiring Type IV Permit Review to have a notice sign posted at the site of the project. Per ECC 15.270.140, the following shall apply:

1. The posting of a weather-resistant sign or signs on the subject property, visible to members of the public who may be passing on nearby public rights-of-way and free from obstructions.
2. If the project abuts more than one public right-of-way (ROW), more than one sign will be required; one per ROW, as determined by the responsible official.
3. **The responsibility for the posting of the sign or signs shall be upon the project applicant or his or her agent.**
4. The sign matrix provided by Planning Dept. Staff, shall be made into a sign or signs at least two feet by three feet (2' x 3') in size.

DATE: February 24, 2022	PLANNER: Shannon Johnson – Senior Planner
PROJECT NAME AND SUMMARY: Type IV Preliminary Plat Review – HE <u>Open</u> <u>Record Public Hearing</u> for the proposed 40 Lot Long Plat at 406 W Bender Rd, Ellensburg WA 98926.	FILE NUMBER: P21-157

PLEASE COMPLETE THE FOLLOWING:

I, Chris Lagasse, certify that I am the landowner and/or authorized agent responsible for the posting of this land use project site and further certify that the site has been posted as required by Ellensburg City Code. I understand that the posting period begins immediately and ends after the ending of the appeal period on the final decision by the City Council and the sign(s) will be posted at the site until this time. **Failure to post the site and return this form to Community Development in a timely manner will result in a delay of the application review for the project.**


 Signature

3/27, 20 22

Please return the above **affidavit and photograph(s) of the posted notice sign board(s)** to:
 Shannon Johnson, Senior Planner, 509-962-7108, via email: johnsons@ci.ellensburg.wa.us ;
 Fax: 509-925-8655; or mail to: Community Development Dept., City Hall, 501 N. Anderson St.,
 Ellensburg, WA 98926.

Shannon Johnson

From: Tyler Glahn <tylerglahn@gmail.com>
Sent: Wednesday, March 2, 2022 4:17 PM
To: Shannon Johnson
Subject: [Ext]

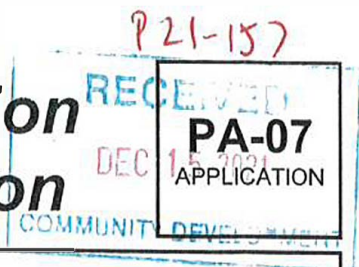
CAUTION - EXTERNAL EMAIL: The email below is from an external source. Please exercise caution before opening attachments, clicking links, fulfilling requests, or following guidance.



Sent from my iPhone



Preliminary Subdivision (Long Plat) Application



Community Development Department

501 N. Anderson, Ellensburg, WA 98926 (509) 962-7239 (Building) (509) 962-7231 (Planning) commdev@ci.ellensburg.wa.us

A pre-application meeting is required prior to submitting a Long Plat application. Land Subdivisions that create 10 or more lots (referred to as long plats) are subject to the Type IV review process as set forth in Chapter 15.210 ECC. Subdivisions that are granted preliminary approval shall be effective for a period set forth in RCW 58.17.140, during which time the final subdivision application shall be submitted for approval and recording.

Application Fee: \$1200 (Pre-App Fee: \$500 may be applied here also)

In addition to the existing application fee, the applicant shall be required to pay a \$600 Hearing Examiner fee. If the Hearing Examiner fee is less than \$600, the difference shall be returned to the applicant. If the Hearing Examiner fee exceeds \$600, the additional cost shall be billed to and paid by the applicant.

The Planning Division will be unable to accept your Long Plat Application Form if you fail to provide ALL of the following required material.

OFFICIAL USE ONLY:

Staff Person:	AW
Date Submitted:	12-15-21
Fee Total:	1800.00
FILE #:	P21-157
Associated Permit File #:	P21-111 P21-087

PROPERTY OWNER: (Note: If the Applicant is not the Owner, attach written authorization from the legal owner(s).)

Legal Owner Name(s):	Crytyl Enterprises INC	Day Phone:	
Mailing Address:	PO Box 454 E-Burg 98926		
E-mail:	tylerglahn@gmail.com	Cell Phone:	360 220 6518
*APPLICANT:	☐ Owner ☐ Contractor ☐ Tenant ☐ Other		
Name:	Crytyl Enterprises INC	Day Phone:	
Mailing Address:	PO Box 454 E-Burg 98926		
E-mail:	tylerglahn@gmail.com	Cell Phone:	
CONTACT PERSON:	☐ Owner ☐ Contractor ☐ Tenant ☐ Other		
Name:	Tyler Glahn	Day Phone:	
Mailing Address:	PO Box 454 E-Burg 98926		
E-mail:	tylerglahn@gmail.com	Cell Phone:	360 220 6518

PROJECT INFORMATION:

Parcel Number(s) of Site:	791133
Site Address (if any):	604 W Bender RD Ellensburg
City Zoning Designation:	Residential Suburban

(OVER)

PROJECT INFORMATION:

Ellensburg City Code 15.260.120 requires that application for short plats may only be approved if/all the following are satisfied

Application contents. Applications for a preliminary subdivision shall contain the following:

1. The minimum application requirements set forth in ECC 15.220.020 and a completed subdivision application form provided by the department, which shall include the signatures of all owner's of interest in the land involved in the preliminary subdivision;
2. Payment of a the application fee in the amount established in the city's adopted fee schedule; ✓
3. A completed SEPA Checklist and payment of the SEPA application fee; ✓
4. A completed critical area information form or critical area report pursuant to ECC Article 6, if applicable; ✓
5. A title report of the property to be subdivided; ✓
6. A recorded copy of the deed for the property to be subdivided; ✓
7. Copies of all existing or proposed restrictive covenants involving the land within the proposed subdivision; ✓ none
8. Names and addresses of the owner(s) of the property to be subdivided and of any person or entity holding an interest in the property as identified on the title report in sub-section 5 above; city
9. Names and addresses of all property owners within 300 feet of the boundaries of the proposed subdivision as those names appear on the records of the Kittitas County Assessor; city
10. The preliminary subdivision plat drawing which shall comply with all general drafting standards and Tier 3 drafting guidelines required by the city's public works development standards – Section 5 - drafting standards. Five copies of the drawing shall be provided with the application, along with an electronic copy on CD media in a format readable by the city's current version of AutoCAD, and one reduced copy not to exceed 11-inches by 17-inches. In addition to the drafting standards set forth in the city's public works development standards, such drawing shall clearly show the following:
 - a. Vicinity sketch showing the parcel boundaries and the major street system, with street names, within a one-quarter-mile radius;
 - b. Zoning of the property proposed for subdivision;
 - c. Location and size of existing and proposed utilities, railroads, and irrigation rights-of-way on the property proposed for subdivision;
 - d. Plan view of proposed streets, their names and widths, pedestrian ways, all utilities and easements;
 - e. Location and size of all proposed ditches, culverts, catch basins, detention or retention ponds or other parts of the design for the control of surface water drainage;
 - f. Approximate boundaries of all areas subject to irrigation or storm water overflow;
 - g. Location, width and direction of flow of all watercourses on the site; and
 - h. Location and identification of all critical areas, including associated buffers, on the property proposed for subdivision or on adjacent properties, as required by ECC Article 6;
11. Preliminary grading plan pursuant to public works department requirements;
12. Preliminary storm water plan pursuant to public works department requirements;
13. Preliminary landscaping plan pursuant to Articles 4 and 5 of this title;
14. A narrative addressing ownership and maintenance of open spaces, stormwater facilities, public trails and critical areas, and the applicable approval criteria and standards of the Ellensburg Municipal Code. It should also address any proposed building conditions or restrictions;
15. Transportation study, if required by the public works department;
16. Location of any proposed building envelopes on the lots being created; and
17. Any other information in the opinion of the director which is necessary to determine if the proposed subdivision makes appropriate provisions for physical problems or hazards involving public health, safety and/or welfare.

SIGNATURE OF LEGAL OWNER or REPRESENTATIVE AS AUTHORIZED BY THE LEGAL OWNER:

I, Tyler Glahn, (print name) affirm that the above responses are made truthfully and to the best of my knowledge. I hereby apply for this permit application and acknowledge that I have read this application and state that the information is correct and that I agree to comply with all city ordinances pertaining to this permit if granted.

I further affirm that I am the owner of record of the area proposed for the above-identified land use action or, if not the owner, attached herewithin is written permission from the owner(s) authorizing my actions on his/her/their behalf.

Signature of Legal Owner:
(or Authorized Agent)



Date:

Shannon D Johnson
Senior Planner
City of Ellensburg
501 N Anderson
Ellensburg WA 98926

January 3rd, 2022

Tyler Glahn
Crytly Enterprises Inc
PO Box 454
Ellensburg WA 98926

Katie Meadows Narrative

Katie meadows is a 40-lot plat located at 604 Bender rd. The plat will have minimal open spaces. The only open space will be either on a separate parcel as show on lot B, or that parcel could be included with the boundaries of lots 10 and 9. In this situation, an easement for that storm area would be recorded to benefit the entire plat on lots 10 and 9. Maintenance of this area will be the responsibility of the HOA and the homeowner's individual parcels along with lot 9 and 10. The covenants for this plat will address storm retention and the maintenance of this space. Additionally, there will be some language about noise, waste, and presentation of each parcel. No restrictions on home construction on the lots will be added on the parcels at this time, given that it is the intent of Crytly Enterprises to build all the homes. No Trails or critical areas exist in this plat.

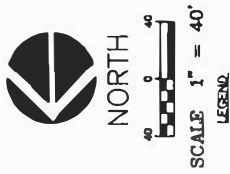
Tyler Glahn

President,

Crytly Enterprises inc

KATIE MEADOWS PRELIMINARY PLAT
A PORTION OF THE NW 1/4 OF THE SE 1/4 OF SECTION 26
TOWNSHIP 11 NORTH, RANGE 14 EAST, 10M.
CITY OF ELLENSBURG, KITTITAS COUNTY

ADJACENT SURVEY BOOK 29, PAGE 88



LEGEND
ROAD RIGHT PM
SET BACK PM
PROPERTY LINE
EXISTING ASPHALT
PROPOSED ASPHALT
PROPOSED SIDEWALK
PROPOSED LOT LINE
PROPOSED STREET LINE

OWNER/DEVELOPER:
CRYSTAL ENTERPRISES, INC.
P.O. BOX 454, ELLENSBURG, WA 98926

ENGINEER:
DAVID E. BARNES, INC.
P.O. BOX 100, ELLENSBURG, WA 98926

SURVEYOR:
DAVID E. BARNES, INC.
P.O. BOX 100, ELLENSBURG, WA 98926

ZONING:
RS-1 (RESIDENTIAL SINGLE-FAMILY)

22	23	24
27	28	25
34	35	36

SECTION MAP
NOT TO SCALE



VICINITY MAP
NOT TO SCALE



Know when below.
Call before you dig.

DESCRIPTION OF EXISTING CONDITIONS
LOCAL ROAD
EXISTING SURVEY AS RECORDED IN 1988 IN BOOK 14 OF RECORDS, TOWNSHIP 11 NORTH, RANGE 14 EAST, 10M. A PORTION OF THE NE 1/4 OF SECTION 26, TOWNSHIP 11 NORTH, RANGE 14 EAST, 10M. IS THE SUBJECT OF A PRELIMINARY PLAT RECORDED IN BOOK 29 OF RECORDS, PAGE 88.

CERTIFICATE OF KITTITAS COUNTY TREASURER
I HEREBY CERTIFY THAT ALL STATE AND COUNTY TAXES HEREON DUE AGAINST THE PLATTED LOTS, BLOCKS AND RECORDS OF ANY OFFICE HAVE BEEN PAID IN FULL TO THE KITTITAS COUNTY TREASURER.
KITTITAS COUNTY TREASURER
CRYSTAL ENTERPRISES, INC.
DATE

CERTIFICATE OF KITTITAS COUNTY ENGINEER
THIS PRELIMINARY PLAT MEETS ALL MINIMUM REQUIREMENTS AND STANDARDS OF THE CASCADE REGULATION DISTRICT.
CASCADE REGULATION DISTRICT
DATE

APPROVALS:
CITY ENGINEER
CITY CLERK
PUBLIC WORKS DIRECTOR
COMMUNITY DEVELOPMENT DIRECTOR
MAYOR

RECORDS CERTIFICATE
FILED FOR RECORD THIS _____ DAY OF _____ 2022 AT _____ IN BOOK _____ AT PAGE _____ AT THE REQUEST OF _____
SURVEYOR'S NAME
COUNTY AUDITOR
DATE

CRYSTAL ENTERPRISES, INC.
P.O. BOX 454, ELLENSBURG, WA 98926

KATIE MEADOWS SUBDIVISION
ELLENSBURG, WA

DATE

COMMENTS

REVISIONS

DATE

COMMENTS

REVISIONS

DATE

COMMENTS

REVISIONS

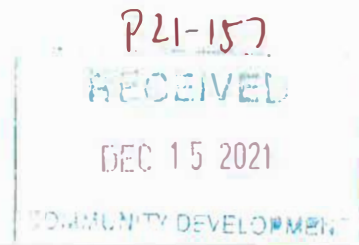
DATE

COMMENTS

REVISIONS



101 W Fifth Ave., Ellensburg, WA 98926
Phone: (509)925-1477 Fax: (509)962-8325



August 9, 2021

Crytly Enterprises, Inc., a Washington corporation
PO Box 454
Ellensburg, WA 98926

File No.: 463543AM

We enclose herewith the following:

Policy of Title Insurance

Thank you for doing business with us. We hope to be of service to you again.

Sincerely,
AmeriTitle, LLC



Owner's Policy of Title Insurance

ISSUED BY

First American Title Insurance Company

POLICY NUMBER

5011400-2126740

Owner's Policy

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at the address shown in Section 18 of the Conditions.

COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation (the "Company") insures, as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from
 - (a) A defect in the Title caused by
 - (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
 - (ii) failure of any person or Entity to have authorized a transfer or conveyance;
 - (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
 - (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
 - (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
 - (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
 - (vii) a defective judicial or administrative proceeding.
 - (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
 - (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.

(Covered Risks Continued on Page 2)

In Witness Whereof, First American Title Insurance Company has caused its corporate name to be hereunto affixed by its authorized officers as of Date of Policy shown in Schedule A.

First American Title Insurance Company

For Reference:

File #: 463543AM



Dennis J. Gilmore
Dennis J. Gilmore
President

Timothy Kemp
Timothy Kemp
Secretary

(This Policy is valid only when Schedules A and B are attached)

This Jacket was created electronically and constitutes an original document

Copyright 2006-2009 American Land Title Association. All rights reserved. The use of this form is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.

COVERED RISKS (Continued)

5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (a) the occupancy, use, or enjoyment of the Land;
 - (b) the character, dimensions, or location of any improvement erected on the Land;
 - (c) the subdivision of land; or
 - (d) environmental protectionif a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.
6. An enforcement action based on the exercise of a governmental police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.
7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.
9. Title being vested other than as stated in Schedule A or being defective
 - (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting Title as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws; or
 - (b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records
 - (i) to be timely, or
 - (ii) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.
10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this Policy, but only to the extent provided in the Conditions.

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy.
- (c) resulting in no loss or damage to the Insured Claimant;
- (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
- (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

CONDITIONS

1. DEFINITION OF TERMS

The following terms when used in this policy mean:

- (a) "Amount of Insurance": The amount stated in Schedule A, as may be increased or decreased by endorsement to this policy, increased by Section S(b), or decreased by Sections 10 and 11 of these Conditions.
- (b) "Date of Policy": The date designated as "Date of Policy" in Schedule A.
- (c) "Entity": A corporation, partnership, trust, limited liability company, or other similar legal entity.
- (d) "Insured": The Insured named in Schedule A.
 - (i) The term "Insured" also includes
 - (A) successors to the Title of the Insured by operation of law as distinguished from purchase, including heirs, devisees, survivors, personal representatives, or next of kin;
 - (B) successors to an Insured by dissolution, merger, consolidation, distribution, or reorganization;
 - (C) successors to an Insured by its conversion to another kind of Entity;
 - (D) a grantee of an Insured under a deed delivered without payment of actual valuable consideration conveying the Title
 - (1) if the stock, shares, memberships, or other equity interests of the grantee are wholly-owned by the named Insured,
 - (2) if the grantee wholly owns the named Insured,
 - (3) if the grantee is wholly-owned by an affiliated Entity of the named Insured, provided the affiliated Entity and the named Insured are both wholly owned by the same person or Entity, or
 - (4) if the grantee is a trustee or beneficiary of a trust created by a written instrument established by the Insured named in Schedule A for estate planning purposes.
 - (ii) With regard to (A), (B), (C), and (D) reserving, however, all rights and defenses as to any successor that the Company would have had against any predecessor Insured.
- (e) "Insured Claimant": An Insured claiming loss or damage.
- (f) "Knowledge" or "Known": Actual knowledge, not constructive knowledge or notice that may be imputed to an Insured by reason of the Public Records or any other records that impart constructive notice of matters affecting the Title.
- (g) "Land": The land described in Schedule A, and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is insured by this policy.
- (h) "Mortgage": Mortgage, deed of trust, trust deed, or other security instrument, including one evidenced by electronic means authorized by law.
- (i) "Public Records": Records established under state statutes at Date of Policy for the purpose of imparting constructive notice

of matters relating to real property to purchasers for value and without Knowledge. With respect to Covered Risk 5(d), "Public Records" shall also include environmental protection liens filed in the records of the clerk of the United States District Court for the district where the Land is located.

- G) "Title": The estate or interest described in Schedule A.
- (k) "Unmarketable Title": Title affected by an alleged or apparent matter that would permit a prospective purchaser or lessee of the Title or lender on the Title to be released from the obligation to purchase, lease, or lend if there is a contractual condition requiring the delivery of marketable title.

2. CONTINUATION OF INSURANCE

The coverage of this policy shall continue in force as of Date of Policy in favor of an Insured, but only so long as the Insured retains an estate or interest in the Land, or holds an obligation secured by a purchase money Mortgage given by a purchaser from the Insured, or only so long as the Insured shall have liability by reason of warranties in any transfer or conveyance of the Title. This policy shall not continue in force in favor of any purchaser from the Insured of either (i) an estate or interest in the Land, or (ii) an obligation secured by a purchase money Mortgage given to the Insured.

3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT

The Insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 5(a) of these Conditions, (ii) in case Knowledge shall come to an Insured hereunder of any claim of title or interest that is adverse to the Title, as insured, and that might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if the Title, as insured, is rejected as Unmarketable Title. If the Company is prejudiced by the failure of the Insured Claimant to provide prompt notice, the Company's liability to the Insured Claimant under the policy shall be reduced to the extent of the prejudice.

4. PROOF OF LOSS

In the event the Company is unable to determine the amount of loss or damage, the Company may, at its option, require as a condition of payment that the Insured Claimant furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, or other matter insured against by this policy that constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage.

5. DEFENSE AND PROSECUTION OF ACTIONS

- (a) Upon written request by the Insured, and subject to the options contained in Section 7 of these Conditions, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an Insured in litigation in which any third party asserts a claim covered by this policy adverse to the Insured. This obligation is limited to only those stated causes of action alleging matters insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the Insured to object for reasonable cause) to represent the Insured as to those stated causes of action. It shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs, or expenses incurred by the Insured in the defense of those causes of action that allege matters not insured against by this policy.

- (b) The Company shall have the right, in addition to the options contained in Section 7 of these Conditions, at its own cost, to institute and prosecute any action or proceeding or to do any other act that in its opinion may be necessary or desirable to establish the Title, as insured, or to prevent or reduce loss or damage to the Insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable to the Insured. The exercise of these rights shall not be an admission of liability or waiver of any provision of this policy. If the Company exercises its rights under this subsection, it must do so diligently.
- (c) Whenever the Company brings an action or asserts a defense as required or permitted by this policy, the Company may pursue the litigation to a final determination by a court of competent jurisdiction, and it expressly reserves the right, in its sole discretion, to appeal any adverse judgment or order.

6. DUTY OF INSURED CLAIMANT TO COOPERATE

- (a) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding and any appeals, the Insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, including the right to use, at its option, the name of the Insured for this purpose. Whenever requested by the Company, the Insured, at the Company's expense, shall give the Company all reasonable aid (i) in securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act that in the opinion of the Company may be necessary or desirable to establish the Title or any other matter as insured. If the Company is prejudiced by the failure of the Insured to furnish the required cooperation, the Company's obligations to the Insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.
- (b) The Company may reasonably require the Insured Claimant to submit to examination under oath by any authorized representative of the Company and to produce for examination, inspection, and copying, at such reasonable times and places as may be designated by the authorized representative of the Company, all records, in whatever medium maintained, including books, ledgers, checks, memoranda, correspondence, reports, e-mails, disks, tapes, and videos whether bearing a date before or after Date of Policy, that reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Insured Claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect, and copy all of these records in the custody or control of a third party that reasonably pertain to the loss or damage. All information designated as confidential by the Insured Claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Insured Claimant to submit for examination under oath, produce any reasonably requested information, or grant permission to secure reasonably necessary information from third parties as required in this subsection, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this policy as to that claim.

7. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY

In case of a claim under this policy, the Company shall have the following additional options:

- (a) To Pay or Tender Payment of the Amount of Insurance.
To pay or tender payment of the Amount of Insurance under this policy together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay.
Upon the exercise by the Company of this option, all liability and obligations of the Company to the Insured under this policy, other than to make the payment required in this subsection, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.
- (b) To Pay or Otherwise Settle With Parties Other Than the Insured or With the Insured Claimant.
 - (i) To pay or otherwise settle with other parties for or in the name of an Insured Claimant any claim insured against under this policy. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay; or
 - (ii) To pay or otherwise settle with the Insured Claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in subsections (b)(i) or (ii), the Company's obligations to the Insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

8. DETERMINATION AND EXTENT OF LIABILITY

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the Insured Claimant who has suffered loss or damage by reason of matters insured against by this policy.

- (a) The extent of liability of the Company for loss or damage under this policy shall not exceed the lesser of
 - (i) the Amount of Insurance; or
 - (ii) the difference between the value of the Title as insured and the value of the Title subject to the risk insured against by this policy.
- (b) If the Company pursues its rights under Section 5 of these Conditions and is unsuccessful in establishing the Title, as insured,
 - (i) the Amount of Insurance shall be increased by 10%, and
 - (ii) the Insured Claimant shall have the right to have the loss or damage determined either as of the date the claim was made by the Insured Claimant or as of the date it is settled and paid.
- (c) In addition to the extent of liability under (a) and (b), the Company will also pay those costs, attorneys' fees, and expenses incurred in accordance with Sections 5 and 7 of these Conditions.

9. LIMITATION OF LIABILITY

- (a) If the Company establishes the Title, or removes the alleged defect, lien, or encumbrance, or cures the lack of a right of access to or from the Land, or cures the claim of Unmarketable Title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused to the Insured.
- (b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals, adverse to the Title, as insured.
- (c) The Company shall not be liable for loss or damage to the Insured for liability voluntarily assumed by the Insured in settling any claim or suit without the prior written consent of the Company.

10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY

All payments under this policy, except payments made for costs, attorneys' fees, and expenses, shall reduce the Amount of Insurance by the amount of the payment.

11. LIABILITY NONCUMULATIVE

The Amount of Insurance shall be reduced by any amount the Company pays under any policy insuring a Mortgage to which exception is taken in Schedule B or to which the Insured has agreed, assumed, or taken subject, or which is executed by an Insured after Date of Policy and which is a charge or lien on the Title, and the amount so paid shall be deemed a payment to the Insured under this policy.

12. PAYMENT OF LOSS

When liability and the extent of loss or damage have been definitely fixed in accordance with these Conditions, the payment shall be made within 30 days.

13. RIGHTS OF RECOVERY UPON PAYMENT OR SETTLEMENT

- (a) Whenever the Company shall have settled and paid a claim under this policy, it shall be subrogated and entitled to the rights of the Insured Claimant in the Title and all other rights and remedies in respect to the claim that the Insured Claimant has against any person or property, to the extent of the amount of any loss, costs, attorneys' fees, and expenses paid by the Company. If requested by the Company, the Insured Claimant shall execute documents to evidence the transfer to the Company of these rights and remedies. The Insured Claimant shall permit the Company to sue, compromise, or settle in the name of the Insured Claimant and to use the name of the Insured Claimant in any transaction or litigation involving these rights and remedies. If a payment on account of a claim does not fully cover the loss of the Insured Claimant, the Company shall defer the exercise of its right to recover until after the Insured Claimant shall have recovered its loss.
- (b) The Company's right of subrogation includes the rights of the Insured to indemnities, guaranties, other policies of insurance, or bonds, notwithstanding any terms or conditions contained in those instruments that address subrogation rights.

14. ARBITRATION

Either the Company or the Insured may demand that the claim or controversy shall be submitted to arbitration pursuant to the Title

Insurance Arbitration Rules of the American Land Title Association ("Rules"). Except as provided in the Rules, there shall be no joinder or consolidation with claims or controversies of other persons. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this policy, any service in connection with its issuance or the breach of a policy provision, or to any other controversy or claim arising out of the transaction giving rise to this policy. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured. All arbitrable matters when the Amount of Insurance is in excess of \$2,000,000 shall be arbitrated only when agreed to by both the Company and the Insured. Arbitration pursuant to this policy and under the Rules shall be binding upon the parties. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court of competent jurisdiction.

15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT

- (a) This policy together with all endorsements, if any, attached to it by the Company is the entire policy and contract between the Insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.
- (b) Any claim of loss or damage that arises out of the status of the Title or by any action asserting such claim shall be restricted to this policy.
- (c) Any amendment of or endorsement to this policy must be in writing and authenticated by an authorized person, or expressly incorporated by Schedule A of this policy.
- (d) Each endorsement to this policy issued at any time is made a part of this policy and is subject to all of its terms and provisions. Except as the endorsement expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsement, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance.

16. SEVERABILITY

In the event any provision of this policy, in whole or in part, is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision or such part held to be invalid, but all other provisions shall remain in full force and effect.

17. CHOICE OF LAW; FORUM

- (a) Choice of Law: The Insured acknowledges the Company has underwritten the risks covered by this policy and determined the premium charged therefor in reliance upon the law affecting interests in real property and applicable to the interpretation, rights, remedies, or enforcement of policies of title insurance of the jurisdiction where the Land is located. Therefore, the court or an arbitrator shall apply the law of the jurisdiction where the Land is located to determine the validity of claims against the Title that are adverse to the Insured and to interpret and enforce the terms of this policy. In neither case shall the court or arbitrator apply its conflicts of law principles to determine the applicable law.
- (b) Choice of Forum: Any litigation or other proceeding brought by the Insured against the Company must be filed only in a state or federal court within the United States of America or its territories having appropriate jurisdiction.

18. NOTICES, WHERE SENT

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at First American Title Insurance Company, Attn: Claims National Intake Center, 1 First American Way; Santa Ana, CA 92707. Phone: 888-632-1642.

 First American Title	Owner's Policy of Title Insurance
Schedule A	ISSUED BY First American Title Insurance Company POLICY NUMBER 5011400-2126740

Name and Address of Issuing Agent:

AmeriTitle, LLC
101 W Fifth Ave.
Ellensburg, WA 98926

File No.: 463543AM

Address Reference: 7 W Bender Rd, Ellensburg, WA 98926

Amount of Insurance: \$800,000.00

Premium: \$1,476.00

Date of Policy: June 28, 2021 9:27AM

1. Name of Insured:

Crytl Enterprises, Inc., a Washington corporation

2. The estate or interest in the Land that is insured by this policy is:

FEE SIMPLE

3. Title is vested in:

Crytl Enterprises, Inc., a Washington corporation

4. The Land referred to in this policy is described as follows:

Parcel 2 of that certain Survey as recorded May 10, 2021, in Book 43 of Surveys, pages 199 and 200, under Auditor's File No. 202105100003, records of Kittitas County, Washington; being a portion of the Southwest Quarter of Section 26, Township 18 North, Range 18 East, W.M., in the County of Kittitas, State of Washington.

By:



Authorized Countersignature

(This Schedule A valid only when Schedule B is attached)

 First American Title	Owner's Policy of Title Insurance
Schedule B	ISSUED BY First American Title Insurance Company POLICY NUMBER 5011400-2126740

File No. 463543AM

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims which are not shown by the Public Records but which could be ascertained by an inspection of said Land or by making inquiry of persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights or easements appurtenant to water rights, claims or title to water, whether or not the matters excepted under(a), (b), or (c) are shown by the Public Records.
6. Any liens, or rights to a lien, for services, labor or material not shown by the Public Records.
7. Indian tribal codes or regulations, Indian treaty or aboriginal rights, including easements or equitable servitudes.
8. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:
Granted To: Hannah Robinson, individually and as guardian to Niel Winegar
Recorded: December 1, 1920
Book 34 of Deeds, Page 574
9. Cascade Irrigation District Resolution 03-2006, Formation of LID#3-Hannah Road/Pioneer Road Project, including the terms and provisions thereof,
Date: September 5, 2006
Recorded: October 4, 2007
Instrument No.: 200710040004
For: Cascade Irrigation District

Amendment of Resolution recorded January 9, 2008, under Auditor's File No. 200801090005.

10. Cascade Irrigation District Amending Resolution 03-2006, Formation of LID#3-Hannah Road/Pioneer Road Project, including the terms and provisions thereof,
Date: January 8, 2008
Recorded: January 9, 2008
Instrument No.: 200801090005
For: Cascade Irrigation District
11. Any rights, interests, or claims which may exist or arise by reason of the following matters(s) disclosed by survey,
Recorded: May 10, 2021
Book: 43 of Surveys Page: 199 and 200
Instrument No.: 202105100003
Matters shown:
a) Location of fence lines in relation to property boundaries
b) Location of drain field
c) Notes contained thereon
12. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:
Declarants: Craig Ronning and Teri L. Ronning, husband and wife; and Paul Beach and Sandra Beach, husband and wife
Purpose: Drainfield
Recorded: June 28, 2021
Instrument No.: 2022106280009
Book , Page
Affects: A poriton of said premises
7. A Deed of Trust, including the terms and provisions thereof, to secure the amount noted below and other amounts secured thereunder, if any:
Amount: \$800,000.00
Dated: July 24, 2021
Trustor/Grantor: Crytly Enterprises Incorporated, a Washington corporation
Trustee: AmeriTitle, a corporation
Beneficiary: Johnston Property Management, LLC, a Washington Limited Liability Company
Recorded: June 28, 2021
Instrument No.: 202106280011

END OF SCHEDULE B



Privacy Notice

Effective: November 1, 2019

Notice Last Updated: January 1, 2021

This Privacy Notice describes how First American Financial Corporation and its subsidiaries and affiliates (together referred to as "First American," "we," "us," or "our") collect, use, store, and share your information. This Privacy Notice applies to information we receive from you offline only, as well as from third parties, when you interact with us and/or use and access our services and products ("Products"). For more information about our privacy practices, including our online practices, please visit <https://www.firstam.com/privacy-policy/>. The practices described in this Privacy Notice are subject to applicable laws in the places in which we operate.

What Type Of Information Do We Collect About You? We collect a variety of categories of information about you. To learn more about the categories of information we collect, please visit <https://www.firstam.com/privacy-policy/>.

How Do We Collect Your Information? We collect your information: (1) directly from you; (2) automatically when you interact with us; and (3) from third parties, including business parties and affiliates.

How Do We Use Your Information? We may use your information in a variety of ways, including but not limited to providing the services you have requested, fulfilling your transactions, comply with relevant laws and our policies, and handling a claim. To learn more about how we may use your information, please visit <https://www.firstam.com/privacy-policy/>.

How Do We Share Your Information? We do not sell your personal information. We only share your information, including to subsidiaries, affiliates, and to unaffiliated third parties: (1) with your consent; (2) in a business transfer; (3) to service providers; and (4) for legal process and protection. To learn more about how we share your information, please visit <https://www.firstam.com/privacy-policy/>.

How Do We Store and Protect Your Information? The security of your information is important to us. That is why we take commercially reasonable steps to make sure your information is protected. We use our best efforts to maintain commercially reasonable technical, organizational, and physical safeguards, consistent with applicable law, to protect your information.

How Long Do We Keep Your Information? We keep your information for as long as necessary in accordance with the purpose for which it was collected, our business needs, and our legal and regulatory obligations.

Your Choices We provide you the ability to exercise certain controls and choices regarding our collection, use, storage, and sharing of your information. You can learn more about your choices by visiting <https://www.firstam.com/privacy-policy/>.

International Jurisdictions: Our Products are offered in the United States of America (US), and are subject to US federal, state, and local law. If you are accessing the Products from another country, please be advised that you may be transferring your information to us in the US, and you consent to that transfer and use of your information in accordance with this Privacy Notice. You also agree to abide by the applicable laws of applicable US federal, state, and local laws concerning your use of the Products, and your agreements with us.

We may change this Privacy Notice from time to time. Any and all changes to this Privacy Notice will be reflected on this page, and where appropriate provided in person or by another electronic method. **YOUR CONTINUED USE, ACCESS, OR INTERACTION WITH OUR PRODUCTS OR YOUR CONTINUED COMMUNICATIONS WITH US AFTER THIS NOTICE HAS BEEN PROVIDED TO YOU WILL REPRESENT THAT YOU HAVE READ AND UNDERSTOOD THIS PRIVACY NOTICE.**

Contact Us dataprivacy@firstam.com or toll free at 1-866-718-0097.



For California Residents

If you are a California resident, you may have certain rights under California law, including but not limited to the California Consumer Privacy Act of 2018 ("CCPA"). All phrases used in this section shall have the same meaning as those phrases are used under California law, including the CCPA.

Right to Know. You have a right to request that we disclose the following information to you: (1) the categories of **personal information** we have collected about or from you; (2) the categories of sources from which the **personal information** was collected; (3) the business or commercial purpose for such collection and/or disclosure; (4) the categories of third parties with whom we have shared your **personal information**; and (5) the specific pieces of your **personal information** we have collected. To submit a verified request for this information, go to our online privacy policy at www.firstam.com/privacy-policy to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at www.firstam.com/privacy-policy to submit your request or by calling toll-free at 1-866-718-0097.

Right of Deletion. You also have a right to request that we delete the **personal information** we have collected from and about you. This right is subject to certain exceptions available under the CCPA and other applicable law. To submit a verified request for deletion, go to our online privacy policy at www.firstam.com/privacy-policy to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at www.firstam.com/privacy-policy to submit your request or by calling toll-free at 1-866-718-0097.

Verification Process. For either a request to know or delete, we will verify your identity before responding to your request. To verify your identity, we will generally match the identifying information provided in your request with the information we have on file about you. Depending on the sensitivity of the information requested, we may also utilize more stringent verification methods to verify your identity, including but not limited to requesting additional information from you and/or requiring you to sign a declaration under penalty of perjury.

Notice of Sale. We do not sell California resident information, nor have we sold California resident information in the past 12 months. We have no actual knowledge of selling the information of minors under the age of 16.

Right of Non-Discrimination. You have a right to exercise your rights under California law, including under the CCPA, without suffering discrimination. Accordingly, First American will not discriminate against you in any way if you choose to exercise your rights under the CCPA.

Notice of Collection. To learn more about the categories of **personal information** we have collected about California residents over the last 12 months, please see "What Information Do We Collect About You" in <https://www.firstam.com/privacy-policy>. To learn about the sources from which we have collected that information, the business and commercial purpose for its collection, and the categories of third parties with whom we have shared that information, please see "How Do We Collect Your Information", "How Do We Use Your Information", and "How Do We Share Your Information" in <https://www.firstam.com/privacy-policy>.

Notice of Sale. We have not sold the **personal information** of California residents in the past 12 months.

Notice of Disclosure. To learn more about the categories of **personal information** we may have disclosed about California residents in the past 12 months, please see "How Do We Use Your Information" and "How Do We Share Your Information" in <https://www.firstam.com/privacy-policy>.



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

STAFF REPORT

DATE: March 25, 2022
TO: Andrew Kottkamp, Hearing Examiner
THRU: Jamey Ayling, Planning Manager, Community Development
FROM: Shannon Johnson, Senior Planner, Community Development
RE: P21-157 Katie Meadows Plat Subdivision Preliminary Plat Public Hearing

Summary Statement: The purpose of this open record public hearing is to consider the proposed preliminary plat subdivision and any public or agency comments received by the City regarding the proposed subdivision, Katie Meadows. This hearing is being held pursuant to the requirement of Chapter 15.260, Subdivision Procedures, of the Ellensburg City Code. At the conclusion of this public hearing, it is expected that the Hearing Examiner will develop a recommended action on the proposed subdivision for City Council's consideration and action at a future closed record public hearing. Attached to and made a part of this report is the Threshold Determination for the SEPA review. Other exhibits document that all legal notices and mailings as required by the Ellensburg City Code for the preliminary plat application review processes have been fulfilled.

Citizen and agency comments on this proposed preliminary plat were due no later than 5 pm Thursday March 17, 2022. Notice was further given that all persons interested could appear and be heard at the public hearing.

Background

This proposed preliminary plat is located on Kittitas County Assessor's Parcel ID# 791133, located on the south side of Bender Road, just east of the Bender/Hannah Road intersection, in the City of Ellensburg, WA. A vicinity map and reduced scale preliminary drawing showing the location of the lots and other plat features are included (**Exhibits 1 & 2**).

The subject property is 7.32 acres in size and is currently zoned Residential Suburban Density (R-S).

Property zoned as Residential Suburban (R-S) allows for detached single-family dwellings as the predominate land use, with a base maximum density of 6 dwelling units/acre. The applicant's proposal would create 40 separate residential lots, which is within the allowable maximum density. One lot 37,079 sf, will accommodate the existing home, and the remaining lots will range in size from 3,634 sf to 10,351 sf.

The northern street frontage known as Bender Road is an existing major collector street and is further defined as a landscaped street. The proposed interior road system includes new local access streets and provides an extension of 26th Avenue, a local access street, all of which will be defined as landscaped streets. The Public Works Department works with the Ellensburg School District at the time of civil construction review of the plat to ensure that the goals of their "Guide for Planning and Improving School Walk and Bike Routes" are implemented on projects within one mile of schools. The existing School Walk and Bike routes will be enhanced through the construction of connecting sidewalks required as part of the half street improvements to Bender Road, and the full street improvements to all interior local access streets including the extended 26th Avenue. This infill project requires the construction of full street improvement for the interior local access streets to provide neighborhood connectivity and achieve the goals and policies within the land use, housing, and transportation chapters of the Ellensburg Comprehensive Plan.

Specific to meeting open space and parks needs that will result from the new development, the applicant will be required to pay a park impact fee for each single family lot or structure, which will in turn be used to enhance the City of Ellensburg Parks system.

Site Characteristics

North: Residential – Dispersed residential lots, county jurisdiction.

South: Residential – Single family residences on average 7,000 square foot lots within city limits.

East: Residential – approved preliminary plat intended for single family residences within city limits.

West: Residential – single family residences on 2 acre lots, county jurisdiction.

SEPA Review

A SEPA checklist was submitted as a requirement of the preliminary plat process, and a SEPA Mitigated Determination of Non-Significance (MDNS) was issued on October 18, 2021 (**Exhibit 8**).

Preliminary Plat Review

Subsequent to the SEPA environmental review, public notice and distribution of the full preliminary plat was undertaken (**Exhibits 9-11**). As a result of that effort, departmental and agency comments have been received from the following: The Ellensburg Fire Department, The Cascade Irrigation District, Ellensburg Public Works Department; and the Ellensburg Utility Services Gas and Light Departments (**Exhibits 3-7**).

Those comments received mirrored their previous SEPA environmental points regarding final design and construction of required facilities, and referred to the previous comments submitted for SEPA and/or the Pre-Application Reviews.

To date, no additional public comments on the proposed subdivision have been received.

Analysis and Findings

The requirements pertaining to preliminary plat approval are found within ECC Sections 15.260.060 through 15.260.090. Specifically, the decision criteria are found in ECC 15.260.060(F), which states the following:

Decision Criteria. The city may approve, approve with conditions, or deny a preliminary subdivision application based on conformance with the following decision criteria:

1. The preliminary subdivision conforms to all applicable zoning standards of the city as set forth in the LDC, including the form and intensity standards in Chapter 15.320 ECC, the streetscape design standards in Chapter 15.410 ECC, the subdivision design standards in Chapter 15.420 ECC, the project design standards in Division V, and the public works development standards;
2. All lots within the preliminary subdivision are provided with satisfactory access established consistent with the requirements of the public works development standards, ECC Title 4, public works construction, the streetscape design standards and subdivision design and block standards in Division IV, and the project design standards in Division V;
3. All lots within the preliminary subdivision are provided with adequate provisions for water supplies, sanitary wastewater facilities, and storm drainage and surface water facilities consistent with the requirements of the public works development standards and ECC Title 9, Utilities;
4. All lots within the preliminary subdivision are provided with adequate provisions for electric service, and for natural gas service if applicable, consistent with the requirements of the city's energy services department design standards and with ECC Title 9, Utilities;
5. The preliminary subdivision conforms to all applicable critical areas standards set forth in Division VI; and
6. The preliminary subdivision makes appropriate provisions for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, natural gas mains and services, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.

The public agency comments referred to normal plat design and construction requirements that are routinely part of the final plat design and approval process. It is the full intention of the City to enforce and follow those final plat requirements.

Prior to final plat approval, the applicant will need to correct the signature blocks as per ECC 15.260.100(g) on the face of the final plat for the following: City Engineer, Community Development Director, Public Works & Utilities Director, Cascade Irrigation District, County Treasurer, County Auditor; & the Mayor of Ellensburg.

Construction of the subdivision and single-family units will be required to comply with all applicable standards outlined in the Ellensburg City Code design standards and guidelines.

Recommendation

Staff proposes the Hearing Examiner recommend approval of the Katie Meadows Plat preliminary plat application to City Council subject to the following conditions:

- a) The applicant will meet the requirements of the Public Works Department discussed in its memorandum dated March 11, 2022.
- b) The applicant will meet the requirements of the Energy Services - Light Department discussed in its memorandum dated March 8, 2022.
- c) The applicant will meet the requirements of the Energy Services – Gas Department discussed in its memorandum dated March 17, 2022.
- d) The applicant will meet the requirements of the Fire Department for hydrants and access as per Fire Marshal's memorandum dated March 9, 2022.
- e) The applicant will meet the requirements of the Cascade Irrigation District (CID) as per CID's memorandum dated March 15, 2022.
- f) The applicant will meet the requirements of the SEPA Official's issuance of Mitigated Determination of Non-Significance (MDNS) dated October 18, 2021.
- g) The applicant may be required to obtain an NPDES Construction Storm Water General Permit from the Washington State Department of Ecology, as well as all other permits (site grading permit, SWPPP, etc.) that may be required as a result of plat development. Subdivision and land development activities shall follow the requirements of the Ellensburg City Code, including the Design Standards.
- h) All requirements of utility providers, City departments, and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents.

Exhibits:

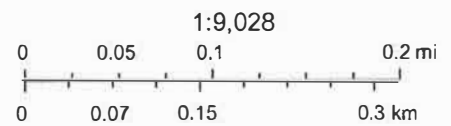
1. Vicinity Location Map
2. Preliminary Plat of Katie Meadows Plat
3. March 8, 2022 memo from City of Ellensburg Energy Services Light Department
4. March 17, 2022 memo from City of Ellensburg Energy Services Gas Department
5. March 11, 2022 memos from City of Ellensburg Public Works Department
6. March 9, 2022 memo from City of Ellensburg Fire Marshall
7. March 15, 2022 memo from Cascade Irrigation District
8. October 18, 2021 SEPA MDNS Determination
9. Legal Notice of Public Hearing
10. 300-Foot Buffer Mailing and Notification List
11. Affidavit of Posting & Photo of Notice Sign on Property
12. Application Cover Page & Materials

Katie Meadows Vicinity Map



3/18/2022, 3:20:21 PM

-  Urban Growth Area
-  City Limits
-  Stream 85ft Buffer



© OpenStreetMap (and) contributors, CC-BY-SA

KATIE MEADOWS PRELIMINARY PLAT
A PORTION OF THE NW 1/4 OF THE SE 1/4 OF SECTION 26
TOWNSHIP 18 NORTH, RANGE 18 EAST, N.M.
COUNTY OF ELLENBURG, WISCONSIN

ADJACENT SURVEY BOOK 15, PAGE 10



NORTH

SCALE 1" = 40'

LEGEND

- FOUND IRON PIN
- SET IRON PIN
- EXISTING ASPHALT
- EXISTING ASPHALT
- NON-EXISTING ASPHALT
- PROPOSED LOT LINE
- PROPOSED LOT LINE
- PROPOSED LOT LINE

OWNER/DEVELOPER:

CRATYLL ENTERPRISES, INC.

ELLENBURG, WI 53523

SURVEYOR:

GRAY SURVEYING &

ENGINEERING, INC.

WATKINS, WI 53523

ZONING:

RS-RESIDENTIAL SUBURBAN

SECTION MAP

NOT TO SCALE

VICINITY MAP

NOT TO SCALE

Know what you dig.

Collective you dig.

CA-0

DOWN BY

CHECKED BY

DATE

JOB NUMBER

SHEET NAME

PRELIMINARY

PLAT

FILE NO.

CA-0

DESCRIPTIONS OF EXISTING PARCELS

PARCEL 1: 1.00 AC. 100' X 100'

PARCEL 2: 1.00 AC. 100' X 100'

PARCEL 3: 1.00 AC. 100' X 100'

PARCEL 4: 1.00 AC. 100' X 100'

PARCEL 5: 1.00 AC. 100' X 100'

PARCEL 6: 1.00 AC. 100' X 100'

PARCEL 7: 1.00 AC. 100' X 100'

PARCEL 8: 1.00 AC. 100' X 100'

PARCEL 9: 1.00 AC. 100' X 100'

PARCEL 10: 1.00 AC. 100' X 100'

CERTIFICATE OF ELLENBURG COUNTY TREASURER

I HEREBY CERTIFY THAT ALL STATE AND COUNTY

PROPERTY TAXES DUE ON THE ABOVE DESCRIBED

PROPERTY HAVE BEEN PAID AND DISCHARGED.

DATE: 02/03/2022

PARCEL NO. 791133

ELLENBURG COUNTY TREASURER

DATE

CRATYLL ENTERPRISES, INC.

DATE

CERTIFICATE OF CASCADE IRRIGATION DISTRICT

THIS PRELIMINARY PLAT MEETS ALL MINIMUM

REQUIREMENTS OF THE CASCADE IRRIGATION DISTRICT.

DATE

CASCADE IRRIGATION DISTRICT

DATE

APPROVALS:

CITY ENGINEER

DATE

PUBLIC WORKS DIRECTOR

DATE

COMMUNITY DEVELOPMENT

DIRECTOR

DATE

MAYOR

DATE



CITY OF ELLENSBURG

Public Works and Utilities

501 North Anderson Street; Ellensburg, WA 98926

Ph: (509) 962-7124 Fax: (509) 925-8662

www.ci.ellensburg.wa.us

Memorandum

Date: March 8, 2022

To: Shannon Johnson, Senior Planner

From: Luis Perez, Engineering Tech.

Thru: Tyler Goeden, Project Engineer

Re: P21-157 Katie Meadows 40 Lot Long Plat Application

The following are the City of Ellensburg Electric Utility (City Light) comments for P21-157 Katie Meadows 40 Lot Long Plat Application, located on the south side of Bender Road, approximately 500 feet east of Hannah Road.

Electric:

As noted in the pre-application meeting, P21-087, City Light has an overhead distribution line along the south side of Bender Road, and Kittitas County PUD (KPUD) has an overhead distribution line along the west edge of the property.

There remains conflict, or potential of conflict, between the existing electric utilities and the proposed roadway and improvements. The plat or the electrical system would need to be altered to resolve these conflicts. The civil plans, house plans, and driveways will affect the design of the electric system that would be installed to supply power to each new lot, as well as the existing structure, so we request driveways to be shown on the final civil plans. All alterations or new construction for the electric system must meet all applicable codes, including those mentioned in the pre-application meeting.

The electric duct and vault system is to be installed behind walk, and along the entire frontage throughout the development. This will require a 10' utility easement to be included throughout the plat and shown on the survey.

For more details refer to pre-application meeting comments on P21-087.



Public Works & Utilities Department

Natural Gas Division

501 North Anderson Street; Ellensburg, WA 98926

Ph: (509) 962-7124 Fax: (509) 925-8662

www.ci.ellensburg.wa.us

Memorandum

Date: July 29, 2021

To: Shannon Johnson, Community Development

From: Heather Forgey, Gas Engineering Specialist *HJ*

Re: Proposed 40 Lots at 604 W Bender Road – P21-087

The following are the City of Ellensburg Gas Division comments for the proposed 40 Lot Development project located at 604 W Bender Road.

Natural Gas:

There is a natural gas utility map attached showing the existing gas main line. There is a 6-inch main on the south side of Bender Road that would be used to serve the proposed development.

The proposed development would be required to extend the gas main throughout, including main stubs on 26th Ave for future developments to the east and west and provide service stubs to each lot. It is preferred that the existing and proposed main pipeline be shown on the civil plans to help in planning and determining issues that may come up as the project progresses. No details will be needed, just the mainline shown where installation is being proposed. Any private access roads that serve multiple lots will require a 10' access and utility easement. It is also important that service stub locations are determined at an early stage. Service lines and meters cannot run through backyards or be behind fences.

The applicant is responsible for exposing the main line for connection, providing trenching, smooth sand bedding, and backfill at the specified depth and required utility separation as indicated on detail sheets G-12 and G-13 attached. City Gas Division crews will provide the materials and perform the gas pipeline installation in the developer provided trenches.

To serve the homes with natural gas, the applicant can apply for service through applications found on the City's website or at City Hall. There are also natural gas rebates for new construction at this time. These rebates are reviewed annually and may not be available in the future.

For any further questions or clarifications regarding these comments or the proposed project, please call the City Gas Division at 509-962-7124.

Remember to always call 811 (the One-Call Underground Utility Notification Center) prior to any excavation on private property or in the right-of-way.



Know what's below.
Call before you dig.



CITY OF ELLENSBURG

Public Works Department
501 N. Anderson St.; Ellensburg, WA 98926
Ph: (509) 962-7230 Fax: (509) 962-7127

Memorandum

Date: March 11, 2022
To: Shannon Johnson, Senior Planner
From: Craig Jones, Development Coordinator *CJ*
Through: Derek Mayo, City Engineer *DKM*
Re: Preliminary Plat for 40 lot Plat P21-157

The following are the Public Works SEPA comments for the proposed 40 lot Plat in the 600 blk of west Bender Rd.

The applicant can view the City of Ellensburg's Development Standards on the City's website for more information. <http://www.ci.ellensburg.wa.us/index.aspx?NID=339>

At time of civil plan review, Staff will work with the developer's engineer regarding the specific issues related to frontage and utility improvements.

Water:

The water main available to serve this development is a 12" Ductile Iron main that runs in Bender Rd. There are no existing stubs, all future connections will be hot taps on the main. The developer will need to build an 8" water main on all the proposed interior roads. Each lot will need a separate water service. The maximum number of lots that can be served by one water connection is 40 lots. Looping of an interior water main may be needed depending on fire flows. The existing house will need to be disconnected from the well and connected to City water. See attached utility map.

A latecomer's fee has been established for the water main in Bender Rd. These fees will be included in the Public Works permits for this development.

Fire hydrants shall be placed in the proposed development per the Fire Marshal's requirements. Developer's engineer may be required to verify that fire flow capacity will meet the necessary requirements.

Specific issues related to water main and meter locations will be addressed at project civil submittal.

Sewer:

The sewer main available to serve this development is an 8" PVC main in the southwest corner of the property between lots 37 and 38 of the Ridgeview Plat. The developer will need to install

8" sewer mains on the interior roads and side sewer stubs to each lot. An 8" sewer main will also need to be installed in Bender Rd along the project frontage. The existing house will need to connect to sewer and abandon the septic system. See attached utility map.

Specific issues related to sewer main and side sewer construction will be addressed at project civil submittal.

Roadway and access:

This project will trigger the requirement for half street improvements along the Bender Rd frontage. The interior roads will need full street improvements and have adequate turn-around that meet KVFR and City Development Standards. Bender Rd is a collector road and is a designated bike route on the Active Transportation Plan and will need to include additional width to accommodate the future bike lane. 26th Ave will need to be verified that it aligns with the neighboring plat to the east. Street improvements include concrete curb/gutter, sidewalks, street lighting, permanent signage, asphalt, asphalt markings, gravel base, storm drainage, and other items associated with minimum public improvements consistent with Public Works Development Standards. Under the Land Development Code the sidewalks will need to be separated from the curb. Existing power poles may need to be relocated to accommodate these frontage improvements.

Specific issues related to roadway and access construction will be addressed at project civil submittal.

Storm water:

There is no storm system available for a direct discharge. The existing road side ditches will need to be conveyed across the frontages of the property. All storm facilities will need to be designed so they will not be inundated with ground water. Your engineer will need to verify groundwater during peak irrigation season to confirm the project will not be effected by it.

The applicant shall use the current Stormwater Management Manual for Eastern Washington, or approved equivalent for reference in design of stormwater treatment and flow control for post construction requirements for new development and redevelopment. The design shall at a minimum use the following design storms, or as recommended for the proposed BMP, whichever is greater. Treatment shall be designed for the first ½" of rainfall on the property, and storm drainage detention on a 10 year storm event (1.2" of precipitation/24 hours) and retention facilities based on a 25 year storm event (1.6" of precipitation/24 hours). Specific issues related to storm water will be reviewed at time of civil plan submittal.

The applicant's design engineer should determine groundwater elevations in the vicinity of proposed storm water treatment and flow control facilities. The water surface elevation needs to be utilized in the facility designs and should be verified when groundwater is at its highest. Typically the groundwater in the Ellensburg area is elevated from April 15th through October 15th. However, groundwater on the subject site may not be associated with seasonal irrigation and could crest at another time during the year.

The following comments are from the City Stormwater Department;

1. If the site is an acre or greater the developer will need to make Notice of Intent (NOI) with Ecology and apply for a Stormwater General Construction Permit months in advance of

construction. <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-general-permits/Construction-stormwater-permit>

2. The Ecology permit requires a Stormwater Pollution Prevention Plan (SWPPP) be submitted with the plan set and be reviewed by the City of Ellensburg Stormwater Utility along with a set of temporary sediment erosion control plans (TESC).

3. In addition, Ecology now requires an Operation and Maintenance (O&M) Plan be submitted to the City for review and retainage. The O&M Plan must address the long term maintenance of the stormwater facilities (swales) that will be constructed onsite to deal with the flow control and treatment requirements of Core Element 5&6 in the Eastern Washington Stormwater Management Manual.

Here is a link for additional information from Ecology;

<https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-general-permits/Construction-stormwater-permit/eCoverage-packet>

Other issues:

During civil plan review, Public Works establishes the preliminary addressing plan, the developer will need to work with the Post Office to establish the mail delivery routing plan and mailbox locations. The Post Office requires the use of metal Collection Box Unit style mailboxes.

The developer is required to obtain all other permits (HPA if required, DOE construction site grading permit, etc.) that may be required as a result of plat development.

Additional utility easements may be required for any proposed utility outside of the right of way. Specific issues will be addressed at civil plan submittal.

Any phasing plans for the project will need to be reviewed and may have additional requirements associated with utilities or temporary turn around.

Irrigation water will need to comply with Irrigation District requirements, and be continued through the site to downstream users.

Landscape plans will need to be included for review of any conflicts with existing or proposed utilities.

Proposed road names will go through a review process that includes the entire Kittitas County to eliminate any duplicate or similar sounding road names.

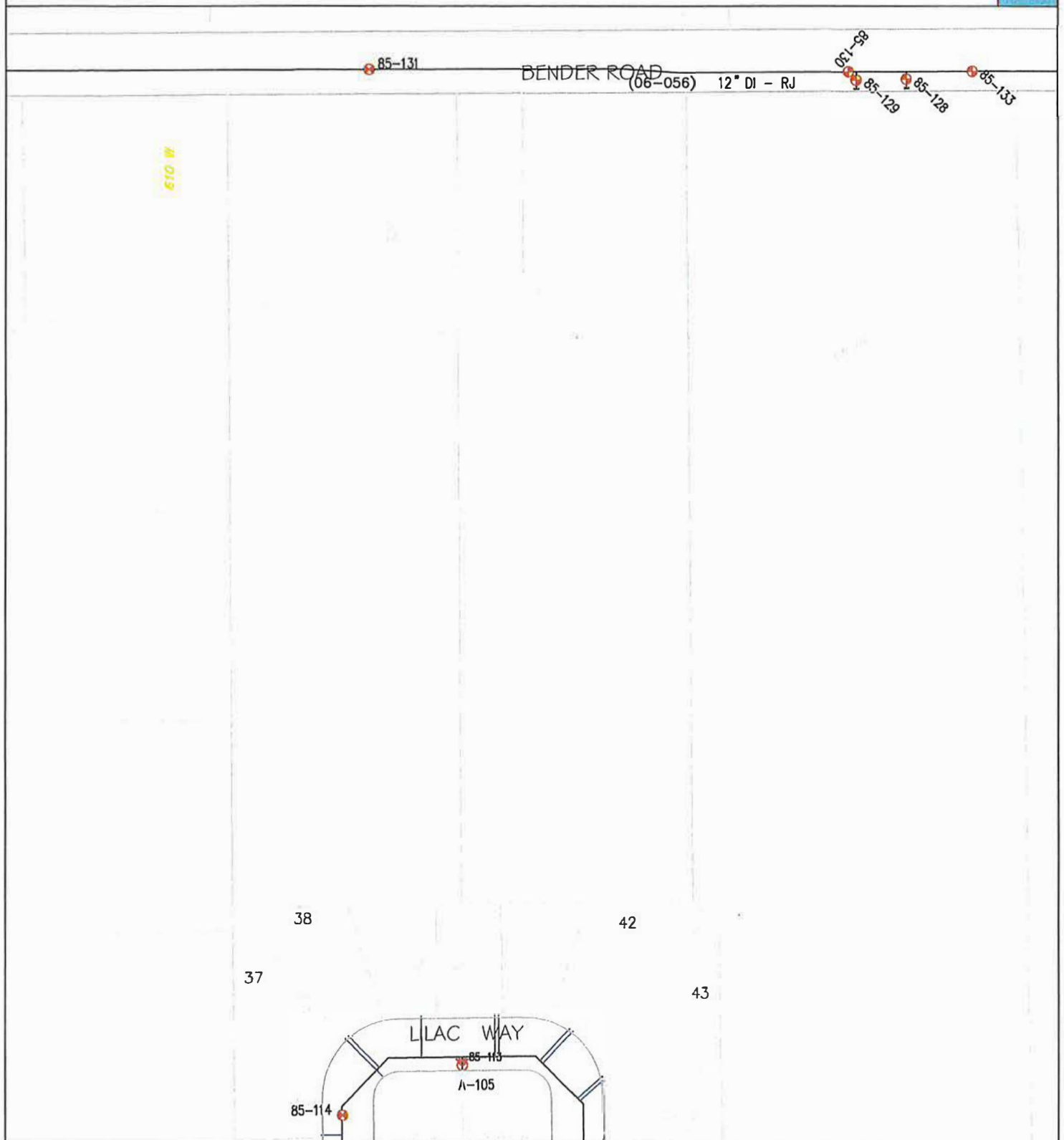
Cc File 21-105





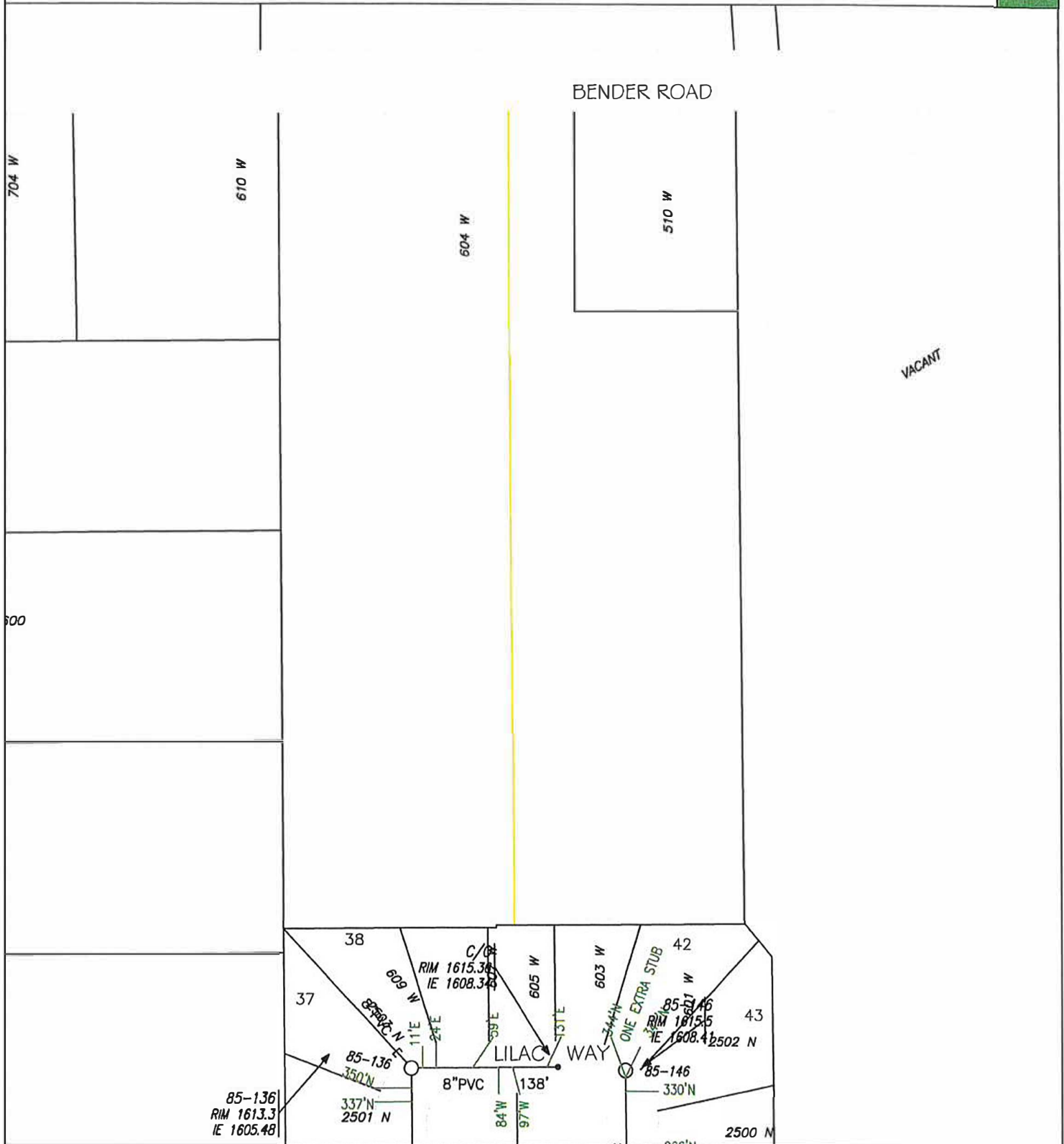
CITY OF ELLENSBURG
PUBLIC WORKS DEPARTMENT
UTILITY MAP REQUEST INFORMATION

W
A
T
E
R



DISCLAIMER:
THE CITY OF ELLENSBURG PUBLIC WORKS DEPARTMENT CANNOT VERIFY THE ACCURACY OF THE UTILITIES REPRESENTED ON THIS PLAN. THEY ARE DISPLAYED FOR EASE OF PLANNING AND INSTALLATION AND ARE BASED UPON THE BEST INFORMATION AVAILABLE. CONTRACTORS AND DEVELOPERS SHOULD REFER TO CIVIL PLANS FOR MOST CURRENT DESIGN REVISION AND CALL 811 BEFORE YOU DIG.





DISCLAIMER:

THE CITY OF ELLENSBURG PUBLIC WORKS DEPARTMENT CANNOT VERIFY THE ACCURACY OF THE UTILITIES REPRESENTED ON THIS PLAN. THEY ARE DISPLAYED FOR EASE OF PLANNING AND INSTALLATION AND ARE BASED UPON THE BEST INFORMATION AVAILABLE. CONTRACTORS AND DEVELOPERS SHOULD REFER TO CIVIL PLANS FOR MOST CURRENT DESIGN REVISION AND CALL 811 BEFORE YOU DIG.

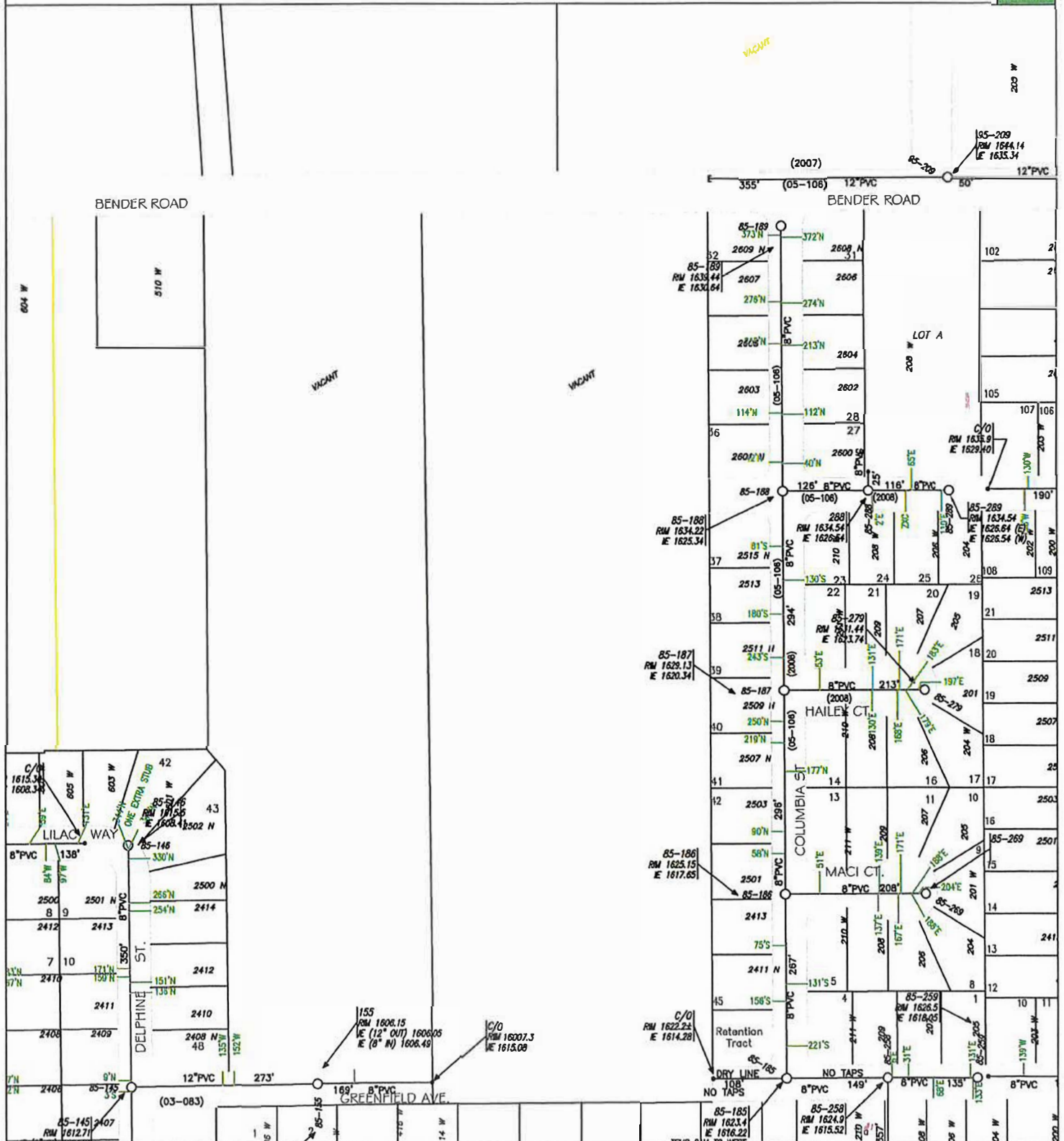


Know what's below.
Call before you dig.



CITY OF ELLENSBURG
PUBLIC WORKS DEPARTMENT
UTILITY MAP REQUEST INFORMATION

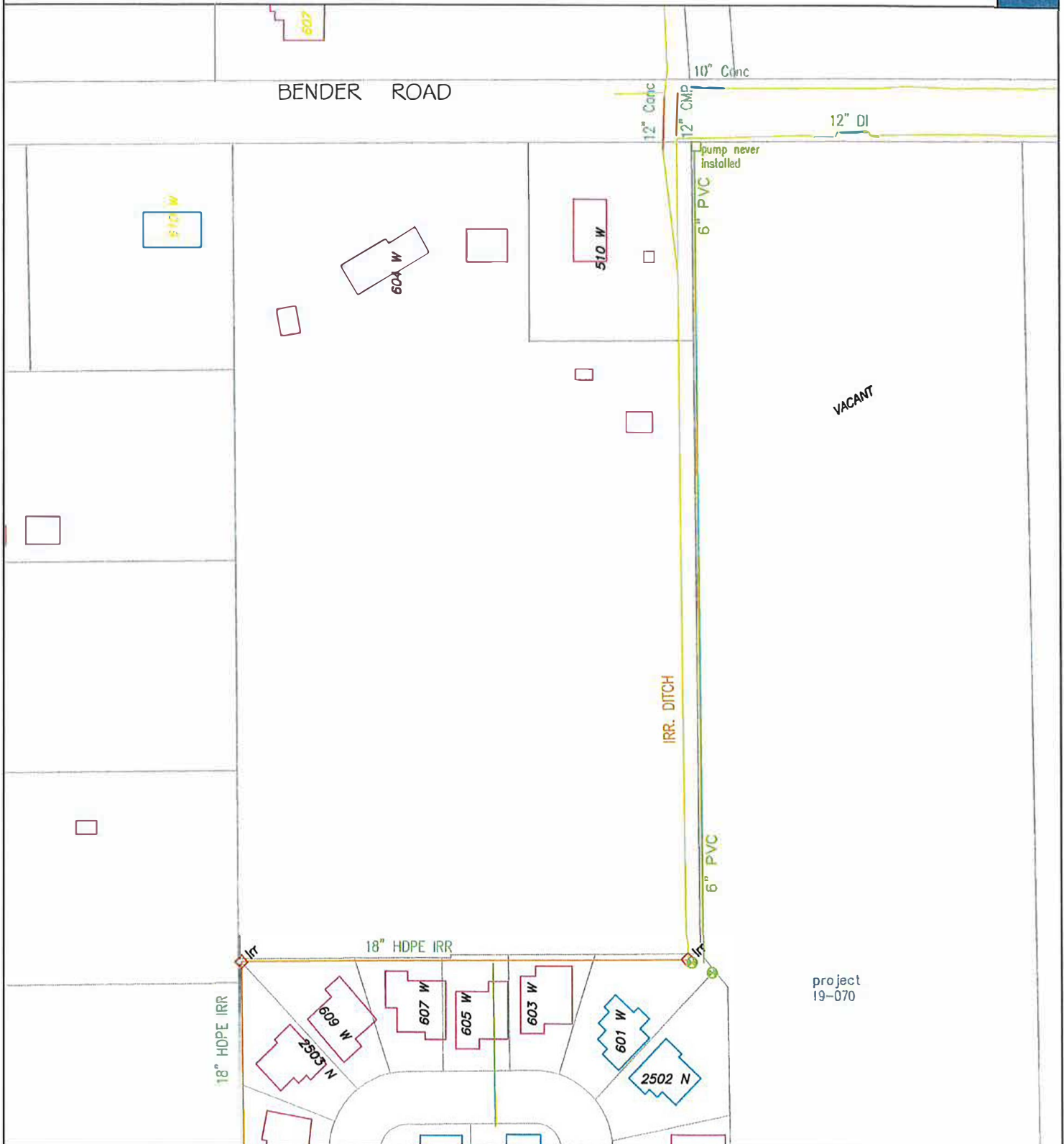
SEWER



DISCLAIMER:
THE CITY OF ELLENSBURG PUBLIC WORKS DEPARTMENT CANNOT VERIFY THE ACCURACY OF THE UTILITIES REPRESENTED ON THIS PLAN. THEY ARE DISPLAYED FOR EASE OF PLANNING AND INSTALLATION AND ARE BASED UPON THE BEST INFORMATION AVAILABLE. CONTRACTORS AND DEVELOPERS SHOULD REFER TO CIVIL PLANS FOR MOST CURRENT DESIGN REVISION AND CALL 811 BEFORE YOU DIG.



Know what's below.
Call before you dig.

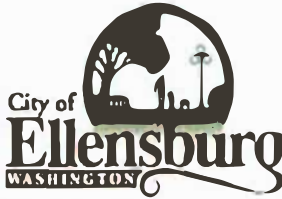


DISCLAIMER:

THE CITY OF ELLENSBURG PUBLIC WORKS DEPARTMENT CANNOT VERIFY THE ACCURACY OF THE UTILITIES REPRESENTED ON THIS PLAN. THEY ARE DISPLAYED FOR EASE OF PLANNING AND INSTALLATION AND ARE BASED UPON THE BEST INFORMATION AVAILABLE. CONTRACTORS AND DEVELOPERS SHOULD REFER TO CIVIL PLANS FOR MOST CURRENT DESIGN REVISION AND CALL 811 BEFORE YOU DIG.



Know what's below.
Call before you dig.



Fire Marshal
 509-856-4455 cell
 509-933-7241 office
prevention@kvfr.org

Fire Marshal Preliminary Plat Comments

Project: Mallard Meadows Long Plat-Bull RD
 Permit#: P21-157
 Occupancy Type: R
 Date: 3/09/2022

Comments:

- 1) Must meet 2018 IFC and City of Ellensburg Code requirements at the time of construction for the occupancy classification and construction type. Will be required to meet current IFC and City of Ellensburg Code anytime there is a change in occupancy classification.
- 2) Standard Addressing per City Code requirements to include ADU units if applicable.
- 3) Fire dept. access and turnarounds per IFC and Appendix D. Fire department access roads shall be a minimum of 20' wide, access roads shall be a minimum of 26' wide in the vicinity of fire hydrants or meet the City Street Standard if greater. It may be required to post "No Parking Signs" on one or both sides of the fire access road, depending on width. Fire dept. access roads cannot exceed 150' in length without an approved turnaround per IFC Appendix D. The fire access hammerhead shall be required to meet Appendix D requirements including radius. Road surfaces must be rated for a minimum of 75,000 lbs. or City of Ellensburg street standard if it requires a higher rating.
- 4) The North end of Road D/TR 969 appear to exceed 150' without a turnaround. If the distance from the intersection to the end of TR 969 exceeds 150' a turnaround meeting IFC appendix D will be required.

- 5) Per IFC Appendix D107.1 two access roads are required based on the number of lots. D107.2 Remoteness, requires that the two access roads be a minimum of half of the maximum diagonal of the overall project area when measured in a straight line between the two access roads.
- 6) As discussed during the pre-application Zoom meeting, Phase 3 will be required to have a second access road to serve the looped road. Preferably in the S/SE corner.
- 7) The site would require additional hydrants meeting the requirements of IFC Appendix B and C and COE code for spacing, quantity, location, and type. Hydrants are required to be spaced every 400-600' on an approved route of travel. Be aware that under COE code if any of the access roads are identified as major or minor arterials, fire hydrants on the opposite side of the street aren't credited.
- 8) Fire flow requirements are a minimum of 1500 gpm for residential occupancies.
- 9) Any phasing of the project would be required to meet IFC requirements for Fire Dept. access, turnarounds, and water supply.

Thank you,



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

CASCADE IRRIGATION DISTRICT

8063 Highway 10
Ellensburg, Washington 98926
509-962-9583

3/15/2022

Overview

Cascade Irrigation District will require a \$50 per lot plat fee (*CID Resolution #01-2006*) as well as an engineered irrigation plan based on Cascade Irrigation District specifications (*CID Resolution #3-94 & CID Procedure #1 Standard Specifications for Irrigation Water Distribution Systems*).

The irrigation plan must include the point of entry of irrigation water, the system for provision of irrigation water to each parcel, a description of system proposed, and a description of provisions made including right of ways for the protection of other parcel within Cascade Irrigation District which are affected.

If pressurized pipe is proposed, it must include a sump, pump and the proposed system of water to the sump. (*CID Resolution #03-94 and CID Procedure #1 Standard Specifications for Irrigation Water Distribution Systems*).

Before Cascade Irrigation District can release or sign-off we require 1) approved, inspected and in place irrigation system, or 2) a signed Irrigation Facility Installation Agreement with respective bond covering proposed construction and costs, (*CID Procedure #1*) or 3) a variance. A variance is only by Cascade Irrigation District Board of Directors action after Board of Directors receives, reviews, and approves a formal petition for such.

If the plat is part of or wishes to become part of an existing LID operating within CID, they must complete all work to hook-up to the LID and pay the associated hook-up fees or a signed Irrigation Facility Installation Agreement with respective bond covering proposed construction and costs involved in such hook-up.

If installing a pressurized system not associated with an LID, the Developer will be required to form an owner's association to cover the operating costs and maintenance of the infrastructure. (*CID Resolution #2-2006*)

Attachments: *All attachments may be obtained by Dropbox, please call or email Cascade Irrigation District at CID@fairpoint.net for the Dropbox online link to the files OR you may come to our office and pick up hard copies.*

Thank you,

Kelton Montgomery
Cascade Irrigation District Manager
509-962-9583



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

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

Proponent: Tyler Glahn, Owner

Date: October 18, 2021

Description: A SEPA Environmental Checklist submitted for a proposed 40-lot subdivision intended for residential lots and single-family homes. Lots will range in size from 3,634 sf to 10,351 sf. The proposed project is located at 604 W Bender Road, on Parcel ID #791133, in Residential Suburban (R-S) zoning. The applicant has proposed main access to the lots from Bender Rd, as a future local access road. 26th Avenue will intersect the proposed access road by running east to west through the proposed development.

Location: The proposed project is located on the south side of Bender Rd, just east of the Bender Rd. and Hannah Rd. intersection, on Parcel ID #791133.

Lead Agency: City of Ellensburg

File #: P21-111

The City of Ellensburg acting as lead agency for this proposal, has determined that the proposal, as mitigated, does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

The lead agency for this proposal has determined that certain **mitigation measures** shall be necessary in order to issue a Determination of Non-Significance for this proposal. Failure to comply with the mitigation measures herein will result in the issuance of a Determination of Significance (DS) for this project. **The mitigation measures include the following conditions which shall apply based on project specific analysis:**

1. The applicant shall comply with all requirements outlined in the City of Ellensburg Public Works division memo, dated 9/20/2021, regarding roadway and access, water, sewer, stormwater and the TIA.
2. The applicant shall comply with all requirements outlined in the City of Ellensburg Fire Marshall's memo, dated 9/23/2021, regarding IFC and City of Ellensburg code requirements.
3. The applicant shall develop civil and building plans that address the stormwater requirements of both the City of Ellensburg and the State Department of Ecology. These shall address any potential for flooding as may be required by Ellensburg City Code Chapter 15.630. Such plans shall be approved by City Staff prior to construction.

4. Per the request of the Department of Archaeology and Historic Preservation (DAHP), email dated 9/22/2021, the applicant shall complete a professional archaeological survey of the property. The completed report shall be sent to all requesting parties, and the City, for review and approval prior to ground disturbing activities.
5. In the event that previously unknown cultural resources or human remains are encountered during the implementation of the project, work in the vicinity of the discovery shall be halted and a professional archaeologist, the Washington State DAHP, and all affected tribes should be consulted before proceeding.
6. The applicant shall comply with all requirements outlined in the Cascade Irrigation District memo, dated 9/9/2021, regarding irrigation on the property.
7. Requirements of all City Departments, the Fire District, all utility providers, and affected agencies must be satisfied, as outlined in adopted City Codes and other regulatory documents.
8. If the applicant wishes to add to, or change, the proposed scope of work included in this application, a new SEPA proposal and/or addendum will need to be submitted to address any changes.

This **Mitigated Determination of Non-significance (MDNS)** is issued using the standard MDNS process under WAC 197-11-350.

Responsible Official: Kirsten Sackett
Title: Community Development Director
Address: City of Ellensburg
Community Development Dept.
501 N. Anderson St.
Ellensburg WA 98926
Phone: (509) 962-7232 Fax: (509) 925-8655

Date: 10-18-21 **Signature:** Kirsten Sackett

Appeals: Following the issuance of this MDNS, is a 14-day appeal period. Pursuant to ECC 15.270.200, appeals must be submitted as required by the City of Ellensburg's administrative appeal procedures for Type II permits per ECC 15.230.040(B), and shall be made to the Hearing Examiner and meet all requirements contained in Chapter 15.230 ECC.

NOTICE OF A PUBLIC HEARING SUBDIVISION REQUEST

NOTICE IS HEREBY GIVEN that the Hearings Examiner for the City of Ellensburg will hold an open record public hearing on Friday March 25, 2022 at 2:00 pm, held both in-person in the Council Chambers AND virtually via Zoom, to consider Application P21-157 submitted by Tyler Glahn, Property Owner for a Preliminary Plat Subdivision. The proposed preliminary plat within the Residential Suburban (R-S) zone is a 40-lot long plat for residential and single family home construction. One lot will accommodate the existing home on 37,079 sf, and the remaining lots will range in size from 3,191 sf to 10,282 sf. The proposed plat will be accessed from Bender road, with multiple interior local access roads serving the lots within the development. The current zoning for the project site, located on Kittitas County Assessor's Parcel ID #791133 is Residential Suburban (R-S). A notice of SEPA Mitigated Determination of Non-Significance (MDNS) was published in the Daily Record on October 18, 2021.

Permit application: December 15, 2021

Determination of completeness: February 09, 2022

Notice of application: February 24, 2022

Comment due date: March 17, 2022

Project Location: The property is addressed as 604 W Bender Road, Ellensburg, WA 98926. Kittitas County Assessor's Parcel ID Number: 791133.

Materials Available for Review: The submitted application and file documents may be examined by the public by visiting the **City of Ellensburg Community Development Department webpage** at <https://www.ci.ellensburg.wa.us/623/Public-NoticesCurrent-Projects>

Written Comments from interested persons will be accepted by email up until 5:00 p.m. on March 17, 2022 by sending them tojohnsons@ci.ellensburg.wa.us. Written comments sent via USPS must arrive by the same deadline.

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

Staff contact: Shannon Johnson, Senior Planner johnsons@ci.ellensburg.wa.us

NOTICE IS FURTHER GIVEN that all persons interested in this matter may participate in the Hybrid/REMOTE meeting by contacting Staff no later than 5:00 pm on **Thursday, March 24, 2022**. An email link, text link, or phone number will be provided which will allow for electronic participation in the public hearing. * In-person attendees that are not fully vaccinated will need to wear face coverings.

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. A "Request for Accommodation" form may be obtained from the City Clerk Beth Leader by calling 509-925-8614.

PUBLISH IN LEGAL: **Thursday, February 24, 2022**

AFFIDAVIT OF PUBLICATION



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

CITY OF ELLENSBURG-CITY CLERK
N/PUBLIC HEARING P21-157

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

02/24/22

All dates inclusive and that such newspaper were regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of \$172.81 the rate of \$8.80 per column inch for each insertion.

Michelle Bowman

Subscribed to me this date: 02/24/22



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

Duby J. Petit

Signed Name

Legals	Legals	Legals	Legals	Legals	Legals
IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KITTITAS COUNTY UMB BANK, NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS LEGAL TITLE TRUSTEE FOR LVS TITLE TRUST XIII, Cause No. 15-2-00011-1 vs. UNKNOWN HEIRS AND DEVISEES OF AARON R. BLANCHARD; REBECCA M. BLANCHARD; DR. LISA ANSELMO, NOT INDIVIDUALLY, BUT AS GUARDIAN AD LITEM FOR HUIJIER BLANCHARD AND AMALIA BLANCHARD, MINOR CHILDREN; AND AMALIA BLANCHARD, MINOR CHILDREN; OCCUPANTS OF THE PREMISES, Defendants. To: UNKNOWN HEIRS AND DEVISEES OF AARON R. BLANCHARD; REBECCA M. BLANCHARD; DR. LISA ANSELMO, NOT INDIVIDUALLY, BUT AS GUARDIAN AD LITEM FOR HUIJIER BLANCHARD AND AMALIA BLANCHARD, MINOR CHILDREN; AND AMALIA BLANCHARD, MINOR CHILDREN; OCCUPANTS OF THE PREMISES, Judgment Debtors The Superior Court of Kittitas County has directed the undersigned Sheriff of Kittitas County to sell the property described below to satisfy a judgment in the above entitled action. The property to be sold is described as:	Assessor's Parcel/Tax ID Number: S61833 / 17.18-02061-0375 LOT 29, ROSSER ADDITION, AS PER PLAT THEREOF, RECORDED IN VOLUME 7 OF PLATS, PAGES 62, 63, AND 64, RECORDS OF KITTITAS COUNTY, STATE OF WASHINGTON Also Commonly known as 302 Barbara Lane, Ellensburg, Washington 98924. The sale of the above-described property is to take place: Time: 10:00 AM Date: Friday, April 8, 2022 Place: Kittitas County Courthouse 205 Vivian Way Avenue Ellensburg, Washington 98926 The judgment debtors can avoid the sale by paying the judgment amount of \$193,450.08, together with interest, costs and fees, before the sale date. For the exact amount, contact the sheriff at the address stated below. Dated this 15th day of February, 2022. Clay Myers, Sheriff of Kittitas County, Washington. By: James Cantorbury, Civil Deputy Kittitas County Sheriff's Office 307 W. Umpqua Rd. Ellensburg, Washington 98926 509-962-7625 PUBLISHED: Daily Record, February 17 & 24, 2022 and March 3 & 10, 2022 / LEGAL # 202129	NOTICE TO BIDDERS CITY OF ELLENSBURG BID CALL 2021-17 DOLARWAY 15KV CIRCUIT SWITCHER Sealed bids will be received by the City of Ellensburg at the office of the City Clerk at City Hall, 501 N. Anderson St., Ellensburg WA 98926, until 3:00 PM on Wednesday, March 9th, 2022, and will then and there be opened and read for the provision of materials. Each bid shall be plainly marked "Bid Call 2021-17 Dolanway 15KV Circuit Switcher". All bid proposals shall be accompanied by a bid proposal deposit in cash, certified check, cashier's check, or surety bond in an amount equal to five percent (5%) of the amount of such bid proposal. Should the successful bidder fail to enter into such contract and furnish satisfactory performance bond within the time stated in the specifications, the bid proposal deposit shall be forfeited to the City of Ellensburg. The project consists of furnishing one 15KV Circuit Switcher to the City of Ellensburg. The City of Ellensburg Public Works and Utilities has included standard specifications in this bid. The City of Ellensburg Public Works and Utilities can be reached by telephone at (509) 962-7124. The City of Ellensburg, Washington, reserves the right to reject any or all bids and to waive irregularities or informality in the bid or in the bidding. Responsibility and competency of bidders and their subcontractors will be considered in making the award. The City of Ellensburg in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, Part 21, nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all submitters that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined in 49 CFR Part 26 will be afforded full opportunity to submit qualifications in response to this invitation and will not be discriminated against on the grounds of race, color, national origin or sex in considerations for an award. No bidder may withdraw their bid after the hour set for the opening thereof or before the award of contract, unless said award is delayed for a period exceeding sixty days. By: Derek K. Maya Derek K. Maya, City Engineering Services Manager Bid Opening: Wednesday, March 9th, 2022, 3:00 pm PUBLISHED: Seattle Daily Journal, February 17 & 24, 2022 PUBLISHED: Daily Record, February 17 & 24, 2022 / LEGAL # 202357			
NOTICE OF A PUBLIC HEARING SUBDIVISION REQUEST NOTICE IS HEREBY GIVEN that the Hearings Examiner for the City of Ellensburg will hold an open record public hearing on Friday, March 25, 2022 at 2:00 pm, held both in-person in the Council Chambers A100 virtually via Zoom, to consider Application P21-157 submitted by Tyler Glahn, Property Owner for a Preliminary Plat Subdivision. The proposed preliminary plat within the Residential Suburban (R.S.) zone is a .40-d lot long plat for residential and single family home construction. One lot will accommodate the existing home on 37,079 sq. ft. and the remaining lots will range in size from 3,191 sq. ft. to 10,232 sq. ft. The proposed plat will be accessed from Bonfield road with multiple interior local access roads serving the lots within the development. The current zoning for the project site located on Kittitas County Assessor's Parcel ID #731131 is Residential Suburban (R.S.). A notice of Significant Information of Non-Significance (NIDS) was published in the Daily Record on October 18, 2021. Permit application: December 15, 2021 Determination of completeness: February 09, 2022 Notice of application: February 23, 2022 Comment due date: March 17, 2022 Project Location: The property is addressed as 601 W Bender Road, Ellensburg, WA 98926. Kittitas County Assessor's Parcel ID Number: 741133. Materials Available for Review: The submitted application and all documents may be examined by the public by visiting the City of Ellensburg Community Development Department webpage at https://www.ellensburg.wa.us/523/Public-Notices/Current-Petitions Written Comments from interested persons will be accepted by email until 5:00 p.m. on March 17, 2022 by sending them to publicinput@ellensburg.wa.us. Written comments sent via USPS must arrive by the same deadline. Mailing Address: Community Development Dept., 501 N. Anderson St., Ellensburg, WA 98926. Staff contact: Shannon Johnson, Senior Planner shannon.johnson@ellensburg.wa.us NOTICE IS FURTHER GIVEN that all persons interested in this matter may participate in the Hybrid REMOTE meeting by contacting Staff no later than 5:00 pm on Thursday, March 24, 2022. An email link, text link, or phone number will be provided which will allow for electronic participation in the public hearing. In-person attendees that are fully vaccinated will need to wear face coverings. 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. A Request for Accommodation form may be obtained from the City Clerk/Draft Leader by calling 509-925-8814. PUBLISHED: Daily Record, February 24, 2022 / LEGAL # 207233	BEFORE THE KITTITAS COUNTY WATER CONSERVANCY BOARD ELLENSBURG, WASHINGTON Notice of one (1) Application to Change the Point of Diversion of water right S-4-84238-J. TAKE NOTICE: On December 16, 2020, Trout Unlimited (TU) on behalf of Aaron and Stephanie Rayer, and Michelle and David Coburn, filed application number KITT-20-06 with the Kittitas County Water Conservancy Board to change the Point of Diversion (POD) for water right certificate number S-4-84238-J (water right). The water right, with a priority date of June 30, 1869, authorizes diversion of 1.0 cubic foot-second and 54 acre-feet/year from the Yakima River. The currently authorized POD is located at 300 feet north and 1200 feet east from the southwest corner of Section 11, being within the SW1/4 SW1/4 of Section 11, T. 17 N., R. 18 E., W.M. The water right authorizes irrigation of 5 acres and stockwater from April 15 through October 15 within a Place of Use described as the south 495 feet of the NW1/4SE1/4 of Section 13, T. 17 N., R. 18 E.W.M. lying east of Bull Road and north of Tjossens Road. EXCEPT that portion described as follows: Beginning at a point on the east boundary line of said quarter-quarter section which is 30 feet north of the center of the SE 1/4 of said section and on the north boundary line of the right of way of the Tjossens County Road; thence N 0° 45' W along the east boundary of said quarter-quarter section 495 feet thence N 88° 15' W 287 feet thence S 0° 45' E 355 feet thence S 88° 03' E 117 feet to the corner of S 0° 45' E 100 feet thence S 88° 03' E along the north boundary of said Tjossens Road 170 feet to the point of beginning. Under KITT-20-06, the applicant proposes to change the POD to two (2) wells located within the Place of Use. Proposed POD #1, on Kittitas County parcel number 898293 is within the NW1/4SE1/4 of Section 13, T. 17 N., R. 18 E.W.M. Proposed POD #2, on Kittitas County parcel number 806336, is within the NW1/4SE1/4 of Section 13, T. 17 N., R. 18 E.W.M. In the event of reinvestment of water associated with S-4-84238-J, water from water right S-4-84238-J (C34-004789) will be used to mitigate for any reduction in water associated with said reinvestment allowing the user under S-4-84238-J to continue undisturbed and ensuring no impact to other water rights from such continued use. Any protest or objection to approval of the above-described Board Change Application may be filed with the Washington Department of Ecology and must include a detailed statement of the basis for objections. All letters of protest will become public record. Fees must be paid by check or money order (cash shall not be accepted) and are non-refundable. Protests must be accompanied by a \$50 recording fee payable to the Washington Department of Ecology Cashiering Unit, P.O. Box 47611, Olympia WA 98504-7611, within 30 days from March 3, 2022. Any interested party may submit comments, objections, and other information directly to the Board. Comments and information may be submitted in writing or verbally at any public meeting of the Board held to discuss or decide on the Board Change Application. The Board Change Application will be on the Board agenda during its next regular meeting, to be held on Tuesday, March 15, 2022, at 3:00 p.m., and on the third Tuesday of each month thereafter at the same time and place until the Board renders decisions on the Board Change Application. Additionally, the Board may receive written comments or information within 30 days from March 3, 2022, at its offices located at P.O. Box 605, Ellensburg, WA 98926. PUBLISHED: Daily Record, February 24, 2022 and March 3, 2022 / LEGAL # 207064	NOTICE TO BIDDERS CITY OF ELLENSBURG BID CALL 2021-18 DOLARWAY 15KV CIRCUIT BREAKER Sealed bids will be received by the City of Ellensburg at the office of the City Clerk at City Hall, 501 N. Anderson St., Ellensburg WA 98926, until 3:15 PM on Wednesday, March 9th, 2022, and will then and there be opened and read for the provision of materials. Each bid shall be plainly marked "Bid Call 2021-18 Dolanway 15KV Circuit Breaker". All bid proposals shall be accompanied by a bid proposal deposit in cash, certified check, cashier's check, or surety bond in an amount equal to five percent (5%) of the amount of such bid proposal. Should the successful bidder fail to enter into such contract and furnish satisfactory performance bond within the time stated in the specifications, the bid proposal deposit shall be forfeited to the City of Ellensburg. The project consists of furnishing two 15KV Circuit Breakers to the City of Ellensburg. The City of Ellensburg Public Works and Utilities has included standard specifications in this bid. The City of Ellensburg Public Works and Utilities can be reached by telephone at (509) 962-7124. The City of Ellensburg, Washington, reserves the right to reject any or all bids and to waive irregularities or informality in the bid or in the bidding. Responsibility and competency of bidders and their subcontractors will be considered in making the award. The City of Ellensburg in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, Part 21, nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all submitters that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined in 49 CFR Part 26 will be afforded full opportunity to submit qualifications in response to this invitation and will not be discriminated against on the grounds of race, color, national origin or sex in considerations for an award. No bidder may withdraw their bid after the hour set for the opening thereof or before the award of contract, unless said award is delayed for a period exceeding sixty days. By: Derek K. Maya Derek K. Maya, City Engineering Services Manager Bid Opening: Wednesday, March 9th, 2022, 3:15 pm PUBLISHED: Seattle Daily Journal, February 17 & 24, 2022 PUBLISHED: Daily Record, February 17 & 24, 2022 / LEGAL # 202352			
Public Notice Kittitas County, Ellensburg WA Kittitas County is accepting bid proposals from interested qualified legal newspapers to be the official county newspaper from 7:12-6:30 PM. Sealed bids are due no later than 10:00 pm on Friday March 26, 2022 at which time bids will no longer be accepted and will be opened at that time. Bids will be opened at the Kittitas County Commissioners Office 205 Vivian Ave, 98926 Ellensburg WA. More information is online at http://www.co.kittitas.wa.us/procure Julie Klayre Clerk of the Board PUBLISHED: North Kittitas County Tribune, February 17 & 24, 2022 PUBLISHED: Daily Record, February 17 & 24, 2022 / LEGAL # 204073	***AMENDED*** AMENDMENT (1) TO BID CALL #22-001 Utility Tree Trimming Clarification must be made to the following in the recent Bid Call #22-001. BID OPENING DATE: Bid opening date has been extended to March 15, 2022 at 3:00 p.m. Karen Galbreith Contract Administrator February 22, 2022 PUBLISHED: Daily Record, February 24, 2022 / LEGAL # 207169	NOTICE TO BIDDERS CITY OF ELLENSBURG BID CALL 2021-19 DOLARWAY 15KV CIRCUIT SWITCHER Sealed bids will be received by the City of Ellensburg at the office of the City Clerk at City Hall, 501 N. Anderson St., Ellensburg WA 98926, until 3:00 PM on Wednesday, March 9th, 2022, and will then and there be opened and read for the provision of materials. Each bid shall be plainly marked "Bid Call 2021-19 Dolanway 15KV Circuit Switcher". All bid proposals shall be accompanied by a bid proposal deposit in cash, certified check, cashier's check, or surety bond in an amount equal to five percent (5%) of the amount of such bid proposal. Should the successful bidder fail to enter into such contract and furnish satisfactory performance bond within the time stated in the specifications, the bid proposal deposit shall be forfeited to the City of Ellensburg. The project consists of furnishing one 15KV Circuit Switcher to the City of Ellensburg. The City of Ellensburg Public Works and Utilities has included standard specifications in this bid. The City of Ellensburg Public Works and Utilities can be reached by telephone at (509) 962-7124. The City of Ellensburg, Washington, reserves the right to reject any or all bids and to waive irregularities or informality in the bid or in the bidding. Responsibility and competency of bidders and their subcontractors will be considered in making the award. The City of Ellensburg in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, Part 21, nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all submitters that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined in 49 CFR Part 26 will be afforded full opportunity to submit qualifications in response to this invitation and will not be discriminated against on the grounds of race, color, national origin or sex in considerations for an award. No bidder may withdraw their bid after the hour set for the opening thereof or before the award of contract, unless said award is delayed for a period exceeding sixty days. By: Derek K. Maya Derek K. Maya, City Engineering Services Manager Bid Opening: Wednesday, March 9th, 2022, 3:00 pm PUBLISHED: Seattle Daily Journal, February 17 & 24, 2022 PUBLISHED: Daily Record, February 17 & 24, 2022 / LEGAL # 202352			



COMMUNITY DEVELOPMENT DEPARTMENT

501 N. Anderson St., Ellensburg WA 98926

Land Use Permitting (509) 962-7231 Construction Permitting (509) 962-7239

Kirsten Sackett, Director

Phone: (509) 962-7232 Fax: (509) 925-8655 E-Mail: sackettk@ci.ellensburg.wa.us

February 23, 2022

RE: Notice of Application and Open Record Public Hearing for Subdivision Application, Case # P21-157, submitted by Tyler Glahn, Property Owner

Dear Property Owner,

Notice is hereby given that the City of Ellensburg has received a Subdivision Permit Application for the following project that may be of interest to you. As a property owner within three hundred feet (300') of this proposal you are invited to comment on it.

Date of application: December 15, 2022

Date of notice of complete application: February 9, 2022

Comments due date: March 17, 2022

Project Applicant: Submitted by Tyler Glahn, Property Owner.

Project Description: Case # P21-157; a Preliminary Long Plat Subdivision. Tyler Glahn, Property Owner for a Preliminary Plat Subdivision. The proposed preliminary plat within the Residential Suburban (R-S) zone is a 40-lot long plat for residential and single family home construction. One lot will accommodate the existing home on 37,079 sf, and the remaining lots will range in size from 3,191 sf to 10,282 sf. The proposed plat will be accessed from Bender road, with multiple interior local access roads serving the lots within the development. The current zoning for the project site, located on Kittitas County Assessor's Parcel ID #791133 is Residential Suburban (R-S). A notice of SEPA Mitigated Determination of Non-Significance (MDNS) was published in the Daily Record on October 18, 2021.

NOTICE IS HEREBY GIVEN that an **Open Record Public Hearing** has been scheduled before the Ellensburg Hearing Examiner for **Friday, March 25, 2022 at 2:00 pm** to consider Long Plat Subdivision Application, P21-157. The hearing will be held both remotely via Zoom and in Council Chambers for those wishing to attend in person. *In-person attendees that are not fully vaccinated will need to wear face coverings.

P21-157

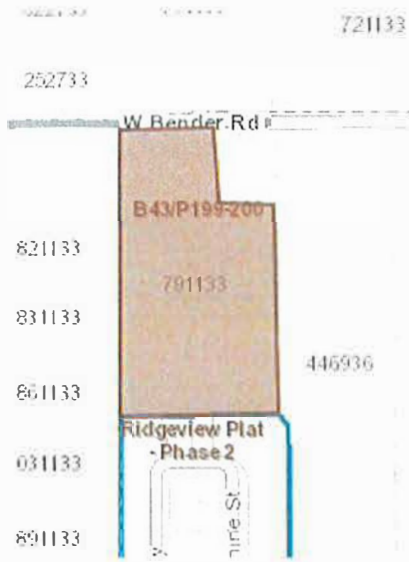
CERTIFICATE OF TRANSMITTAL

On this day, the undersigned sent to the addressee(s) the original document(s) by U.S. Mail.

I certify under penalty of perjury under the laws of the State of WA that the foregoing is true and correct.

Date **2/23/22** Signed

Alivia Uri



Project Location: The property is addressed as 604 W Bender Road, Ellensburg, WA 98926. Kittitas County Assessor's ID# 791133 as seen in the map above.

Materials Available for Review: The submitted application and file documents may be examined by the public by visiting the **City of Ellensburg Community Development Department webpage** at <https://www.ci.ellensburg.wa.us/623/Public-NoticesCurrent-Projects>

Written Comments: The public is encouraged to review and comment on the proposed project. **Comments must be submitted in writing by 5:00 pm on Thursday, March 17, 2022 by either:**

Mail delivery postmarked by the deadline, addressed to:

- 1) City of Ellensburg Community Development Department
501 N Anderson Street, Ellensburg, WA 98926 or
- 2) Via email by 5:00 pm on the deadline, to the staff contact listed below

NOTICE IS FURTHER GIVEN that all persons interested in this matter may participate in the Hybrid meeting by contacting Staff no later than 5:00 pm on Thursday, March 24. An email link, text link, or phone number will be provided which will allow for electronic participation in the public hearing.

Staff contact: Shannon Johnson, Senior Planner. Email: johnsons@ci.ellensburg.wa.us

Sincerely,

Shannon D. Johnson
 Shannon D. Johnson
 Senior Planner
 City of Ellensburg
 Community Development Department
 501 N Anderson Street
 Ellensburg, WA 98926
 Phone: (509) 898-1611
 Fax: (509) 898-1612

JOHNSON, TODD H
2500 N DELPNINE ST
ELLENSBURG, WA 98926-2371

CALLAHAN, SHAUN S & HILARY
2998 W PHILLIPS RD
OTHELLO, WA 99344

STAWICKI, CAROL V
607 W BENDER RD
ELLENSBURG, WA 98926

FISCHER, RICHARD A & PATRICIA K
505 W BENDER RD
ELLENSBURG, WA 98926-9487

BALL, MICHAEL A & LYNETT L
2606 N HANNAH RD
ELLENSBURG, WA 98926-9402

HADDON, JOHN ETUX
2501 N DELPHINE ST
ELLENSBURG, WA 98926

HUFF, JULIE A & CHARLES
2501 N LILAC WAY
ELLENSBURG, WA 98926-2391

DAY, CATHERINE A &
COPPIN, PAUL L
503 W BENDER RD
ELLENSBURG, WA 98926-9487

ROBERTS, JULIANNE E
2414 N DELPHINE ST
ELLENSBURG, WA 98926-2319

CLAUSSEN, AMY L ETVIR
2503 N LILAC WAY
ELLENSBURG, WA 98926-2391

WEIDERT, WAYNE E
37419 SE FURY ST
SNOQUALMIE, WA 98065-5100

GOLDEN ACRES LLC
PO BOX 1092
EPHRATA, WA 98823-1092

KISER, JENNA M
601 W LILAC WAY
ELLENSBURG, WA 98926-2390

MCCABE, STEVEN L
PO BOX 1015
IDAHO CITY, ID 83631-1015

BEACH, PAUL & SANDRA
510 W BENDER RD
ELLENSBURG, WA 98926-9487

KERNAN, GARRY L & PATRICIA A
2418 N HANNAH RD
ELLENSBURG, WA 98926-9401

TOLMAN, ROSCO N
704 W BENDER RD
ELLENSBURG, WA 98926-9484

MCDONALD, JASON
610 W BENDER RD
ELLENSBURG, WA 98926-9486

LOWERY, ROBERT ETUX
2714 PIONEER RD
ELLENSBURG, WA 98926

MORGENSTERN, ALEXANDRA
32765 142ND ST SE
SULTAN, WA 98294-5011

PATRY, ROGER & MARGARET
PO BOX 1172
EPHRATA, WA 98823-1172

LEE, HYUN O & KIM, HYUN JU
603 W LILAC WAY
ELLENSBURG, WA 98926-2390

FINCH, WILLIAM S SR & SHERRY J
605 W LILAC WAY
ELLENSBURG, WA 98926-2390

BDN PROPERTIES LLC
PO BOX 926
ELLENSBURG, WA 98926-1924

FINN, DONALD L ETUX
2415 N LILAC WAY
ELLENSBURG, WA 98926

HILL, LARRY & CHERYL K
2500 N LILAC WAY
ELLENSBURG, WA 98926-2391

CRYTYL ENTERPRISES INC
PO BOX 454
ELLENSBURG, WA 98926-1915

GUSTAFSON, PHILIP & ROBERTA
607 W LILAC WAY
ELLENSBURG, WA 98926-2390

HAYNES, JACOB STANLEY &
LEA E M HAYNES
3631 E SPOKANE ST
TACOMA, WA 98404-3027

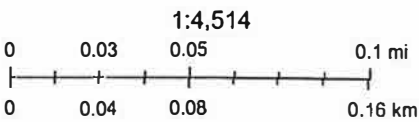
ROTTER, JOE & KELLY M
2600 HANNAH RD
ELLENSBURG, WA 98926-9402

eburg map



2/10/2022, 11:11:55 AM

- Urban Growth Area
- City Limits



© OpenStreetMap (and) contributors. CC-BY-SA



COMMUNITY DEVELOPMENT DEPARTMENT

501 N. Anderson St, Ellensburg WA 98926

Land Use Permitting (509) 962-7231 Construction Permitting (509) 962-7239

Kirsten Sackett, Director

Phone: (509) 962-7232 Fax: (509) 925-8655 E-Mail: sackettk@ci.ellensburg.wa.us

AFFIDAVIT OF POSTING

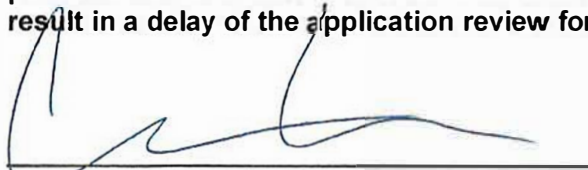
The Ellensburg City Code requires that all projects requiring Type IV Permit Review to have a notice sign posted at the site of the project. Per ECC 15.270.140, the following shall apply:

1. The posting of a weather-resistant sign or signs on the subject property, visible to members of the public who may be passing on nearby public rights-of-way and free from obstructions.
2. If the project abuts more than one public right-of-way (ROW), more than one sign will be required; one per ROW, as determined by the responsible official.
3. **The responsibility for the posting of the sign or signs shall be upon the project applicant or his or her agent.**
4. The sign matrix provided by Planning Dept. Staff, shall be made into a sign or signs at least two feet by three feet (2' x 3') in size.

DATE: February 24, 2022	PLANNER: Shannon Johnson – Senior Planner
PROJECT NAME AND SUMMARY: Type IV Preliminary Plat Review – HE <u>Open</u> <u>Record Public Hearing</u> for the proposed 40 Lot Long Plat at 406 W Bender Rd, Ellensburg WA 98926.	FILE NUMBER: P21-157

PLEASE COMPLETE THE FOLLOWING:

I, Chris Lagasse, certify that I am the landowner and/or authorized agent responsible for the posting of this land use project site and further certify that the site has been posted as required by Ellensburg City Code. I understand that the posting period begins immediately and ends after the ending of the appeal period on the final decision by the City Council and the sign(s) will be posted at the site until this time. **Failure to post the site and return this form to Community Development in a timely manner will result in a delay of the application review for the project.**


Signature

3/21, 20 22

Please return the above affidavit and photograph(s) of the posted notice sign board(s) to:
Shannon Johnson, Senior Planner, 509-962-7108, via email: johnsons@ci.ellensburg.wa.us ;
Fax: 509-925-8655; or mail to: Community Development Dept., City Hall, 501 N. Anderson St.,
Ellensburg, WA 98926.

Shannon Johnson

From: Tyler Glahn <tylerglahn@gmail.com>
Sent: Wednesday, March 2, 2022 4:17 PM
To: Shannon Johnson
Subject: [Ext]

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



Sent from my iPhone



Preliminary Subdivision (Long Plat) Application



Community Development Department

501 N. Anderson, Ellensburg, WA 98926 (509) 962-7239 (Building) (509) 962-7231 (Planning) commdev@ci.ellensburg.wa.us

A pre-application meeting is required prior to submitting a Long Plat application. Land Subdivisions that create 10 or more lots (referred to as long plats) are subject to the Type IV review process as set forth in Chapter 15.210 ECC. Subdivisions that are granted preliminary approval shall be effective for a period set forth in RCW 58.17.140, during which time the final subdivision application shall be submitted for approval and recording.

Application Fee: \$1200 (Pre-App Fee: \$500 may be applied here also)

In addition to the existing application fee, the applicant shall be required to pay a \$600 Hearing Examiner fee. If the Hearing Examiner fee is less than \$600, the difference shall be returned to the applicant. If the Hearing Examiner fee exceeds \$600, the additional cost shall be billed to and paid by the applicant.

The Planning Division will be unable to accept your Long Plat Application Form if you fail to provide ALL of the following required material.

OFFICIAL USE ONLY:

Staff Person:	AW
Date Submitted:	12-15-21
Fee Total:	1800.00
FILE #:	P21-157
Associated Permit File #:	P21-111 P21-087

PROPERTY OWNER: (Note: If the Applicant is not the Owner, attach written authorization from the legal owner(s).)

Legal Owner Name(s):	Crytly Enterprises INC	Day Phone:	
Mailing Address:	PO Box 454 E-Burg 98926		
E-mail:	tylerglahn@gmail.com	Cell Phone:	360 220 6518

*APPLICANT: ☐ Owner ☐ Contractor ☐ Tenant ☐ Other

Name:	Crytly Enterprises INC	Day Phone:	
Mailing Address:	PO Box 454 E-Burg 98926		
E-mail:	tylerglahn@gmail.com	Cell Phone:	

CONTACT PERSON: ☐ Owner ☐ Contractor ☐ Tenant ☐ Other

Name:	Tyler Glahn	Day Phone:	
Mailing Address:	PO Box 454 E-Burg 98926		
E-mail:	tylerglahn@gmail.com	Cell Phone:	360 220 6518

PROJECT INFORMATION:

Parcel Number(s) of Site:	791133
Site Address (if any):	604 W Bender RD Ellensburg
City Zoning Designation:	Residential Suburban

(OVER)

PROJECT INFORMATION:

Ellensburg City Code 15.260.120 requires that application for short plats may only be approved if/all the following are satisfied

Application contents. Applications for a preliminary subdivision shall contain the following:

1. The minimum application requirements set forth in ECC 15.220.020 and a completed subdivision application form provided by the department, which shall include the signatures of all owner's of interest in the land involved in the preliminary subdivision;
2. Payment of a the application fee in the amount established in the city's adopted fee schedule; ✓
3. A completed SEPA Checklist and payment of the SEPA application fee; ✓
4. A completed critical area information form or critical area report pursuant to ECC Article 6, if applicable; ✓
5. A title report of the property to be subdivided; ✓
6. A recorded copy of the deed for the property to be subdivided; ✓
7. Copies of all existing or proposed restrictive covenants involving the land within the proposed subdivision; ✓ *none*
8. Names and addresses of the owner(s) of the property to be subdivided and of any person or entity holding an interest in the property as identified on the title report in sub-section 5 above; *city*
9. Names and addresses of all property owners within 300 feet of the boundaries of the proposed subdivision as those names appear on the records of the Kittitas County Assessor; *city*
10. The preliminary subdivision plat drawing which shall comply with all general drafting standards and Tier 3 drafting guidelines required by the city's public works development standards – Section 5 - drafting standards. Five copies of the drawing shall be provided with the application, along with an electronic copy on CD media in a format readable by the city's current version of AutoCAD, and one reduced copy not to exceed 11-inches by 17-inches. In addition to the drafting standards set forth in the city's public works development standards, such drawing shall clearly show the following:
 - a. Vicinity sketch showing the parcel boundaries and the major street system, with street names, within a one-quarter-mile radius;
 - b. Zoning of the property proposed for subdivision;
 - c. Location and size of existing and proposed utilities, railroads, and irrigation rights-of-way on the property proposed for subdivision;
 - d. Plan view of proposed streets, their names and widths, pedestrian ways, all utilities and easements;
 - e. Location and size of all proposed ditches, culverts, catch basins, detention or retention ponds or other parts of the design for the control of surface water drainage;
 - f. Approximate boundaries of all areas subject to irrigation or storm water overflow;
 - g. Location, width and direction of flow of all watercourses on the site; and
 - h. Location and identification of all critical areas, including associated buffers, on the property proposed for subdivision or on adjacent properties, as required by ECC Article 6;
11. Preliminary grading plan pursuant to public works department requirements;
12. Preliminary storm water plan pursuant to public works department requirements;
13. Preliminary landscaping plan pursuant to Articles 4 and 5 of this title;
14. A narrative addressing ownership and maintenance of open spaces, stormwater facilities, public trails and critical areas, and the applicable approval criteria and standards of the Ellensburg Municipal Code. It should also address any proposed building conditions or restrictions;
15. Transportation study, if required by the public works department;
16. Location of any proposed building envelopes on the lots being created; and
17. Any other information in the opinion of the director which is necessary to determine if the proposed subdivision makes appropriate provisions for physical problems or hazards involving public health, safety and/or welfare.

SIGNATURE OF LEGAL OWNER or REPRESENTATIVE AS AUTHORIZED BY THE LEGAL OWNER:

I, Tyler Glahn, (print name) affirm that the above responses are made truthfully and to the best of my knowledge. I hereby apply for this permit application and acknowledge that I have read this application and state that the information is correct and that I agree to comply with all city ordinances pertaining to this permit if granted.

I further affirm that I am the owner of record of the area proposed for the above-identified land use action or, if not the owner, attached herewithin is written permission from the owner(s) authorizing my actions on his/her/their behalf.

Signature of Legal Owner:
(or Authorized Agent)



Date:

Shannon D Johnson
Senior Planner
City of Ellensburg
501 N Anderson
Ellensburg WA 98926

January 3rd, 2022

Tyler Glahn
Crytly Enterprises Inc
PO Box 454
Ellensburg WA 98926

Katie Meadows Narrative

Katie meadows is a 40-lot plat located at 604 Bender rd. The plat will have minimal open spaces. The only open space will be either on a separate parcel as show on lot B, or that parcel could be included with the boundaries of lots 10 and 9. In this situation, an easement for that storm area would be recorded to benefit the entire plat on lots 10 and 9. Maintenance of this area will be the responsibility of the HOA and the homeowner's individual parcels along with lot 9 and 10. The covenants for this plat will address storm retention and the maintenance of this space. Additionally, there will be some language about noise, waste, and presentation of each parcel. No restrictions on home construction on the lots will be added on the parcels at this time, given that it is the intent of Crytly Enterprises to build all the homes. No Trails or critical areas exist in this plat.

Tyler Glahn

President,
Crytly Enterprises inc

ADJACENT SURVEY BOOK 29. PAGE 88



GRAY SURVEYING &
ENGINEERING, INC.
P.O. BOX 510
YAKIMA, WA 98907

Know what's below.
Call before you dig.

PAGE 2 OF THAT CERTAIN SURVEY AS RETURNED MAY 10, 1962, IN BOOK
43 OF SURVEYS, PAGE TWO AND THE UNDER MATTER'S FILE NO.
INVESTIGATION, SECTION OF STAFF COUNTY, MEMPHIS, BEING A PORTION
OF THE CERTAIN CLERK OF COURT IN TOWN OF KENTON, STATE OF
LOUISIANA, IN THE COUNTY OF STAFF, STATE OF LOUISIANA.

25. *Stellaria media*



101 W Fifth Ave., Ellensburg, WA 98926
Phone: (509)925-1477 Fax: (509)962-8325

P21-157
RECEIVED

DEC 15 2021

COMMUNITY DEVELOPMENT

August 9, 2021

Crytly Enterprises, Inc., a Washington corporation
PO Box 454
Ellensburg, WA 98926

File No.: 463543AM

We enclose herewith the following:

Policy of Title Insurance

Thank you for doing business with us. We hope to be of service to you again.

Sincerely,
AmeriTitle, LLC



Owner's Policy of Title Insurance

ISSUED BY

First American Title Insurance Company

POLICY NUMBER

5011400-2126740

Owner's Policy

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at the address shown in Section 18 of the Conditions.

COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation (the "Company") insures, as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from
 - (a) A defect in the Title caused by
 - (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
 - (ii) failure of any person or Entity to have authorized a transfer or conveyance;
 - (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
 - (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
 - (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
 - (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
 - (vii) a defective judicial or administrative proceeding.
 - (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
 - (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.

(Covered Risks Continued on Page 2)

In Witness Whereof, First American Title Insurance Company has caused its corporate name to be hereunto affixed by its authorized officers as of Date of Policy shown in Schedule A.

First American Title Insurance Company

For Reference:

File #: 463543AM



Dennis J. Gilmore
Dennis J. Gilmore
President

Timothy Kemp
Timothy Kemp
Secretary

(This Policy is valid only when Schedules A and B are attached)

This Jacket was created electronically and constitutes an original document

Copyright 2006-2009 American Land Title Association. All rights reserved. The use of this form is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.

COVERED RISKS (Continued)

5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (a) the occupancy, use, or enjoyment of the Land;
 - (b) the character, dimensions, or location of any improvement erected on the Land;
 - (c) the subdivision of land; or
 - (d) environmental protectionif a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.
6. An enforcement action based on the exercise of a governmental police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.
7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without knowledge.
9. Title being vested other than as stated in Schedule A or being defective
 - (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting Title as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws; or
 - (b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records
 - (i) to be timely, or
 - (ii) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.
10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this Policy, but only to the extent provided in the Conditions.

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy.
- (c) resulting in no loss or damage to the Insured Claimant;
- (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
- (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

CONDITIONS

1. DEFINITION OF TERMS

The following terms when used in this policy mean:

- (a) "Amount of Insurance": The amount stated in Schedule A, as may be increased or decreased by endorsement to this policy, increased by Section S(b), or decreased by Sections 10 and 11 of these Conditions.
- (b) "Date of Policy": The date designated as "Date of Policy" in Schedule A.
- (c) "Entity": A corporation, partnership, trust, limited liability company, or other similar legal entity.
- (d) "Insured": The Insured named in Schedule A.
 - (i) The term "Insured" also includes
 - (A) successors to the Title of the Insured by operation of law as distinguished from purchase, including heirs, devisees, survivors, personal representatives, or next of kin;
 - (B) successors to an Insured by dissolution, merger, consolidation, distribution, or reorganization;
 - (C) successors to an Insured by its conversion to another kind of Entity;
 - (D) a grantee of an Insured under a deed delivered without payment of actual valuable consideration conveying the Title
 - (1) if the stock, shares, memberships, or other equity interests of the grantee are wholly-owned by the named Insured,
 - (2) if the grantee wholly owns the named Insured,
 - (3) if the grantee is wholly-owned by an affiliated Entity of the named Insured, provided the affiliated Entity and the named Insured are both wholly owned by the same person or Entity, or
 - (4) if the grantee is a trustee or beneficiary of a trust created by a written instrument established by the Insured named in Schedule A for estate planning purposes.
 - (ii) With regard to (A), (B), (C), and (D) reserving, however, all rights and defenses as to any successor that the Company would have had against any predecessor Insured.
- (e) "Insured Claimant": An Insured claiming loss or damage.
- (f) "Knowledge" or "Known": Actual knowledge, not constructive knowledge or notice that may be imputed to an Insured by reason of the Public Records or any other records that impart constructive notice of matters affecting the Title.
- (g) "Land": The land described in Schedule A, and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is insured by this policy.
- (h) "Mortgage": Mortgage, deed of trust, trust deed, or other security instrument, including one evidenced by electronic means authorized by law.
- (i) "Public Records": Records established under state statutes at Date of Policy for the purpose of imparting constructive notice

of matters relating to real property to purchasers for value and without Knowledge. With respect to Covered Risk 5(d), "Public Records" shall also include environmental protection liens filed in the records of the clerk of the United States District Court for the district where the Land is located.

G) "Title": The estate or interest described in Schedule A.

(k) "Unmarketable Title": Title affected by an alleged or apparent matter that would permit a prospective purchaser or lessee of the Title or lender on the Title to be released from the obligation to purchase, lease, or lend if there is a contractual condition requiring the delivery of marketable title.

2. CONTINUATION OF INSURANCE

The coverage of this policy shall continue in force as of Date of Policy in favor of an Insured, but only so long as the Insured retains an estate or interest in the Land, or holds an obligation secured by a purchase money Mortgage given by a purchaser from the Insured, or only so long as the Insured shall have liability by reason of warranties in any transfer or conveyance of the Title. This policy shall not continue in force in favor of any purchaser from the Insured of either (i) an estate or interest in the Land, or (ii) an obligation secured by a purchase money Mortgage given to the Insured.

3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT

The Insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 5(a) of these Conditions, (ii) in case Knowledge shall come to an Insured hereunder of any claim of title or interest that is adverse to the Title, as insured, and that might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if the Title, as insured, is rejected as Unmarketable Title. If the Company is prejudiced by the failure of the Insured Claimant to provide prompt notice, the Company's liability to the Insured Claimant under the policy shall be reduced to the extent of the prejudice.

4. PROOF OF LOSS

In the event the Company is unable to determine the amount of loss or damage, the Company may, at its option, require as a condition of payment that the Insured Claimant furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, or other matter insured against by this policy that constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage.

5. DEFENSE AND PROSECUTION OF ACTIONS

(a) Upon written request by the Insured, and subject to the options contained in Section 7 of these Conditions, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an Insured in litigation in which any third party asserts a claim covered by this policy adverse to the Insured. This obligation is limited to only those stated causes of action alleging matters insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the Insured to object for reasonable cause) to represent the Insured as to those stated causes of action. It shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs, or expenses incurred by the Insured in the defense of those causes of action that allege matters not insured against by this policy.

- (b) The Company shall have the right, in addition to the options contained in Section 7 of these Conditions, at its own cost, to institute and prosecute any action or proceeding or to do any other act that in its opinion may be necessary or desirable to establish the Title, as insured, or to prevent or reduce loss or damage to the Insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable to the Insured. The exercise of these rights shall not be an admission of liability or waiver of any provision of this policy. If the Company exercises its rights under this subsection, it must do so diligently.
- (c) Whenever the Company brings an action or asserts a defense as required or permitted by this policy, the Company may pursue the litigation to a final determination by a court of competent jurisdiction, and it expressly reserves the right, in its sole discretion, to appeal any adverse judgment or order.

6. DUTY OF INSURED CLAIMANT TO COOPERATE

- (a) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding and any appeals, the Insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, including the right to use, at its option, the name of the Insured for this purpose. Whenever requested by the Company, the Insured, at the Company's expense, shall give the Company all reasonable aid (i) in securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act that in the opinion of the Company may be necessary or desirable to establish the Title or any other matter as insured. If the Company is prejudiced by the failure of the Insured to furnish the required cooperation, the Company's obligations to the Insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.
- (b) The Company may reasonably require the Insured Claimant to submit to examination under oath by any authorized representative of the Company and to produce for examination, inspection, and copying, at such reasonable times and places as may be designated by the authorized representative of the Company, all records, in whatever medium maintained, including books, ledgers, checks, memoranda, correspondence, reports, e-mails, disks, tapes, and videos whether bearing a date before or after Date of Policy, that reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Insured Claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect, and copy all of these records in the custody or control of a third party that reasonably pertain to the loss or damage. All information designated as confidential by the Insured Claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Insured Claimant to submit for examination under oath, produce any reasonably requested information, or grant permission to secure reasonably necessary information from third parties as required in this subsection, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this policy as to that claim.

7. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY

In case of a claim under this policy, the Company shall have the following additional options:

- (a) To Pay or Tender Payment of the Amount of Insurance.
To pay or tender payment of the Amount of Insurance under this policy together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay.
Upon the exercise by the Company of this option, all liability and obligations of the Company to the Insured under this policy, other than to make the payment required in this subsection, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.
- (b) To Pay or Otherwise Settle With Parties Other Than the Insured or With the Insured Claimant.
 - (i) To pay or otherwise settle with other parties for or in the name of an Insured Claimant any claim insured against under this policy. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay; or
 - (ii) To pay or otherwise settle with the Insured Claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in subsections (b)(i) or (ii), the Company's obligations to the Insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

8. DETERMINATION AND EXTENT OF LIABILITY

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the Insured Claimant who has suffered loss or damage by reason of matters insured against by this policy.

- (a) The extent of liability of the Company for loss or damage under this policy shall not exceed the lesser of
 - (i) the Amount of Insurance; or
 - (ii) the difference between the value of the Title as insured and the value of the Title subject to the risk insured against by this policy.
- (b) If the Company pursues its rights under Section 5 of these Conditions and is unsuccessful in establishing the Title, as insured,
 - (i) the Amount of Insurance shall be increased by 10%, and
 - (ii) the Insured Claimant shall have the right to have the loss or damage determined either as of the date the claim was made by the Insured Claimant or as of the date it is settled and paid.
- (c) In addition to the extent of liability under (a) and (b), the Company will also pay those costs, attorneys' fees, and expenses incurred in accordance with Sections 5 and 7 of these Conditions.

9. LIMITATION OF LIABILITY

- (a) If the Company establishes the Title, or removes the alleged defect, lien, or encumbrance, or cures the lack of a right of access to or from the Land, or cures the claim of Unmarketable Title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused to the Insured.
- (b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals, adverse to the Title, as insured.
- (c) The Company shall not be liable for loss or damage to the Insured for liability voluntarily assumed by the Insured in settling any claim or suit without the prior written consent of the Company.

10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY

All payments under this policy, except payments made for costs, attorneys' fees, and expenses, shall reduce the Amount of Insurance by the amount of the payment.

11. LIABILITY NONCUMULATIVE

The Amount of Insurance shall be reduced by any amount the Company pays under any policy insuring a Mortgage to which exception is taken in Schedule B or to which the Insured has agreed, assumed, or taken subject, or which is executed by an Insured after Date of Policy and which is a charge or lien on the Title, and the amount so paid shall be deemed a payment to the Insured under this policy.

12. PAYMENT OF LOSS

When liability and the extent of loss or damage have been definitely fixed in accordance with these Conditions, the payment shall be made within 30 days.

13. RIGHTS OF RECOVERY UPON PAYMENT OR SETTLEMENT

- (a) Whenever the Company shall have settled and paid a claim under this policy, it shall be subrogated and entitled to the rights of the Insured Claimant in the Title and all other rights and remedies in respect to the claim that the Insured Claimant has against any person or property, to the extent of the amount of any loss, costs, attorneys' fees, and expenses paid by the Company. If requested by the Company, the Insured Claimant shall execute documents to evidence the transfer to the Company of these rights and remedies. The Insured Claimant shall permit the Company to sue, compromise, or settle in the name of the Insured Claimant and to use the name of the Insured Claimant in any transaction or litigation involving these rights and remedies. If a payment on account of a claim does not fully cover the loss of the Insured Claimant, the Company shall defer the exercise of its right to recover until after the Insured Claimant shall have recovered its loss.
- (b) The Company's right of subrogation includes the rights of the Insured to indemnities, guaranties, other policies of insurance, or bonds, notwithstanding any terms or conditions contained in those instruments that address subrogation rights.

14. ARBITRATION

Either the Company or the Insured may demand that the claim or controversy shall be submitted to arbitration pursuant to the Title

Insurance Arbitration Rules of the American Land Title Association ("Rules"). Except as provided in the Rules, there shall be no joinder or consolidation with claims or controversies of other persons. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this policy, any service in connection with its issuance or the breach of a policy provision, or to any other controversy or claim arising out of the transaction giving rise to this policy. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured. All arbitrable matters when the Amount of Insurance is in excess of \$2,000,000 shall be arbitrated only when agreed to by both the Company and the Insured. Arbitration pursuant to this policy and under the Rules shall be binding upon the parties. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court of competent jurisdiction.

15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT

- (a) This policy together with all endorsements, if any, attached to it by the Company is the entire policy and contract between the Insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.
- (b) Any claim of loss or damage that arises out of the status of the Title or by any action asserting such claim shall be restricted to this policy.
- (c) Any amendment of or endorsement to this policy must be in writing and authenticated by an authorized person, or expressly incorporated by Schedule A of this policy.
- (d) Each endorsement to this policy issued at any time is made a part of this policy and is subject to all of its terms and provisions. Except as the endorsement expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsement, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance.

16. SEVERABILITY

In the event any provision of this policy, in whole or in part, is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision or such part held to be invalid, but all other provisions shall remain in full force and effect.

17. CHOICE OF LAW; FORUM

- (a) Choice of Law: The Insured acknowledges the Company has underwritten the risks covered by this policy and determined the premium charged therefor in reliance upon the law affecting interests in real property and applicable to the interpretation, rights, remedies, or enforcement of policies of title insurance of the jurisdiction where the Land is located. Therefore, the court or an arbitrator shall apply the law of the jurisdiction where the Land is located to determine the validity of claims against the Title that are adverse to the Insured and to interpret and enforce the terms of this policy. In neither case shall the court or arbitrator apply its conflicts of law principles to determine the applicable law.
- (b) Choice of Forum: Any litigation or other proceeding brought by the Insured against the Company must be filed only in a state or federal court within the United States of America or its territories having appropriate jurisdiction.

18. NOTICES, WHERE SENT

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at First American Title Insurance Company, Attn: Claims National Intake Center, 1 First American Way, Santa Ana, CA 92707. Phone: 888-632-1642.

 First American Title	Owner's Policy of Title Insurance ISSUED BY First American Title Insurance Company
Schedule A	POLICY NUMBER 5011400-2126740

Name and Address of Issuing Agent:

AmeriTitle, LLC
101 W Fifth Ave.
Ellensburg, WA 98926

File No.: 463543AM

Address Reference: 7 W Bender Rd, Ellensburg, WA 98926

Amount of Insurance: \$800,000.00

Premium: \$1,476.00

Date of Policy: June 28, 2021 9:27AM

1. Name of Insured:

Crytly Enterprises, Inc., a Washington corporation

2. The estate or interest in the Land that is insured by this policy is:

FEE SIMPLE

3. Title is vested in:

Crytly Enterprises, Inc., a Washington corporation

4. The Land referred to in this policy is described as follows:

Parcel 2 of that certain Survey as recorded May 10, 2021, in Book 43 of Surveys, pages 199 and 200, under Auditor's File No. 202105100003, records of Kittitas County, Washington; being a portion of the Southwest Quarter of Section 26, Township 18 North, Range 18 East, W.M., in the County of Kittitas, State of Washington.

By: _____



Authorized Countersignature

(This Schedule A valid only when Schedule B is attached)

 First American Title	Owner's Policy of Title Insurance
Schedule B	ISSUED BY First American Title Insurance Company POLICY NUMBER 5011400-2126740

File No. 463543AM

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims which are not shown by the Public Records but which could be ascertained by an inspection of said Land or by making inquiry of persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights or easements appurtenant to water rights, claims or title to water, whether or not the matters excepted under(a), (b), or (c) are shown by the Public Records.
6. Any liens, or rights to a lien, for services, labor or material not shown by the Public Records.
7. Indian tribal codes or regulations, Indian treaty or aboriginal rights, including easements or equitable servitudes.
8. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:
Granted To: Hannah Robinson, individually and as guardian to Niel Winegar
Recorded: December 1, 1920
Book 34 of Deeds, Page 574
9. Cascade Irrigation District Resolution 03-2006, Formation of LID#3-Hannah Road/Pioneer Road Project, including the terms and provisions thereof,
Date: September 5, 2006
Recorded: October 4, 2007
Instrument No.: 200710040004
For: Cascade Irrigation District

Amendment of Resolution recorded January 9, 2008, under Auditor's File No. 200801090005.

10. Cascade Irrigation District Amending Resolution 03-2006, Formation of LID#3-Hannah Road/Pioneer Road Project, including the terms and provisions thereof,
Date: January 8, 2008
Recorded: January 9, 2008
Instrument No.: 200801090005
For: Cascade Irrigation District
11. Any rights, interests, or claims which may exist or arise by reason of the following matters(s) disclosed by survey,
Recorded: May 10, 2021
Book: 43 of Surveys Page: 199 and 200
Instrument No.: 202105100003
Matters shown:
a) Location of fence lines in relation to property boundaries
b) Location of drain field
c) Notes contained thereon
12. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:
Declarants: Craig Ronning and Teri L. Ronning, husband and wife; and Paul Beach and Sandra Beach, husband and wife
Purpose: Drainfield
Recorded: June 28, 2021
Instrument No.: 2022106280009
Book , Page
Affects: A portion of said premises
7. A Deed of Trust, including the terms and provisions thereof, to secure the amount noted below and other amounts secured thereunder, if any:
Amount: \$800,000.00
Dated: July 24, 2021
Trustor/Grantor: Crytly Enterprises Incorporated, a Washington corporation
Trustee: AmeriTitle, a corporation
Beneficiary: Johnston Property Management, LLC, a Washington Limited Liability Company
Recorded: June 28, 2021
Instrument No.: 202106280011

END OF SCHEDULE B



Privacy Notice

Effective: November 1, 2019

Notice Last Updated: January 1, 2021

This Privacy Notice describes how First American Financial Corporation and its subsidiaries and affiliates (together referred to as "First American," "we," "us," or "our") collect, use, store, and share your information. This Privacy Notice applies to information we receive from you offline only, as well as from third parties, when you interact with us and/or use and access our services and products ("Products"). For more information about our privacy practices, including our online practices, please visit <https://www.firstam.com/privacy-policy/>. The practices described in this Privacy Notice are subject to applicable laws in the places in which we operate.

What Type Of Information Do We Collect About You? We collect a variety of categories of information about you. To learn more about the categories of information we collect, please visit <https://www.firstam.com/privacy-policy/>.

How Do We Collect Your Information? We collect your information: (1) directly from you; (2) automatically when you interact with us; and (3) from third parties, including business parties and affiliates.

How Do We Use Your Information? We may use your information in a variety of ways, including but not limited to providing the services you have requested, fulfilling your transactions, comply with relevant laws and our policies, and handling a claim. To learn more about how we may use your information, please visit <https://www.firstam.com/privacy-policy/>.

How Do We Share Your Information? We do not sell your personal information. We only share your information, including to subsidiaries, affiliates, and to unaffiliated third parties: (1) with your consent; (2) in a business transfer; (3) to service providers; and (4) for legal process and protection. To learn more about how we share your information, please visit <https://www.firstam.com/privacy-policy/>.

How Do We Store and Protect Your Information? The security of your information is important to us. That is why we take commercially reasonable steps to make sure your information is protected. We use our best efforts to maintain commercially reasonable technical, organizational, and physical safeguards, consistent with applicable law, to protect your information.

How Long Do We Keep Your Information? We keep your information for as long as necessary in accordance with the purpose for which it was collected, our business needs, and our legal and regulatory obligations.

Your Choices We provide you the ability to exercise certain controls and choices regarding our collection, use, storage, and sharing of your information. You can learn more about your choices by visiting <https://www.firstam.com/privacy-policy/>.

International Jurisdictions: Our Products are offered in the United States of America (US), and are subject to US federal, state, and local law. If you are accessing the Products from another country, please be advised that you may be transferring your information to us in the US, and you consent to that transfer and use of your information in accordance with this Privacy Notice. You also agree to abide by the applicable laws of applicable US federal, state, and local laws concerning your use of the Products, and your agreements with us.

We may change this Privacy Notice from time to time. Any and all changes to this Privacy Notice will be reflected on this page, and where appropriate provided in person or by another electronic method. **YOUR CONTINUED USE, ACCESS, OR INTERACTION WITH OUR PRODUCTS OR YOUR CONTINUED COMMUNICATIONS WITH US AFTER THIS NOTICE HAS BEEN PROVIDED TO YOU WILL REPRESENT THAT YOU HAVE READ AND UNDERSTOOD THIS PRIVACY NOTICE.**

Contact Us dataprivacy@firstam.com or toll free at 1-866-718-0097.



For California Residents

If you are a California resident, you may have certain rights under California law, including but not limited to the California Consumer Privacy Act of 2018 ("CCPA"). All phrases used in this section shall have the same meaning as those phrases are used under California law, including the CCPA.

Right to Know. You have a right to request that we disclose the following information to you: (1) the categories of **personal information** we have collected about or from you; (2) the categories of sources from which the **personal information** was collected; (3) the business or commercial purpose for such collection and/or disclosure; (4) the categories of third parties with whom we have shared your **personal information**; and (5) the specific pieces of your **personal information** we have collected. To submit a verified request for this information, go to our online privacy policy at www.firstam.com/privacy-policy to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at www.firstam.com/privacy-policy to submit your request or by calling toll-free at 1-866-718-0097

Right of Deletion. You also have a right to request that we delete the **personal information** we have collected from and about you. This right is subject to certain exceptions available under the CCPA and other applicable law. To submit a verified request for deletion, go to our online privacy policy at www.firstam.com/privacy-policy to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at www.firstam.com/privacy-policy to submit your request or by calling toll-free at 1-866-718-0097.

Verification Process. For either a request to know or delete, we will verify your identity before responding to your request. To verify your identity, we will generally match the identifying information provided in your request with the information we have on file about you. Depending on the sensitivity of the information requested, we may also utilize more stringent verification methods to verify your identity, including but not limited to requesting additional information from you and/or requiring you to sign a declaration under penalty of perjury.

Notice of Sale. We do not sell California resident information, nor have we sold California resident information in the past 12 months. We have no actual knowledge of selling the information of minors under the age of 16.

Right of Non-Discrimination. You have a right to exercise your rights under California law, including under the CCPA, without suffering discrimination. Accordingly, First American will not discriminate against you in any way if you choose to exercise your rights under the CCPA.

Notice of Collection. To learn more about the categories of **personal information** we have collected about California residents over the last 12 months, please see "What Information Do We Collect About You" in <https://www.firstam.com/privacy-policy>. To learn about the sources from which we have collected that information, the business and commercial purpose for its collection, and the categories of third parties with whom we have shared that information, please see "How Do We Collect Your Information", "How Do We Use Your Information", and "How Do We Share Your Information" in <https://www.firstam.com/privacy-policy>.

Notice of Sale. We have not sold the **personal information** of California residents in the past 12 months.

Notice of Disclosure. To learn more about the categories of **personal information** we may have disclosed about California residents in the past 12 months, please see "How Do We Use Your Information" and "How Do We Share Your Information" in <https://www.firstam.com/privacy-policy>.

EXHIBIT 2

AFFIDAVIT OF PUBLICATION

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

CITY OF ELLENSBURG-CITY CLERK
N/CLOSED RECORD PUBLIC HEARING: P21-157

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

04/07/22

All dates inclusive and that such newspaper were regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of \$128.81 the rate of \$8.80 per column inch for each insertion.



Subscribed to me this date: 04/07/22



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



Signed Name

Classifieds & Legals

VISIT US ONLINE AT DAILYRECORDNEWS.COM

Miscellaneous

E AD SI

er is better)

- Email - classified2@kvnews.com
- Web - click "CLASSIFIEDS" on dailyrecordnews.com
- Call - 509-925-1414 ext. 570223

**GARAGE
SALE**
DAILY RECORD

****Limited to stock on hand. Place order with your Garage Sale Classified ad****

Cash In With The Classifieds

To advertise in the Service Directory call our office at 509.925.1414

SERVICE DIRECTORY
 To advertise in the Service Directory call our office at 509.926.1414
 \$225 per month • Your ad will run 4 days per week plus digital 24/7

Somebody is looking for your business.

Advertise it in the Service Directory.
Call 509-925-1414

Service Directory



**To Place an Ad In the
Service Directory**

Call 925-1414 

DAILY RECORD
Directory of Services & Classified



Lat Lat Lealele.
Steno-1
Registered Domain
peace & mutation
BYNShaw, SILEA P. 509 899 0226
Llvedang, WA 1 888 255 7214
Insurance Accepted www.peaceandmutation.com

Leont

**NOTICE OF A CLOSED RECORD
PUBLIC HEARING
SUBDIVISION REQUEST**

NOTICE IS HEREBY GIVEN that a closed record hearing before the Ellensburg City Council has been set for Monday, May 2, 2022 at 7:00 pm. This meeting will be held both in-person in the Council Chamber

AND virtually via zoom. To consider Application P21
157 Katig Meadows, a Plat submitted by Tyler Glahn for a

157 Kayle Meadows Plat Subdivided by Tyler Clark for a Preliminary Plat Subdivision. The proposed preliminary plat within the Residential Suburban (R-S) zone is a 41.1-acre Long Plat intended for residential lots and single

family home construction. One lot will accommodate the existing home on 37,079 sf. and the remaining lots will range in size from 3,191 sf to 10,282 sf.

NOTICE IS FURTHER GIVEN that all persons interested in this matter may attend the Hybrid/REMOTE meeting by contacting State no later than 5:00 pm on Monday, July 2, 2022. An email link, text link or phone

number will be provided which will allow for electronic participation in the public hearing. Be advised that no new testimony will be considered by City Council as the closed record hearing shall be limited to the record established in the open record hearing held by the Hearing Examiner.

Project Location: The property is addressed as 601 W. Bender Road Ellensburg, WA 98926. Kittitas County Assessor's Parcel ID Number: 791133.

The submitted application and file documents may be examined by the public by visiting the City of Ellensburg Community Development Department webpage at <http://www.ci.ellensburg.wa.us/623>
Public Notice-Cumulative

Questions about this preliminary subdivision may be directed to Shannon Johnson in the Community Development Department, 501 N. Anderson St., or via email: johnsonsh@ci.ellensburg.wa.us

The City of Ellensburg strives to make our meetings and activities readily accessible by individuals with disabilities. Please furnish your request in sufficient time for the City to provide a reasonable accommodation. A "Request for Accommodation" form may be obtained from the City Clerk (First Floor - City Hall).

PUBLISH Daily Record: April 7, 2022 / LEGAL # 322303

NOTICE OF A CLOSED RECORD PUBLIC HEARING SUBDIVISION REQUEST

NOTICE IS HEREBY GIVEN that a closed record hearing before the Ellensburg City Council has been set for **Monday, May 2, 2022 at 7:00 pm**. This meeting will be held both in-person in the Council Chambers AND virtually via Zoom, to consider Application P21-157 Katie Meadows Plat submitted by Tyler Glahn for a Preliminary Plat Subdivision. The proposed preliminary plat within the Residential Suburban (R-S) zone is a 40-Lot Long Plat intended for residential lots and single-family home construction. One lot will accommodate the existing home on 37,079 sf, and the remaining lots will range in size from 3,191 sf to 10,282 sf.

NOTICE IS FURTHER GIVEN that all persons interested in this matter may attend the Hybrid/REMOTE meeting by contacting Staff no later than 5:00 pm on Monday, May 2, 2022. An email link, text link, or phone number will be provided which will allow for electronic participation in the public hearing. **Be advised that no new testimony will be considered by City Council, as the closed record hearing shall be limited to the record established in the open record hearing held by the Hearing Examiner.**

Project Location: The property is addressed as 604 W Bender Road, Ellensburg, WA 98926. Kittitas County Assessor's Parcel ID Number: 791133.

The submitted application and file documents may be examined by the public by visiting the **City of Ellensburg Community Development Department webpage** at <https://www.ci.ellensburg.wa.us/623/Public-NoticesCurrent-Projects>.

Questions about this preliminary subdivision may be directed to Shannon Johnson in the Community Development Department, 501 N. Anderson St., or via email: johnsons@ci.ellensburg.wa.us

The City of Ellensburg strives to make our meetings and activities readily accessible by individuals with disabilities. Please furnish your request in sufficient time for the City to provide a reasonable accommodation. A "Request for Accommodation" form may be obtained from the City Clerk (First Floor – City Hall).

PUBLISH IN LEGAL: Thursday, April 7, 2022

EXHIBIT 3

Shannon Johnson

From: Tyler Glahn <tylerglahn@gmail.com>
Sent: Friday, April 8, 2022 3:58 PM
To: Shannon Johnson
Subject: [Ext] Affidavit of posting

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



COMMUNITY DEVELOPMENT DEPARTMENT

501 N. Anderson St, Ellensburg WA 98926

Land Use Permitting (509) 962-7231 Construction Permitting (509) 962-7239

Kirsten Sackett, Director

Phone: (509) 962-7232 Fax: (509) 925-8655 E-Mail: sackettk@ci.ellensburg.wa.us

AFFIDAVIT OF POSTING

The Ellensburg City Code requires that all projects requiring Type IV Permit Review to have a notice sign posted at the site of the project. Per ECC 15.270.140, the following shall apply:

1. The posting of a weather-resistant sign or signs on the subject property, visible to members of the public who may be passing on nearby public rights-of-way and free from obstructions.
2. If the project abuts more than one public right-of-way (ROW), more than one sign will be required; one per ROW, as determined by the responsible official.
3. **The responsibility for the posting of the sign or signs shall be upon the project applicant or his or her agent.**
4. The sign matrix provided by Planning Dept. Staff, shall be made into a sign or signs at least two feet by three feet (2' x 3') in size.

DATE: April 6, 2022	PLANNER: Shannon Johnson – Senior Planner
PROJECT NAME AND SUMMARY: Type IV Preliminary Plat Review – CC <u>Closed</u> <u>Record Public Hearing</u> for the proposed 40 Lot Long Plat at 406 W Bender Rd, Ellensburg WA 98926.	FILE NUMBER: P21-157

PLEASE COMPLETE THE FOLLOWING:

I, _____, certify that I am the landowner and/or authorized agent responsible for the posting of this land use project site and further certify that the site has been posted as required by Ellensburg City Code. I understand that the posting period begins immediately and ends after the ending of the appeal period on the final decision by the City Council and the sign(s) will be posted at the site until this time. **Failure to post the site and return this form to Community Development in a timely manner will result in a delay of the application review for the project.**



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: May 2, 2022

Item Title/Agenda Subject: Public Hearing - 2021-2022 Supplemental Budget Ordinance

Submitted by: Keith Bassett Finance Department

Recommended Action or Motion: Consider first reading of the proposed supplemental budget ordinance.

Background/Summary: The Ordinance adopts amendments to the 2021-2022 Biennial Budget to reflect changes in operational requirements and adjustments to capital project plans approved through prior Council action along with other modifications to the Biennial Budget as proposed by the City Manager. The amendments principally carry forward unspent 2021 budget in to 2022 to allow for project completion.

Previous Council Action: Council adopted the 2021-2022 Biennial Budget via Ordinance 4864 on December 7, 2020, appropriating funds and providing expenditure authority for the two-year period beginning January 1, 2021. Council subsequently amended the 2021-2022 Biennial Budget via Ordinance 4875 on September 9, 2021 and Ordinance 4881 in December 6, 2021. Council regularly reviews and approves additional budget adjustments as part of its ongoing review and approval of contracts and purchases.

Analysis: Since the prior supplemental budget was adopted, items have been approved by City Council that require a supplemental budget adjustment in order to be implemented. The anticipated budget impacts are presented as part of the City's standard agenda reports that accompany the initial request. The proposed ordinance will officially authorize expenditures in support of previously approved projects and program changes. Additional budget adjustments were identified as a result of a review of anticipated expenditures, expenditure trends, and current expenditure authority. These items provide the necessary budget to maintain the programs and projects previously adopted by City Council, comply with external regulations, and update originally budgeted amounts to current

forecasts. The budget amendments in the proposed ordinance include updated revenue forecasts and beginning fund balances as needed, and maintain anticipated 2022 ending fund balances within required fund balance thresholds.

Other items, approved by Council since the Mid-Biennial Review supplemental budget was adopted in December 2021, include Ellensburg Downtown Association contract, 14th and Alder Signal and Palouse to Cascades Trail Reconnect project, 5th and Railroad Signalization project, Affordable Housing project funding, annual sidewalk repair program, Reecer Creek Levy project design and certification, Department of Ecology Stormwater Capacity Grant project, and Natural Gas Utility Walnut St. Rectifier Deep Well Anode Replacement project.

Additional items are included in the proposed ordinance, including, Risk Mitigation funding, WCIA Risk Reduction Grant for sidewalk grinding equipment, reconciliation of budgeted amounts for interfund services, inclusion of omitted County Economic Development Plan participation, anticipated City Hall facility costs, and anticipated leave payouts for separating employees.

Of the proposed additional expenditure authority of approximately \$31.5 million, approximately \$29.4 million is carryforward of unspent budget from 2021. This includes approximately \$8.3 million dollars in the Arterial Street Fund, \$2.3 of COVID related federal funding, and \$15.4 million in the utility funds including bond-funded projects in the Stormwater, Water, and Wastewater utility funds. These carryforward amounts are a larger dollar amount than usual, principally due to timing of capital projects crossing years, federal COVID funding, global supply chain impacts to delivery times for city supplies and equipment, and carryforward of employee training budget for training postponed or delayed due to COVID.

Figures for each item, by fund, are included in attached Table 1.

Financial Impact:

The proposed ordinance amends the Biennial Budget increasing budgeted 2022 expenditures by \$31,578,431, revenue by \$22,165,902 and beginning fund balance by

\$19,264,465. The effect of these amendments on the budgeted 2022 ending fund balance is an increase of \$9,851,920.

Attachments:

Table 1 - Items by Fund

Table 2 - Summary of Budget Adjustments by Fund

Proposed Ordinance - 2021-2022 Supplemental Budget

Exhibits A & B - 2021-2022 Supplemental Budget

Table 1 - 2021-2022 Supplemental Budget Items by Fund (First Reading)

Fund / Item	2022			Impact to Ending Fund Balance
	Beg. Fund Balance	Revenues	Expenditures	
General Fund				
Beginning Fund Balance Update	\$1,699,284	\$0	\$0	\$1,699,284
TIP Strategies Economic Development Contract	\$0	\$0	\$75,000	-\$75,000
Ellensburg Downtown Association Contract	\$0	\$0	\$10,000	-\$10,000
City Hall Space Use Consultant	\$0	\$0	\$27,088	-\$27,088
Interfund Charges Reconciliation - Warehousing	\$0	\$0	\$153	-\$153
Interfund Charges Reconciliation - IT	\$0	\$0	-\$4,934	\$4,934
City Hall Maintenance	\$0	\$0	\$45,000	-\$45,000
Library Training Carryforward	\$1,984	\$0	\$1,984	\$0
Revenue Projections Update	\$0	\$137,515	\$0	\$137,515
Human Resources Carryforward	\$10,317	\$0	\$10,317	\$0
Employee Separation Leave Payout	\$0	\$0	\$28,444	-\$28,444
Police Department Carryforward	\$38,987	\$0	\$38,987	\$0
Engineering Carryforward	\$0	\$0	\$43,358	-\$43,358
General Fund Total	\$1,750,572	\$137,515	\$275,397	\$1,612,690
Street Fund				
Beginning Fund Balance Update	\$801,554	\$0	\$0	\$801,554
Interfund Charges Reconciliation - Warehousing	\$0	\$0	\$110	-\$110
Interfund Charges Reconciliation - IT	\$0	\$0	\$5,962	-\$5,962
Street Fund Total	\$801,554	\$0	\$6,072	\$795,482
Arterial Street Fund				
Beginning Fund Balance Update	\$1,501,656	\$0	\$0	\$1,501,656
14th & Alder Signal & Palouse to Cascades Reconnect	\$0	\$356,997	\$380,726	-\$23,729
5th & Railroad Signalization	\$0	\$56,168	\$16,609	\$39,559
Arterial Street Carryforward	\$0	\$6,742,779	\$8,322,966	-\$1,580,187
Arterial Street Fund Total	\$1,501,656	\$7,155,944	\$8,720,301	-\$62,701
Traffic Impact Fee (TIF) Fund				
Beginning Fund Balance Update	\$219,288	\$0	\$0	\$219,288
5th & Railroad Signalization	\$0	\$0	\$56,168	-\$56,168
Traffic Impact Fee Carryforward	\$0	\$0	\$343,380	-\$343,380
Traffic Impact Fee (TIF) Fund Total	\$219,288	\$0	\$399,548	-\$180,260
Public Transit Fund				
Beginning Fund Balance Update	-\$445,308	\$0	\$0	-\$445,308
Interfund Charges Reconciliation - IT	\$0	\$0	-\$4,932	\$4,932
Interfund Charges Reconciliation - Admin	\$0	\$0	\$26,001	-\$26,001
Transit Program Carryforward	\$0	\$901,329	\$211,542	\$689,787
Revenue Projections Update	\$0	\$220,773	\$0	\$220,773
Public Transit Fund Total	-\$445,308	\$1,122,102	\$232,611	\$444,183
Criminal Justice Fund				
Beginning Fund Balance Update	\$399,736	\$0	\$0	\$399,736
Revenue Projections Update	\$0	\$269,282	\$0	\$269,282
Criminal Justice Fund Total	\$399,736	\$269,282	\$0	\$669,018
Drug Fund				
Beginning Fund Balance Update	\$1,170	\$0	\$0	\$1,170
Drug Fund Carryforward	\$10,447	\$0	\$10,447	\$0
Drug Fund Total	\$11,617	\$0	\$10,447	\$1,170

Table 1 Continued - 2021-2022 Supplemental Budget Items by Fund (First Reading)

Fund / Item	2022			Impact to Ending Fund Balance
	Beg. Fund Balance	Revenues	Expenditures	
Sales Tax Reserve Fund				
Beginning Fund Balance Update	\$944,509	\$0	\$0	\$944,509
Revenue Projections Update	\$0	\$931,503	\$0	\$931,503
Sales Tax Reserve Fund Total	\$944,509	\$931,503	\$0	\$1,876,012
ECTV Operations Fund				
Beginning Fund Balance Update	\$20,243	\$0	\$0	\$20,243
Revenue Projections Update	\$0	\$18,862	\$0	\$18,862
ECTV Operations Fund Total	\$20,243	\$18,862	\$0	\$39,105
Park Acquisition Fund				
Beginning Fund Balance Update	\$88,144	\$0	\$0	\$88,144
14th & Alder Signal & Palouse to Cascades Reconnect	\$0	\$0	\$200,000	-\$200,000
Park Acquisition Fund Total	\$88,144	\$0	\$200,000	-\$111,856
Art Acquisition Fund				
Beginning Fund Balance Update	\$13,288	\$0	\$0	\$13,288
Art Acquisition Fund Total	\$13,288	\$0	\$0	\$13,288
Lodging Tax Fund				
Beginning Fund Balance Update	\$196,399	\$0	\$0	\$196,399
Revenue Projections Update	\$0	\$286,000	\$0	\$286,000
Lodging Tax Signage	\$0	\$0	\$10,000	-\$10,000
Lodging Tax Fund Total	\$196,399	\$286,000	\$10,000	\$472,399
Housing & Related Services Fund				
Beginning Fund Balance Update	\$1,925,180	\$0	\$0	\$1,925,180
Revenue Projections Update	\$0	\$110,453	\$0	\$110,453
Affordable Housing - Hopesource	\$0	\$0	\$750,000	-\$750,000
Housing & Related Services Fund Total	\$1,925,180	\$110,453	\$750,000	\$1,285,633
COVID Grants Fund				
ARPA CSLFRF Carryforward	\$2,298,554	\$0	\$2,298,554	\$0
COVID Grants Fund Total	\$2,298,554	\$0	\$2,298,554	\$0
2010 Debt Service Fund				
Beginning Fund Balance Update	\$1	\$0	\$0	\$1
2010 Debt Service Fund Total	\$1	\$0	\$0	\$1
2003 Library Const. Debt Fund				
Beginning Fund Balance Update	\$1,058	\$0	\$0	\$1,058
2003 Library Const. Debt Fund Total	\$1,058	\$0	\$0	\$1,058
LID Gurantee Fund				
Beginning Fund Balance Update	\$130	\$0	\$0	\$130
LID Gurantee Fund Total	\$130	\$0	\$0	\$130
Capital Facility Improvement Fund				
Improvement Bond Carryforward	\$521,635	\$0	\$521,635	\$0
Capital Facility Improvement Fund Total	\$521,635	\$0	\$521,635	\$0
Sidewalk Fund				
Beginning Fund Balance Update	\$264,472	\$0	\$0	\$264,472
Revenue Projections Update	\$0	\$0	\$0	\$0
Sidewalk Repair Program	\$0	\$10,000	\$105,625	-\$95,625
Sidewalk Fund Carryforward	\$0	\$110,000	\$278,330	-\$168,330
Sidewalk Fund Total	\$264,472	\$120,000	\$383,955	\$517

Table 1 Continued - 2021-2022 Supplemental Budget Items by Fund (First Reading)

Fund / Item	2022			Impact to Ending Fund Balance
	Beg. Fund Balance	Revenues	Expenditures	
Stormwater Utility Fund				
Beginning Fund Balance Update	\$375,303	\$0	\$0	\$375,303
Interfund Charges Reconciliation - IT	\$0	\$0	\$539	-\$539
Stormwater Utility Carryforward	\$0	\$22,638	\$435,615	-\$412,977
Reecer Creek Mapping and Levee Certification	\$0	\$0	\$136,052	-\$136,052
Dept. of Ecology Capacity Grant	\$0	\$70,000	\$70,000	\$0
Stormwater Bond Carryforward	\$0	\$139,045	\$0	\$139,045
Stormwater Utility Fund Total	\$375,303	\$231,683	\$642,206	-\$35,220
Stormwater Capital Bond Fund				
Beginning Fund Balance Update	\$2,116,388	\$0	\$0	\$2,116,388
Stormwater Bond Carryforward	\$0	\$0	\$1,539,045	-\$1,539,045
Stormwater Capital Bond Fund Total	\$2,116,388	\$0	\$1,539,045	\$577,343
Telecom Utility Fund				
Interfund Charges Reconciliation - IT	\$0	\$0	\$604	-\$604
Telecom Utility Fund Total	\$0	\$0	\$604	-\$604
Natural Gas Utility Fund				
Beginning Fund Balance Update	-\$157,149	\$0	\$0	-\$157,149
Interfund Charges Reconciliation - Warehousing	\$0	\$0	\$368	-\$368
Natural Gas Utility Carryforward	\$0	\$0	\$703,315	-\$703,315
Walnut St. Rectifier Deep Well Anode Replacement	\$0	\$0	\$158,286	-\$158,286
Gas Meter ERTs - Inflation	\$0	\$0	\$20,000	-\$20,000
Natural Gas Utility Fund Total	-\$157,149	\$0	\$881,969	-\$1,039,118
Electric Utility Fund				
Beginning Fund Balance Update	\$2,863,677	\$0	\$0	\$2,863,677
Interfund Charges Reconciliation - Warehousing	\$0	\$0	\$515	-\$515
Electric Utility Carryforward	\$0	\$142,011	\$3,744,236	-\$3,602,225
Electric Utility Fund Total	\$2,863,677	\$142,011	\$3,744,751	-\$739,063
Water Utility Fund				
Beginning Fund Balance Update	\$99,814	\$0	\$0	\$99,814
Interfund Charges Reconciliation - Warehousing	\$0	\$0	\$199	-\$199
Water Utility Carryforward	\$0	\$0	\$1,995,203	-\$1,995,203
Water Utility Fund Total	\$99,814	\$0	\$1,995,402	-\$1,895,588
Water Construction Fund				
Waterworks Bond Carryforward	\$0	\$5,148,461	\$3,341,846	\$1,806,615
Water Construction Fund Total	\$0	\$5,148,461	\$3,341,846	\$1,806,615
Wastewater Utility Fund				
Beginning Fund Balance Update	-\$225,861	\$0	\$0	-\$225,861
Interfund Charges Reconciliation - Warehousing	\$0	\$0	\$98	-\$98
Wastewater Utility Carryforward	\$0	\$3,828,339	\$3,724,190	\$104,149
ARPA CSLFRF Carryforward	\$0	\$2,650,000	\$0	\$2,650,000
Wastewater Utility Fund Total	-\$225,861	\$6,478,339	\$3,724,288	\$2,528,190
Shop & Warehouse Fund				
Beginning Fund Balance Update	\$1,189,395	\$0	\$0	\$1,189,395
WCIA Risk Reduction Grant - Sidewalk Grinder	\$0	\$9,500	\$18,000	-\$8,500
Equipment Replacement Carryforward	\$737,900	\$0	\$737,900	\$0
Shop Facilities Carryforward	\$50,761	\$0	\$50,761	\$0
Mechanics Shop & Motor Pool Services Carryforward	\$102,609	\$0	\$102,609	\$0
Warehouse Barcoding Software Carryforward	\$39,491	\$0	\$39,491	\$0
Shop & Warehouse Fund Total	\$2,120,156	\$9,500	\$948,761	\$1,180,895

Table 1 Continued - 2021-2022 Supplemental Budget Items by Fund (First Reading)

Fund / Item	2022			Impact to Ending Fund Balance
	Beg. Fund Balance	Revenues	Expenditures	
Health & Benefits Fund				
Beginning Fund Balance Update	\$289,555	\$0	\$0	\$289,555
Health & Benefits Fund Total	\$289,555	\$0	\$0	\$289,555
Risk Management Fund				
Beginning Fund Balance Update	\$269,201	\$0	\$0	\$269,201
Risk Mitigation Funding	\$0	\$0	\$44,000	-\$44,000
Risk Management Fund Total	\$269,201	\$0	\$44,000	\$225,201
IT Service Fund				
Beginning Fund Balance Update	\$34,897	\$0	\$0	\$34,897
Interfund Charges Reconciliation - IT	\$0	\$4,247	\$0	\$4,247
CIS Project Carryforward	\$505,000	\$0	\$505,000	\$0
GIS Asset Management Carryforward	\$93,500	\$0	\$93,500	\$0
IT Pre-funded Replacements Carryforward	\$107,353	\$0	\$107,353	\$0
Networking Replacement Carryforward	\$92,806	\$0	\$92,806	\$0
Enterprise Applications Carryforward	\$60,912	\$0	\$60,912	\$0
Desktop Operations Carryforward	\$47,484	\$0	\$47,484	\$0
IT Service Fund Total	\$941,952	\$4,247	\$907,055	\$39,144
Library Trust Fund				
Beginning Fund Balance Update	\$3,040	\$0	\$0	\$3,040
Library Trust Fund Total	\$3,040	\$0	\$0	\$3,040
Hal Holmes Trust Fund				
Beginning Fund Balance Update	\$22,420	\$0	\$0	\$22,420
Hal Holmes Trust Fund Total	\$22,420	\$0	\$0	\$22,420
Fire Relief and Pension Fund				
Beginning Fund Balance Update	\$33,241	\$0	\$0	\$33,241
Fire Relief and Pension Fund Total	\$33,241	\$0	\$0	\$33,241
Grand Total	\$19,264,465	\$22,165,902	\$31,578,447	\$9,851,920

Table 2
City of Ellensburg
2022 Summary of Budget Adjustments

Fund/Department	Budgeted Beg Fund Balance	2022 Revenues	2022 Expenditures	Budgeted Ending Fund Balance
Total General Fund	1,749,724	137,515	200,397	1,686,842
Budgeted General Sub-Funds				
Sales Tax	944,509	931,503	0	1,876,012
Economic Development	848	0	75,000	-74,152
CARES/ARPA Grants	2,298,554	0	2,298,554	0
Art Acquisitions	13,288	0	0	13,288
Total Budgeted General Sub-Funds	3,257,199	931,503	2,373,554	1,815,148
Special Revenue Funds:				
Street	801,554	0	6,072	795,482
Arterial Street	1,501,656	7,155,944	8,720,301	-62,701
Traffic Impact Fee	219,288	0	399,548	-180,260
Ellensburg Public Transit	-445,308	1,122,102	232,611	444,183
Criminal Justice	399,736	269,282	0	669,018
Drug	11,617	0	10,447	1,170
CATV Ops. and & Maint.	20,243	18,862	0	39,105
Park Acquisitions	88,144	0	200,000	-111,856
Lodging Tax	196,399	286,000	10,000	472,399
Housing & Related Services	1,925,180	110,453	750,000	1,285,633
Total Special Revenue Funds	4,718,509	8,962,643	10,328,979	3,352,173
Debt Service Funds				
Capital Imprv. Debt	0	0	0	0
2010 Maintenance Bond	1	0	0	1
Library Bond Debt	1,058	0	0	1,058
LID Guarantee Fund	130	0	0	130
Total Debt Service Funds	1,189	0	0	1,189
Capital Project Funds				
Capital Imprv. Bond Projects	521,635	0	521,635	0
Sidewalk Improvements	264,472	120,000	383,955	517
Total Capital Project Funds	786,107	120,000	905,590	517
Trust & Agency Funds				
Library Trust	3,040	0	0	3,040
Hal Holmes Trust	22,420	0	0	22,420
Fire Relief & Pension Trust	33,241	0	0	33,241
Total Trust & Agency Funds	58,701	0	0	58,701
Enterprise Funds				
Stormwater	375,303	231,683	642,206	-35,220
Stormwater Bond	2,116,388	0	1,539,045	577,343
Telecommunications	0	0	604	-604
Gas	-157,149	0	881,969	-1,039,118
Gas Construction	0	0	0	0
Light	2,863,677	142,011	3,744,751	-739,063
Water	99,814	0	1,995,402	-1,895,588
Water Construction	0	5,148,461	3,341,846	1,806,615
Sewer	-225,861	6,478,339	3,724,288	2,528,190
Total Enterprise Funds	5,072,172	12,000,494	15,870,111	1,202,555
Internal Service Funds				
Shop & Equipment	2,120,156	9,500	948,761	1,180,895
Health Insurance	289,555	0	0	289,555
Risk Management	269,201	0	44,000	225,201
IT Fund	941,952	4,247	907,055	39,144
Total Internal Service Funds	3,620,864	13,747	1,899,816	1,734,795
Grand Total	\$19,264,465	\$22,165,902	\$31,578,447	\$9,851,920

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE 2021-2022 BIENNIAL BUDGET OF THE CITY OF ELLENSBURG AS SET FORTH IN ORDINANCE NO. 4864 AND PREVIOUSLY AMENDED AS SET FORTH IN ORDINANCE NO. 4875 AND ORDINANCE NO. 4881 TO ADJUST APPROPRIATIONS IN THE CITY'S FUNDS.

WHEREAS, the City Council approved Ordinance No. 4864, which adopted a biennial budget for fiscal years 2021-2022; and

WHEREAS, the City Council approved Ordinance No. 4875, which adopted amendments to the biennial budget for fiscal years 2021-2022; and

WHEREAS, the City Council approved Ordinance No. 4881, which adopted amendments to the biennial budget for fiscal years 2021-2022; and

WHEREAS, Ch. 35A.34 RCW provides procedures for adopting, managing, and amending a biennial budget; and

WHEREAS, the City Manager has identified the need to make certain revisions to the 2021-2022 biennial budget; and

WHEREAS, the City Council has conducted a public hearing regarding the 2021-2021 Supplemental Budget at its May 2, 2022 regular meeting;

WHEREAS, the City Council has reviewed the proposed adjustments to the budget and has determined that they should be made;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. **2021-2022 Supplemental Budget.** The 2021-2022 biennial budget for the City of Ellensburg for the period January 1, 2021 through December 31, 2022, as authorized in Ordinance 4864 and previously amended in Ordinance 4875 and Ordinance 4881 is hereby amended as revised in attached Exhibits A and B, and are hereby appropriated for expenditure at the fund level during the 2021-2022 biennium.

Section 2. **Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. **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 4. **Effective Date.** This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of the ordinance or a summary thereof consisting of the title.

The foregoing ordinance was passed and adopted at regular meeting of the City Council on this 16th day of May, 2022.

Mayor

Attest:

City Clerk

Approved as to form:

CITY ATTORNEY

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

Beth Leader, City Clerk

Ordinance ____ - Exhibit A (Supplemental Budget Ordinance)

City of Ellensburg

2021 Budget Table - All Funds as Amended

Fund/Department	Budgeted Beg Fund Balance	2021 Revenues	2021 Expenditures	Budgeted Ending Fund Balance
Total General Fund	4,178,154	15,762,197	17,090,601	2,849,750
Budgeted General Sub-Funds				
Sales Tax	2,449,720	4,855,497	4,730,073	2,575,144
Economic Development	0	706,814	4,000	702,814
CARES/ARPA Grants	296,806	2,946,546	3,243,352	0
Art Acquisitions	26,994	80,703	92,134	15,563
Total Budgeted General Sub-Funds	2,773,520	8,589,560	8,069,558	3,293,522
Special Revenue Funds:				
Street	1,894,258	2,330,028	2,985,173	1,239,113
Arterial Street	1,448,872	10,038,645	10,976,282	511,235
Traffic Impact Fee	793,183	386,618	609,376	570,426
Ellensburg Public Transit	2,392,579	2,569,855	1,933,995	3,028,438
Criminal Justice	2,241,725	1,170,118	1,392,147	2,019,696
Drug	31,899	3,100	15,000	19,999
CATV Ops. and & Maint.	115,277	80,420	104,171	91,526
Park Acquisitions	461,566	546,711	175,000	833,277
Lodging Tax	310,751	361,000	302,351	369,400
Housing & Related Services	1,571,051	568,547	1,722,500	417,098
Total Special Revenue Funds	11,261,162	18,055,041	20,215,995	9,100,208
Debt Service Funds				
Capital Imprv. Debt	362,378	203,184	203,184	362,378
2010 Maintenance Bond	39,772	1,922,064	1,901,019	60,817
Library Bond Debt	95,848	175,000	181,100	89,748
LID Guarantee Fund	138,523	0	0	138,523
Total Debt Service Funds	636,522	2,300,248	2,285,303	651,467
Capital Project Funds				
Capital Imprv. Bond Projects	536,090	0	536,090	0
Sidewalk Improvements	736,926	416,000	430,101	722,825
Total Capital Project Funds	1,273,017	416,000	966,192	722,825
Trust & Agency Funds				
Library Trust	320,865	6,900	8,800	318,965
Hal Holmes Trust	107,052	10,000	10,000	107,052
Fire Relief & Pension Trust	588,075	165,169	147,944	605,300
Total Trust & Agency Funds	1,015,992	182,069	166,744	1,031,317
Enterprise Funds				
Stormwater	1,143,393	1,701,629	2,035,265	809,757
Stormwater Bond	119,433	1,283,612	1,400,000	3,045
Telecommunications	247,248	401,083	399,397	248,934
Gas	2,536,896	10,366,317	8,935,306	3,967,908
Gas Construction	0	0	0	0
Light	10,197,773	19,395,762	21,089,317	8,504,217
Water	6,503,314	11,045,312	11,834,578	5,714,048
Water Construction	0	3,200,000	3,200,000	0
Sewer	3,598,477	8,796,404	9,920,506	2,474,375
Total Enterprise Funds	24,346,534	56,190,118	58,814,368	21,722,284
Internal Service Funds				
Shop & Equipment	8,312,481	2,378,390	3,172,638	7,518,233
Health Insurance	997,240	3,082,926	3,053,071	1,027,095
Risk Management	1,201,903	686,902	740,261	1,148,544
IT Fund	1,227,608	1,948,438	1,958,948	1,217,098
Total Internal Service Funds	11,739,232	8,096,656	8,924,918	10,910,970
Grand Total	\$57,224,132	\$109,591,890	\$116,533,679	\$50,282,343

Ordinance ____ - Exhibit B (Supplemental Budget Ordinance)

City of Ellensburg

2022 Budget Table - All Funds as Amended

Fund/Department	Budgeted Beg Fund Balance	2022 Revenues	2022 Expenditures	Budgeted Ending Fund Balance
Total General Fund	4,599,474	15,264,392	17,582,989	2,280,877
Budgeted General Sub-Funds				
Sales Tax	3,519,653	5,787,000	5,108,871	4,197,782
Economic Development	703,662	0	75,000	628,662
CARES/ARPA Grants	2,298,554	2,946,546	5,245,100	0
Art Acquisitions	28,851	51,000	63,000	16,851
Total Budgeted General Sub-Funds	6,550,721	8,784,546	10,491,971	4,843,296
Special Revenue Funds:				
Street	2,040,667	2,642,558	2,858,585	1,824,640
Arterial Street	2,012,891	13,529,769	15,410,301	132,359
Traffic Impact Fee	789,714	386,618	909,820	266,512
Ellensburg Public Transit	2,583,130	2,356,529	2,131,771	2,807,889
Criminal Justice	2,419,459	1,439,400	1,527,765	2,331,095
Drug	31,616	3,100	22,146	12,570
CATV Ops. and & Maint.	111,769	99,283	101,340	109,712
Park Acquisitions	921,421	267,261	200,000	988,682
Lodging Tax	565,799	687,000	330,313	922,486
Housing & Related Services	2,342,278	764,000	1,432,500	1,673,778
Total Special Revenue Funds	13,818,744	22,175,518	24,924,540	11,069,723
Debt Service Funds				
Capital Imprv. Debt	362,378	562,327	562,327	362,378
2010 Maintenance Bond	60,818	212,800	212,800	60,818
Library Bond Debt	90,806	175,000	186,000	79,806
LID Guarantee Fund	138,653	0	0	138,653
Total Debt Service Funds	652,656	950,127	961,127	641,656
Capital Project Funds				
Capital Imprv. Bond Projects	521,635	0	521,635	0
Sidewalk Improvements	987,297	426,000	656,955	756,342
Total Capital Project Funds	1,508,932	426,000	1,178,590	756,342
Trust & Agency Funds				
Library Trust	322,005	7,500	8,800	320,705
Hal Holmes Trust	129,472	10,000	10,000	129,472
Fire Relief & Pension Trust	638,541	165,169	132,622	671,088
Total Trust & Agency Funds	1,090,018	182,669	151,422	1,121,265
Enterprise Funds				
Stormwater	1,185,060	1,752,473	2,536,922	400,611
Stormwater Bond	2,119,433	0	1,539,045	580,388
Telecommunications	248,934	355,901	347,962	256,874
Gas	3,810,759	7,048,904	8,565,660	2,294,003
Gas Construction	0	0	0	0
Light	11,367,894	19,368,781	24,830,598	5,906,077
Water	5,863,862	6,147,505	8,410,290	3,601,076
Water Construction	0	5,148,461	3,341,846	1,806,615
Sewer	2,248,514	11,921,743	9,790,722	4,379,534
Total Enterprise Funds	26,844,456	51,743,767	59,363,045	19,225,179
Internal Service Funds				
Shop & Equipment	9,638,388	2,423,410	3,173,617	8,888,182
Health Insurance	1,316,650	2,551,069	2,650,843	1,216,876
Risk Management	1,417,745	686,902	714,107	1,390,540
IT Fund	2,159,050	1,543,293	2,449,314	1,253,029
Total Internal Service Funds	14,531,834	7,204,674	8,987,881	12,748,627
Grand Total	\$69,596,834	\$106,731,694	\$123,641,564	\$52,686,964



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: May 2, 2022

Item Title/Agenda Subject: Proposed Amendments to Ellensburg City Code (ECC) Pertaining to Zoning and Land Use Regulations, Amending Chapter 2.30 and Chapter 14.04 and Title 15 – Land Development Code, Chapters 15.130, 15.280, 15.300, 15.310, 15.320 and Amending Area Wide Zoning Boundary Maps

Submitted by: Kirsten Sackett Community Development

Recommended Action or Motion: Conduct first reading of the attached Ordinance.

Background/Summary: Following adoption of the 2017 Comprehensive Plan, City Council held a retreat in February 2018, for the purpose of prioritizing the goals, policies, programs, and action items of the Comp Plan. Some of the priorities established by Council, which were directly related to the Land Development Code, included the following action items:

- **Housing Action Item:** review and revise the land development code as necessary to allow for a wider variety of housing types, specifically review and identify potential barriers to small-scale multifamily developments, duplex, townhome, and accessory dwelling units.
- **Land Use Action Item:** Review and revise zoning districts and allowable uses within each district to permit and encourage mixing of residential and commercial uses and ensure compatible land use patterns.
- **Land Use Action Item:** Review land use regulations and revise as necessary to allow neighborhood commercial uses in residential areas with particular attention to establishing pedestrian-oriented neighborhoods and regulating off-site impacts to adjoining residential areas.

These three action items were all given the highest priority by the Council and were the highest ranked priorities for the Community Development Department.

Based on the 2018 Council prioritization effort, Community Development staff developed a work plan for addressing the priority issues. During 2018, staff and the Planning Commission completed various updates to the Land Development Code including critical areas regulations, accessory dwelling unit standards, and general cleanup for consistency and clarification.

In 2018, Community Development staff and the Planning Commission began reviewing the zoning district boundaries and the permitted uses allowed in each zone. To facilitate this review Community Development staff and the Planning Commission held ten work sessions from August 2018 through January 2019. The result of these work sessions was a draft proposal that was reviewed by City Council at the April 1, 2019 regular Council meeting.

Community outreach began in May 2019 with three community workshops and a survey to collect property owner and community feedback. A follow-up workshop was held on July 9, 2019 to report back to the community on the input received thus far. There were a total of 38 attendees at the workshops and 94 responses to the survey. The survey responses included surveys received at workshops, hard copies mailed or dropped off, and online responses.

The Planning Commission reviewed the community feedback at their regularly scheduled meeting on July 25, 2019 and continued their review by generating recommendations on each of the proposed changes at their August 22, 2019 meeting. The recommendations from the Planning Commission were shared with City Council in October 2019, with general support from Council to proceed with the proposed ordinance. On October 24, 2019, the Planning Commission held an additional meeting to discuss proposed regulation for two new mixed-use zoning districts. Following these meetings, the document was updated and reviewed by Community Development Staff and the City Attorney. After delays in processing caused by the COVID-19 pandemic, the Planning Commission held another study session on June 25, 2020 to consider a more finalized version of the ordinance developed by staff.

Previous Council Action: City Council reviewed the draft ordinance in a series of five study sessions in the fall of 2021, specifically on September 20, October 11, October 18, November 15, and December 20. At the conclusion of that final study session, City Council gave direction to staff to proceed with the ordinance adoption process.

Analysis: The zoning and land development code ordinance has been designed to carry out the goals and policies of the comprehensive plan as developed by the community, and as prioritized by City Council. In summary, the proposed amendments to the Land Development Code accomplish the following:

- Add two new mixed-use zoning districts – regional scale and neighborhood scale – which provide for a mixing of complementary uses
- Eliminate the Commercial-Tourist (C-T) zoning district, and consolidate with the Commercial-Highway zoning district to remove barriers to development near the interchanges
- Amend the zoning map in several areas of the City to correspond with the changing nature of neighborhoods, and to also more accurately align with the actual uses on various sites
- Revise the land use charts to accommodate for uses that staff has identified as more appropriate for current conditions and to define allowable uses for the new mixed-use zones
- Revise the setback and density tables to accommodate for the new mixed-use zones

The revisions are explained in greater detail later in this report.

WASHINGTON STATE DEPARTMENT OF COMMERCE REVIEW AND SEPA REVIEW

The proposed amendments were submitted to the Washington State Department of Commerce on February 24, 2022 and the required 60-day notice period ended on April 25, 2022.

A SEPA Determination of Non-Significance (DNS) was issued on April 14, 2022.

PROPOSED REVISIONS

When reading the attached ordinance, please note that language which is underlined indicates that it is an addition to the existing city code. Language shown with a ~~strikeout~~ indicates that it is existing language proposed for deletion.

The following revisions to City Code are depicted within the ordinance in chronological order of how they appear in the Code.

ECC Chapter 2.30 Multifamily Housing Tax Incentives

Edits to this chapter are required simply to provide appropriate cross-referencing to other sections of code. These edits will align with modifications proposed in ECC 15.300 related to the addition of new zoning districts and the rearrangement of that chapter.

ECC Chapter 14.030 Impact Fee Definitions

Edits are necessary to this chapter to reflect the addition of the new mixed-use zones, and the elimination of the Commercial Tourist zone. The remainder of the amendments are located in **ECC Title 15 Land Development Code**, as follows:

ECC 15.130 Definitions

Definitions have been added for the following terms:

- Battery Charging Station
- Gateway Corridor
- Light Manufacturing
- Mixed-use
- Museum
- Recreation – small scale indoor commercial studio

The following definitions are proposed to be amended for clarity:

- Boarding houses, lodging houses, sororities, fraternities (deletion of sororities and fraternities within the term)
- Heavy Service
- Hotel
- Office, business or professional

- Personal service

The following definitions have been deleted:

- General Service Establishment
- Outlet Center

ECC 15.280 Ellensburg Landmarks Register and Procedures

Edits are necessary to provide for correct cross-referencing to the revised zoning district descriptions in ECC 15.300.

ECC 15.300 Zone Maps and Designations

Various sections of this chapter have been revised to accommodate for the two new mixed used zones, with the first modifications found in the Section title descriptions as follows:

- The existing category in ECC 15.300.050 currently labeled “Nonresidential and mixed use” will now be labeled “Commercial and Industrial Zones”.
- “Mixed use zones” has been created as a new category and inserted as the new ECC 15.300.060.
- The existing category of “Special district” is bumped from ECC 15.300.060 to become the new ECC 15.300.070.

Further modifications to ECC 15.300 are as follows:

- The new “Commercial and Industrial zones” category of ECC 15.300.050 will include descriptions of the following zoning districts:
 - Commercial Neighborhood (C-N)
 - Commercial Highway (C-H)
 - Light Industrial (I-L)
 - Heavy Industrial (I-H)

You will note within the ordinance that the Commercial Tourist (C-T) zone is depicted with a strike through, as this particular zoning district will be altogether eliminated.

- The following zoning districts are also depicted with a strike through, but they are not being eliminated. Rather they are being reorganized and placed into the “Mixed use zones” category of ECC 15.300.060:

- Residential Office (R-O)
- Central Commercial (C-C)
- Central Commercial II (C-C II)
- ECC 15.300.060 now becomes the new “Mixed use zones” category, in which the above-three zones are included because they each allow for a mix of both residential and commercial uses.
- In addition, descriptions are also provided for the two new mixed-use zones: Neighborhood Center Mixed-Use, and Regional Center Mixed-Use Zone.

Another modification found in this chapter includes an update to the description of the residential zones in ECC 15.300.040 to reference integration of “accessory dwelling units, duplexes, and townhomes” as appropriate uses in the residential zones.

ECC 15.310.040 Use Tables

This section of the code includes several modifications to the three land use tables, which outlines the uses which are permitted, not permitted, or allowable only through approval of a conditional permit, within each of the zoning districts. The amendments include the following:

New columns have been added to account for the two new zoning districts – Neighborhood Center Mixed Use (NC-MU) and Regional Center Mixed Use (RC-MU).

- The uses that will be permissible within these two zones are depicted with a “P” in the box, those that require a conditional use permit are depicted with a “C”, and if the box is empty, the use is NOT permitted. The permissible uses were determined over the series of work sessions with the Planning Commission, City Council and in response to public feedback.

The Commercial Tourist (C-T) zone is proposed for elimination as a zoning district, and is represented by the entirety of that column depicted with a strike-through.

- Many of the uses that were permissible in the C-T now, are depicted in the Commercial Highway zone. Other uses were determined based on public feedback and also through Planning Commission and City Council

study sessions.

Amendments to the residential use table include the following:

- Duplexes and townhomes will be permitted in the R-S and R-L zoning district.
- A condition is being deleted that previously required duplexes in the R-L zone to be on lots at least 10,890 square feet, OR on corner lots.
- Multifamily and live-work dwellings have been added as permitted uses in the R-L zoning district, with conditions.
- Manufactured home park is being added to the R-S and R-L zoning districts through the conditional use permit process.
- Multifamily is being added to the C-H zone as a use which is allowed through the conditional use permit process.

Amendments to the nonresidential use table include the following:

- The term “general service establishments” has been eliminated, and the terms “automobile fueling” and “laundromats and dry cleaners” have been added as new terms in the use table.
- The term “automobile, electric vehicle battery charging station” has been added to the use table, along with a new associated development condition demonstrating compliance with state requirements.
- The term “heavy services” has been deleted as it is a duplicate term within the use chart.
- The term “nurseries” has been modified to eliminate the requirement that it be an ancillary to a retail use.
- “Bars and brewpubs” has been separated from the term “restaurants”. The zoning for Restaurants has been modified to also include permitting in the R-S and R-L zoning districts. “Bars and brewpubs” have been assigned to be in nonresidential zones only.
- Under the retail category, a new size differentiation has been added, to include “retail, very large scale” for retail buildings between 60,001 and 100,000 square feet. This use is depicted as permitted in the C-H and RC-MU zones, and the “retail, super scale” use for buildings

100,001 square and larger are allowable only through a conditional use permit in the C-H and RC-MU zones.

- The term “light manufacturing” has been added as a new term and is intended to be a use that is entirely enclosed within a building. The use is permitted in the majority of the commercial zones, the two mixed-use zones, and the industrial zones.

Amendments to the Special uses table include the following:

- The term “recreational – small-scale indoor studios (commercial)” has been added, with permitting in all residential, commercial and mixed-use zones. Per the new definition this use is limited to no more than 2,000 sq. ft. in size.
- “Museums” are not permitted in the residential zones with certain conditions regarding size and age of the building.
- The term “theaters” has been added as a new use, with the zoning districts including all of the commercial uses and mixed-use zones.
- “Fire facility” is proposed to be added as a permitted use in the Light Industrial zone. This change was requested by the Kittitas County Airport Manager (Attachment #1), and was recommended for approval by the Planning Commission during their public hearing.

ECC 15.320 Building Setback and Intensity Standards

Consistent with the reorganization of the zoning district categories of ECC 15.300, the section of code also includes a reorganization.

- ECC Table 15.320.030 is depicted with a strike-through for the R-O zoning district. This zone will be moved to a new table for the mixed-use zoning districts.
- ECC 15.320.040 has been revised from the category of “nonresidential” to the new category “commercial, industrial and public reserve”. The column for C-T zoning has been deleted to account for the elimination of that zoning district. The two columns for C-C and C-C II zoning are also depicted with a strike through, but they are being moved out of this category and placed into the new table for mixed-use category.
- A new Table ECC 15.320.045 has been added for Mixed

Use Zones. This table includes the following zoning districts: R-O, C-C, C-C II, NC-MU and RC-MU.

- Two height modifications are depicted in the mixed-use zone chart. The existing nonresidential chart provides a height limit of 45 feet in the C-C zone, and 70 feet in the C-C II zone. In the new mixed-use table, the C-C and C-C II zones are proposed with a maximum height limit of 60 feet in both zoning districts. In the C-C zoning district there are two associated conditions that state that the height will still be limited to 45 feet within the limits of the Ellensburg Landmark District and also 45 feet for property that borders a residential zone. These conditions came about as a recommendation from the Landmarks & Design Commission.

ECC 15.350.030 Airport overlay zone

Edits are necessary to provide for correct cross-referencing to the revised and reorganized zoning district descriptions in Ch.15.300 ECC.

Other edits:

The addition of a new table for the mixed-use category for building setback and intensity standards in ECC 15.320.045 necessitates edits to the following sections, simply to provide for accurate cross-referencing:

- ECC 15.510.060 Secondary street standards
- ECC 15.510.070 Gateway street standards
- ECC 15.510.080 Landscaped street standards

An edit is also necessary in ECC 15.530.040 Building elements and details, in order to provide correct cross-referencing to the revised zoning categories in ECC 15.300.

An edit is provided in Table 15.550.040(A) Computation of required off-street parking spaces, to remove the terms “sororities, fraternities” to align with the edit made to the ECC 15.310.040 use chart.

Area Wide Rezoning

The ordinance also includes modifications to the City Zoning Map which are considered area-wide rezoning efforts, rather

than site specific rezones. These maps are found in Sections 34 through 39 of the ordinance. Modification to the zoning map include the following:

- Commercial Tourist (C-T) zoning is being eliminated at each of the interchanges and is incorporated into the surrounding C-H zoning.
- Regional Center Mixed Use zoning is being added near the west interchange.
- Neighborhood Center Mixed Use zoning is being added on Ruby Street, north of Umptanum and south of Mountain View Avenue.
- The Central Commercial (C-C) boundaries are being expanded.
- Other areas of town are being rezoned to reflect existing conditions.

PROCEDURAL REQUIREMENTS

The procedures for processing a land development code amendment are outlined in ECC 15.250.100. The Type V review process must be followed, which requires a public hearing before the Planning Commission, who then forward a recommendation to City Council for their review and decision during a separate public hearing. Land development code amendments that are approved by Council are made official through the adoption of an ordinance.

The Planning Commission held a public hearing on April 14, 2022, at the conclusion of which they forwarded a recommendation of approval, with a recommendation that “fire facility” be included as a permitted use in Light Industrial Zone.

Staff also received two additional public comments which have been included as attachments #2 and #3. Both comments were shared with the Planning Commission for their consideration during the April 14, 2022 public hearing. The individuals who submitted the written comments also testified at the hearing. At the conclusion of the hearing the Commission decided not to forward any recommendations related to the requests made within the public comment letters.

At the conclusion of City Council’s public hearing, the decision criteria that Council must consider are set forth in ECC

15.250.100(C) as follows:

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

Staff analysis is that the proposed modifications and amendments are in accordance with the three decision criteria above.

Financial Impact: None at this time.

Attachments:

[#1 Airport Manager Request dated 3.31.22](#)

[#2 Public comment dated 4.12.22](#)

[#3 Public Comment dated 4.14.22](#)

[Ordinance - 2022 Land Development Code Revisions](#)

Kirsten Sackett

From: Ken Grannan <ken.grannan@co.kittitas.wa.us>
Sent: Thursday, March 31, 2022 4:22 PM
To: Heidi Behrends Cerniwey; Laurie Gigstead; Jamey Ayling; Kirsten Sackett
Cc: Nancy Lillquist
Subject: [Ext] Industrial Park Code Request
Attachments: City Permitted Use.pdf

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

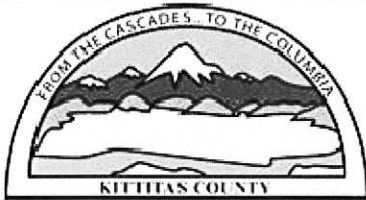
Good afternoon.

I would like to thank you all for the opportunity to speak with you about Bowers Field.
I have attached a letter requesting a change in City Code to reflect a permitted use for a Fire Station in the Light Industrial Zone, especially in the UGA and on Airport property.

Thank you again for your time and consideration.

Ken

KEN GRANNAN
AIRPORT DIRECTOR
KITITAS COUNTY AIRPORT
BOWERS FIELD
CELL 509-607-6134
OFFICE: 509-933-8221
Ken.grannan@co.kittitas.wa.us



The information transmitted by this email is intended only for the person or entity to which it is addressed. This email may contain confidential and/or privileged material. If you are not the intended recipient of this message, be aware that any use, review, retransmission, distribution, or reproduction is strictly prohibited. If you received this in error, please contact the sender immediately and delete the material from all devices.
message id: 38eb45916c6dcdbdac24bb8719d004a14



KITTITAS COUNTY AIRPORT DEPARTMENT

Ken Grannan, Airport Director

Heidi Behrends Cerniwey, MPA, ICMA-CM
City Manager | **City of Ellensburg**
501 North Anderson Street | Ellensburg, WA 98926
P. (509) 962-7221

Heidi,

I wanted to thank you and the city staff for meeting with me to discuss planning and development strategies regarding Bowers Field. As Bowers Field looks to address design standards for the airport industrial park, one item in the updated city zoning structure caught my eye. The lack of having a fire station as a permitted use in the UGA/Airport Industrial Zone, should in my opinion be changed. Providing an opportunity for fire and rescue at the airport is an important part to the future of Bowers Field.

As you may know we have been very fortunate to not have a catastrophic event involving aircraft. We have had a fire or two on the airport property, which have been handled well by our local fire department. In an effort to be prepared for all emergency response as the airport develops its infrastructure, we will be looking to design a Fire and Rescue Service on airport property for quick response and more accessible life-flight transports. This has not been discussed in depth with KVFR, however we do see the importance of this type of activity and would kindly request you add this to your permitted usage for Light Industrial, especially in the UGA and Airport Zone.

Thank you very much for your consideration.

Kindly,

Ken Grannan
Airport Director
Kittitas County Airport
Bowers Field
Cell 509-607-6134
Office: 509-933-8221

West Ellensburg Interchange LLC

110 W. 6th Ave #212
Ellensburg, WA 98926

04/12/2022

City of Ellensburg
ATTN: Planning Department & Planning Commission
501 N. Anderson Street
Ellensburg, WA 98926

RE: Comment on P22-019 2022 Land Development Code Amendment & Ordinance

To Whom This May Concern:

Please enter my requests / comments into the record for the planning commission, city planning staff, and city council to consider during any public comment or hearing period related to this topic as I am an interest party and landowner of a parcel in the west ellensburg interchange area.

First of all, I am glad that the city is moving forward with the code amendment. However, I just found out about the public comment period a few days ago and am planning on attending the public hearing that the planning commission is holding on April 14th 2022.

I can be put on an interested parties list or notified of future public comments periods by adding my email: west.ellensburg.interchange@gmail.com to any interested parties listserv you may have.

Comment #1 – Parcel Number 549333 Inclusion in Regional Center Mixed Use Zoning:

My property fits all the criteria outlined in the proposed land development code amendment & ordinance to be in the Regional Center Mixed Use zoning, which as I understand is a special designation under Commercial Highway (C-H) zoning.

I request that my property be included within the Regional Center Mixed Use zoning as part of this public comment and hearing process for this code amendment & ordinance.

Comment #2 – Townhouses:

The more that I have talked to developers about mixed use planning, such development can have many advantages to a community. The allowance of multifamily development in Commercial Highway (C-H) zoning and mixed use of retail & multifamily can have many benefits. Thank you for recognizing this.

However, the proposed land development code amendment & ordinance does not recognize Townhouses as a permitted use in C-H zoning within mixed use. There are significant advantages that Townhouses can provide to a developer and community when included as a permitted use within a mixed use zone.

- 1) Townhouses provide homeowners with actual ownership within the community which is well known increase personal pride and responsibility, and a sense of belonging within a community.
- 2) The pre-sale of Townhouses can help a developer fundraise and pay for a significant part of the cost to build a development.

In a way, the pre-sale of Townhouses can facilitate development, thereby making it easier for a developer to obtain financing for projects. When financing is easier, it gives the developer room to think more creatively, develop beyond the bare minimum, and invest more into the community.

For example: the pre-sale of Townhouses may allow for a developer build a mixed use development consisting of: Townhouses, Retail space, and Multifamily housing (some number of which are reserved for affordable housing). Whereas, if the Townhouses were not allowed, than the development may have financing constraints and be more limited and may not be able to offer a number of affordable housing units.

It would be wise to allow Townhouses in mixed use C-H zoning as a conditional use, like the code is proposing for multifamily housing.

Comment #3 – Self Storage Exclusion:

I in part understand the proposed exclusion, because permanent single story sprawl of self-storage units does not make sense in high value commercial real estate.

However, temporary term allowance of movable storage structures may allow a developer to start a business, then move the structures and build a permanent retail / commercial development in its place. This phased approach may make some financial and planning sense. A time limited conditional use permit may be something to consider instead of an outright exclusion of the permitted use.

The self-storage business has changed in the last twenty years. Especially in urban communities. No longer are self-storage units always a sprawl of single story units. In urban settings, they can be multistory with the front and bottom being mixed retail use.

Furthermore, in some cases developers have utilized the “dead” attic space of a retail development for mini storage and access is via an elevator on the backside of the building. Using an attic space for mini storage development is actually a smart and wise urban planning innovation. Where previously unusable space is repurposed and the allowance for this use reduces the need for other land in the community to be taken up by mini storage development. This in turn allows for maximum space utilization and encourages land development that provides the most robust economic output per squarefoot possible for the community.

Lastly, mini storage when done right above a retail area can support small businesses as they are high traffic areas that people can generally meet safely. These may be home businesses or “micro businesses” who are trying to get their start in the world outside of their garage, this access to a high traffic public meeting spot may act as a “business incubator” and be what they need to get their business started. From this humble beginning they can begin to scale up in size to a retail shop of their own.

Instead of excluding self-storage outright, I would suggest it be left as a conditional use.

Below are some photos from an indoor attic self-storage facility above a retail development with an elevator on the backside of the development to provide access.





Comment #4 – Economic Development & Floodplain Management:

To promote the best and highest use of land on the west ellensburg interchange, I encourage the city to work with the county to combine / realign Reecer and Currier Creeks above Highway 10, to maximize commercially developable land around the interchange area. Work like the city has done around Dollarway can be extended northward and promote safe and enjoyable recreational opportunities along levies connecting the Palouse to Cascade trail to the Yakima River. This would enrichen our own community and encourage travelers to stop, spend time, and money in our community.

Thank you for your consideration. And thank you to city staff who have spent time on this code amendment & update. Feel free to reach out to me if you have any further questions, clarifications, or comments.

Sincerely,

James Rivard

James Rivard
Manager for West Ellensburg Interchange LLC
west.ellensburg.interchange@gmail.com

04/14/2022

City of Ellensburg Planning Department & Planning Commission
Regarding The P22-019 2022 Land Development Code Amendment & Ordinance

Dear staff,

I hope this comment makes it into the record and is taken into consideration by the planning department/commission/city council –

First off, I would like to extend my gratitude to everyone working on pushing this project forward. I feel strongly that it's especially important in a growing environment that *any* municipality adapt and change zoning/code(s) to continue to drive growth, innovation, and address any underlying issues brewing such as the need for larger retail locations and affordable housing in this case.

I do hope that with the proposed changes the focus on the West Interchange doesn't just include retail but also leaves the opportunity for residential development; town-housing and mixed-use (retail/residential) specifically. As we all know, the need for affordable housing for locals is in short supply. I recognized the ability for multi-family residential was a proposed allowance with a CUP but didn't see that town-houses would be allowed in that category. I would hope that in these pre-infantile stages the city would use this period to also include some more flexibility in this category. In my opinion, ANY housing that is affordable would contribute positively to the growth of the city and the general well-being of the community.

Whether the housing is utilized by a young local couple who isn't quite ready to purchase a \$600k+ home or a "transplant" who has moved to town and commutes back to Seattle three days a week with the new "work from home" COVID allowances, I think this area could provide a small contribution to solving the local housing issues. I also think that this would also create some incentive for new businesses to move-in other than the current restaurants/coffee shops that currently exist in the area over by the truck-stop.

My only concern that I haven't seen much clarification on, and the general feedback from local property owners in that area, is regarding the floodway; I think the longer term-solution of re-directing the creek(s) in that area is something that needs to be addressed. I think this problem is inhibiting the growth in that area since most developers are likely aware of the significant costs that would be involved in taking on a project in the area. A solution provided to the floodway/creeks by the city is obviously a costly/lengthy one, but an investment in the long-term development of the community.

At minimum I think some incentives to developers would help spark new-growth in the area while the long term solution is being worked on. Not necessarily a monetary incentive (which would likely also help), but some zoning and “allowed-use” implementations would help tremendously.

I appreciate you taking the time to take my comment into consideration and I stand behind the city in their continued work to serve the community.

Sincerely,

-Jacob [Onat]

ORDINANCE NO. ****

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, AMENDING CHAPTER 2.30 “MULTIFAMILY HOUSING TAX INCENTIVES” AND CHAPTER 14.04 “TRAFFIC IMPACT FEE DEFINITIONS”, AND RELATING TO THE CITY OF ELLENSBURG LAND DEVELOPMENT CODE, TITLE 15; AMENDING CHAPTER 15.130 “DEFINITIONS”; AMENDING CHAPTER 15.280 “ELLENSBURG LANDMARKS REGISTER AND PROCEDURES”, AMENDING CHAPTER 15.300 “ZONES, MAPS, AND DESIGNATIONS”; AMENDING CHAPTER 15.310 “PERMITTED USES”; AMENDING CHAPTER 15.320 “BUILDING SETBACK AND INTENSITY STANDARDS” OF THE ELLENSBURG CITY CODE, AND AMENDING AREA WIDE ZONING BOUNDARY MAPS

WHEREAS, the Ellensburg Comprehensive Plan was initially adopted on December 18, 2017, and last updated December 20, 2021; and

WHEREAS, following adoption of the Comprehensive Plan update in December 2017, City of Ellensburg staff worked to evaluate the City’s development regulations and zoning districts to ensure consistency with the requirements of Chapter 36.70A RCW; and

WHEREAS, the Planning Commission held twelve work sessions from August 2018 through November 2019 to develop recommendations and review public feedback regarding amendments to the City zoning districts and associated land development regulations; and

WHEREAS, the Community Development Department issued an online survey from June through July 2019 to solicit public feedback on the proposed changes to the Land Development Code and received 95 responses; and

WHEREAS, the Community Development Department held public workshops on May 13, May 21, May 30, and July 9, 2019 at which staff presented proposed amendments to the zoning boundaries and Land Development Code and heard feedback from attendees; and

WHEREAS, the Ellensburg City Council held two discussion sessions at regularly scheduled Council meetings on April 1 and October 21, 2019, to provide direction to staff and review public feedback; and

WHEREAS, after a delay caused by the COVID-19 pandemic, the Planning Commission held a study session on June 25, 2020, to re-evaluate the proposed amendments; and

WHEREAS, City Council held four study sessions on October 11, October 18, November 15, and December 20, 2021, to provide direction to staff; and

WHEREAS, City of Ellensburg staff found the development regulations and zoning district amendments set forth herein provide consistency with and will implement findings from community outreach conducted during the 2017 comprehensive plan update. This community outreach encouraged participation and feedback by community stakeholders and neighborhood

groups and was preceded by broad and inclusive public notification of these initiatives, including public notices, community presentations and workshops, and information presented at community events; and

WHEREAS, City of Ellensburg staff found the development regulations and zoning district amendments set forth herein implement standards that provide predictability and consistency of application while also allowing adequate flexibility in ways more specifically set forth below in Sections 17 – 26, each of which is supported by comprehensive plan policies and the policies of Chapter 36.70A RCW; and

WHEREAS, the proposed amendments to the Ellensburg City Code were issued a SEPA Determination of Non-Significance on April 14, 2022; and

WHEREAS, pursuant to RCW 36.70A.106, notice of the City’s intent to amend the Land Development Code was sent to the Washington State Department of Commerce; and

WHEREAS, the required Washington State Department of Commerce 60-day notice was complete on April 25, 2022; and

WHEREAS, the proposed ordinance was reviewed by the Planning Commission in a public hearing on April 14, 2022, and based on public testimony and other evidence received at said hearing, the Planning Commission recommended City Council adoption of the ordinance; and

WHEREAS, the City Council conducted a public hearing on May 2, 2022, where it received and considered public comments on the proposed changes; and

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. Chapter 2.30.010 of Ellensburg City Code, as last amended by Ordinance 4678, is hereby amended to read as follows:

2.30.010 Purpose

The purpose of this chapter is to provide limited exemptions from ad valorem property taxation for multifamily housing in the downtown area and is intended to:

A. Encourage increased residential opportunities within the central commercial zone as defined by Chapter 15.300.020 ECC (official zoning map), ECC ~~15.300.050(E)~~ 15.300.060(B)(2) and 15.300.050(F) 15.300.060(B)(3);

B. Stimulate new construction or rehabilitation of existing vacant and underutilized buildings for multifamily housing in the central commercial zone to increase and improve housing opportunities; and

C. Assist in directing future population growth to the central commercial zone, thereby reducing development pressure on single-family residential neighborhoods. [Ord. 4678 § 1, 2014; Ord. 4488 § 4, 2007.]

Section 3. Chapter 2.30.020 of Ellensburg City Code, as last amended by Ordinance 4678, is hereby amended to read as follows:

2.30.020 Residential targeted area designated.

The central commercial zone and central commercial II zone as defined by ECC 15.300.020 (official zoning map), ECC ~~15.300.050(E)~~ 15.300.060(B)(2) and ECC ~~15.300.050(F)~~ 15.300.060(B)(3) are hereby designated as the residential targeted areas for the city of Ellensburg pursuant to RCW 84.14.040. [Ord. 4678 § 3, 2014; Ord. 4488 § 4, 2007.]

Section 4. Chapter 2.30.040 of Ellensburg City Code, as last amended by Ordinance 4678, is hereby amended to read as follows:

2.30.040 Project eligibility.

A proposed project must meet the following requirements for consideration for a property tax exemption:

A. Location. The project must be located within the central commercial zone or central commercial II zone as defined by ECC 15.300.020 (official zoning map), ECC ~~15.300.050(E)~~ 15.300.060(B)(2) and ECC ~~15.300.050(F)~~ 15.300.060(B)(3).

B. Tenant Displacement. The project must not displace existing residential tenants of structures that are proposed for redevelopment, unless the applicant has provided each existing tenant housing of comparable size, quality, and price and a reasonable opportunity to relocate. Existing dwelling units proposed for rehabilitation must fail to comply with one or more standards of applicable building or housing codes in ECC Title 3, the rehabilitation improvements shall achieve a condition of substantial compliance with the applicable building, construction, and housing codes contained in ECC Title 3 and all uniform codes adopted pursuant to ECC Title 3. Applications for new construction cannot be submitted for vacant property upon which an occupied residential rental structure previously stood during any portion of the 12-month period immediately preceding submission of the application, unless the applicant had provided each displaced tenant housing of comparable size, quality, and price and a reasonable opportunity to relocate.

C. Business Displacement. The project must not displace existing commercial space, occupied or unoccupied, located on the first floor of structures that are proposed for redevelopment, except for the limited purposes of providing:

1. Stairway and/or elevator ingress and egress to and from the street front and/or alley; or
2. The provision of garage, parking or loading areas on alley frontages, so long as such displacement does not exceed 25 percent of the existing commercial space.

D. Size. The project must include at least four units of multifamily housing within a residential structure or as part of a mixed-use development. A minimum of four new units must be constructed or at least four additional multifamily units must be added to existing occupied multifamily housing. Existing multifamily housing that has been vacant for 12 months or more does not have to provide additional units.

E. Permanent Residential Housing. At least 50 percent of the space designated for multifamily housing must be provided for permanent residential occupancy.

F. Proposed Completion Date. New construction multifamily housing and rehabilitation improvements must be scheduled to be completed within three years from the date of approval of the application.

G. Compliance with Guidelines and Standards. The project must be designed to comply with the city's comprehensive plan, building, housing and zoning codes and any other applicable regulations in effect at the time the application is approved. New construction must comply with the International Construction Code. The project must also comply with any other standards and guidelines adopted by the city council for the area in which the project will be developed. [Ord. 4678 § 5, 2014; Ord. 4488 § 4, 2007.]

Section 5. Chapter 2.30.060 of Ellensburg City Code, as last amended by Ordinance 4678, is hereby amended to read as follows:

2.30.060 Application review and issuance of conditional certificate.

The director may certify as eligible an application which is determined to comply with the requirements of this chapter. A decision to approve or deny an application shall be made within 90 days of receipt of a complete application.

A. Approval. The director may approve the application if they find that:

1. A minimum of four new units are being constructed or in the case of occupied rehabilitation or conversion within 12 months of occupancy, a minimum of four additional multifamily units are being developed.
2. The proposed project either is, or will be at the time of completion, in conformance with all applicable local plans and regulations that apply at the time the application is approved.
3. The owner has complied with all standards and guidelines adopted by the city under this chapter.
4. The site is located within the central commercial zone as defined by Chapter 15.300 ECC (official zoning map) and ECC ~~15.300.050(E)~~ 15.300.060(B)(2).

B. If an application is approved, the applicant shall enter into a contract with the city, subject to approval by resolution of the city council, regarding the terms and conditions of the project. Upon council approval of the contract, the director shall issue a conditional certificate of acceptance of tax exemption which shall contain a statement by the director that the property has

complied with ECC 2.30.050 and 2.30.060. The conditional certificate expires three years from the date of approval.

C. Denial. The director shall state in writing the reasons for denial and shall send notice to the applicant at the applicant's last known address within 10 days of the denial. An applicant may appeal a denial to the city council within 30 days of receipt of notice. The appeal before city council will be based on the record made before the director. On appeal, the director's decision will be upheld unless the applicant can show that there is no substantial evidence on the record to support the director's decision. The city council's decision on appeal will be final. [Ord. 4678 § 6, 2014; Ord. 4488 § 4, 2007.]

Section 6. Chapter 14.04.030 of Ellensburg City Code, as last amended by Ordinance 4808, is hereby amended to read as follows:

14.040.030 Definitions.

"Applicant" means a person, individual, or organization seeking permission to develop land within the city of Ellensburg by applying for a building permit.

"Central commercial district" means the established commercial area of the city of Ellensburg which has historically supported intensive urban usage and is zoned for C-C.

Commercial. For the purposes of this chapter, "commercial shall be defined as those activities allowable within the following zones as defined in ECC Title 13: commercial neighborhood zone (C-N), ~~commercial tourist zone (C-T)~~, commercial highway zone (C-H), master site plans for regional retail commercial projects, central commercial zone (C-C), central commercial II zone (C-C II), neighborhood center mixed use zone (NCMU), regional center mixed use zone (RCMU).

"Duplex" means a building that is entirely surrounded by open space on the same lot and contains two dwelling units or two dwelling units that are physically separated but on the same lot.

"Dwelling unit" means one or more rooms designed for or occupied by one family for living or sleeping purposes and containing kitchen, sleeping, and sanitary facilities for use solely by one family.

"Encumber" means to transfer traffic impact fee dollars from the traffic impact fee fund to a fund for a particular system improvement that is fully funded in the current year's budget. Funds may only be encumbered by an action of the city council. The fund encumbering the traffic impact fee dollars shall bear the name of the system improvement financed with such money.

"Gross floor area" means the total square footage of livable area of any dwelling unit and the gross leasable square footage area of any nonresidential building, structure, or use, including accessory uses.

Industrial. For the purposes of this chapter, "industrial" shall be defined as those activities allowable within the following zones as defined in ECC Title 15: light industrial zone (I-L) and heavy industrial zone (I-H).

“Interest” means the interest earned by the account during the period the fees were retained.

“Low-income housing” means housing with a monthly housing expense that is no greater than 30 percent of 80 percent of the median family income adjusted for family size for Kittitas County, as reported by the United States Department of Housing and Urban Development. In addition, the developer and/or owner shall have entered into a binding, irrevocable programmatic commitment with one or more federal, state, or local governmental agencies and/or nonprofit agencies qualified as 501(c)(3) under the Internal Revenue Service Code. Development activity that is comprised of a mix of affordable and market rate housing and/or affordable housing and commercial space shall be defined as low-income housing only for those specific units that are set aside as low-income housing with the aforementioned income limits. Programs that may otherwise be defined elsewhere as “low-income housing” and/or “affordable housing,” but have income eligibility limits above those described above or no income limits, shall not be defined as low-income housing.

“Multifamily dwelling unit” means one lot that contains three or more dwelling units.

“Multifamily” may include duplexes located on contiguous lots.

“New development” means any land use action which culminates in the issuance of a building permit for new construction and/or expansion of existing gross floor area.

“Peak hour” means the consecutive 60-minute period during the 4:00 p.m. and 6:00 p.m. peak period during which the highest volume occurs.

“Project improvements” means site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in the city’s transportation facilities plan or transportation improvement plan approved by the city council shall be considered a project improvement.

“System improvements” means transportation facilities that are included in the city’s six-year transportation facilities plan, and are designed to provide service to the community at large, in contrast to project improvements.

“Traffic impact fee” means payment of money imposed by the city of Ellensburg upon development activity pursuant to this chapter as a condition of granting development approval and/or a building permit for new development in order to pay for the public facilities needed to serve the new development. Traffic impact fees do not include permit fees, an application fee, the administrative fee for collecting and handling traffic impact fees, the cost of reviewing independent fee calculations or the administrative fee required for an appeal.

“Traffic impact fee fund” means the fund established for the public facilities for which traffic impact fees are collected, pursuant to ECC 14.04.070 and in compliance with the requirements of RCW 82.02.060.

“Traffic impact fee rate study update” means the study which determined the traffic impact fee updated July 2018.

“Traffic impact fee schedule” means that schedule adopted by ECC 14.04.170, or as amended by city council. Trip generation rates in the schedule shall be those rates derived from the “9th Edition Trip Generation” manual published by the Institute of Transportation Engineers, or subsequent editions. [Ord. 4808 § 2, 2018; Ord. 4675 § 1, 2014; Ord. 4646 § 1, 2013; Ord. 4534 § 1, 2009.]

Section 7. Chapter 15.130.020 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4803, is hereby amended to read as follows:

15.130.020 B definitions

“Battery Charging Station” means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

“Boarding houses, lodging houses, ~~sororities, fraternities~~” means an establishment with lodging for five or more persons on a weekly or longer basis with a central kitchen and dining area maintained exclusively for residents and their guests.

Section 8. Chapter 15.130.070 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:

15.130.070 G definitions

“Gateway Corridor” is a principal arterial street that serves to access the downtown area. Gateways have unique street standards (ECC 15.510.070) and permitted land uses adjacent to street corridors that create an attractive environment and destination for commerce, employment, living, interaction, dining, and entertainment for the residents, workers, and visitors of the City of Ellensburg.

“General service establishment” ~~refers to a category of uses whose primary activity is the provision of assistance, as opposed to products, to individuals, businesses, industry, government, and other enterprises. Specific uses in this category include but are not limited to postal and courier services, equipment rentals, repair shops, laundries, automobile fueling, and other services.~~

Section 9. Chapter 15.130.080 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:

15.130.080 H definitions

“Heavy service” includes service activities that may have regular exterior service, or storage areas. This use category includes, but is not limited to, ~~contractors,~~ heating fuels, truck stops, breweries, heavy equipment storage, repair shops, equipment rentals, and warehousing. Heavy service uses are limited to buildings no larger than 50,000 gross square feet in area.

“Hotel” means any building or portion thereof in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a boarding, or lodging, ~~sorority or fraternity house~~. [Ord. 4807 § 7, 2018; Ord. 4769 §§ 2 – 4, 2017; Ord. 4725 § 1, 2016; Ord. 4696 § 1, 2015; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 10. Chapter 15.130.120 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4803, is hereby amended to read as follows:

15.130.130.120 L definitions

“Light manufacturing” means a light industrial business where all processing, fabricating, assembly, or disassembly of items takes place wholly within an enclosed building and does not involve the use or production of flammable, explosive, or other hazardous materials. May include an ancillary restaurant, or retail use through which goods produced on site are sold or served to the public on-site or distributed wholesale to off-site users or resellers.

Section 11. Chapter 15.130.130 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:

15.130.130.130 M definitions

“Mixed-use” means any combination of permitted land uses either within one development or within one zoning district.

“Museum” means an institution, open to the public, devoted to the procurement, conservation, study, and display of objects of historical, scientific, artistic, or cultural interest, for the purposes of education, study and enjoyment.

Section 12. Chapter 15.130.150 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:

15.130.150 O definitions

“Office, Business or Professional” ~~“Business or professional office”~~ means an office to be used for the purpose of providing professional, administrative, or business-related services, an office wherein business, technical or scientific services are rendered involving labor, skill, education and special knowledge for certain compensation or profit, but such labor, skill, education and special knowledge being predominantly mental or intellectual, rather than physical, manual or mercantile in nature. Examples of such uses would include, but not be limited to, the offices of lawyers, accountants, brokers, and insurance agents, graphic design, courier and messenger services, technology services, and photocopying and printing services.

~~“Outlet center” means a shopping center which does not contain an anchor retail store and which at least 51 percent of the retail tenants are manufacturer outlet retailers offering manufacturer-branded goods. The minimum size of an outlet center shall be 150,000 gross square feet and the maximum size of any single retail tenant shall not exceed 15,000 gross square feet of floor area.~~

Section 13. Chapter 15.130.160 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4804, is hereby amended to read as follows:

15.130.160 P definitions

“Personal service” means services rendered to individuals for their personal physical appearance and conditioning needs 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 the following types of services: barber, beautician, masseur, tailors, clothing rental, shoe repair shops, and steam and sauna baths.

Section 14. Chapter 15.130.180 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4803, is hereby amended to read as follows:

15.130.180 R definitions

“Recreation – small scale indoor commercial studios” means a commercial recreation land use conducted entirely within a building, limited to a floor area of no more than 2,000 square feet, including but not limited to, dance, yoga, aerobics, martial arts, and spin classes.

Section 15. Chapter 15.280.040 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4656, is hereby amended to read as follows:

15.280.040 Members, qualifications and terms.

- A. The Ellensburg landmarks and design commission shall consist of seven members appointed by a majority of the Ellensburg city council. A majority of members so appointed shall be residents of the city of Ellensburg.
- B. All members of the commission shall have demonstrated an active interest in historic preservation and design review.
- C. The commission shall include at least two owners of property from within the downtown and First Railroad Addition historic districts, as defined in ECC ~~15.300.060(B)~~ 15.300.070(B) and (C) or a property individually listed on the Ellensburg landmarks register. One member shall be a member of the Ellensburg Downtown Association (EDA) for a term of four years. One member shall be a general at-large position. The commission shall include at least three professionals (active or retired) who work or worked among the related fields of history, architecture, construction, landscape design, historic preservation, planning, anthropology, archaeology, cultural geography, American studies, land use law, or real estate.
- D. A commission action that would otherwise be valid shall not be rendered invalid by the temporary vacancy of one or all of the professional positions, unless the commission action is related to meeting certified local government (CLG) responsibilities cited in the certification agreement between the Ellensburg city council and the State Historic Preservation Officer.

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

Section 16. Chapter 15.280.080 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:

15.280.080 Ellensburg landmarks register.

There is hereby created an Ellensburg landmarks register.

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

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

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

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

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

C. Downtown and Residential Historic Districts.

1. The existing downtown historic district, defined in ECC ~~15.300.060(B)~~ 15.300.070(B) and hereafter known as the "downtown historic district," and the existing residential historic

district, defined in ECC ~~15.300.060(C)~~ 15.300.070(C) and hereafter known as the “First Railroad Addition historic district,” are hereby designated as Ellensburg landmark districts. The geographic area encompassed by each district is identified on the map attached to the ordinance codified in this chapter and made a part of this chapter by reference.

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

3. The provisions of ECC 15.280.090 and 15.280.100 shall hereafter apply to the downtown historic district and the First Railroad Addition historic district.

D. Removal of Properties from the Register. In the event that any designated landmark property is no longer deemed eligible for inclusion in the register owing to loss of historic integrity, the landmarks and design commission may initiate removal of such designation by the same procedure as provided for in establishing the designation in subsection (B) of this section. [Ord. 4807 § 40, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 17. Chapter 15.300 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4656, is hereby amended to read as follows:

CHAPTER 15.300 ZONES MAPS AND DESIGNATIONS

Sections:

15.300.010 Purpose.

15.300.020 Zoning map and boundaries.

15.300.030 Zone and map designation purpose.

15.300.040 Residential zones and map designations.

15.300.050 ~~Nonresidential and mixed-use~~ Commercial and Industrial zones.

15.300.060 ~~Special districts.~~ Mixed use zones.

15.300.070 Special districts.

Section 18. Chapter 15.300.040 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:

15.300.040 Residential zones and map designations.

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

1. Allowing detached single-family dwellings as the predominant use, with options to integrate accessory dwelling units, duplexes, townhomes, and other compatible housing types in a relatively low urban density;

2. Providing standards and guidelines that reinforce Ellensburg’s established pattern of attractive and walkable residential neighborhoods;

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

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

~~5. Providing for a minimum density standard to avoid large scale low density sprawl;~~

~~5. 6.~~ Providing an opportunity to integrate compatible small-scaled retail and service uses in strategic locations that serve the surrounding neighborhood;

~~6.7.~~ Providing a flexible system of bonus incentives (see ECC 15.330.020) that allows for an increase in density in exchange for:

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

~~7.8.~~ Use of this zone is appropriate for any of the following or combinations thereof:

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

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

- 1. Allowing detached single-family dwellings as the predominant use, with options to integrate accessory dwelling units, ~~and duplexes~~, townhomes, and cottage housing ~~on larger lots~~;
- 2. Providing standards and guidelines that reinforce Ellensburg's established pattern of attractive and walkable residential neighborhoods;
- 3. Providing standards and guidelines that promote the integration of usable open space for residential uses;
- 4. Providing standards and guidelines that encourage parks, trails, open spaces, and natural features to be integrated with the design of new development;
- 5. Providing a minimum density standard to avoid large scale low density sprawl;

6. Providing a flexible system of bonus incentives (see ECC 15.330.020) that allows for an increase in density in exchange for:

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

7. Use of this zone is appropriate for any of the following, or combinations thereof:

- a. Areas designated residential in the comprehensive plan;
- b. Areas characterized by, or immediately adjacent to, areas which are predominantly single-family in character.

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

- 1. Allowing a variety of housing types including detached single-family dwellings, cottage housing, townhouses, and multifamily;
- 2. Providing standards and guidelines to help ensure that new infill development will be compatible in scale and character with existing development;
- 3. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets within the zone;
- 4. Providing standards and guidelines that promote the integration of usable open space for residential uses;
- 5. Providing standards and guidelines that encourage parks, trails, open spaces, and natural features to be integrated with the design of new development on large sites;
- 6. Providing a minimum density standard to avoid large scale low density sprawl; and
- 7. Use of this zone is appropriate for any of the following, or combinations thereof:
 - a. Areas designated residential, neighborhood mixed use, or community mixed use in the comprehensive plan;
 - b. Areas characterized by a mix of single- and multifamily buildings;
 - c. Areas located along designated arterial streets;

- d. Areas adjacent to commercial zoned property;
- e. Areas located along corridors served by transit.

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

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

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

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

Section 19. Chapter 15.300.050 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:

15.300.050 Commercial and Industrial ~~Nonresidential and Mixed-use~~ zones

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

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

~~B.—Commercial Tourist Zone (C-T). The C-T zone is intended to encourage suitable areas for commercial lodging, service stations, eating and amusement places, and other establishments primarily servicing Interstate 90 and U.S. Highway 97 travelers. In addition, specific areas of the C-T zone which are in the regional retail overlay may have regional retail commercial uses if special development criteria in Chapter 15.390 ECC are met. These purposes are accomplished by:~~

- ~~1. Allowing commercial uses that serve the traveling public;~~
- ~~2. Providing the opportunity for regional retail uses in specific areas deemed appropriate for such uses; and~~
- ~~3. Providing standards and guidelines that enhance the appearance and function of commercial tourist uses and their compatibility with surrounding uses;~~
- ~~4. Use of this zone is appropriate for areas that meet both of the following criteria:

 - ~~a. Areas designated general commercial services and community mixed use in the comprehensive plan; and~~
 - ~~b. Areas located within one-half mile radius of the center of Interstate 90 interchange.~~~~

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

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

~~D.—Residential Office Zone (R-O). The R-O zone is intended to serve as a transition zone separating more intensive uses from single-family residential districts. These purposes are accomplished by:~~

- ~~1.—Allowing a variety of housing types including detached single-family dwellings, cottage housing, townhouses, and multifamily;~~
- ~~2.—Providing for office uses that are compatible in scale and character with permitted residential uses;~~
- ~~3.—Providing for limited small-scale nonresidential uses on street corner sites provided they are integrated with residential or office uses in a mixed-use building;~~
- ~~4.—Providing standards and guidelines to help ensure that new infill development will be compatible in scale and character with existing development;~~
- ~~5.—Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets within the zone;~~
- ~~6.—Providing a minimum density standard to avoid large-scale low-density sprawl;~~
- ~~7.—Encouraging historic preservation and adaptive reuse of historic properties; and~~
- ~~8.—Use of this zone is appropriate for:~~

~~a. Areas designated blended residential neighborhood, urban neighborhood, and neighborhood mixed use in the comprehensive plan as well as:~~

~~b. Areas characterized by a mix of single and multifamily buildings and office uses; and/or~~

~~c. Areas located generally between commercial and single family residential zones.~~

~~E. Central Commercial Zone (C-C). The C-C zone is intended to encourage and accommodate the development and redevelopment of a viable central business district serving a broad trade area. The intended physical form of the district is an intensive concentration of compatible business, professional and commercial activities. These purposes are accomplished by:~~

- ~~1. Allowing a range of commercial uses that serve the broad trade area;~~
- ~~2. Promoting office uses, which provide for local employment and complement other commercial uses in the zone;~~
- ~~3. Promoting residential as a secondary use in the zone, including upper floors on storefront dominated streets;~~
- ~~4. Providing standards and guidelines that preserve and/or enhance the historic character and scale of buildings within the zone; and~~
- ~~5. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets within the zone;~~
- ~~6. Use of this zone is appropriate for areas designated urban center in the comprehensive plan.~~

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

- ~~1. Allowing a range of commercial uses that serve the broad trade area;~~
- ~~2. Promoting office uses, which provide for local employment and complement other commercial uses in the zone;~~
- ~~3. Promoting residential as a secondary use in the zone;~~
- ~~4. Providing standards and guidelines that preserve and/or enhance the historic character and scale of buildings within the zone;~~
- ~~5. Providing standards and guidelines that promote compatibility between uses;~~

~~6. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets within the zone; and~~

~~7. Use of this zone is appropriate for areas designated urban center in the comprehensive plan.~~

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

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

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

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

Section 20. Chapter 15.300.060 of the Land Development Code of the Ellensburg City Code is hereby added as a new Chapter as follows:

15.300.060 ~~Special districts~~ Mixed use zones

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

1. Fostering a development pattern offering direct, convenient pedestrian, bicycle, and vehicular access between residences and businesses, in order to facilitate pedestrian and bicycle travel and reduce the number and length of automobile trips;
2. Encouraging new development that supports the safe and efficient movement of goods and people;
3. Providing for a compatible mix of multifamily housing and neighborhood commercial businesses and services, with an emphasis on promoting multistory structures with commercial uses on the ground floor and multifamily housing on upper floors;
4. Promoting a compact growth pattern to efficiently use the developable land, and to enable cost-effective extension of utilities, services, and streets; frequent transit service; and to help sustain neighborhood businesses;
5. Fostering the development of mixed use areas that are arranged, scaled, and designed to be compatible with surrounding land uses and which provide transitions between significantly different land use;
6. Ensuring that buildings and other development components are arranged, designed, and oriented to facilitate pedestrian access.

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

1. The Residential-Office (R-O) Zone is intended to serve as a transition zone separating more intensive uses from single-family residential districts. This purpose is accomplished by:
 - a. Avoiding large scale low density sprawl;
 - b. Allowing a variety of housing types;
 - c. Providing for nonresidential uses that are compatible in scale and character with residential uses;
 - d. Reinforcing the character and walkability of streets within the zone;
 - e. Encouraging historic preservation and adaptive reuse of historic properties; and
 - f. Reinforcing the character and walkability of streets.
- e. Use of this zone is appropriate for:
 - i. Areas designated as residential neighborhood, urban neighborhood, and neighborhood mixed use as well as:

ii. Areas characterized by a mix of single- and multifamily and office uses; and/or

iii. Areas located generally between commercial and single-family residential zones.

2. The Central-Commercial (C-C) Zone is intended to encourage and accommodate the development and redevelopment of a viable central business district serving a broad trade area. The intended physical form of the district is an intensive concentration of compatible business, professional, and commercial, and high density residential activities. This purpose is accomplished by:

a. Allowing a range of commercial uses that serve the broad trade area;

b. Promoting office uses, which provide for local employment and complement other commercial uses;

c. Promoting residential as a secondary use, including upper floors on storefront dominated streets;

d. Providing standards and guidelines that preserve and/or enhance the historic character and scale of buildings; and

e. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets.

f. Use of this zone is appropriate for areas designated urban center in the comprehensive plan.

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

a. Allowing a range of commercial uses that serve the broad trade area;

b. Promoting office uses, which provide for local employment and complement other commercial uses;

c. Promoting residential as a secondary use;

d. Providing standards and guidelines that preserve and/or enhance the historic character and scale of buildings;

e. Providing standards and guidelines that promote compatibility between uses;

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

g. Use of this zone is appropriate for areas designated urban center in the comprehensive plan.

4. The Neighborhood Center Mixed-Use Zone provides for a compatible mix of neighborhood-scaled commercial and employment uses and medium density multifamily housing. These purposes are accomplished by:

- a. Promoting neighborhood identity; and
- b. Providing a range of commercial, retail, and service opportunities.
- c. Use of this zone is appropriate for areas designated Community Mixed Use in the Comprehensive Plan.

5. The Regional Center Mixed-Use Zone is intended to provide a broad mix of uses that offer a variety of commercial and employment opportunities and medium to high density multifamily housing. These purposes are accomplished by:

- a. Promoting neighborhood identity; and
- b. Providing a range of commercial, retail, and service opportunities.
- c. Use of this zone is appropriate for areas designated Community Mixed Use in the Comprehensive Plan and within a half mile radius of the center of Interstate 90 interchange.

Section 21. Chapter 15.300.060 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4798, is hereby amended to read as follows:

15.300.0670 Special districts.

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

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

B. Downtown Historic District.

1. Designated. The geographic area identified in Figure 15.300.0670(B) is designated an Ellensburg landmark district, hereafter to be known as the downtown historic district. The requirements of this chapter and Chapter 15.280 ECC shall apply to all existing structures or structures hereafter constructed within this district; and
2. No person, firm or corporation shall construct any new, or reconstruct, alter, remodel, paint, repair or demolish any existing structure within the downtown historic district prior to completing the review process required by the city landmarks and design ordinance (Chapter 15.280 ECC).

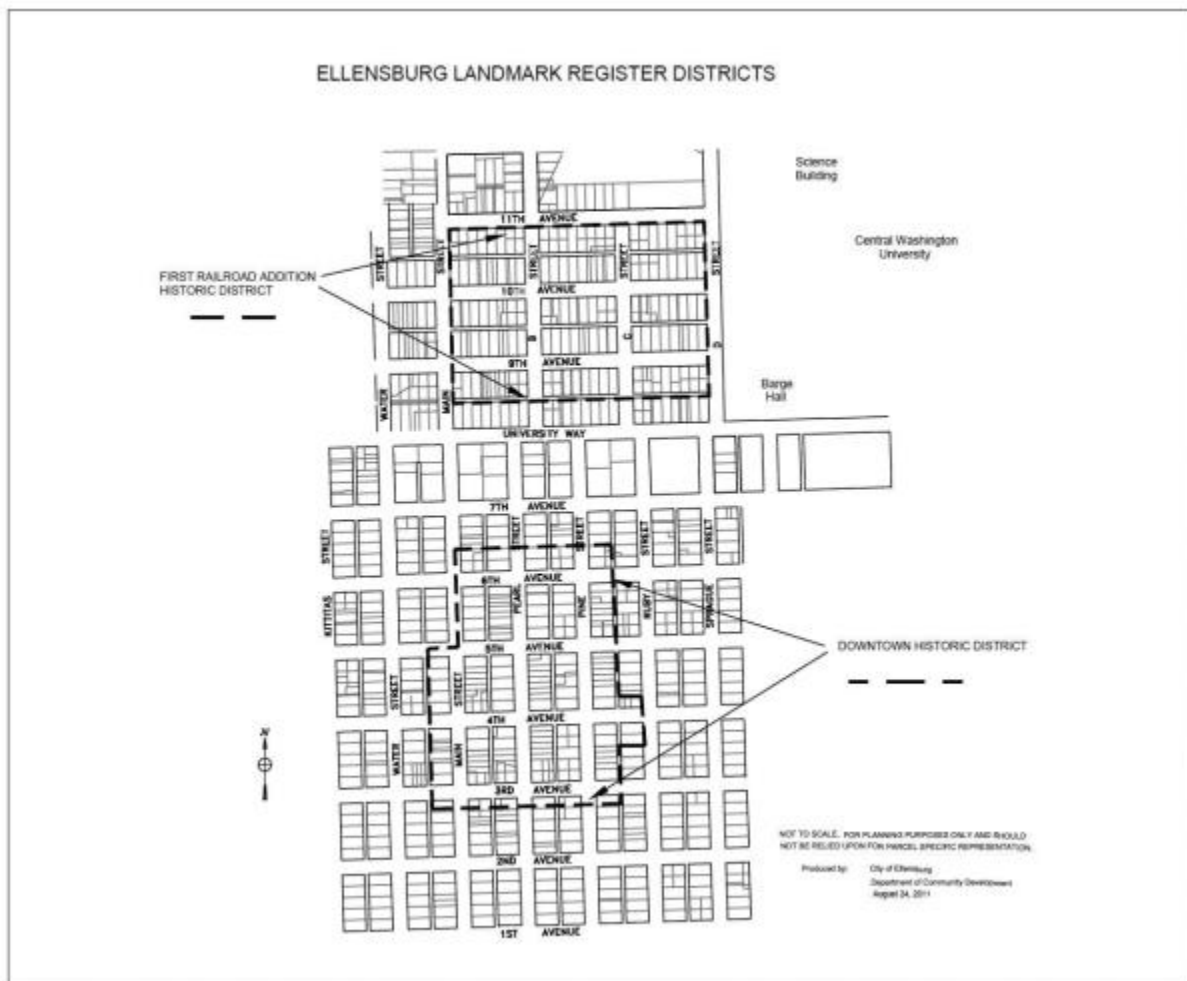


Figure 15.300.0670(B). Downtown and First Railroad Addition historic district boundaries.

C. First Railroad Addition Historic District.

1. Designated. The geographic area identified in Figure 15.300.0670(B) is designated as an Ellensburg landmark district, hereafter to be known as the First Railroad Addition historic district. The requirements of this chapter and Chapter 15.280 ECC shall apply to all existing structures or structures hereafter constructed within this district; and

2. No person, firm or corporation shall construct any new, or reconstruct, alter, remodel, paint, repair or demolish any existing structure within the First Railroad Addition historic district prior to completing the review process required by the city landmarks and design ordinance (Chapter 15.280 ECC).

D. Airport Overlay Zone (A-O). The airport overlay (A-O) zone encompasses properties located on, adjacent to, and in the vicinity of Bowers Field, in order to protect the health, welfare, safety, and quality of life of the general public, property owners, airport operators, and aviation community. The intent is also to ensure compatible land uses in the vicinity of the affected environments of the airport overlay zone.

Properties within the A-O overlay zone (see Figure 15.300.0670(D)) are subject to the standards in Chapter 15.350 ECC, Airport Overlay Zone (A-O) Standards, in addition to the provisions of the underlying zoning district. Where there is a conflict between the provisions of the A-O overlay zone and the underlying zoning district, the provisions of the A-O overlay zone shall apply.

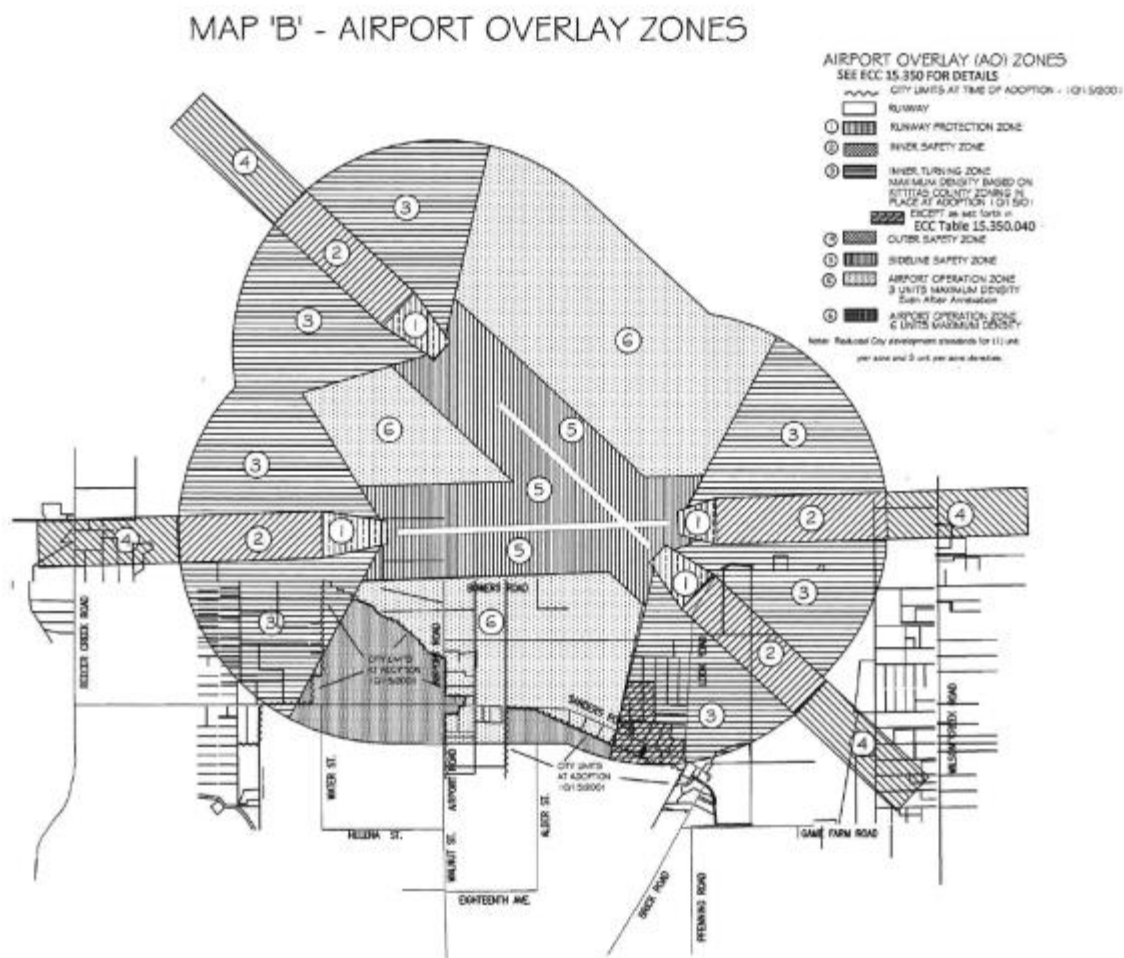


Figure 15.300.0670(D). Airport overlay zone and applicable airport safety zones as described in Chapter 15.350 ECC.

[Ord. 4798 § 3, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 22. Chapter 15.310.040 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, 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-F	C-H	C-C	C-C II	I-L	<u>NC-MU</u>	<u>RC-MU</u>	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 ^{1,2}	P ^{1,2}	P		P				P ⁷	P ⁷					A ⁶	
Dwelling, townhouse* (ECC 15.540.060)	P ^{1,5,2}	P ^{1,2}	P	P	P	P ³			P ⁷	P ⁷		<u>P</u>	<u>P</u>		A ⁶	
Dwelling, multifamily* (Division V of this title)	P ^{1,5}	<u>P^{1,5}</u>	P	P	P	P ³		<u>C</u>	P ⁷	P ⁷		<u>P</u>	<u>P</u>		A ⁶	
Dwelling, live-work*	P ^{1,4}	<u>P⁴</u>	P ⁴	P ⁴	P ⁴	P			P ⁷	P ⁷		<u>P</u>	<u>P</u>			
Manufactured home park* (ECC 15.340.040)	<u>C</u>	<u>C</u>	C	P	C										A ⁶	P
GROUP RESIDENCES																
Boarding houses, lodging houses, sororities, fraternities*		C	P	P	C				P ⁷	P ⁷		<u>P</u>	<u>P</u>		A ⁶	
Adult family home*	P	P	P	P	P	P			P ⁷	P ⁷		<u>P</u>	<u>P</u>		A ⁶	

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-T	C-H	C-C	C-C II	I-L	<u>NC-MU</u>	<u>RC-MU</u>	I-H	P-R	MHP
Community residential facility*			C	C	C	C			P ⁷	P ⁷		<u>P</u>	<u>P</u>		P/A ⁶	
Senior citizen assisted housing*			P	P	P	P			P ⁷	P ⁷		<u>P</u>	<u>P</u>		A ⁶	
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	P ⁷	P ⁷	P	<u>P</u>	<u>P</u>	P	P ⁶	P
Yard sale use	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A⁸	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)	<u>P</u>	<u>P</u>	P	P	P				P ⁷	P ⁷		<u>P</u>	<u>P</u>			

Development conditions:

- Subject use may be permitted subject to density bonus incentives set forth in Table 15.320.030 and Chapter 15.330 ECC.
- 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, per the following conditions:
 - ~~Lots at least 10,890 square feet in area; or~~
 - ~~Corner lots where building entries are provided on separate streets.~~
- 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.
- Nonresidential uses may be permitted within live-work dwellings subject to the permitted uses in the underlying zoning district ~~use provisions for the applicable zoning district in Table 15.310.040 below.~~
- ~~Townhouses and multifamily~~ Multifamily dwelling units shall not be located adjacent to existing single-family dwellings, except where such uses were approved on an individual plat.
- 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.

Table 15.310.040 Nonresidential uses

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-F	C-H	C-C	C-C II	<u>NC</u> <u>=</u> <u>MU</u>	<u>RC</u> <u>=</u> <u>MU</u>	I-L	I-H	P-R
RETAIL															
Auto sales, new and used							P ¹	P	P ²	P		<u>P</u>			
<u>Automobile fueling</u>						<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>		
<u>Automobile, electric vehicle battery charging station</u>	<u>P¹</u>	<u>P¹</u>	<u>P¹</u>	<u>P¹</u>	<u>P¹</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Farmers' markets*						P			P	P	<u>P</u>	<u>P</u>			
Fruit stands*	P	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>		
Heavy retail (ECC 15.130.080)								P ¹⁰	P ²	P		<u>P</u>	P	P	
Heavy service (ECC 15.130.080)								P¹⁰	P²	P			P	P	

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-T	C-H	C-C	C-C II	<u>NC</u> <u>=</u> <u>MU</u>	<u>RC</u> <u>=</u> <u>MU</u>	I-L	I-H	P-R
Nurseries and greenhouses that are ancillary to a retail use*	P							P	P ²	P	<u>P</u>	<u>P</u>	P	P	
Restaurants, bars, and brewpubs*	<u>P</u>	<u>P</u>	P ³	P ³	P ³	P	P	P	P	P	<u>P</u>	<u>P</u>	P ¹¹		A ⁹⁶
Bars and brewpubs*						<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>A</u> ⁶
Coffee house, espresso bar	P ⁸⁵	<u>P</u> ⁵	P ³	P ³	P ³	P	P	P	P	P	<u>P</u>	<u>P</u>	P ¹¹		A ⁹⁶
Retail, small scale (<2,000 sf floor area)	P ⁸⁵	<u>P</u> ⁵	P ³	P ³	P ³	P	P	P	P	P	<u>P</u>	<u>P</u>			A ⁹⁶
Retail, medium scale (2,000 – 20,000 sf floor area)						P		P	P	P	<u>P</u>	<u>P</u>			A ⁹⁶
Retail, large scale (20,001 – 60,000 sf floor area)						P ⁴³		P	P	P	<u>P</u>	<u>P</u>			
Retail, very large scale (60,001 – 100,000 sf floor area)								<u>P</u>	C	C		<u>P</u>			
Retail, super scale (>60,000 100,001 sf floor area)								<u>C</u>				<u>C</u>			
Outlet center								P							
Regional retail commercial projects* (subject to the	P ¹³⁸	P ¹³⁸	P ¹³⁸	P ¹³⁸	P ¹³⁸	P ¹³⁸	P ¹³	P ¹³⁸			<u>P</u> ⁸	<u>P</u> ⁸	P ¹³⁸		

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-F	C-H	C-C	C-C II	<u>NC</u> <u>=</u> <u>MU</u>	<u>RC</u> <u>=</u> <u>MU</u>	I-L	I-H	P-R
requirements in Chapter 15.390 ECC)															
Marijuana retailer*						p ¹⁴⁹	P ¹ ₄	p ¹⁴⁹	p ¹⁴⁹	p ¹⁴⁹	<u>p</u> ⁹	<u>p</u> ⁹			
PERSONAL AND GENERAL SERVICE															
Day care I facilities*	P	P	P	P	P	P		P	P	P	<u>P</u>	<u>P</u>	P		A ⁹⁶
Day care II facilities*	C	C	C	C	P	P		P	P	P	<u>P</u>	<u>P</u>			A ⁹⁶
General service establishments (ECC 15.130.070)						P ⁵	P ⁶	P	P ²	P			P		
Heavy services (see Heavy retail and services definition in ECC 15.130.080)*								p ¹⁰	p ²	P		<u>P</u>	P	P	
Hotels/motels *							P	P	P	P	<u>P</u>	<u>P</u>			
Hospitals*	C	C	C		P				C	P		<u>C</u>			A ⁹⁶
Offices, medical*	P ⁸				P	P	P	P	P	P	<u>P</u>	<u>P</u>			P/ A ⁹⁶
Kennels*								P		P			P		
Nursing homes*	C	C	C	P	P				P	P					P/ A ⁹⁶
Marijuana cooperative*	P ¹⁵¹ ₀	P ¹⁵¹ ₀	P ¹⁵¹ ₀	P ¹⁵¹ ₀	P ¹⁵¹ ₀	P ¹⁵¹ ₀	P ¹ ₅	P ¹⁵¹ ₀	P ¹⁵¹⁰	P ¹⁵¹⁰	<u>P</u> ¹⁰	<u>P</u> ¹⁰	P ¹⁵¹ ₀	P ¹⁵¹ ₀	P ¹⁵¹ ₀
Personal service establishments *	P ⁸⁵	<u>P</u> ⁵	P ³	P ³	P ³	P	P	P	P	P	<u>P</u>	<u>P</u>			A ⁹⁶

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-F	C-H	C-C	C-C II	<u>NC</u> = <u>MU</u>	<u>RC</u> = <u>MU</u>	I-L	I-H	P-R
<u>Laundromats and dry cleaners</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
Places of assembly*	C	C	C	C	P	P		<u>P</u>	P	P	<u>C</u>	<u>C</u>	C		A ⁹⁶
Radio station (commercial)		C						<u>C</u> <u>P</u>			<u>P</u>	<u>P</u>	C	C	A ⁹⁶
Veterinary clinic					C	C	<u>P</u>	P	P	P	<u>P</u>	<u>P</u>	C		
BUSINESS SERVICE															
Conference center*							<u>P</u>	P	P	P	<u>P</u>	<u>P</u>			A ⁹⁶
Offices, business or professional*, small scale (<2,000 sf floor area)	P ⁸⁵	<u>P</u> ⁵			<u>P</u>	P	<u>P</u>	P	P	P	<u>P</u>	<u>P</u>	P ⁷⁴		P/ A ⁹⁶
Offices, business or professional*, medium scale (2,000 – 20,000 sf floor area)	P ⁸⁵	<u>P</u> ⁵					<u>P</u>	P	P	P	<u>P</u>	<u>P</u>	P		P/ A ⁹⁶
Offices, business or professional*, large scale (20,001 – 60,000 sf floor area)								P	P	P	<u>P</u>	<u>P</u>	P		P/ A ⁹⁶
Miniwarehouse facility*			C					<u>C</u>					<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	
INDUSTRIAL															
<u>Light manufacturing</u> *								<u>P</u>	<u>P</u> ²	<u>P</u> ²	<u>P</u> ²	<u>P</u> ²	<u>P</u>	<u>P</u>	

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-F	C-H	C-C	C-C II	<u>NC</u> <u>=</u> <u>MU</u>	<u>RC</u> <u>=</u> <u>MU</u>	I-L	I-H	P-R
Light industry (ECC 15.130.120)									p ^{2,11} ₇	p ^{2,11} 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 ⁹⁶
Heavy industry (ECC 15.130.080)														C	
Marijuana processor*													p ¹⁴	p ¹⁴	
Marijuana producer*													p ¹⁴	p ¹⁴	
Tow vehicle storage area*													P	P	
Vehicle wrecking yard*														C	

Development conditions:

1. ~~Sales of used vehicles in this zone are limited to uses that include sales of new vehicles as the primary use.~~ 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. Use is permitted if located adjacent to a street corner and within a mixed-use building or within a live-work dwelling. Such uses shall be subject to secondary street frontage standards as set forth in ECC 15.510.060.~~

34. Grocery stores shall be the only retail uses permitted with more than 20,000 square feet of gross floor area.

~~5. Except for gas service stations, the use must be enclosed entirely within a building.~~

~~6. Includes gas service stations with truck stop facilities only. No other general service uses are permitted.~~

4.7. 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.

5.8. 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, subject to the following conditions:

~~——— a. The location for planned nonresidential uses shall be designated on the plat.~~

~~b. Nonresidential uses may be integrated into subdivisions provided the subdivision encompasses at least five acres in gross land area and the planned uses are at least 1,200 feet from an existing C-N zone or commercial use.~~

~~c. Nonresidential uses shall not be located adjacent to existing single-family dwellings, except where such uses were approved on an individual plat.~~

~~d. For the purpose of identifying appropriate site-orientation standards for future nonresidential development, the plat shall indicate the street frontage type designation for streets fronting planned nonresidential uses as either storefront, secondary, or landscaped street (see Chapter 15.510 ECC).~~

6.9. 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.

~~10. Heavy retail and service uses are limited to buildings no larger than 50,000 gross square feet in area.~~

7.11. 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.

~~12. Subject use is permitted in the district only when accessory to a permitted use (see accessory use definition in ECC 15.130.010).~~

~~8.13.~~ 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 ECC 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.

~~9.14.~~ All marijuana retail, production and processing facilities are subject to the requirements of Chapter 15.370 ECC.

~~10.15.~~ 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-F	C-H	C-C	C-C II	<u>NC-MU</u>	<u>RC-MU</u>	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	C							P ¹¹
Recreation – outdoor (commercial)*							P	P			<u>P</u>	<u>P</u>	C		A
Recreation – indoor (commercial)*							P	P	P	P	<u>P</u>	<u>P</u>	C		A
<u>Recreation – small-scale indoor studios (commercial)*</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>		
Recreational vehicle parks (ECC 15.340.050)							P	<u>P</u>							
Parks, playgrounds (public or private)	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹		P ¹	P ¹	P ¹	<u>P¹</u>	<u>P¹</u>	P ¹		P
CULTURAL AND ENTERTAINMENT															
Adult entertainment establishment*							P ²	<u>P²</u>							
Art, performing arts, and recording studios	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>		P/A ⁷
Museums	<u>C¹²</u>	<u>C¹²</u>	<u>C¹²</u>	<u>C¹²</u>	<u>P</u>	<u>P</u>	P	<u>P</u>	P	P	<u>P</u>	<u>P</u>	<u>P</u>		P/A ⁷

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-T	C-H	C-C	C-C II	<u>NC-MU</u>	<u>RC-MU</u>	I-L	I-H	P-R
<u>Theaters</u>					<u>P</u>	<u>P</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>		
EDUCATIONAL															
Schools	C	C	C	C	C			C	C	C					P ⁵
GOVERNMENTAL															
Court								P	P	P					P
Fire facility								P				<u>P</u>	<u>P</u>		P
Police facility						P ³		P	P ³	P		<u>P</u>	P		P
Public agency or utility office*						P	P	P	P	P	<u>P</u>	<u>P</u>	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	P
Fairgrounds															P
Public transportation passenger terminals							P	P	P	P		<u>P</u>	<u>P</u>	<u>P</u>	P
RESOURCE															
Gardening or fruit raising (accessory use or noncommercial)	P	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	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	<u>P¹⁰</u>	<u>P¹⁰</u>	P ¹⁰	P ¹⁰	P ¹⁰ /A ⁷
REGIONAL															
Airport															PC ⁶

Development conditions:

- 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.
- Adult entertainment is regulated pursuant to Chapter 6.72 ECC. Zoning locational standards within the ~~C-T~~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 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 sq ft or less, and for both options through approval of a conditional use permit. [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 23. Chapter 15.320 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:

Chapter 15.320

BUILDING SETBACK AND INTENSITY STANDARDS

Sections:

- 15.320.010 Purpose.**
- 15.320.020 Interpretation of tables.**
- 15.320.030 Building setback and intensity standards table – Residential zones.**
- 15.320.040 Building setback and intensity standards – ~~Nonresidential~~ Commercial, Industrial, and Public Reserve zones.**
- 15.320.045 Building setback and intensity standards – Mixed use zones**
- 15.320.050 Density calculations.**
- 15.320.060 Height exceptions.**
- 15.320.070 Setback measurements.**
- 15.320.080 Permitted projections into yards.**
- 15.320.090 Setbacks from alleys.**
- 15.320.100 Setback modifications.**
- 15.320.110 Lot or site divided by zone boundary.**
- 15.320.120 Fences, walls, and hedges.**

Section 24. Chapter 15.320.030 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:

15.320.030 Building setback and intensity standards table – Residential zones.

Table 15.320.030. Building setback and intensity standards table – Residential zones.

Topic	R-S	R-L	R-M	R-H	R-O
DEVELOPMENT INTENSITY AND CONFIGURATION					
Minimum lot area	None ¹	None ¹	None ¹	None ¹	None¹
Minimum frontage	None ^{1,2}	None ^{1,2}	None ^{1,2}	None ^{1,2}	None^{1,2}
Density, minimum (ECC 15.320.050)		6 du/acre ³	8 du/acre ³	15 du/acre	8 du/acre³
Density, maximum (base) ⁸ (ECC 15.320.050)	6 du/acre	8 du/acre	No limit	No limit	No limit
Density, maximum with bonus (see Chapter 15.330 ECC)	12 du/acre ⁴	16 du/acre ⁴	No limit	No limit	No limit
Maximum building height	35 ft	35 ft	35 ft ⁵	45 ft ⁵	35 ft⁵
BUILDING SETBACK (see ECC 15.320.070 through 15.320.130)					
Minimum front yard setback ^{6, 7}	15 ft	15 ft	15 ft	15 ft	15 ft
Garage front yard setback	22 ft	22 ft	22 ft	22 ft	22 ft

Topic	R-S	R-L	R-M	R-H	R-O
Minimum rear yard setback	20 ft	20 ft	20 ft	20 ft	20 ft
Minimum rear yard setback, accessory buildings (including garages)	5 ft ¹⁰	5 ft ¹⁰	5 ft ¹⁰	5 ft ¹⁰	5 ft¹⁰
Minimum rear yard setback, detached accessory dwelling unit (see ECC 15.540.040)	5 ft ¹⁰	5 ft ¹⁰	5 ft ¹⁰	5 ft ¹⁰	5 ft¹⁰
Minimum side yard setback (includes corner lot interior lot line) ⁹	5 ft/10 ft ¹¹	5 ft/10 ft ¹¹	5 ft/10 ft ¹¹	5 ft/10 ft ¹¹	5 ft/10 ft¹¹
Minimum side yard setback (corner lot exterior lot line)	10 ft	10 ft	10 ft	10 ft	10 ft
Minimum garage side yard setback (corner lot exterior lot line)	22 ft	22 ft	22 ft	22 ft	22 ft

Development conditions:

1. Lot sizes may be variable provided they are sized and shaped sufficient to accommodate permitted uses and conform to applicable design and density standards.
2. New lots shall have access directly to a public right-of-way or may obtain access from a courtyard access (ECC 15.420.050(C)) or shared driveway (ECC 15.420.060(A)(2)).
3. The density minimum shall apply only to new subdivisions greater than one acre in size.
4. Exception: Projects complying with Net Zero Energy provisions may exceed the maximum density limits as set forth in ECC 15.330.020(A).
5. For buildings, or portions thereof, with pitched roofs, the maximum height may be increased by five feet. Applicable roof slopes must be at least 4:12 to qualify for this additional height.
6. Porches and covered entries may project up to six feet into the front yard.
7. No front yard is required for buildings adjacent to designated “storefront streets.”
8. Base maximum density refers to the maximum density allowed without utilizing density bonuses. Per Section 15.310.040, duplexes and townhomes are permitted in R-S and R-L zones on preexisting legal lots of record as of December 31, 2021, notwithstanding the maximum density requirements of this chapter. For lots recorded after this date, duplexes and townhomes must meet the density standards of this chapter.
9. Townhouses and zero lot line homes are exempt from side yard standards internal to a development. However, such uses shall meet applicable side yard standards for adjacent lots outside of the development.

10. Accessory buildings or accessory dwelling units, where built on top of an existing garage, may be built to a property line abutting an alley, provided sufficient turning movement and emergency vehicle access is provided within the alley.

11. For lots 6,000 square feet or less, the minimum side yard shall be five feet on each side. [Ord. 4807 § 46, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 25. Chapter 15.320.040 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:

15.320.040 Building setback and intensity standards – ~~Nonresidential~~ Commercial, Industrial, and Public Reserve zones

Table 15.320.040. Building setback and intensity standards – ~~Nonresidential~~ Commercial, Industrial, and Public Reserve zones.

Standard	C-N	C-T	C-H	C-G	C-G-H	I-L	I-H	P-R
DEVELOPMENT INTENSITY AND CONFIGURATION								
Minimum lot area	None ¹	None¹	None ¹	None¹	None¹	None ¹	None ¹	None ¹
Density, minimum (ECC 15.320.050)	NA	NA	NA	NA	NA	NA	NA	NA
Density, maximum (ECC 15.320.050)	None	None	None	None	None	NA	NA	NA
Maximum building height (see ECC 15.320.060 for height exceptions)	35 ft	35 ft	35 ft	45 ft	70 feet	35 feet ³	None	None ³
BUILDING PLACEMENT (see ECC 15.320.070 through 15.320.130)								
Minimum front yard	10 ft ²	10 ft²	10 ft ²	None²	None³	10 ft ²	10 ft	10 ft ⁴
Garage front yard setback	22 ft	22 ft	22 ft	22 ft	22 ft	22 ft	22 ft	22 ft
Minimum rear yard (see ECC 15.520.020 for supplemental standards)	None ⁵	None⁵	None ⁵	None⁵	None⁵	None ⁵	None ⁵	None ⁴
Minimum side yard (see ECC 15.520.020 for supplemental standards)	None ⁵	None⁵	None ⁵	None⁵	None⁵	None ⁵	None ⁵	None ⁴

Development conditions:

1. Lot sizes may be variable provided they are sized and shaped sufficient to accommodate permitted uses and conform to applicable design and density standards.

2. For exceptions and detailed standards, see Chapter 15.510 ECC, Site Orientation.
3. For areas within 100 feet of a residential zone, the maximum building height shall be 35 feet, except where provided for in ECC 15.310.050(B).
4. For P-R zoned sites adjacent to residential zones, setback standards shall be the same as the adjacent residential zone. Where more than one zone borders the applicable site, setback standards shall be the same as the zone closest to the proposed structures. Where a nonresidential zone is closest to the applicable structure, then there are no side or rear setback requirements.
5. Where the subject property borders a residential zone, the minimum side or rear setbacks shall be the same as the adjacent residential zone.
6. ~~See ECC 15.330.030 for FAR bonus provisions.~~ [Ord. 4807 § 46, 2018; Ord. 4769 § 14, 2017; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 26. Chapter 15.320.045 of the Land Development Code of the Ellensburg City Code is hereby added as a new Chapter to read as follows:

15.320.045 Building setback and intensity standards – Mixed Use Zones

Table 15.320.045. Building setback and intensity standards table – Mixed Use Zones

<u>Standard</u>	<u>R-O</u>	<u>C-C</u>	<u>C-C II</u>	<u>NC-MU</u>	<u>RC-MU</u>
DEVELOPMENT INTENSITY AND CONFIGURATION					
<u>Minimum lot area</u>	<u>None¹</u>	<u>None¹</u>	<u>None¹</u>	<u>None¹</u>	<u>None¹</u>
<u>Minimum frontage</u>	<u>None^{1,2}</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>Density, minimum (ECC 15.320.050)</u>	<u>8 du/acre³</u>	<u>NA</u>	<u>NA</u>	<u>8 du/acre¹²</u>	<u>15 du/acre¹²</u>
<u>Density, maximum (ECC 15.320.050)</u>		<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>Maximum building height (see ECC 15.320.060 for height exceptions)</u>	<u>35ft⁴</u>	<u>60ft^{7, 11}</u>	<u>60 ft</u>	<u>60 ft⁷</u>	<u>60 ft⁷</u>
BUILDING PLACEMENT (see ECC 15.320.070 through 15.320.130)					
<u>Maximum front yard setback</u>				<u>10 ft¹³</u>	<u>10 ft¹³</u>
<u>Minimum front yard</u>	<u>15 ft</u>	<u>None⁵</u>	<u>None⁵</u>	<u>None⁵</u>	<u>None⁵</u>
<u>Minimum garage front yard setback</u>	<u>22 ft</u>	<u>22 ft</u>	<u>22 ft</u>	<u>22 ft</u>	<u>22 ft</u>
<u>Minimum rear yard (see ECC 15.520.020 for supplemental standards)</u>	<u>20 ft</u>	<u>None⁶</u>	<u>None⁶</u>	<u>None⁶</u>	<u>None⁶</u>

<u>Standard</u>	<u>R-O</u>	<u>C-C</u>	<u>C-C II</u>	<u>NC-MU</u>	<u>RC-MU</u>
<u>Minimum rear yard setback, accessory buildings (including garages)</u>	<u>5 ft⁸</u>				
<u>Minimum rear yard setback, detached accessory dwelling unit (see ECC 15.540.040)</u>	<u>5 ft⁸</u>				
<u>Minimum side yard, includes corner lot interior lot line (see ECC 15.520.020 for supplemental standards)¹⁰</u>	<u>5 ft/10 ft⁹</u>	<u>None⁶</u>	<u>None⁶</u>	<u>None⁶</u>	<u>None⁶</u>
<u>Minimum side yard setback (corner lot exterior lot line)¹⁰</u>	<u>10 ft⁹</u>				
<u>Minimum garage side yard setback (corner lot exterior lot line)</u>	<u>22 ft</u>				

Development conditions:

1. Lot sizes may be variable provided they are sized and shaped sufficient to accommodate permitted uses and conform to applicable design and density standards.
2. New lots shall have access directly to a public right-of-way or may obtain access from a courtyard access (ECC 15.420.050(C)) or shared driveway (ECC 15.420.060(A)(2)).
3. The density minimum shall apply only to new subdivisions greater than one acre in size.
4. For buildings, or portions thereof, with pitched roofs, the maximum height may be increased by five feet. Applicable roof slopes must be at least 4:12 to qualify for this additional height.
5. For exceptions and detailed standards, see Chapter 15.510 ECC, Site Orientation.
6. Where the subject property shares any portion of a border with a residential zone, the minimum side or rear setbacks shall be the same as the adjacent residential zone.
7. Where subject property shares any portion of a border with a residential zone the maximum building height is 45 feet.
8. Accessory buildings or accessory dwelling units, where built on top of an existing garage, may be built to a property line abutting an alley, provided sufficient turning movement and emergency vehicle access is provided within the alley.
9. For lots 6,000 square feet or less, the minimum side yard shall be five feet on each side.
10. Townhouses and zero lot line homes are exempt from side yard standards internal to a development. However, such uses shall meet applicable side yard standards for adjacent lots outside of the development.

11. The maximum building height in the downtown ellensburg local landmark district is 45 feet.

12. There is no minimum residential density for vertical mixed use. Minimum residential density applies to any portion(s) of the development where ground-floor residential uses are proposed with the following standards:

a. The area used to calculate residential density includes all area dedicated to parking and landscaping required for the ground-floor residential uses.

b. Where ground-floor residential uses are part of a mixed use development, area used to calculate the residential density does not include land dedicated to right-of-way.

13. The secondary street standards in ECC 15.510.060 shall apply to all new streets in the Neighborhood-Center and Regional Center Mixed-Use Zones. [Ord. 4807 § 46, 2018; Ord. 4769 § 14, 2017; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 27. Chapter 15.320.060 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:

15.320.060 Height exceptions.

The following structures may be erected above the height limits set forth in ECC 15.320.030, and 15.320.040 and 15.320.045:

A. An additional two feet in height is allowed for structures with green roofs occupying at least 50 percent of the area of the roof;

B. Roof structures housing or screening elevators, stairways, tanks, rooftop wind generators, ventilating fans or similar equipment required for building operation and maintenance may exceed the height limit by up to 10 feet in the C-C and C-C II zones. Such structures constructed for nonresidential or multifamily uses are subject to screening standards in ECC 15.520.060;

C. Fire or parapet walls may exceed the height limit by up to 10 feet in the C-C and C-C II zones; and

D. Skylights, flagpoles, chimneys, church steeples, crosses, spires, communication transmission and receiving structures, and similar structures. [Ord. 4807 § 46, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 28. Chapter 15.350.030 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4656, is hereby amended to read as follows:

15.350.030 Airport overlay zone.

In order to carry out the purpose of this chapter there is hereby created an airport overlay zone (A-O) that is composed of the following surface and safety zones. The zones cover a geographic area that is affected by airport activities and are defined on the basis of factors including, but not limited to, aircraft noise, aircraft flight patterns, airport safety zones, local circulation patterns and area development patterns. The boundaries of the airport surface and safety zones are shown

on airport overlay zone (A-O) Map “B,” “Safety Zones” (see Figure ~~15.300.060(D)~~ 15.300.070(D)) which shall be on file and open for inspection in the Kittitas County public works department, Kittitas County planning department and city of Ellensburg community development department. The surface and safety zones are overlaid on top of the existing underlying zoning that remains in full force and effect. Where the requirements imposed by the surface and safety zones conflict with the requirements of the underlying zoning, the more restrictive requirement shall be enforced.

A. Surface Zones. In order to carry out the provisions of this chapter, there are created and established certain surface zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Kittitas County Airport (Bowers Field). Such zones are shown on Kittitas County Airport (Bowers Field) Overlay Zone Map “A,” “Part 77,” as amended, which is on file and open for inspection in the Kittitas County public works department. Within each of the surface zones there are hereby established certain height restrictions for structures and trees. The surface zones are established and defined as follows:

1. Runways 07, 25, and 11 – Larger Than Utility with a Visibility Minimum Greater Than Three-Fourths-Mile Non-Precision Instrument Approach Zone. The 500-foot inner edge coincides with the width of the primary surface and slopes 34 feet outward for each one foot upward beginning at the end of and at the same elevation as the primary surface and expands to a horizontal distance of 3,500 feet at a horizontal distance of 10,000 feet along the extended runway centerline. Its centerline is the continuation of the runway centerline as depicted on Map “A.” Height restrictions: no object shall penetrate the imaginary line created by a slope 34 feet outward for each one foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
2. Runway 29 – Larger Than Utility with a Visibility Minimum Lower Than Three-Fourths-Mile Precision Instrument Approach Zone. The 1,000-foot inner edge of this approach zone coincides with the width of the primary surface. The approach zone expands uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway as depicted on Map “A.” Height restrictions: no object shall penetrate the imaginary line created by a slope 50 feet outward for each one foot upward for the first 10,000 feet of this zone and 40 feet outward for each one foot upward for the remaining 40,000 feet of this zone.
3. Transitional Zones. This zone is defined by a slope seven feet outward for each one foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 139 feet above mean sea level, as depicted on Map “A.” Height restrictions: no object shall penetrate the imaginary line created by a slope seven feet outward for each one foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Further, where the precision instrument runway approach zone projects beyond the conical zone, no object shall penetrate the imaginary line created by a slope seven feet outward for each one foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.

4. Horizontal Zone. This zone is established at 150 feet above the airport elevation or at a height of 1,916 feet above mean sea level by swinging arcs of 5,000 feet radial for all runways designated utility or visual and 10,000 feet for all other runways from the centers of the primary surface of each runway and connecting adjacent arcs by drawing lines tangent to those arcs, as depicted on Map "A." The horizontal zone does not include the approach and transitional zones. Height restrictions: no object shall penetrate the imaginary horizontal line created at 150 feet above the airport elevation or at a height above the airport of 1,916 feet above mean sea level.

5. Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there for a horizontal distance of 4,000 feet as depicted in Map "A." Height restrictions: no object shall penetrate the imaginary line created by a slope 20 feet outward for each one foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height up to 3,500 feet above the surface of the land.

B. Safety Zones. In order to carry out the provisions of this chapter and to promote land use compatibility on lands within and adjacent to and in the vicinity of the Kittitas County Airport (Bowers Field), there are created and established certain safety zones. Such safety zones are shown on Kittitas County Airport (Bowers Field) overlay zone Map "B," "Safety Zones," as amended and shall also be identified on the city of Ellensburg official zoning map by inclusion of the prefix "Airport" attached to the corresponding underlying zone name. Within each of the safety zones certain land use limitations are hereby established and certain development standards are hereby imposed in addition to the land uses and development standards of the underlying zoning district. Where the requirements imposed by these safety zones conflict with the requirements of the underlying zoning, the more restrictive requirement shall be enforced. The safety zones are established and defined as follows:

1. Runway Protection Zone 1. An area extending beyond the centerlines of Runways 11, 29, 07 and 25 as depicted on Map "B" (shaded area No. 1). This zone begins from the outer boundaries of the primary surface, 200 feet from the ends of the runways and extends out 1,700 feet to its widest point, which measures 1,010 feet across, 505 feet on either side of the runway centerline.
2. Inner Safety Zone 2. An area extending beyond the centerlines of Runways 11, 29, 07 and 25 as depicted in Map "B" (shaded area No. 2). This zone begins at the end of the runway protection zone 1 and extends out 2,800 feet. The zone measures 1,010 feet across, 505 feet on either side of the runway centerline.
3. Inner Turning Zone 3. A fan-shaped area extending beyond the centerlines of Runways 11, 29, 07 and 25 as depicted on Map "B" (shaded area No. 3). This zone begins at the primary surface, 200 feet from the end of the runway centerline and extends out with a 60-foot radius arc on either side of the runway centerline to 4,500 feet and connects to the centerline of the inner safety zone with sweeping arcs.
4. Outer Safety Zone 4. An area extending beyond the centerlines of Runways 11, 29, 07 and 25 as depicted on Map "B" (shaded area No. 4). This zone begins at the end of the inner

safety zone and extends out 3,000 feet. The zone measures 1,000 feet across, 500 feet on either side of the runway centerline.

5. Sideline Zone 5. An area adjacent to Runways 11, 29, 07, and 25 as depicted on Map “B” (shaded area No. 5). This zone begins from the outer boundaries of the primary surface, and extends out 1,000 feet perpendicular to the primary surface and connects to the 60-degree sector of the inner turning zone.

6. Airport Operations Zone 6. This zone is depicted on Map “B” (shaded area No. 6) and begins from the outer boundaries of the sideline zone and extends out 5,000 feet perpendicular to the primary surface and connects to the 60-degree sector of the inner turning zone. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 29. Chapter 15.510.060 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4656, is hereby amended to read as follows:

15.510.060 Secondary street standards.

For all designated secondary streets, development frontages may either be storefronts (see subsection (B) of this section), landscaped frontages (see subsection (C) of this section), or a combination of both.

A. Applicability. The standards herein shall apply to all nonresidential and multifamily development on designated secondary streets per ECC 15.510.040.

B. Storefront Standards. All storefront buildings along designated secondary streets shall comply with all building-related storefront street standards set forth in ECC 15.510.050.

C. Landscaped Frontage Standards for Secondary Streets.

1. Building Setbacks. Ten feet minimum or consistent with minimum requirements of the applicable zoning district (see ECC 15.320.030, ~~and 15.320.040,~~ and 15.320.045), whichever is greater. Covered entries and other weather protection features may extend into this setback by up to six feet.

2. Building Entry. At least one building entry shall be visible from the sidewalk.

3. Weather Protection. Weather protection at least three feet deep shall be provided over all primary entries.

4. Transparency. Transparent window area shall be provided along at least 15 percent of the facade of the building (all vertical surfaces of the facade). Departures will be considered pursuant to ECC 15.210.060 and 15.510.120.

5. Landscaping. All areas between the sidewalk and the building shall be landscaped, except for walkways, porches, decks, and other areas meeting the definition of pedestrian-oriented space.

D. Parking Location. No more than 50 percent of the street frontage can be occupied by off-street parking and driveways (see Figure 15.510.060(B)). Departures will be considered pursuant to ECC 15.210.060 and 15.510.120.

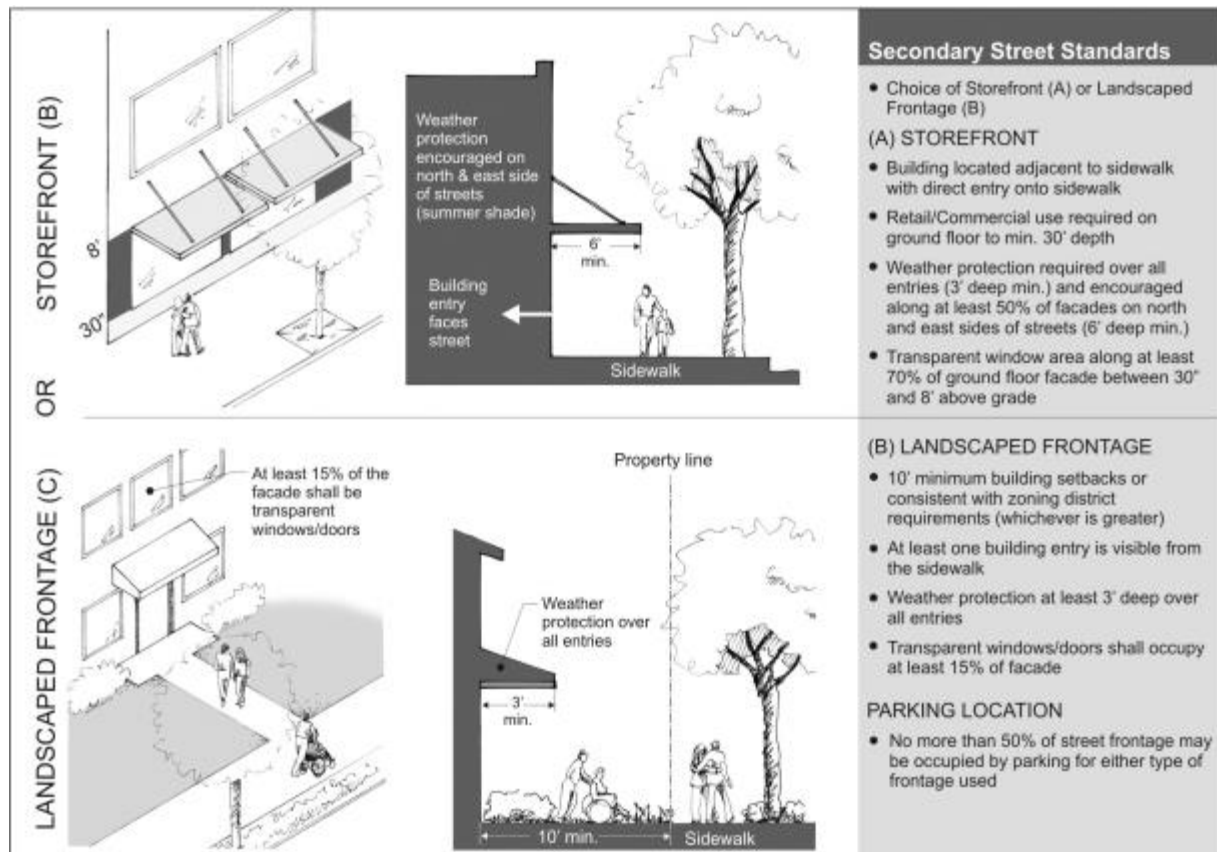


Figure 15.510.060(A). Summary of key secondary street standards.



Figure 15.510.060(B). Parking location standards for designated secondary streets.

[Ord. 4656 § 1 (Exh. O2), 2013.]

Section 30. Chapter 15.510.070 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4656, is hereby amended to read as follows:

15.510.070 Gateway street standards.

- A. **Applicability.** The standards herein shall apply to all designated gateway streets per ECC 15.510.040.
- B. **Building Setbacks.** Fifteen feet minimum, or consistent with minimum requirements of the applicable zoning district (see ECC 15.320.040 and 15.320.045), whichever is greater.
- C. **Building Entry.** At least one building entry shall be visible from the sidewalk.
- D. **Weather Protection.** Weather protection at least three feet deep shall be provided over all primary entries.
- E. **Transparency.** Transparent window area shall be provided along at least 15 percent of the facade of the building (all vertical surfaces of the facade). Departures will be considered pursuant to ECC 15.210.060 and 15.510.120.
- F. **Landscaping.** All areas between the sidewalk and the building shall be landscaped, except for walkways, porches, decks, and other areas meeting the definition of pedestrian-oriented space.
- G. **Parking Location.** Parking and driveways shall be located to the side or rear of buildings. Drive-through lanes between the sidewalk and the building are prohibited. Departures will be considered pursuant to ECC 15.210.060 and 15.510.120.

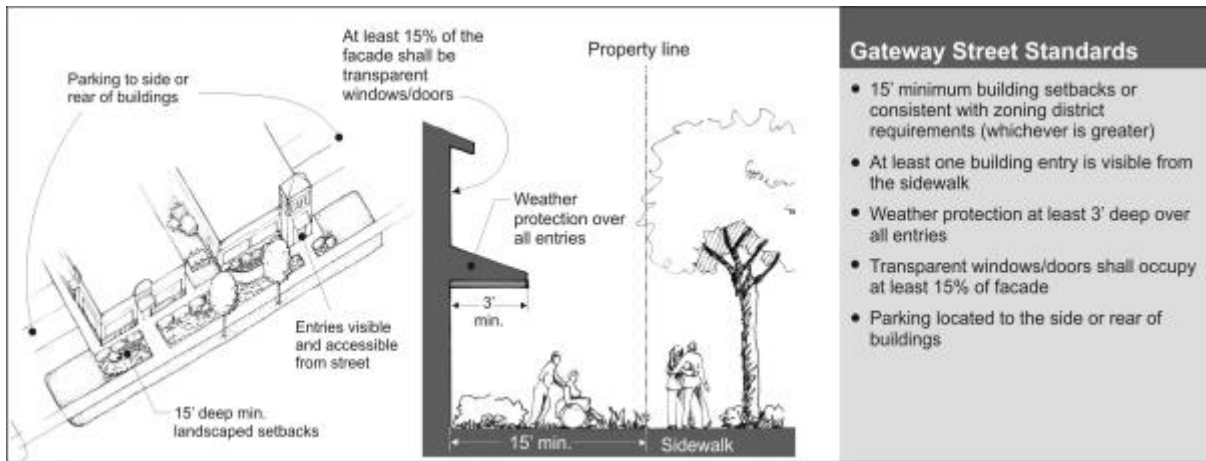


Figure 15.510.070. Summary of key gateway street standards.

[Ord. 4656 § 1 (Exh. O2), 2013.]

Section 31. Chapter 15.510.080 of the Land Development Code of the Ellensburg City Code as last amended by Ordinance 4656, is hereby amended to read as follows:

15.510.080 Landscaped street standards.

- A. **Applicability.** The standards herein shall apply to all nonresidential and multifamily development on designated landscaped streets per ECC 15.510.040.
- B. **Building Setbacks.** Fifteen feet minimum, or consistent with minimum requirements of the applicable zoning district (see ECC 15.320.030, ~~and 15.320.040,~~ and 15.320.045), whichever is greater.
- C. **Building Entry.** At least one building entry shall be visible from the sidewalk.
- D. **Weather Protection.** Weather protection at least three feet deep shall be provided over all primary entries.
- E. **Transparency.** Transparent window area shall be provided along at least 15 percent of the facade of the building (all vertical surfaces of the facade). Departures for nonresidential uses will be considered pursuant to ECC 15.210.060 and 15.510.120.
- F. **Landscaping.** All areas between the sidewalk and the building shall be landscaped, except for walkways, porches, decks, and other areas meeting the definition of pedestrian-oriented space.
- G. **Parking Location.** No more than 50 percent of the street frontage can be occupied by off-street parking and driveways. Departures will be considered pursuant to ECC 15.210.060 and 15.510.120.

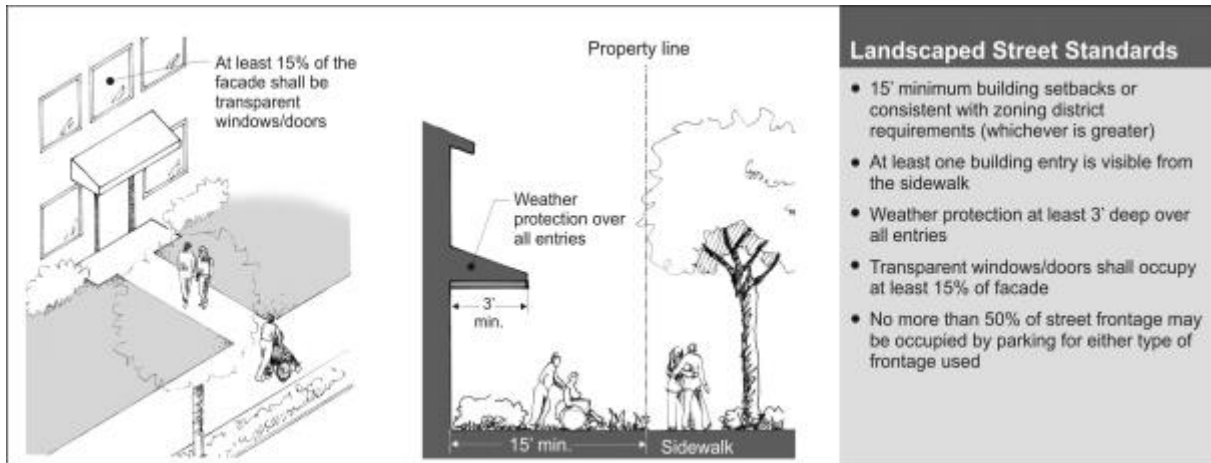


Figure 15.510.080. Summary of key landscaped street standards.

[Ord. 4656 § 1 (Exh. O2), 2013.]

Section 32. Chapter 15.530.040 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4656, is hereby amended to read as follows:

15.530.040 Building elements and details.

- A. Purpose. To encourage the incorporation of design details and small-scale elements into building facades that are attractive at a pedestrian scale.
- B. Applicability. All nonresidential and mixed-use buildings shall comply with the building elements and details standards herein unless otherwise noted.
- C. Facade Details Toolbox. All nonresidential and mixed-use buildings shall be enhanced with appropriate details. All new buildings and additions and buildings associated with Level II and III improvements must employ at least one detail element from each of the three categories below for each facade facing a street, featuring a customer entry, or featuring the primary residential entry for each facade articulation interval (see ECC 15.530.030). For example, a building with 120 feet of street frontage with a facade articulated at 40-foot intervals will need to meet the standards for each of the three facade segments below.

1. Window and/or Entry Treatment.
 - a. Display windows divided into a grid of multiple panes;
 - b. Transom windows;
 - c. Roll-up windows/doors;
 - d. Other distinctive window treatment that meets the purpose of the standards;
 - e. Recessed entry;
 - f. Decorative door;

- g. Arcade;
 - h. Landscaped trellises or other decorative element that incorporates landscaping near the building entry; or
 - i. Other decorative or specially designed entry treatment that meets the purpose of the standards.
2. Building Elements and Facade Details.
- a. Custom-designed weather protection element such as a steel canopy, cloth awning, or retractable awning;
 - b. Decorative, custom hanging sign(s);
 - c. Decorative building-mounted light fixtures;
 - d. Bay windows, trellises, towers, and similar elements; or
 - e. Other details or elements that meet the purpose of these standards.
3. Building Materials and Other Facade Elements.
- a. Use of decorative building materials/use of building materials. Examples include decorative use of brick, tile, or stonework;
 - b. Artwork on building (such as a mural) or bas-relief sculpture;
 - c. Decorative kick-plate, pier, beltcourse, or other similar feature;
 - d. Hand-crafted material, such as special wrought iron or carved wood; or
 - e. Other details that meet the purpose of the standards.

“Custom,” “decorative,” or “hand-crafted” elements referenced above must be distinctive or “one-of-a-kind” elements or unusual designs that require a high level of craftsmanship.

Departures to the standards above will be considered pursuant to ECC 15.210.060 provided the number, quality, and mix of details meet the purpose of the standards in this section.



Figure 15.530.040(C). Facade details examples. The building on the left uses decorative windows and doors, decorative roofline and columns, and decorative materials (brick and wood). The center image uses a decorative entry feature (metal feature over entry), decorative weather protection and lighting, and decorative use of brickwork. The right image uses decorative wood beams over the entry, decorative windows and doors, and stonework.

D. High Visibility Street Corner Buildings. Buildings located at designated high visibility street corners (see subsection (D)(1) of this section) shall provide one or more of the elements listed in subsection (D)(2) of this section on the building corner. All corner building design elements must be sized to be proportional to the building and the size of the applicable intersection (for example, larger intersections warrant more substantial design treatments).

1. Designated high visibility street corners include all street corners within the downtown historic district (see Figure ~~15.300.060~~ 15.300.070) and other street corners illustrated in Figure 15.530.040(D)(2).

2. Street Corner Design Element Options.

- a. A cropped building corner with corner pedestrian entry;
- b. A bay window or turret;
- c. A clock or bell tower;
- d. Balconies above the ground floor;
- e. Sculpture or artwork element; must be a one-of-a-kind design element;
- f. Distinctive use of facade materials; and/or
- g. Other special or unique corner building treatment, other than the use of fabric or vinyl awnings, for pedestrian weather protection at the corner of the building.



Figure 15.530.040(D)(1). Desirable building corner examples.

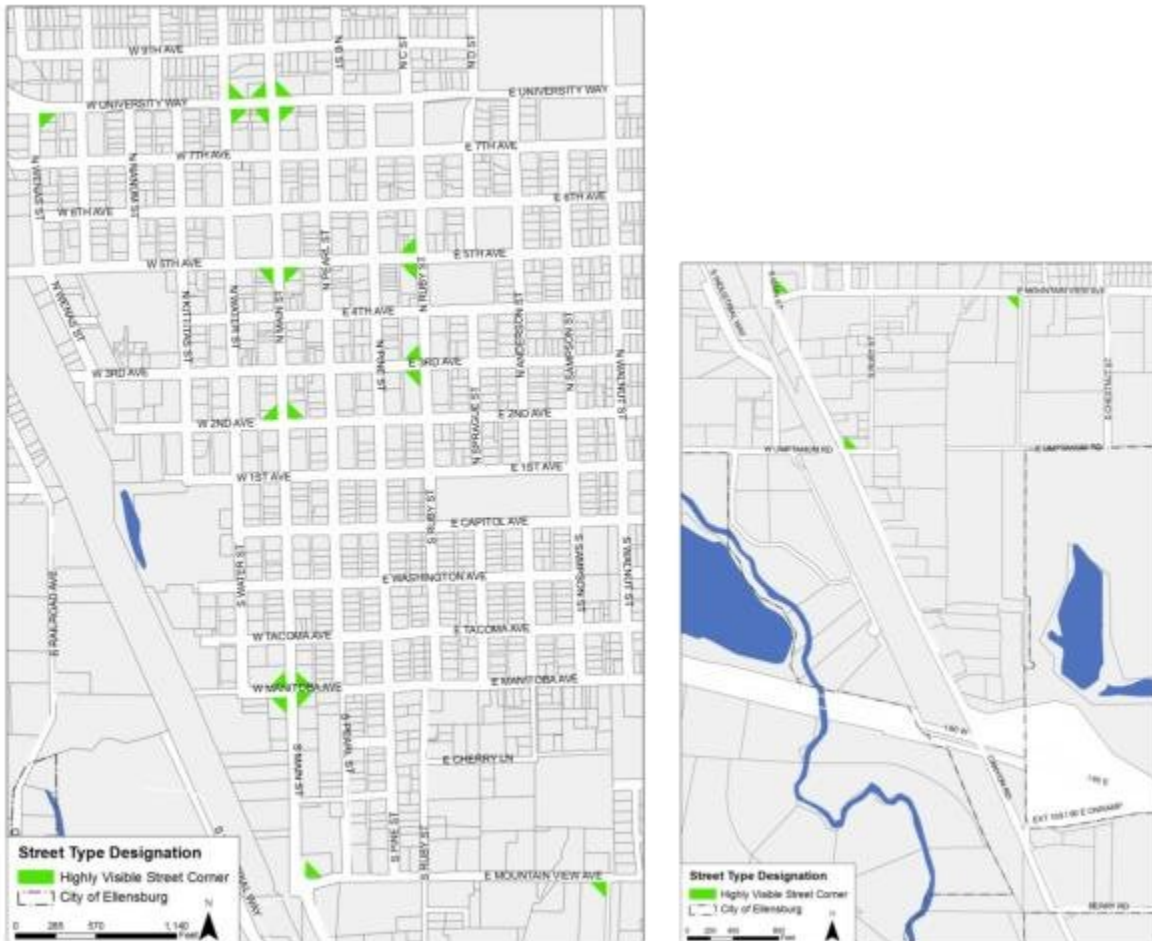


Figure 15.530.040(D)(2). Designated high visibility street corners. All street corners within the downtown historic district are considered a high visibility street corner.

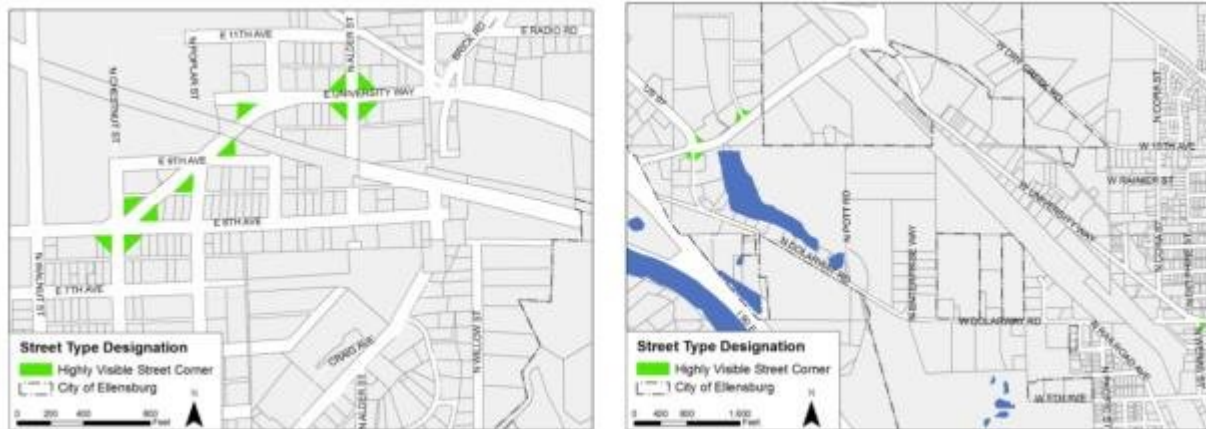


Figure 15.530.040(D)(2). Designated high visibility street corners (continued).

E. Window Design. Buildings shall employ techniques to recess or project individual windows above the ground floor at least two inches from the facade or incorporate window trim at least four inches in width that features color that contrasts with the base building color. Buildings in the I-H zone and facades of buildings in the I-L zone that do not face a street or contain a customer entrance are exempt from this standard. Departures will be considered pursuant to ECC 15.210.060 where buildings employ other distinctive window or facade treatment that adds a sense of depth to the facade and/or visual interest to the building.



Figure 15.530.040(E). Acceptable and unacceptable (far right image) window design on upper floors. Note that the windows in the brick building on the left are recessed from the facade. The windows in the middle images include trim. The image on the right includes no trim or recess/projection, and thus would not be permitted.

F. Year of Construction Plaque. All new commercial and mixed-use buildings may note the year of construction of the building by the installation of a plaque attached to the building near the main entrance. Numbers etched into stone, brick, or concrete may be used in lieu of a plaque. The year of construction is to be noted by numbers not less than six inches high nor more than 12 inches high. Other information associated with the building that may be of public interest may be included. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 33. Chapter 15.50.040 of the Land Development Code of the Ellensburg City Code as last amended by Ordinance 4810, is hereby amended to read as follows:

15.550.040 Computation of required off-street parking spaces.

A. Spaces Required. Except as modified in subsections below, off-street parking areas shall contain at a minimum the number of parking spaces as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square feet means the usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include but are not limited to building maintenance areas, storage areas, closets or restrooms. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

Table 15.550.040(A). Computation of required off-street parking spaces.

Category of Land Use¹	Minimum Parking Spaces Required
RESIDENTIAL/LODGING	
Dwelling, single-family	2.0 per dwelling unit; for structures containing more than 4 bedrooms, 1 additional space for each bedroom in excess of 4 shall be provided. NOTE: Tandem parking to accommodate 2-car garages is permitted for single-family units.
Accessory dwelling unit	None required
Apartment:	
Duplex	2.0 per dwelling unit; for structures containing more than 4 bedrooms, 1 additional space for each bedroom in excess of 4 shall be provided. NOTE: Tandem parking to accommodate 2-car garages is permitted for duplex dwelling units.
Townhouse	2.0 per dwelling unit; for structures containing more than 4 bedrooms, 1 additional space for each bedroom in excess of 4 shall be provided.
Studio units	1.2 per dwelling unit
Studio and 1-bedroom units in C-C zone outside of the downtown historic district	0.7 per dwelling unit
1-bedroom units	1.5 per dwelling unit
2-bedroom residential units and larger in C-C zone outside of the downtown historic district	0.7 per bedroom
2-bedroom units or larger	1.0 per bedroom
Cottage housing	1.5 per dwelling unit

Category of Land Use¹	Minimum Parking Spaces Required
Senior housing	1.0 per dwelling unit (this may be reduced based on the characteristics of the use)
Adult family home	2.0 per dwelling unit; for structures containing more than 4 bedrooms, 1 additional space for each bedroom in excess of 4 shall be provided. NOTE: Tandem parking to accommodate 2-car garages is permitted.
Senior citizen assisted housing	1.0 per 2 dwelling or sleeping units
Community residential facilities	1.0 per 2 bedrooms
Boarding houses, lodging houses, seniorities, fraternities	1.0 per bedroom
Hotel/motels (where restaurants and conference facilities are included, see standards for applicable use)	1.0 per guest room
Bed and breakfast guesthouse	1.0 per guest room, plus 2.0 per facility
GENERAL RETAIL AND SERVICE	
Offices, banks, medical clinics, supermarkets, retail shops, department stores, or similar uses	1.0 per 300 square feet of gross floor area
General retail or service use with drive-in facility	Same parking for retail and service as provided herein, plus sufficient off-street drive-through stacking area to accommodate 3 vehicles without negatively impacting other required parking areas, ingress and egress into such parking areas, or traffic on public streets
Day care facility	1.0 per employee plus 1.0 temporary loading parking per each 8 full-day equivalent children
FOOD AND BEVERAGE	
Restaurant, taverns, or similar uses where patrons sit down for service	1.0 per 200 square feet of gross floor area for sit-down facilities with a minimum number of 5 spaces required
Drive-in restaurant	Same parking as restaurant plus sufficient off-street drive-through stacking area to accommodate 6 vehicles without negatively impacting other required parking areas, ingress and egress into such parking areas, or traffic on public streets
Drive-in coffee stand	2.0 per facility plus sufficient off-street drive-through stacking area to accommodate 6

Category of Land Use ¹	Minimum Parking Spaces Required
	vehicles without negatively impacting other required parking areas, ingress and egress into such parking areas, or traffic on public streets
PLACES OF ASSEMBLY	
Churches, funeral homes, mortuaries, clubs, lodges, museums, auditoriums, theaters, conference facilities, public or commercial recreational facilities, or similar uses	0.25 per person of maximum occupancy as established by the fire marshal with a minimum of 5 spaces required
INDUSTRIAL AND LAND CONSUMPTIVE USES	
Wholesale trade, warehousing (including miniwarehouse facilities), processing and manufacturing facilities, heavy equipment repair, lumber yard, car sales, or similar land consumptive but low traffic generation uses	1.0 per 1,500 square feet of gross floor area for structures up to 20,000 square feet in gross size with a minimum of 5 spaces required OR 1.0 per 2,000 square feet of gross floor area for structures greater than 20,000 square feet in gross size. NOTE: For vehicle sales lots, the sales area is not considered to be a parking facility and does not have to comply with the requirements of this chapter. However, all required parking must be designed and reserved for customer parking only.
PUBLIC AND QUASI-PUBLIC USES	
Hospital	1.5 per each 5 beds with a minimum of 5 spaces required
Elementary and junior high schools	1.0 per classroom, plus 1 per 50 students
High schools, college or university, trade school, or business school	1.0 per classroom, plus 1 per 10 students
Governmental office	1.0 per 350 square feet of gross floor area

Notes:

~~1A.~~ In those situations where a particular use is not specifically mentioned in this table, the requirements for off-street parking shall be determined by the director and in accordance with the most comparable use listed.

B. Uses in the C-C Zone. There are no off-street parking requirements for any uses in the C-C zone, except residential uses located outside of the downtown historic district shall provide at least 0.7 parking spaces per bedroom (studio apartments shall be considered a one-bedroom apartment).

C. Shell Building Permit Applications. When the city has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements

or uses authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible uses results in different parking requirements, the director shall establish the amount of parking based on a likely range of uses.

For example, an applicant submits a permit for a 5,000-square-foot shell building in the C-H zone. The zone allows for a range of retail, personal, and general service retail uses. Most permitted uses in this zone fall in the category of general retail and service uses in Table 15.550.040(A) which requires one space per 300 square feet of gross floor area. Restaurants require more parking (one space per 200 square feet of gross floor area). While the director might find it unreasonable to require parking for the “worst case scenario” in terms of possible use types, he or she will typically choose a requirement that falls between the possible use scenarios. In this case, the odds are that most possible uses fall in the general retail and service use category with a lower parking requirement, though a slightly higher parking requirement would make sense given the possibility of a use such as a restaurant, which requires greater parking. Thus, a compromise standard, requiring a minimum of one space per 275 square feet of gross floor area, would be reasonable in this instance.

D. Other Provisions of Code. Where other provisions of this code stipulate reduced minimum parking requirements, those provisions shall apply.

E. Bicycle Parking. Multifamily and nonresidential developments shall provide for bicycle parking per the standards below:

1. Amount of Bicycle Parking.

Table 15.550.040(B). Computation of required off-street bicycle parking spaces.

Category of Land Use	Minimum Parking Spaces Required
Single-family dwelling	None
Multifamily dwelling	0.5 space per dwelling unit (units with private garages are exempt)
Hotel/motels	1.0 per 20 guest rooms
Offices, banks, medical clinics, supermarkets, retail shops, department stores, or similar uses	1.0 per 5,000 square feet of gross floor area for up to 50,000 square feet, then 1.0 per 10,000 square feet beyond 50,000
Restaurant, taverns, or similar uses where patrons sit down for service	1.0 per 800 square feet of gross floor area
All other uses	1.0 per 5 required vehicle parking spaces

2. Parking Location and Design – Nonresidential Uses. Bicycle facilities for patrons shall be located within 100 feet of the building entrance and located in safe, visible areas that do not impede pedestrian or vehicle traffic flow. Proper lighting of area is required per Chapter 15.580 ECC.

3. Parking Location and Design – Residential Uses. Bicycle facilities for residents shall be located within 100 feet of all building or individual unit entrances and located on the ground level in safe, visible areas that do not impede pedestrian or vehicle traffic flow. Proper lighting of area is required per Chapter 15.580 ECC.

4. Bicycle parking hardware shall be installed according to its manufacturer's instructions, allowing adequate clearance for bicycles and their riders.

5. Projects in the C-C zone may contribute to a bicycle parking fund (subject to establishment by the city) maintained by the city in lieu of required parking set forth in Table 15.550.040(B). Calculation of the required fund contributions will be based on the cost to purchase, install, and maintain bicycle parking and associated improvements. The cost will be adjusted annually by the city. The fund will be used by the city to provide bicycle parking in the C-C zone and in other locations within the city.

F. Primary Use. The minimum number of parking spaces shall be computed based on the primary uses on the property, except as stated in subsection (G) of this section that addresses accessory uses. When there are two or more separate primary uses on a property, the required off-street parking for the property is the sum of the required parking for the individual primary uses.

G. Accessory Use. When more than 20 percent of the gross floor area on a property is in an accessory use, the required off-street parking shall be calculated separately for the accessory use and for the primary use and then added together for the total required off-street parking. When 20 percent or less of the gross floor area on a property is in an accessory use, the required off-street parking shall be calculated on the gross floor area of the building as if it were all under the primary use.

Examples:

1. A 40,000-square-foot building containing a 30,000-square-foot warehouse space (75 percent of total) and a 10,000-square-foot accessory office space (25 percent of total). The minimum parking requirement would be calculated separately for the office use and the warehouse use and then added together.

2. The same 40,000-square-foot building containing a 35,000-square-foot warehouse space (88 percent of total) and a 5,000-square-foot accessory office space (12 percent of total). The required parking would be based solely on the gross floor area of the building as if it were all the primary use (40,000).

H. On-Street Parking. On-street parking immediately adjacent to the property may be counted towards the parking requirement for nonresidential uses.

I. Off-Site Parking. Off-site parking is not permitted for residential uses outside of the C-C zone, except for guest parking provisions associated with local access streets per ECC 15.410.040(B)(2). For nonresidential uses, a maximum of 25 percent of the required off-street parking for a building or use may be located on a separate lot of record. Specifically:

1. The location of the off-site parking shall be within 600 feet of any property line of the property for which the off-site parking is provided;
2. Off-site parking facilities are subject to applicable design provisions in this division, including site orientation standards in Chapter 15.510 ECC, site planning and design elements in Chapter 15.520 ECC, and landscaping standards in Chapter 15.570 ECC;
3. There shall be sidewalks or paved pedestrian paths between the off-site parking site and the use for which the off-site parking is provided;
4. There shall be adequate lighting to provide safe walking between the off-site parking and the use for which the off-site parking is provided;
5. The owner of the off-site parking property shall execute a covenant in a form acceptable to the city attorney that shall clearly:
 - a. Identify the legal description of the property that is to benefit from the off-site parking lot and the legal description of the off-site property that is to be encumbered in whole or in part by the covenant;
 - b. Specify the terms and conditions of such encumbrance; and
 - c. Clearly state that the terms of the covenant cannot be modified or revoked without the written consent of the city council.
 - d. The covenant shall be recorded with the Kittitas County auditor's office to run as a deed restriction on both the benefited and encumbered properties as long as the business requiring these off-street parking spaces is in operation. A copy of the recorded covenant shall be provided to the community development department.

J. All required off-street parking must have direct and unobstructed access to ingress and egress from a public street, and stacked or tandem parking shall not be counted toward meeting the required off-street parking requirements in any zoning district except for single-family residential structures and duplex dwelling units as per Table 15.550.040(A).

K. Setback Areas.

1. Required off-street parking spaces are not allowed to extend within any required setback area or required open space area in the R-L, R-M, R-O, and R-H zoning districts, or in the front setback area in the C-T zoning district. Single-family residences located in any of the R-L, R-M, R-O, and R-H zoning districts are allowed to locate the minimum required two off-street parking spaces within the setback areas or required open space area. Any additional parking spaces must be located outside of the required open space and setback areas.
2. At locations where single-family residential parking is permitted within setback or required open space, provisions shall be made to prevent this parking from encroaching upon adjacent sidewalks. For the purposes of this requirement there shall be a minimum of 22 feet between adjacent structures and sidewalks to allow for parking clearance when required

parking for single family residential development is sited on the required building setback(s) or open space.

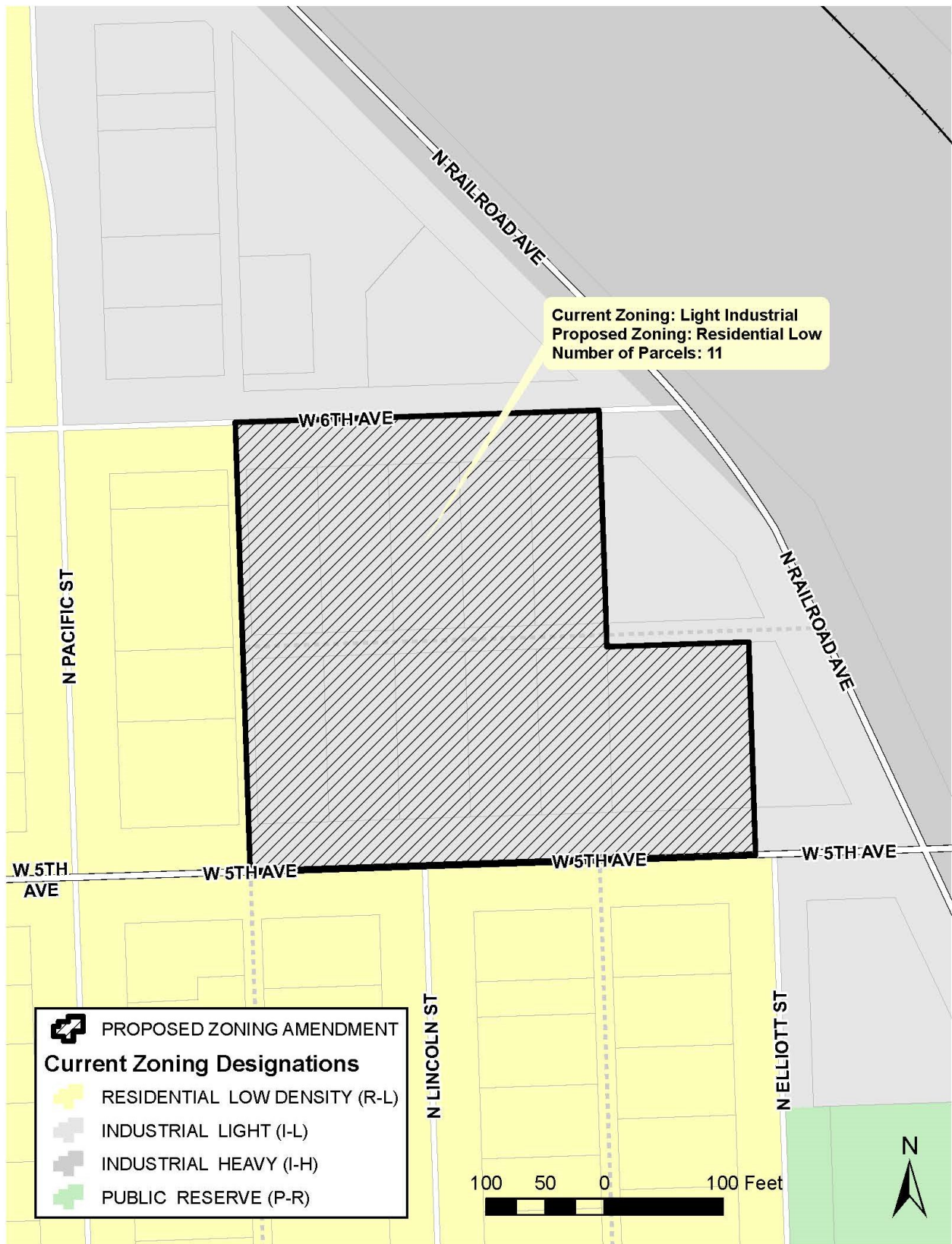
L. Garages. Required off-street parking that is provided in garages or carports shall be credited toward the required off-street parking spaces except that no stacked or tandem parking that blocks off those garages or carport parking spaces from direct or unobstructed access to ingress or egress to a public street shall be credited toward the required parking spaces except for single-family residential structures and duplex structures as set forth in Table 15.550.040(A).

M. Handicapped Parking. Off-street parking and access for the physically handicapped shall be provided in accordance with the Uniform Building Code.

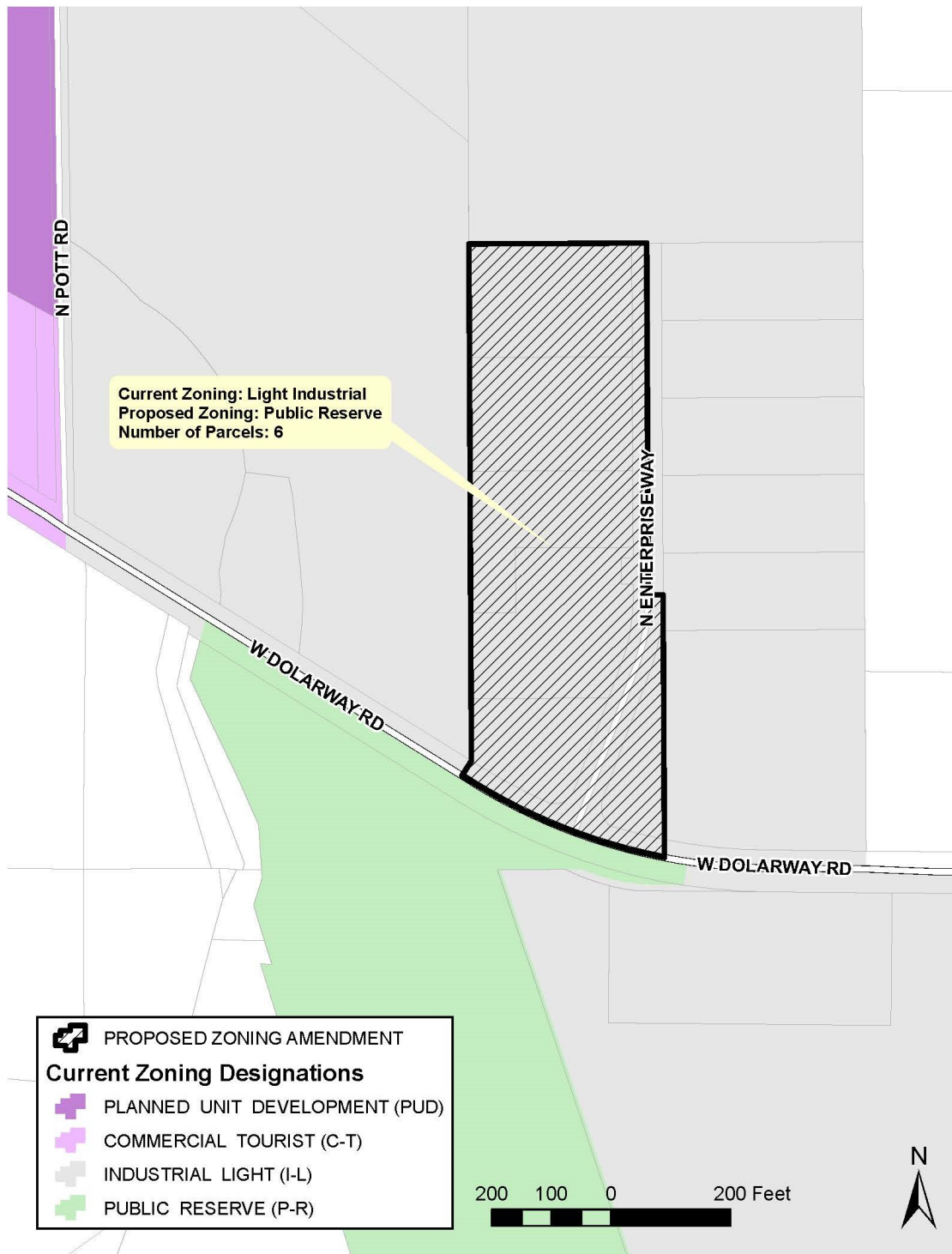
N. Fire Lane Standards. Fire lanes may be required by the fire codes and by Kittitas Valley Fire and Rescue within off-street parking facilities. Such fire lanes, including dimensions, width, location, etc., shall be installed as required by the fire code or Kittitas Valley Fire and Rescue and shall remain in effect throughout the life of the parking facility.

O. Changes in use to a different land use category shall provide the minimum off-street parking for the new general land use category. [Ord. 4810 § 2, 2018; Ord. 4807 § 59, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

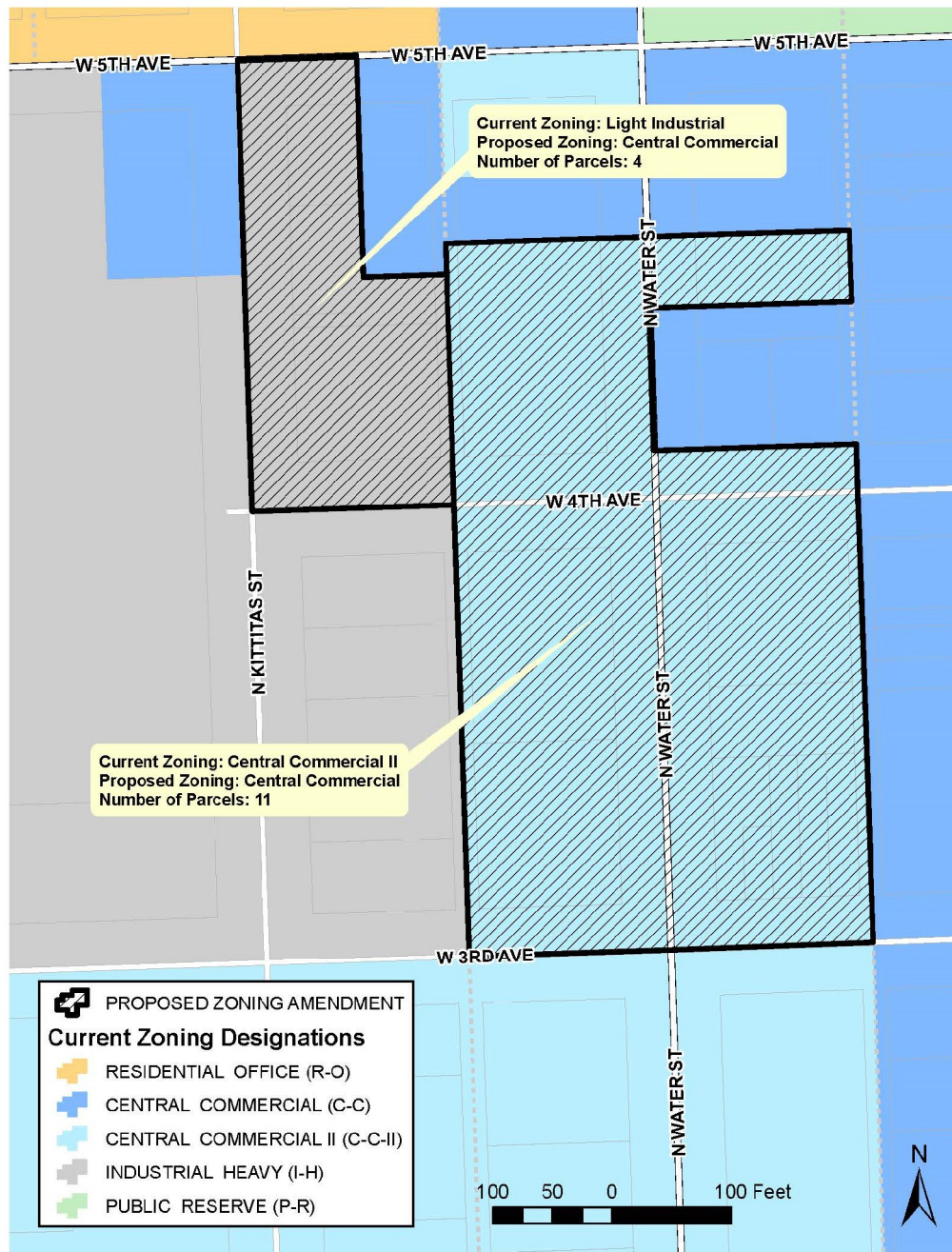
Section 34. The zoning district map of the Land Development Code of the Ellensburg City Code is hereby amended as follows to implement the Residential Neighborhood comprehensive plan future land use designation as confirmed through community outreach to sustain the existing residential neighborhood through expansion of the Residential-Low zone to include properties that are all developed as single family homes and limiting the Light Industrial zone to the properties immediately adjacent to North Railroad Avenue, a minor arterial street:



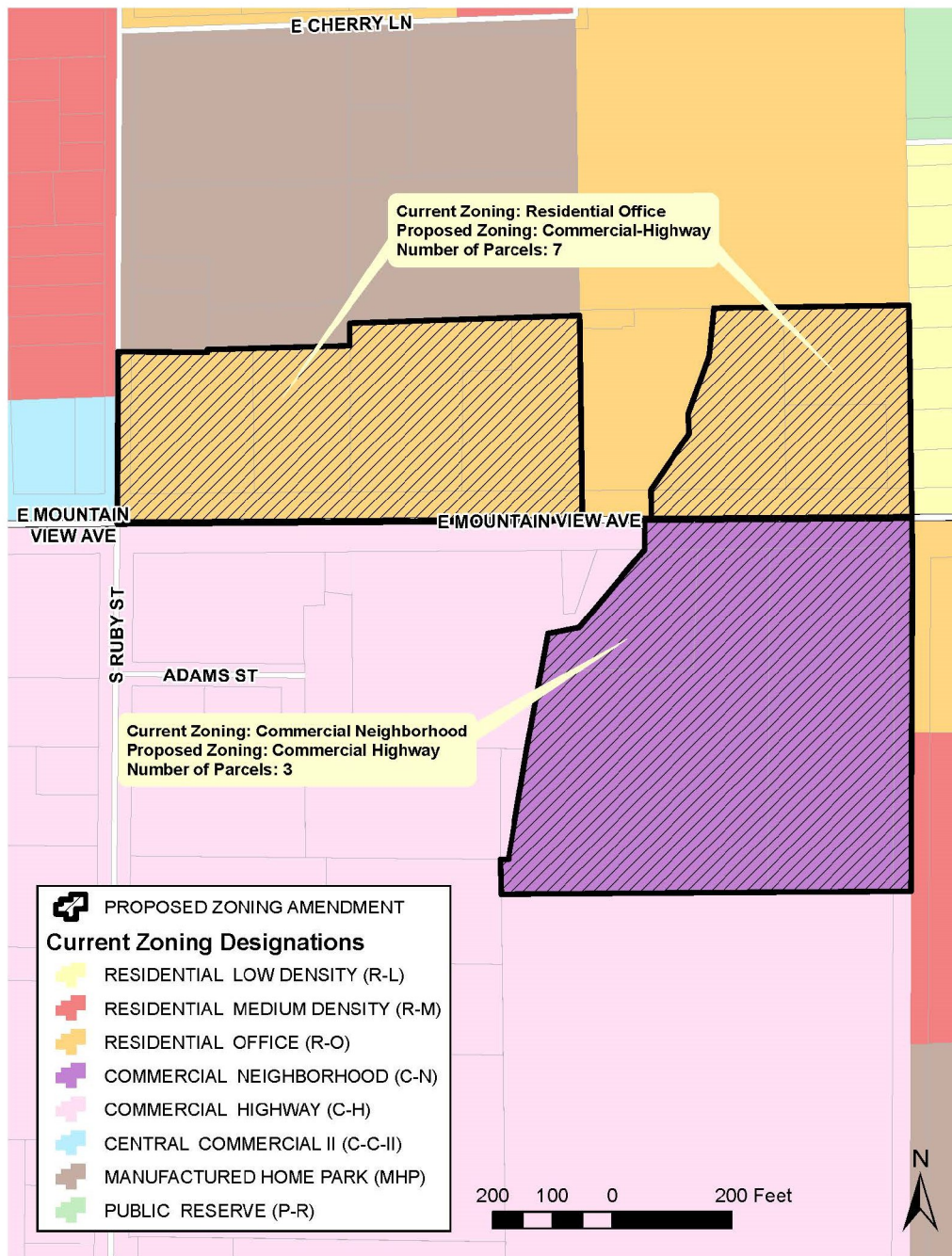
Section 35. The zoning district map of the Land Development Code of the Ellensburg City Code is hereby amended as follows to implement the Parks and Open Space comprehensive plan future land use designation consistent with future floodplain management projects:



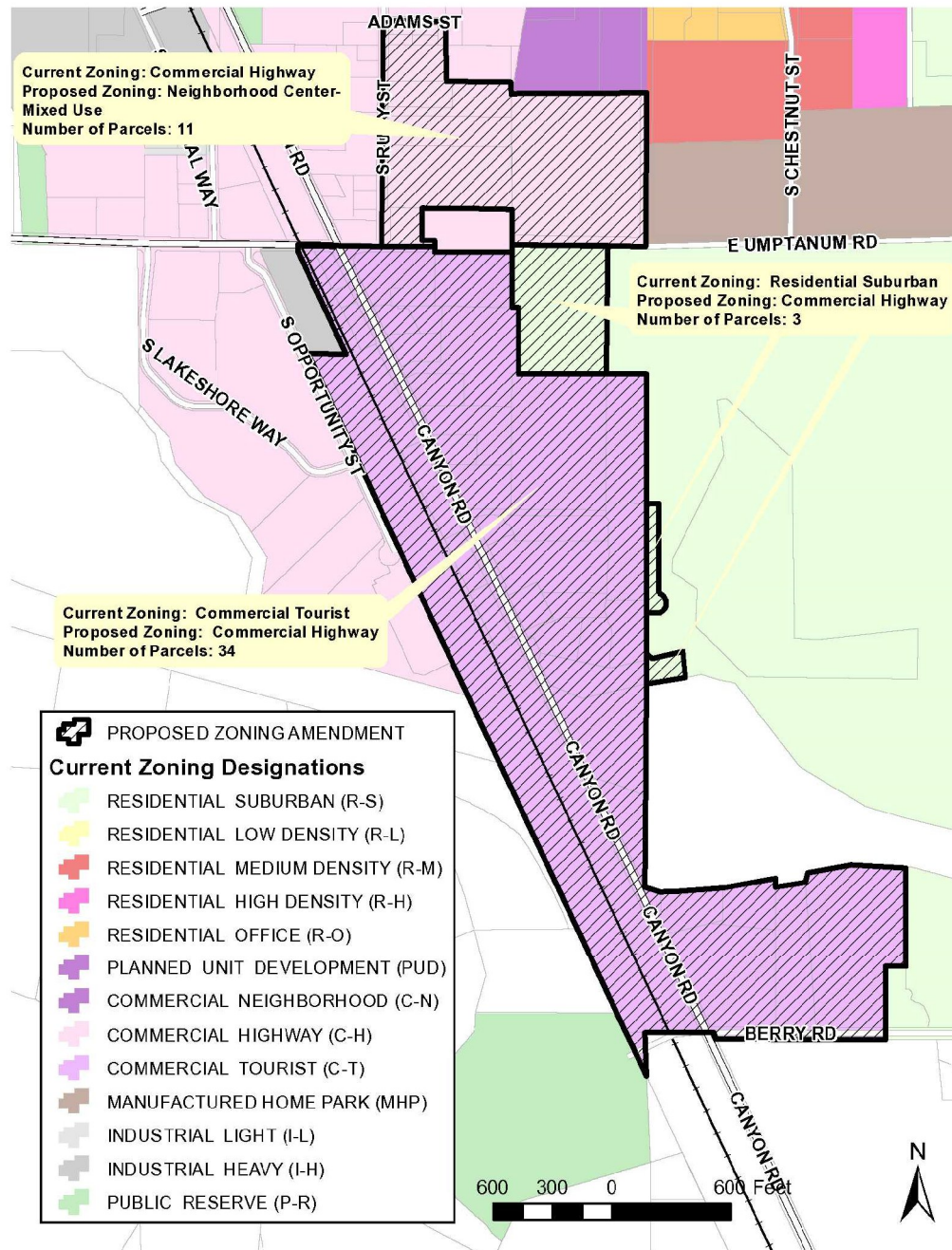
Section 36. The zoning district map of the Land Development Code of the Ellensburg City Code is hereby amended as follows to implement the Urban Center comprehensive plan future land use designation as confirmed through community outreach to provide for expansion of the downtown area that follows development patterns and expands opportunities for multifamily and mixed use development through reduced parking requirements and expansion of the multifamily tax exemption program which implements comprehensive plan goals for a walkable downtown with a diversity of residential and commercial uses:



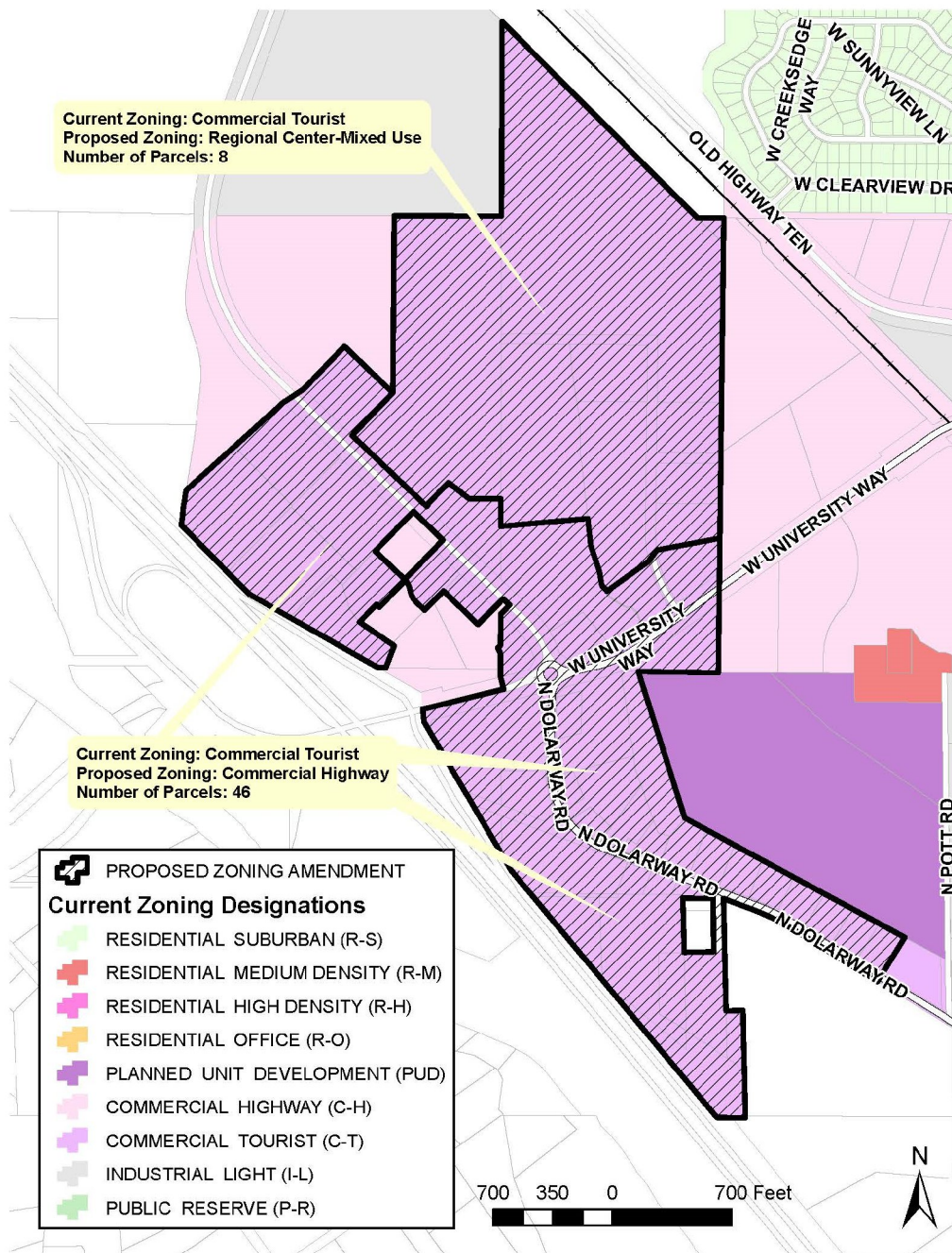
Section 37. The zoning district map of the Land Development Code of the Ellensburg City Code is hereby amended as follows to implement the Community Mixed Use comprehensive plan future land use designation as confirmed through community outreach to provide for more flexibility of commercial uses that follows development patterns of commercial uses on Mountain View Avenue, a minor arterial; implements the purpose of the Commercial Neighborhood zone; and implements comprehensive plan goals for a variety of shopping, entertainment, recreation, and employment uses that are accessible to neighborhoods:



Section 38. The zoning district map of the Land Development Code of the Ellensburg City Code is hereby amended as follows to implement amendments to the Land Development Code provided herein to eliminate the Commercial Tourist zoning district and implement the Community Mixed Use comprehensive plan future land use designations, as confirmed through community outreach to provide for more flexibility of commercial uses that follows development patterns; and implements comprehensive plan goals to create a variety of shopping, entertainment, recreation, and employment uses accessible to residential areas, and support the development of compact, livable, and walkable mixed use centers:



Section 39. The zoning district map of the Land Development Code of the Ellensburg City Code is hereby amended as follows to implement amendments to the Land Development Code provided herein to eliminate the Commercial Tourist zoning district and implement the Community Mixed Use comprehensive plan future land use designations, as confirmed through community outreach to provide for more flexibility of commercial uses, and implement comprehensive plan goals to support development of compact, livable, and walkable mixed use centers:



Section 40. 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 portions of this ordinance.

Section 41. Corrections. Upon the approval of the City Attorney, the City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 42. 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 16th day of May, 2022.

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. **** is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. **** was published as required by law.

BETH LEADER



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: May 2, 2022

Item Title/Agenda Subject: Increasing City Manager Contracting Authority, Amending Chapter 1.06 of the Ellensburg City Code

Submitted by: Keith Bassett Finance Department

Recommended Action or Motion: Conduct first reading of the ordinance.

Background/Summary: The City Council has delegated authority to the City Manager to execute certain agreements, contracts and leases, and amendments to allow for routine matters to be addressed efficiently. Most of these authorities are limited by dollar value, currently set in City Code at \$40,000. The City has adopted policies and procedures to meet the dual objectives of sound fiscal oversight and process efficiency. Costs of routine purchases regularly exceed the existing delegated authority and increasing the threshold to \$75,500 will better balance the City's objectives.

Additionally, all exemptions to competitive bidding requirements allowed by RCW 39.04.280 currently require Council action. This has produced contracting delays to routine purchases through sole source distribution channels and potentially complicates the City's response to emergencies. The proposed changes delegate authority to waive competitive bidding requirements in an emergency up to budget limits, and sole source purchases and purchases involving special facilities or market conditions up to \$75,500.

Previous Council Action: The City Manager's contracting authority has changed three times in the last thirty years.

1993 \$10,000

2013 \$25,000

2018 \$40,000

Analysis: The proposed \$75,500 contracting authority aligns with existing statutory competitive bidding requirements for public works

projects, and was requested by stakeholders from across the City departments to align procedures between different categories of procurements. Emergency, sole source, and special facility and market conditions purchases will continue to meet all other purchasing requirements.

Council would still need to act to add any expenditure authority/budget necessary in an emergency contemplated here, so any expensive emergency, particularly at the end of the year, would still require expedient Council action. The proposed delegation of emergency purchasing authorities are separate from authorities granted by the state to enable the City to effectively respond to a disaster.

Financial Impact:

The proposed changes are anticipated to result in more efficient use of staff time. Due to the nature of the requested emergency authority, the City is almost certainly going to experience reduced losses through streamlined contracting.

Attachments:

[Ordinance - Chapter 1.06 City Manager and Assistant City Manager](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO CHAPTER 1.06 “CITY MANAGER AND ASSISTANT CITY MANAGER”, AMENDING SECTION 1.06.040 AND ADDING A NEW SECTION TO THE ELLENSBURG CITY CODE ENTITLED “1.06.045 AUTHORITY TO WAIVE COMPETITIVE PURCHASING REQUIREMENTS”.

WHEREAS, on June 18, 2018 the City Council adopted Ordinance No. 4804 relating to Chapter 1.06 “City Manager and Assistant City Manager” and amending Section 1.06.040 of the Ellensburg City Code; and

WHEREAS, on August 19, 2019 the City Council adopted Ordinance No. 4835 relating to Chapter 1.06 “City Manager and Assistant City Manager” and amending Section 1.06.040 of the Ellensburg City Code; and

WHEREAS, costs of routine purchases regularly exceed the existing delegated authority; and

WHEREAS, currently all exemptions to competitive bidding requirements allowed by RCW 39.04.280 require council action, adding weeks to purchase timelines, and in the case of emergencies potentially threatening proper performance of essential functions or leading to material loss or damage to property, bodily injury, or loss of life; and

WHEREAS, from time-to-time emergencies occur, as defined in RCW 39.04.280, requiring swift and efficient action from the city including awarding contracts for public works, purchases, and services; and

WHEREAS, some purchases are clearly and legitimately limited to a single source of supply, and currently require Council action before purchase can be made;

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

Section 1. Section 1.06.040 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4835, is hereby amended to read as follows:

1.06.040 Authority to execute agreements, contracts and leases.

A. The city manager, and, in the absence of the city manager, the assistant city manager or acting city manager, and designees of the city manager, assistant city manager or acting city manager employed in the administrative service of the city, are authorized to execute the following agreements, contracts and leases on behalf of the city of Ellensburg; provided, that sufficient funds required for any appropriations have been budgeted by the council:

1. Purchases and sales that do not exceed ~~\$40,000~~\$75,500. The city manager may delegate this authority to department directors for contracts under which the city's liability does not exceed \$25,000. Department directors may delegate this authority to other employees of their department for contracts under which the city's liability does not exceed \$10,000;

2. Agreements and contracts which have an annual value up to ~~\$40,000~~\$75,500, and amendments thereto which do not increase the annual value of such agreement or contract beyond an aggregate amount of ~~\$40,000~~\$75,500. The city manager may delegate this authority to department directors for agreements and contracts under which the city's liability does not exceed \$25,000. Department directors may delegate this authority to other employees of their department for contracts under which the city's liability does not exceed \$10,000;

3. Leases that do not exceed one year in length and do not exceed ~~\$40,000~~\$75,500 in value;

4. Agreements and contracts with the city's designated public depositaries;

5. Agreements, contracts and leases awarded by the council at any regular or special meeting of the council;

6. Any other agreements, contracts and leases authorized by the council by ordinance, resolution, or motion;

7. Amendments to agreements, contracts and leases awarded or authorized by the council; provided, that the aggregate value of all amendments to any agreement, contract or lease may not exceed ~~\$40,000~~\$75,500 or 10 percent of the original contract amount, whichever is greater, unless otherwise authorized by the council; ~~and~~

8. Amendments to agreements, contracts and leases awarded or authorized by the council that do not materially alter such agreement, contract or lease, and do not increase the financial obligation of the city beyond the total amount authorized by the council in its award, ordinance, resolution or motion; and

9. Emergency purchases, contracts and leases awarded without competitive bidding due to an emergency as authorized in ECC 1.06.045(A).

B. Agreements, contracts, and leases executed on behalf of the city shall be filed with the office of the city clerk and open to public inspection in the manner provided by law subject to exceptions, prohibitions, and exemptions therein provided. The city manager shall regularly report to the council all agreements, contracts and leases he or she executes on behalf of the city. [Ord. 4835 § 1, 2019; Ord. 4804 § 13, 2018.]

Section 2. A new section entitled "1.06.045 Authority to waive competitive purchasing requirements" is hereby added to the Ellensburg City Code to read as follows:

1.06.045 Authority to waive competitive purchasing requirements.

A. Emergency waiver of competitive bidding requirements.

1. In the event of an emergency, as defined in RCW 39.04.280, as currently enacted or hereinafter amended, the city manager, and, in the absence of the city manager, the assistant city manager or acting city manager, or their designees, may issue a declaration of emergency for the purposes of expeditiously addressing the emergency.

2. A declaration of emergency must recite the facts constituting the emergency. As part of the declaration, or by separate order, the city manager may issue a waiver of the public advertising and competitive procurement requirements of state law and city policy for purchases of personal property, services, and public works.

3. The declaration or separate order must be distributed to the council within twenty-four hours, and any contract awarded without competitive bidding due to an emergency must be duly entered of record with the city clerk within two weeks, and reported to council at the next city council meeting following the award of the contract.

B. Non-emergency waiver of competitive bidding requirements.

1. The city manager is authorized to waive competitive bidding requirements when awarding contracts for purchases when only one supplier is capable of delivering the required product or service, as determined through research, and purchases involving special facilities or market conditions.

2. Any contract awarded with a waiver of competitive purchasing requirements in this subsection must be reported to council at the next city council meeting following the award of the contract. Immediately after the award of the contract, the contract and the factual basis for the exception must be recorded with the city clerk and open to public inspection.

Section 3. 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 4. 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 5. 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 ____ day of May, 2022.

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. ***** is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. ***** was published as required by law.

BETH LEADER



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: May 2, 2022

Item Title/Agenda Subject: Resolution - 2022 Policy Update - Holidays

Submitted by: Lisa Young Human Resources

Recommended Action or Motion: Approval of the Resolution to Amend the Personnel Policies adding Juneteenth as a paid holiday for non-represented employees.

Background/Summary: A Resolution is submitted to Council when the City Personnel Policies need to be amended. This Resolution, if adopted, will implement Juneteenth as a paid holiday for Non-Union City employees. It also includes some language clean up for better clarity.

Previous Council Action: N/A

Analysis: On May 13, 2021, Governor Inslee signed HB 1016 making Juneteenth (June 19) a state holiday in Washington State as day of remembrance for the day the African slaves learned of their freedom. On June 17, 2021, President Biden signed a bill declaring June 19 a federal holiday.

The City of Ellensburg is a diverse community with residents from every background, and the Ellensburg City Council recognizes and supports diversity, equity, and inclusion. Adding Juneteenth as a paid holiday for non-union employees is consistent with, and supports, this goal.

If the Resolution is approved, the City will enter into agreements with our unions to add the Juneteenth holiday to the list of holidays in current collective bargaining agreements.

Financial Impact: For non-represented employees, the holiday equates to approximately 395 hours of paid leave. At 2022 rates, this would be approximately \$26,326 of salary and other personnel expenditures e.g. benefits, payroll taxes, etc. These expenditures are already budgeted as paid hours, so this would have no impact on total budgeted expenditures or fund

balance. Minimal additional expenditures could occur to meet workload, including holiday pay or overtime in holiday weeks for eligible employees.

Similarly, estimated impact for represented employees would be 1,042 hours of paid leave. At 2022 rates, this would be approximately \$50,642 of salary and other personnel expenditures e.g. benefits, payroll taxes, etc. These expenditures are already budgeted as paid hours, so this would have no impact on total budgeted expenditures or fund balance. Additional expenditures are likely to be incurred to meet departmental workload, including holiday pay and overtime in holiday weeks. These would be presumed to be met within existing budget levels for each department. Represented employees in the Wastewater Utility are eligible to "bank" holidays they work, which is likely to result in a small increase in outstanding leave liabilities.

Attachments:

[RESOLUTION - 2022 Policy Update - Holidays - 05.02.2022](#)

[Holiday Policy](#)

[Holiday Policy Redline - Juneteenth](#)

RESOLUTION NO. 2022-

A RESOLUTION updating the Personnel Policies for the City of Ellensburg.

WHEREAS, the City of Ellensburg's Personnel Policies Manual includes Policy 8.13 - Holidays; and

WHEREAS, the City of Ellensburg is a diverse community with residents from every background who are declared equal not only in freedom but also in justice, and on Juneteenth we celebrate a community that has prevailed against great injustice; and

WHEREAS, on January 1, 1863, President Abraham Lincoln issued the Emancipation Proclamation, declaring that "all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free;" and

WHEREAS, on May 13, 2021, Governor Inslee signed HB 1016 making Juneteenth a state holiday in Washington State as a day of remembrance for the day the African slaves learned of their freedom, effective July 25, 2021; and

WHEREAS, on June 17, 2021 President Biden signed a bill declaring June 19 a federal holiday; and

WHEREAS, Juneteenth commemorates the emancipation of the last enslaved African Americans, and the end of slavery in the United States; and

WHEREAS, City Council recognizes and supports diversity, equity and inclusion;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. Section 8.13 of the City's Personnel Policies Manual – "Holidays" – will be amended to include Juneteenth as a paid holiday for all regular non-represented City employees.

Section 2. This policy change will take effect upon approval of this Resolution.

Section 3. All Unions will be provided an opportunity to adopt Juneteenth as a recognized holiday via a Memorandum of Understanding.

All remaining terms and conditions of the City's Personnel Policies Manual remain in full force and effect.

ADOPTED by the City Council of the City of Ellensburg at a regular meeting on the ____ day of _____, 2022.

Mayor

Attest:

City Clerk

8.13. HOLIDAYS

The following are recognized as paid holidays for all regular full- and part-time employees unless otherwise indicated in bargaining unit contracts:

Holiday	Date
New Year's Day	January 1
Martin Luther King's Birthday	3 rd Monday in January
Presidents' Day	3 rd Monday in February
Memorial Day	Last Monday in May
Juneteenth Day	June 19
Independence Day	July 4
Labor Day	1 st Monday in September
Thanksgiving Day	4 th Thursday in November
Native American Heritage Day	Friday after Thanksgiving
Christmas Day	December 25
Employee Choice Days	Up to five (5) days per year*

Note: Veteran's Day is observed via one Employee Choice Day, as established by policy.

*Employee Choice Days are based on the number of days employed in a calendar year, as follows:

Days Worked	1-73	74-146	147-219	220-292	293-365
EC Days	1	2	3	4	5

Regular part-time employees shall receive holiday benefits, including Employee Choice Days, on a pro-rata basis according to actual hours worked during the previous month.

Employee Choice Days may be taken any time within a calendar year only when twenty-four (24) hour prior approval is given or as otherwise authorized by the department head. In determining whether authorization should be given on less than twenty-four (24) hours' notice from an employee, the department head will consider the following: will the leave 1) negatively impact the employee's work group; 2) cause the City to incur unanticipated overtime expense; or 3) otherwise create a detrimental impact for the City. If the request is denied, a mutual day should be decided upon. Employee Choice Days may not be carried over into the next year. Employee choice days may be taken in one-hour increments.

Any holiday falling on Saturday will be celebrated on the preceding Friday. Any holiday falling on Sunday will be celebrated on the following Monday. A holiday falling within a PTO period shall not constitute a PTO leave day and a holiday occurring while an employee is on RTO leave shall not count against the employee's RTO leave bank.

Non-exempt regular full- or part-time employees who are required or approved to work on a holiday will be paid for the holiday plus one and one-half times the employee's regular rate of pay for any time worked on the holiday. Such worked holiday time must be pre-authorized by the employee's supervisor. Employees who work a holiday without authorization will be subject to discipline up to and including termination. Holidays are paid at eight (8) hours or less. Employees on alternative work schedules will need to comply with the alternative regular schedule policy (Section 4.4).

Temporary employees are not entitled to holiday pay. Temporary employees who are required or approved to work on a holiday will be paid only for hours actually worked on the holiday. Generally, these will be paid at their regular straight time rate except where overtime would apply.

Christmas Eve/New Year's Eve: The business offices of the City will be open to the public until noon the day before the holiday; however employees will be expected to work their regular hours unless they have received prior authorization to use accrued paid leave for time not worked.

DRAFT

8.13. HOLIDAYS

The following are recognized as paid holidays for all regular full- and part-time employees unless otherwise indicated in bargaining unit contracts:

Holiday	Date
New Year's Day	January 1
Martin Luther King's Birthday	3 rd Monday in January
Presidents' Day	3 rd Monday in February
Memorial Day	Last Monday in May
Juneteenth Day	June 19
Independence Day	July 4
Labor Day	1 st Monday in September
Thanksgiving Day	4 th Thursday in November
Day after Thanksgiving Day Native American Heritage Day	Friday after Thanksgiving
Christmas Day	December 25
Employee Choice Days	Up to five (5) days per year*

[Note: Veteran's Day is observed via one Employee Choice Day, as established by policy.](#)

*[*Employee Choice Days are based on the number of days employed in a calendar year, as follows:](#)*

Days Worked	1-73	74-146	147-219	220-292	293-365
EC Days	1	2	3	4	5

Regular part-time employees shall receive holiday benefits, including [Employee Choice Days](#), on a pro-rata basis according to actual hours worked during the previous month.

Employee Choice Days may be taken any time within a calendar year only when twenty-four (24) hour prior approval is given or as otherwise authorized by the department head. In determining whether authorization should be given on less than [twenty-four \(24\) hours'](#) notice from an employee, the department head will consider the following: will the leave 1) negatively impact the employee's work group; 2) cause the City to incur unanticipated overtime expense; or 3) otherwise create a detrimental impact for the City. If the request is denied, a mutual day should be decided upon. Employee Choice Days may not be carried over into the next year. Employee choice days may be taken in one-hour increments.

Any holiday falling on Saturday will be celebrated on the preceding Friday. Any holiday falling on Sunday will be celebrated on the following Monday. A holiday falling within a PTO period shall not constitute a PTO leave day and a holiday occurring while an employee is on RTO leave shall not count against the employee's RTO leave bank.

Non-exempt regular full- or part-time employees who are required or approved to work on a holiday will be paid for the holiday plus one and one-half times the employee's regular rate of pay for any time worked on the holiday. Such worked holiday time must be pre-authorized by the employee's supervisor. Employees who work a holiday without authorization will be subject to discipline up to and including termination. Holidays are paid at eight (8) hours or less. Employees on alternative work schedules will need to comply with the alternative regular schedule policy (Section 4.4).

Temporary employees are not entitled to holiday pay. Temporary employees who are required or approved to work on a holiday will be paid only for hours actually worked on the holiday. Generally, these will be paid at their regular straight time rate except where overtime would apply.

Christmas Eve/New Year's Eve: The business offices of the City will be open to the public until noon the day before the holiday; however employees will be expected to work their regular hours unless they have received prior authorization to use accrued paid leave for time not worked. On such limited occasions, those non-exempt employees who are authorized to leave early shall take PTO leave or employee choice hours for time not worked. Exempt personnel who leave early shall take PTO leave, exempt leave or employee choice hours in accordance with the provisions of Manual section 4.2.

DRAFT



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: May 2, 2022

Item Title/Agenda Subject: 2022 First Quarter Financial Status and Investment Reports

Submitted by: Jerica Pascoe Finance Department

Recommended Action or Motion: Accept 2022 First Quarter Financial Status and Investment Reports as presented.

Background/Summary: Attached are the 2022 First Quarter Financial Status and Investment Reports for the period ending March 31, 2022. The 2022 First Quarter Financial Status report represents General Fund status, Governmental fund type tax revenues, and citywide revenues and expenditures. The City's Financial Management Policy provides that Council will receive updated information relating to the City's Financial Reports on a quarterly basis.

Previous Council Action: The First Quarter 2022 Financial Status and Investment Reports were presented to the Finance Committee at the April 20, 2022 meeting.

Analysis: Year-end projections were made based on current situation on March 31, 2022. Projections were made with the economic recovery in mind and using 2021 trends.

Key items – 2022 First Quarter:

- General Fund revenues are expected to come in above budget while expenditures are projected to come in below budget. (Table 1, Page 1)
- Revenue remitted from State of Washington Sales Tax Activity is up 8% over 1st quarter 2021 (Table 2 Page 2)
 - City Assistance is up 31%
 - Hotel/Motel Lodging is up 54%
 - Motor Vehicle Fuel Tax (MVFT) is up less than 1%
 - Liquor Excise Tax is down 1%
 - Marijuana Excise Tax is up 27%
- Year-End tax revenue is projected to come in approximately 13.31% above budget. (Table 3, Page 3)
 - Sales tax revenue projected 20.51% above budget. (Table 3, Page 3)

- Local Criminal Justice .1% – \$150,603 above budget (Table 4, Page 4)
- Retail Sales for Public Transit .2% - \$220,831 above budget
- Retail Sales for Public Safety .3% - \$269,517 above budget
- Regular Retail Sales .85% – \$932,359 above budget
- Retail Sales for Housing .1% – \$110,979 above budget
- Retail Sales for Housing (State Credit) - \$14,490 above budget
- B&O Tax revenue projected 3.77% above budget. (Table 3, Page 3)
- Other Tax revenue projected 42% above budget. (Table 3, Page 3)
- Property Tax revenue projected at budget. (Table 3, Page 3)
- January through March 2022 sales tax receipts were 7% higher than January through March 2021 receipts. (Table 5, Page 5)
 - The majority of this increase was in Retail Trade and Accommodation and Food Services.
- Utility tax revenues were 10.5% higher than 1st quarter 2021. (Table 6, Page 6)
- General Fund revenues are expected to come in above budget and expenditures are projected to come in below budget. Revenues projected approximately \$31 thousand above budget. Expenditures projected approximately \$2.31 million below budget. (Table 7, Page 7)
- The total excess revenues over expenditures for all funds through 1st quarter was \$2.58 million. \$1.32 million of the excess of revenue over expense is from the enterprise and internal service funds in which rates are set to provide for replacement and capital projects. (Table 9, Page 9)
- The City had \$71,308,571 in excess cash invested. (Investment report, page 1)

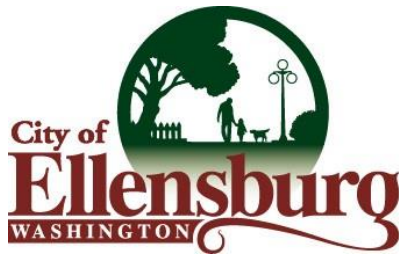
Financial Impact:

None

Attachments:

[1st Quarter Financial Report as of 4-07-22](#)
[Investment Report 2022 March](#)

City of Ellensburg Washington



Quarterly Financial Status Report

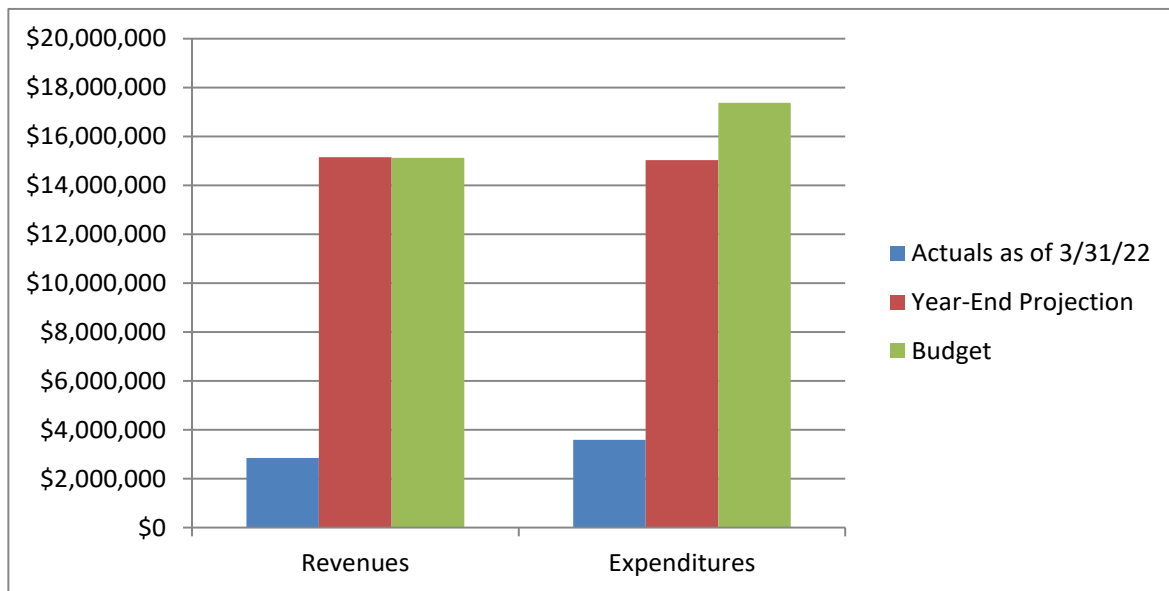
For the Quarter Ending March 31, 2022

AS OF 04/07/22

General Fund

The Governmental Funds' major funding sources include Property Tax, Sales Tax, Utility Taxes, Licenses & Permit Fees, and Charges for Services. Sales Tax is the largest tax revenue source for the City at approximately 52%, followed by Utility Tax at 22%, Property Tax at 22%, and Other Taxes at 4% of the City tax revenue. Tax revenue is approximately 19% of the total City revenues budgeted in 2022.

Table 1



NOTE: The above graph illustrates the difference between year-to-date actuals through March, year-to-date projections as of 4/7/22, and revised budget through March.

First quarter projections were made as of the current situation on 4/07/2022. Projections were made with the economic recovery in mind and using 2021 trends. Please keep in mind, these projections were based on the limited information known by local governments as of the end of March. General Fund expenditures are expected to come in below budget as required by Chapter 35.33 RCW. Budgeted expenditures reflected all adjustments that were taken to Council for approval through March 31, 2022. Revenue projections were done on an individual basis and will be discussed further in this report. The '2022 Budget' amounts were set in 4th quarter of 2020. During the time this budget was built many numbers were down and projected to stay down due to the uncertainty of COVID19. We will be bringing forward 2022 supplemental budget requests to update 2022 revenue budget numbers for many of the following revenues.

Governmental Funds Tax Revenue

Table 2

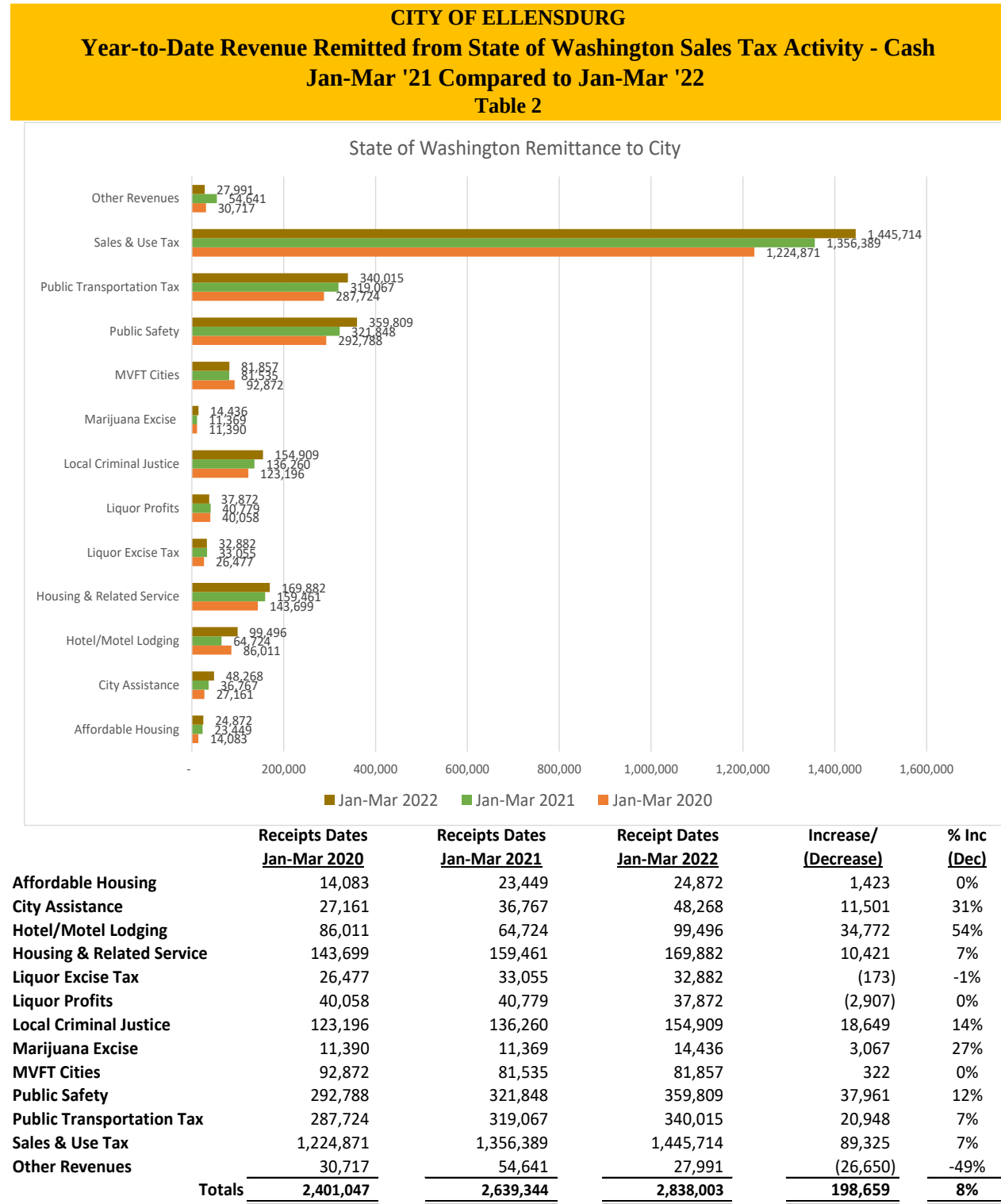


Table 3



	Actuals as of 03/31/22	Year-End Projection	Budget	% Projected Over/(Under) Budget
Sales Tax *	\$2,495,200	\$9,980,801	\$8,282,021	20.51%
B&O Tax **	932,042	3,571,602	3,441,698	3.77%
Other Tax ***	225,856	1,022,404	720,000	42.00%
Property Tax	48,002	3,563,857	3,563,857	0.00%
	\$3,701,100	\$18,138,664	\$16,007,576	13.31%

* SALES TAX includes tax portions for public transit, affordable housing, public safety, and regular retail sales

**B&O TAX includes utility, gambling etc.

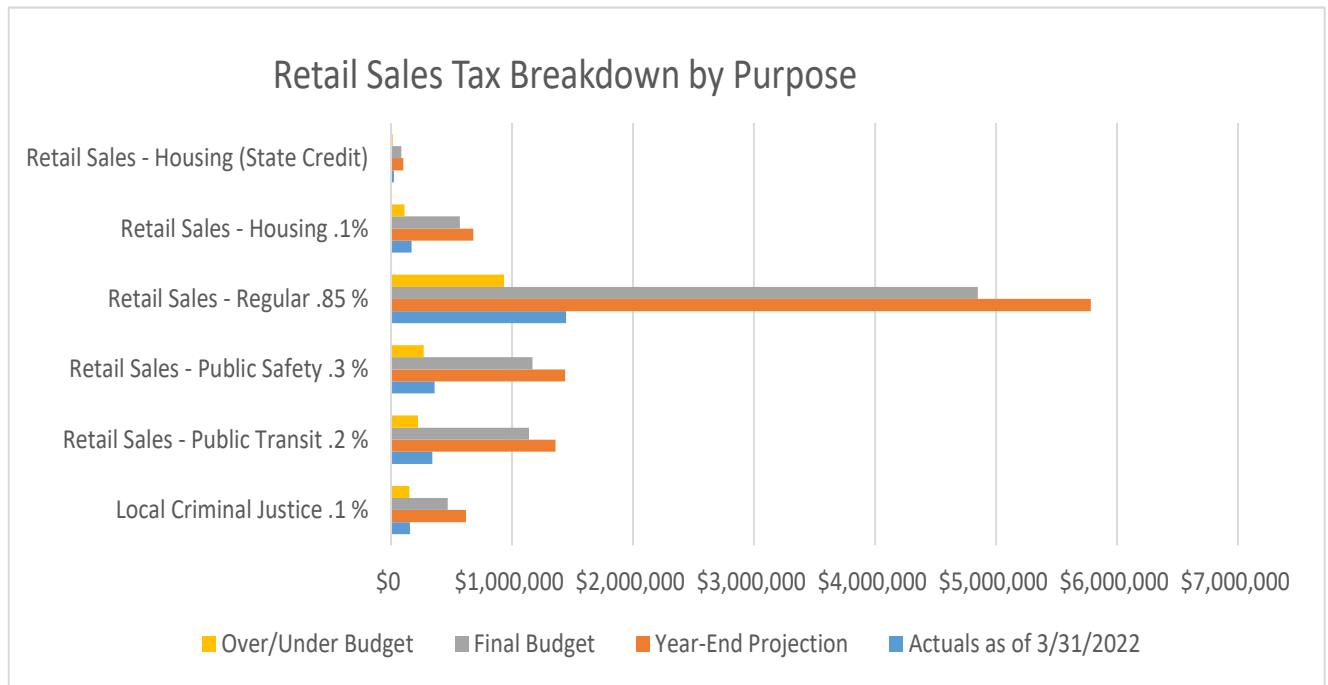
*** OTHER TAX includes leasehold and other excise taxes including hotel/motel tax

Overall governmental fund tax revenue is projected to come in approximately \$2.1 million or 13.31% above budget. Utility and Hotel/Motel Taxes were expected to be the hardest hit governmental fund tax revenue. Hotel/Motel Tax revenue was budgeted at 62% of 2019. In 2020 Hotel/Motel Tax Revenue came in at 61.15% of 2019. In 2021 Hotel/Motel Tax revenue came in at 89.48% of 2019.

Sales Tax

Table 3 breaks down the difference of budgeted less projected by tax purpose. It is important to note that this includes retail sales and use tax that is restricted for public transit, public safety, and affordable housing purposes. Sales tax revenue received in January is for November 2021 activity. We used an average of sales tax over the past 15 months in order to project through year-end. Budgets were set at 95% of 2019 actuals.

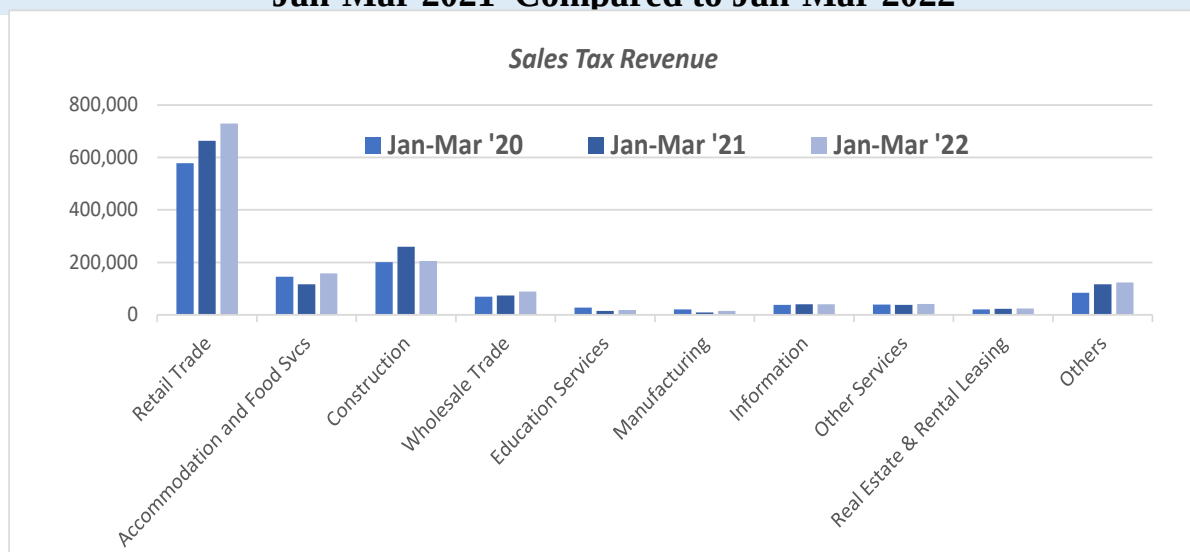
Table 4



	Actuals as of 3/31/2022	Year-End Projection	Final Budget	Projected Over/Under Budget
Local Criminal Justice .1 %	\$154,909	\$619,635	\$469,032	\$150,603
Retail Sales - Public Transit .2 %	340,015	1,360,058	1,139,227	\$220,831
Retail Sales - Public Safety .3 %	359,809	1,439,235	1,169,718	\$269,517
Retail Sales - Regular .85 %	1,445,714	5,782,856	4,850,497	\$932,359
Retail Sales - Housing .1%	169,882	679,526	568,547	\$110,979
Retail Sales - Housing (State Credit)	24,872	99,490	85,000	\$14,490
	\$2,495,200	\$9,980,801	\$8,282,021	\$1,698,780

Table 5

Year-to-Date Sales Tax Activity - Cash Basis Jan-Mar 2021 Compared to Jan-Mar 2022



	Receipts Dates <u>Jan-Mar '20</u>	Receipts Dates <u>Jan-Mar '21</u>	Receipt Dates <u>Jan-Mar '22</u>	Increase/ <u>(Decrease)</u>	% Inc <u>(Dec)</u>
Retail Trade	578,645	663,994	728,743	64,749	10%
Accommodation and Food Svcs	145,453	116,130	158,295	42,165	36%
Construction	201,205	259,422	205,435	-53,987	-21%
Wholesale Trade	69,919	74,213	89,048	14,835	20%
Education Services	27,258	15,694	18,808	3,114	20%
Manufacturing	20,669	9,459	14,639	5,180	55%
Information	38,002	40,392	40,428	36	0%
Other Services	39,198	37,817	42,011	4,194	11%
Real Estate & Rental Leasing	20,319	22,944	24,497	1,553	7%
Others	84,202	116,323	123,810	7,487	6%
Total	\$ 1,224,870	\$ 1,356,388	\$ 1,445,714	\$ 89,326	7%

Source: Dept of Revenue Sales Tax Reports - 2022 information: reporting revenue **received** January thru March

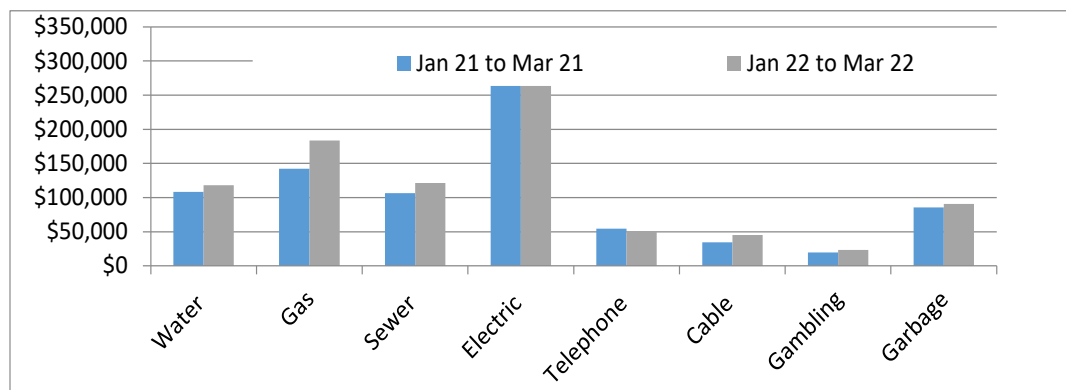
Retail sales tax is distributed monthly reflecting 20 different categories. The above graph reflects the top nine categories with 11 categories being identified within the “Others” category. Education Services and Manufacturing still have not fully recovered and are still significantly below pre COVID19 numbers. “Manufacturing” showed the highest percentage increase over 1st quarter 2021 with “Retail Trade” showing the highest dollar increase. Regular retail sales tax revenue had a **7% overall increase** over the same period last year. These numbers do not include the .03% for criminal justice, the .02% for public transit, or the .01% for housing and related services. **These revenues are for sales from November through January.**

Utility Tax

The City generates utility tax revenues from the sale of the City's gas, electric, water, and sewer utilities as well as utility taxes on cable television, telephone, and garbage collection. The cable utility tax revenue includes both the General Fund and the Special Revenue funds. January through March water, gas, sewer, and electric utility taxes are for December through February sales.

Table 6

CITY OF ELLENSBURG
Year-to-Date Utility Tax Activity - Cash Basis
January-March 2021 Compared to January-March 2022



	Receipt Dates Jan 21 to Mar 21	Receipt Dates Jan 22 to Mar 22	Increase/ (Decrease)	% Inc (Dec)
Water (10.5%)	\$108,447	\$118,267	\$9,820	9.06%
Gas (6%)	142,285	183,534	41,249	28.99%
Sewer (10.5%)	106,446	121,183	14,737	13.84%
Electric (6%)	292,449	300,158	7,708	2.64%
Telephone (6%)	54,498	50,548	(3,949)	-7.25%
Cable (1.075%)	34,449	44,971	10,522	30.54%
Gambling (varies 2%-8%)	19,652	23,374	3,722	18.94%
Garbage (8.1%)	85,776	90,556	4,780	5.57%
Total	<u>\$844,002</u>	<u>\$932,591</u>	<u>\$88,589</u>	<u>10.50%</u>

Revenue was recorded as cash basis for this report.

Telephone and cable taxes will continue to decrease as landlines and cable television have become less common. Residents using cell phone numbers from out of the area are not paying this local telephone tax.

Table 7

General Fund				
Revenues and Expenditures - Budget and Projected				
For the Period Ending March 31, 2022				
	2022 Budget	2022 Projected	2022 Actual YTD	Budget less Projected
Revenues				
Taxes	\$7,259,166	\$7,538,799	\$1,128,747	-\$279,633
Licenses & Permits	797,483	\$782,379	56,061	\$15,104
Intergovernmental	541,424	\$641,860	152,154	-\$100,436
Charges For Fees	4,295,854	\$4,073,855	979,571	\$221,999
Fines & Forfeits	256,400	\$161,817	41,059	\$94,583
Misc.	200,873	\$183,589	47,618	\$17,284
Transfers	1,775,677	\$1,775,677	443,919	\$0
Other Receipts	0	0	0	\$0
Total	\$15,126,877	\$15,157,976	\$2,849,130	-\$31,098
Expenditures by Dept				
NonDept	\$1,402,955	\$1,405,586	\$570,617	-\$2,631
Finance	2,204,254	\$2,006,390	442,708	\$197,864
City Manager	1,325,614	\$1,109,943	266,061	\$215,671
Police	5,389,896	\$4,755,622	1,049,218	\$634,274
Community Develop.	1,755,773	\$1,371,636	301,277	\$384,137
Engineering	1,147,028	\$783,444	189,361	\$363,584
Parks & Recreation	2,887,927	\$2,583,559	530,777	\$304,368
Library	1,269,146	\$1,027,645	245,887	\$241,501
Economic Development	0	\$0	0	\$0
Total	\$17,382,593	\$15,043,825	\$3,595,906	\$2,338,768
Excess of Revenues over	-\$2,255,716	\$114,151	-\$746,776	-\$2,369,866
Beginning Balance	3,552,564	5,303,136	5,303,136	-\$1,750,572
Other Receipts	0			\$0
Ending Fund Balance	\$1,296,848	\$5,417,287	\$4,556,360	\$4,120,438

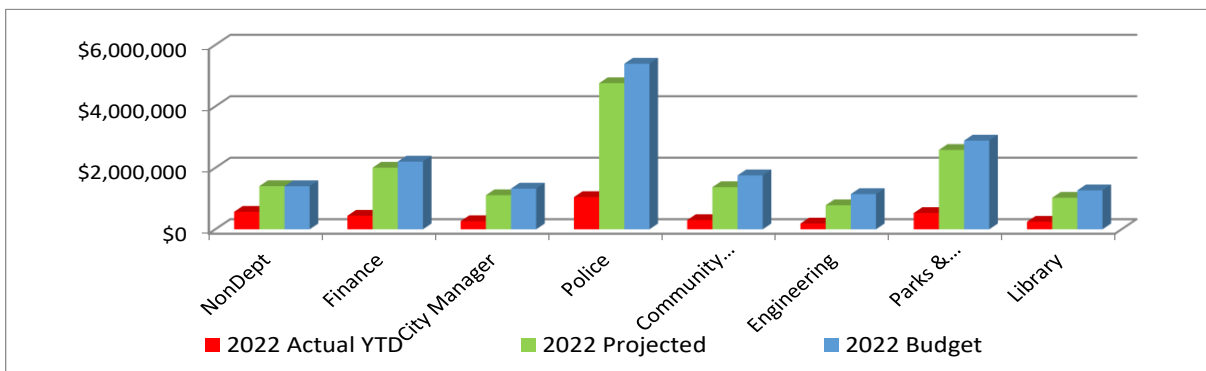


Table 8

DEBT ACTIVITIES	Issued Date	Maturity Date	Original Amount	Balance as of 03/31/22	2022 Debt Payment
General Obligation					
Library Bonds *	2003/2014	2022	1,905,000	180,000	185,400
Maintenance Bond - Pool	2010	2030	2,935,000	1,522,006	212,200
2017 GOI Bond - Public Safety Bldg.	2017	2037	121,200	7,200,000	562,326
Telecom Utility - LTGO Taxable **	2016	2036	290,243	232,295	19,072
			5,251,443	9,134,301	978,998
Revenue Bonds					
Stormwater Bond *****	2020	2039	3,000,000	5,000,000	216,501
Water Sewer ****	2016	2029	6,990,000	5,490,000	761,819
Gas	2016	2036	859,015	674,943	52,115
Electric- Refunding***	2005/2014	2025	3,650,000	1,455,000	396,200
Electric	2014	2033	4,540,000	4,450,000	205,925
Water	2013	2022	2,416,431	236,627	241,643
Water/Sewer *****	2021	2040	51,000	0	0
			21,506,446	17,306,570	1,874,203

* Library Bonds were refunded in 2014 with a new bond which has a lower interest rate.

** LTGO Taxable 20 year bonds in 2016

*** Electric Bonds were refunded in 2014 with a new bond which has a lower interest rate

**** Water/Sewer Bonds refunded in 2016 with a new bond at a lower interest rate

***** Up to \$5 million Waterworks Utility Bond for Stormwater Utility. Draw period ends Dec 31, 2021

***** Up to \$10 million Waterworks Utility Bond for Water and Sewer Utilities. Draw period ends Nov. 30, 2022

Citywide Report

The table on the next page- Revenues and Expenditures-Actual shows that the City brought in approximately \$2.5 million more than it spent in 2022. \$1.32 million of the excess of revenue over expense is from the utility and internal service funds. General Fund (including managerial funds) saw a net loss of \$1.02 million. *Table 8 reduces utility revenues by the outstanding utility receivable amounts to convert revenue amounts to cash basis.

Investment Report

See attachment, which shows the breakdown of our investment portfolio. The goal of our investment is safety, liquidity, and yield. To have safety and liquidity, most of our investments reside in the State Pool.

Table 9

All City Funds Revenues and Expenditures- Actual For the Quarter Ending March 31, 2022			
	Revenue	Expenditures	Excess of Revenue Over Expenditures
General Fund	\$2,851,130	\$3,595,906	(\$744,776)
Special Revenue Funds			
Street	603,843	639,727	(35,884)
Arterial	918,921	324,854	594,067
Traffic Impact	19,909	95,962	(76,053)
Ellensburg Public Transit	1,013,265	402,501	610,764
Criminal Justice	360,997	242,359	118,638
Drug Fund	631	1,275	(644)
Sales Tax	1,446,666	1,896,063	(449,397)
CATV	24,903	16,536	8,367
Parks Acquisition	16,130	8,250	7,880
Arts Acquisition	50,738	0	50,738
Lodging Tax	101,048	31,358	69,690
Housing & Related Service	195,767	0	195,767
COVID-19 Funds	0	1,296	(1,296)
Debt Funds			
Public Safety Bond	562,327	0	562,327
Maintenance Bond	212,800	0	212,800
Library Bond	2,413	0	2,413
LID Guarantee Fund	44	0	44
Capital Funds			
Capital Const. Bond Projects	0	566	(566)
Sidewalk	106,833	104,208	2,625
Enterprise Funds			
Stormwater	392,420	291,052	101,368
Telecommunications	207,981	44,898	163,083
Gas	3,010,695	2,569,578	441,117
Electric	4,968,485	4,639,375	329,110
Water	697,609	790,897	(93,288)
Sewer	688,209	573,299	114,910
Internal Service Funds			
Shop	691,626	333,096	358,530
Health Insurance	558,692	596,199	(37,507)
Risk Management	687,697	634,586	53,111
IT	398,763	503,936	(105,173)
Library Trust	417	666	(249)
Hal Holmes	6,502	0	6,502
Fire Relief	141,570	23,335	118,235
Total	\$20,939,031	\$18,361,778	\$2,577,253
Managerial Funds of the General Fund			
* Utility Revenue amounts have been converted to cash basis			

CITY OF ELLENSBURG - Investment Report As of 3/31/2022

The City will diversify its investments by security type and institution. The following schedule provides the maximum holdings in any one type of investment with any one type of issuer.

Funds invested \$ 71,308,571.22

Bench Marks

1-year Treasury Constant Maturity - 1.28%

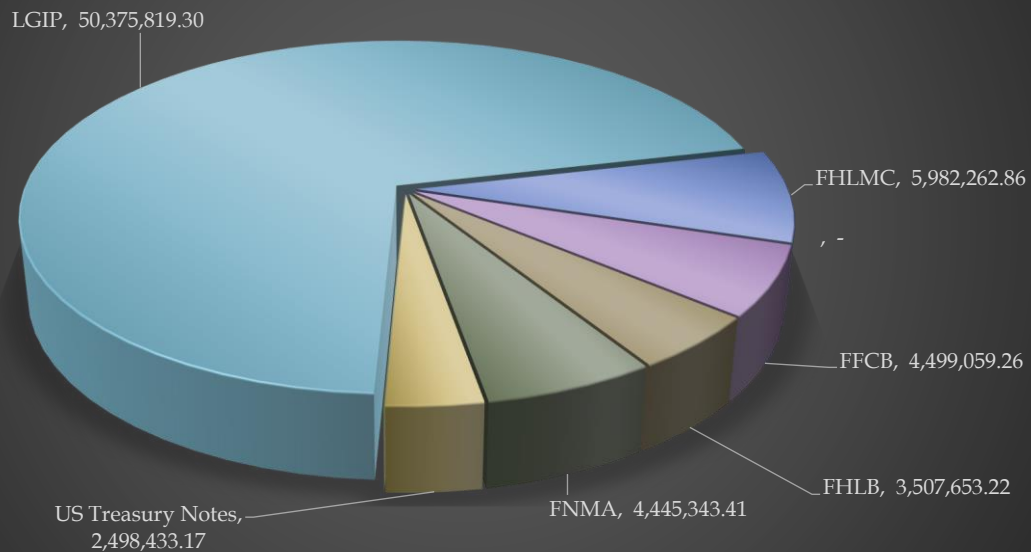
2-year Treasury Note - 1.85%

External Investments - 1.11%

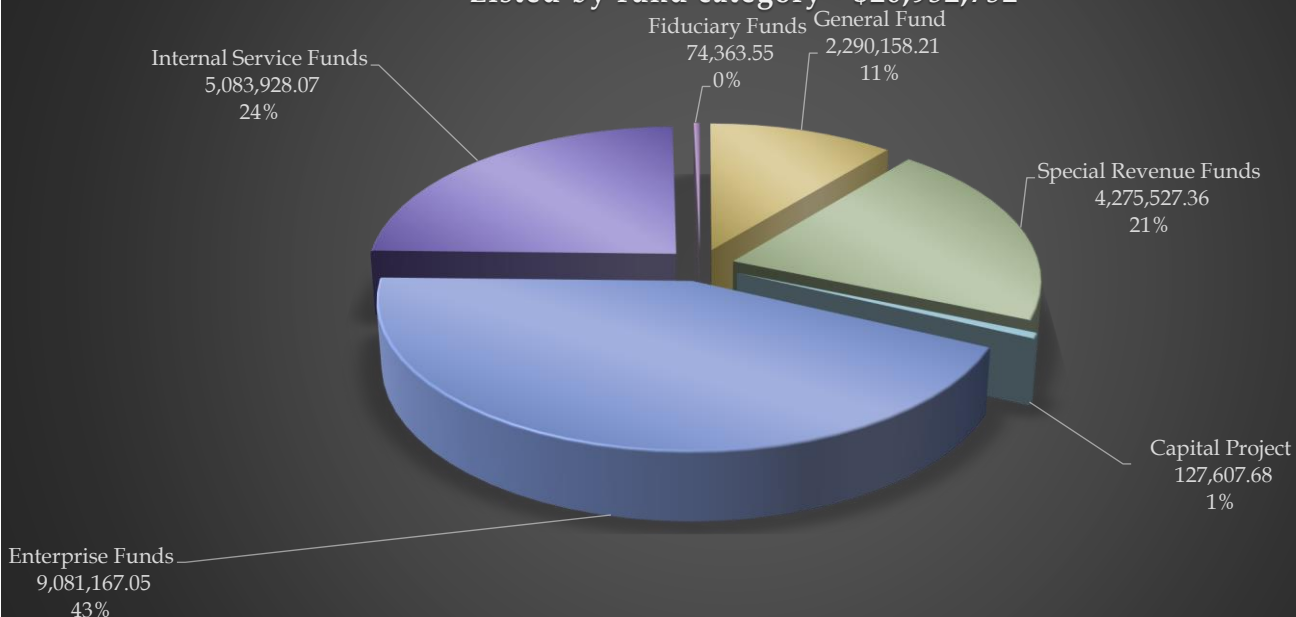
Local Govt. Investment Pool (LGIP)-Gross Earnings Rate - .2314%

Interest earned in March - \$40,301

**Total Funds Invested
Listed by Instrument - \$71,308,571**



**Investments with other Institutions
Listed by fund category - \$20,932,752**



CITY OF ELLENSBURG - Investment Report As of 3/31/2022

Investments with other Institutions

Type of Authorized Security	Maximum Holdings and Issuer Limitations	maximum \$ amount that can be invested	% limitation per issuer	% of portfolio invested	Current Investment Holding Amount	Name	Amount Invested w/Issuer	% of Issuer Holding	Yield to Maturity	Expected Annual Earnings
U.S. Treasury Bills, Notes, Bonds or Certificates	100% of Portfolio	\$71,308,571	no limitation	29%	\$20,932,752	#48 FFCB3133EJGU7 Settled 10/5/18 purchase: \$996,823.28 Matures 12/16/2022	996,823	1%	3.03%	27,100
						#49 FHLB 3130AFW94 Settled 3/11/19 purchase: \$1,003,640.56 Matures 2/13/24	1,001,456	1%	2.46%	25,000
						#51 Matured 3/1/22	-	0%	2.30%	0
						#53 FFCB 1.85 Settled 7/19/19 purchase: \$1000925. Matures 02/01/23	1,000,231	1%	1.85%	18,500
						#54 FFCB 1.6 8/14/23 Corp Settled 10/10/19 purchase: \$505,345.94. Matures 08/14/23	502,005	1%	1.38%	8,000
						#56 US Treas Strip 1.55 Settled 01/08/2020 purchase: \$999,741.04 Matures 11/15/23	999,741	1%	1.55%	15,500
						#57 FNMA corp Settled 01/08/2020 purchase: \$1,003,603.11 Matures 10/15/24	1,002,162	1%	1.63%	16,250
						#58 FNMA Corp Settled 01/08/20 purchase: \$1,500,940.08 Matures 09/06/22	1,500,157	2%	1.53%	20,625
						#59 FHLMC Settled 06/15/20 purchase: \$998,312.89 Matures 05/27/25	998,313	1%	0.54%	5,000
						#63 FHLMC Settled 07/15/2020 purchase: \$ 1,000,131.94 Matures 6/26/23	1,000,066	1%	0.25%	2,500
						#65 Treasury Strip.45 Settled 02/11/21 purchase: \$ 499,619.01 Matures 2/15/26	499,619	1%	0.45%	2,250
						#66 FNMA Settled 06/14/21 purchase: \$995,948.42 Matures 8/25/25	995,948	1%	0.50%	5,000
						#67 FFCB Settled 06/14/21 purchase: \$2,000,000 Matures 6/14/24	2,000,000	3%	0.32%	6,400
						#68 FHLB Settled 8/9/21 purchase: \$1,006,671.67 Matures 6/12/26	1,006,005	1%	0.65%	8,229
						#69 FHLMC Settled 08/9/21 purchase: \$3,985,346 Matures 3/30/26	3,983,884	6%	0.63%	20,400
						#70 FHLB Settled 11/4/21 purchase: \$1,500,192.5 Matures 1/2/25	1,500,193	2%	0.77%	11,550
						#71 FNMA Settled 3/17/22 purchase: \$947,076.44 Matures 11/07/25	947,076	1%	2.07%	20,700

CITY OF ELLENSBURG - Investment Report As of 3/31/2022

#72 US Treas Settled 3/18/22 purchase: \$999,073.12 Matures 8/31/24	999,073	1%	1.95%	19,500
Subtotal Funds	20,932,751.92	\$ 232,504.00		
External Investments		1.11% AAY		

Investment in State of Washington Investment Pool

State of WA Investment Pool	100% of Portfolio	\$71,308,571	no limitation	71%	50,375,819.30	State of WA Local Government Investment Pool	50,375,819.30	71%	0.2314%	\$ 116,569.65
State Investment Pool							0.23% AAY			

AAY = Average Annual Yie
FHLMC - Federal Home Loan Mtg Corp
FHLB - Federal Home Loan Bank
FFCB - Federal Farm Credit Bank
FNMA- Federal National Mortgage Assn

Sorted by Maturity

Security	Description	Rate	Par	Maturity	Months Left to Maturity	Investment #
3135gow33	FNMA NONCALLABLE	1.53	1,500,000	9/6/2022	9	58
3133EJGU7	FFCB NONCALLABLE	3.03	1,000,000	12/16/2022	13	48
3133EKUA2	FFCB NONCALLABLE	1.85	1,000,000	2/1/2023	14	53
3137EAES4	FHLMC	0.25	1,000,000	6/26/2023	19	63
3133EKZK5	FFCB	1.6	500,000	8/14/2023	20	54
912833LP3	US TREASURY NONCALLABLE	1.55	1,061,000	11/15/2023	24	56
3130AFW94	FHLB NONCALLABLE	2.5	1,000,000	2/13/2024	26	49
3133EMH62	FFCB Callable starting 12/14/2021	0.32	2,000,000	6/14/2024	30	67
9128282U3	US TREASURY NONCALLABLE	1.9522	1,000,000	8/31/2024		72
3135GOW66	FNMA NONCALLABLE	1.62	1,000,000	10/15/2024	35	57
3130APKD6	FHLB Callable starting 4/28/2022	0.77	1,500,000	1/28/2025	38	
3134GVYP7	FHLMC	0.54	1,000,000	5/27/2025	42	59
3135GO5X7	FNMA NONCALLABLE	0.375	1,000,000	8/25/2025	45	66
3135GO6G3	FNMA NONCALLABLE	2.0706	1,000,000	11/7/2025		71
912833LY4	US TREASURY NONCALLABLE	0.45	511,000	2/15/2026	51	65
3134GWWP7	FHLMC CALLABLE starting 3/30/23	0.63	4,000,000	3/30/2026	52	69
3130AMFS6	FHLB NONCALLABLE	0.65	1,000,000	6/12/2026	54	68
Total Par			21,072,000			

Investment by Fund/Category	
General Fund	2,290,158.21
Special Revenue Funds	4,275,527.36
Capital Project	127,607.68
Enterprise Funds	9,081,167.05
Internal Service Funds	5,083,928.07
Fiduciary Funds	74,363.55
Total	20,932,751.92
LGIP	50,375,819.30
	-
Total	71,308,571.22

Investment by Instrument	
US Treasury Notes	2,498,433.17
State of WA Bonds	-
LGIP	50,375,819.30
FHLMC	5,982,262.86
	-
FFCB	4,499,059.26
FHLB	3,507,653.22
FNMA	4,445,343.41
Total	71,308,571.22

- difference



MANAGER'S REPORT

DATE: May 2, 2022
To: Ellensburg City Council
FROM: Heidi Behrends Cerniwey, City Manager

1. Request to Set Pubic Hearing to Amend the Six Year Transportation Plan for 2022-2027.

The City recently received notification for selection of a Washington State 2022 Supplemental Transportation Budget allocation for design only funding of the frontage improvements and extension of Helena Avenue from Water Street west 3,200 feet to the Palouse to Cascades (PTC) Trail. The design will also include the west half of Cora Street and the connection of Cora from the PTC north to Helena Avenue.

The project must be updated on the City's current Six-Year Transportation Improvement Plan (TIP) in order to obligate the funds. Modification of the plan must be adopted with a resolution by the City Council through a public hearing. Staff requests that Council set a public hearing on May 16, 2022, to consider the amended Six Year TIP for 2022-2027.

2. Request to Set Study Session – July 5, 2022 from 5:30 p.m. – 6:45 p.m.

Staff has scheduled Ann McFarlane of Jurassic Parliament to provide a training during the July 5, 2022 Study Session for Council and all board and commission members. The training will begin at 5:30 pm and is titled "Great Local Government Meetings." Staff is requesting that Council approve a motion to set the Study Session to begin at 5:30 p.m.