

COUNCIL AGENDA

Monday, July 18, 2022



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To attend the city council meeting virtually register here:

https://us02web.zoom.us/webinar/register/WN_01l6PRlaSSKChpvH7GeV1w

AMERICANS WITH DISABILITIES ACT

The City of Ellensburg strives to make our services, programs, and activities readily accessible and usable by individuals with disabilities. Reasonable accommodations will be made upon request. Please furnish the ADA Coordinator with your request in sufficient time for the City to provide a reasonable accommodation by calling the City of Ellensburg ADA Coordinator at (509) 962-7222 or email ADAcoordinator@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_01l6PRlaSSKChpvH7GeV1w 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:

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

**CITY OF ELLENSBURG
COUNCIL AGENDA
Council Chambers
501 North Anderson Street
Ellensburg, WA 98926
And remotely via Zoom
Monday, July 18, 2022
7:00 PM - Regular Meeting**

Pledge of Allegiance

1. Call to Order and Roll Call

2. Proclamations

3. Awards and Recognitions

4. Approval of Agenda [No Public Comment]

5. Consent Agenda [No Public Comment]

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

5.A Approve Minutes of July 5, 2022 Regular Meeting 7-5-22 Regular Meeting	7
5.B Approve Minutes of July 5, 2022 Joint Study Session 7-5-22 Joint Study Session	11
5.C Acknowledge Minutes of Boards and Commissions DEI Commission 5-10-22 DEI Commission 6-14-22	12
5.D Award Bid Call 2022-12 - Rotary Park Field Light Installation 22-075 Rotary Park Field Lights Bid Tab	16
5.E Latecomer and Reimbursement Agreement (Kittitas County Solid Waste) for Water/Sewer Oversizing on State Route 97 and Green Avenue Latecomers, Reimbursement, Exhibits, and Figures	20
5.F Acknowledge Designation of the CWU Representative on the Utility Advisory Committee. Scott Carlson Recommendation	36

6. Petitions, Protests, and Communications

7. Citizen Comment on Non-agenda Issues

8. Business Requiring Public Hearings

- 8.A Rezone Application P22-012, Submitted by DNR Jensen Rentals, LLC, Property Owner - Closed Record Hearing (quasi-judicial); and First Reading of an Ordinance Approving Rezone Application P22-012 39

4893- Rezone P22-012 (first reading)
Exhibit 1 HEARING EXAMINER DECISION
Exhibit 1.1 Location Map
Exhibit 1.2 Current Zoning Map
Exhibit 1.3 Comp Plan Map
Exhibit 1.4 BUFFER MAP
Exhibit 1.5 Legal Notice
Exhibit 1.6 Affidavit of posting
Exhibit 1.7 SEPA DNS
Exhibit 1.8 Rezone Application
Exhibit 1.9 Narrative
Exhibit 1.10 Staff report for HE
Exhibit 2 Affidavit of Posting

- 8.B Rezone Application P22-015, Submitted by Matt Stalder, Agent for D & D Investment Group, Property Owner Closed Record Hearing (quasi-judicial); and First Reading of Ordinance 4894 Approving Rezone Application P22-015 70

4894 - Rezone P22-015 (first reading)
Exhibit 1 Hearing Examiner Final Decision
Exhibit 1.1 Location Map
Exhibit 1.2 Current Zoning Map
Exhibit 1.3 Comp Plan Map
Exhibit 1.4 Buffer Map
Exhibit 1.5 Legal Notice
Exhibit 1.6 P22-015 Affidavit of Post Rezone
Exhibit 1.7 SEPA MDNS
Exhibit 1.8 REZONE APPLICATION
Exhibit 1.9 NARRATIVE
Exhibit 1.10 Staff report for Hearing Examiner
Exhibit 2 Closed Record Public Hearing Affidavit of Post

9. Introduction and Adoption of Ordinances and Resolutions

- 9.A Ordinance Eliminating Requirement for Extension of Natural Gas Mains in Residential Subdivisions [Public Comment Opportunity] 103
4892 - Natural Gas Infrastructure (first reading)
City Council Gas Extension Policy Slides - Final Draft

10. Unfinished Business

- 10.A Gateway 1 Stormwater Retro-fit Bid Award and Acceptance, Bid Call 2022-09 [Public Comment Opportunity] 141
- 10.B Ad Hoc Committee on Homelessness Recommendation for Establishment of Year-round Overnight Sleep Center in Ellensburg/Kittitas County [Public Comment Opportunity] 144
Ad Hoc Committee on Homelessness Recommendation to City and County
- 10.C Update regarding the Ellensburg Broadband Mapping and Strategic Plan [Public Comment Opportunity] 150
Ellensburg Broadband Mapping and Strategic Plan

11. New Business

- 11.A Annual Comprehensive Plan Amendment Docket [Public Comment Opportunity] 180
P22-01 6-year Capital Improvement Plan
P22-02 Transportation Element
P22-03 Previous Docket Items
P22-04 Matt Willard Helena Ave
P22-05 Solar Dolar Map Amendment
P22-06 Willard Comp Plan Interlocal

12. Miscellaneous

- 12.A Manager's Report [No Public Comment] 208
7-18-22 MANAGERS REPORT
- 12.B Councilmembers' Reports [No Public Comment]

13. Executive Session

14. Adjournment

Next Ord. 4895
Next Res. 2022-27



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of City Council, Regular Meeting

July 5, 2022

7:00 PM

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

Pledge of Allegiance

The Pledge of Allegiance was led by Councilmember Goodloe

1. Call to Order and Roll Call

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

Others present in person: City Manager Behrends Cerniwey, Assistant City Attorney Reiman, City Clerk Leader, Executive Assistant Gigstead, Assistant City Engineer Mattson, Police Captain Weed, Parks and Recreation Director Case and approximately seven members of the public

Others present remotely via Zoom: Interim Community Development Director Ayling and approximately three members of the public

2. Proclamations

3. Awards and Recognitions

4. Approval of Agenda

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

5. Consent Agenda

5.A. Approve Minutes of June 21, 2022 Regular Meeting

5.B. Approve Minutes of June 16, 2022 Joint Study Session

5.C. Acknowledge Minutes of Boards and Commissions

5.D. Approve July 5, 2022 Voucher Listing

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

6. Petitions, Protests, and Communications

7. Citizen Comment on Non-agenda Issues

8. Business Requiring Public Hearings

9. Introduction and Adoption of Ordinances and Resolutions

9.A. Second Reading and Adoption of Ordinance No. 4891 Traffic Code Revisions
Josh Mattson, Assistant City Engineer, presented information in the staff report and reviewed one change since first reading, which included two additional fifteen-minute parking spaces on Pearl Street, by request of Woods Hardware.

Councilmember Elliott moved to Approve second reading and adoption of Ordinance 4891 as amended. **Motion Approved 7-0.**

10. Unfinished Business

10.A. Catherine Park -Surplus Park Property for Affordable Housing Discussion
Jamey Ayling, Interim Community Development Director, presented information in the staff report.

Councilmember Elliott moved to Approve scheduling a public hearing for the August 15, 2022 meeting to discuss surplus of the Catherine Park Property parcel(s) to be transferred for a public benefit purpose as provided in RCW 39.33.015 (for affordable housing) through a special disposition process.

There was discussion to whether covenants or restrictions should be imposed in conjunction with the sale/disposition.

Councilmember Tabb moved to amend the motion to include surplus of the property for an affordable cottage-style housing demonstration project. **Motion Approved 7-0**

Main Motion with Amendment **Approved 7-0**

Mayor Lillquist requested recognition of the property donation on behalf of Catherine DiMeo.

10.B. Whitfield Triangle Property Discussion
Brad Case, Parks & Recreation Director, presented information in the staff report.

William Meyer, 1010 E Craig Ave, spoke regarding the written comments he previously submitted.

Jamie Carmody, 230 S 2nd Street, Yakima, spoke in favor of keeping the property as a park.

Councilmember Elliott moved to Approve directing staff to schedule a public hearing for the August 15, 2022 meeting to consider surplus the Whitfield Triangle property and discuss existing covenants.

Councilmember Tabb moved to amend the motion that the proposed resolution for surplus incorporate the existing covenants as stated in the original Resolution 1963-17.

Mayor Lillquist requested Section 2.e. in original Resolution 1963-17, that requires the purchaser to build within one (1) year, be removed.

Councilmember Tabb agreed to include in the amendment, removal of Section 2.e. in the covenants which requires the purchaser to build within one (1) year. **Amendment Approved 7-0.**

Main Motion with Amendment. **Motion Approved 7-0.**

10. New Business

11.A. Animal Shelter Agreement with the Yakima Humane Society

Jim Weed, Ellensburg Police Department Captain, presented information in the staff report

Dolores Gonzales, 407 S Sprague St, spoke regarding the Animal Shelter reverting back to the City and run by the City if the contract with Yakima Humane Society doesn't work out.

Councilmembers asked questions of staff concerning services provided for the contract amount and requested staff research options for a for a new or replacement shelter facility and develop a capital replacement fund or enterprise fund with the savings from the contract.

Councilmember Elliott moved to Approve authorizing the City Manager to sign the agreement with Yakima Humane Society as presented or in substantially similar form. **Motion Approved 7-0.**

12. Miscellaneous

12.A. Manager's Report

The City Manager reviewed the report. She commented regarding the first edition of the City Annual Report which has been mailed to the public.

12.B. Councilmembers' Reports

- Councilmember Elliott expressed gratitude for the layout of the annual report
- Councilmember Tabb reported on the Cultural Arts Plan. He announced he will resign his council position effective August 31, 2022
- Mayor Lillquist reported on video for Ride to Renslow and Yakima Basin Recovery Board annual meeting.

13. Executive Session

14. Adjournment

Meeting adjourned at 8:23 pm

Mayor

ATTEST:

City Clerk



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of City Council, Joint Study Session

July 5, 2022

6:00 PM

Council Chambers 501 North Anderson Street

Ellensburg, WA 98926

And virtually via Zoom

Joint Study Session for City Council and All City Advisory Boards, Commissions, and Committees

The meeting was called to order at 5:30 pm

All Councilmembers present

Others present in person: City Manager Behrends Cerniwey, Assistant City Attorney Reiman, City Clerk Leader, Executive Assistant Gigstead, Library Director Camarillo, City Engineering Manager Mayo, City Planner Wilson, Senior Planner Henderson and six members of the public

Others present remotely via zoom: Fourteen members of the public

"Great Local Government Meetings"—a 75-minute training on Robert's Rules of Order by Ann Macfarlane

The City Manager introduced the speaker, Ann Macfarlane, of Jurassic Parliament. Council and board members asked questions of Ms. Macfarlane.

Adjournment

Meeting adjourned at 6:52 pm

Mayor

ATTEST:

City Clerk



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of Diversity, Equity & Inclusion

Commission Meeting

May 10, 2022

3:00 PM

Council Conference Room, 501 North Anderson St.

Ellensburg, WA 98926

And remotely via Zoom

1. Call to Order and Roll Call

Roll Call Present: Mayra Colazo, Kandee Cleary, Tylene Carnell, Teresa Divine, Daniel Amos, Sara Omari and Nancy Goodloe (Chair)

Absent: None.

Also present: Nicole Klauss, Public Information Officer (Recording Secretary); Lisa Young, HR Director; Heidi Behrends Cerniwey (City Manager); Alex Mandujano; and 1 member of the public.

2. Approval of Agenda

Commissioner Cleary moved to approve the agenda as presented. **Motion Approved - 06.**

3. Approval of Minutes from April 12, 2022 Meeting

Commissioner Colazo moved to approve the April 12, 2022 minutes. **Motion Approved 6-0.**

4. Staff Briefing

HR Director Lisa Young provided an update on diversity, equity, and inclusion in relation to the City's hiring practices and training.

5. Discuss Bullying Response

The Commission discussed bullying in town and at the Ellensburg School District. Commissioner Amos moved to send a letter to the Ellensburg City Council about the issue. **Motion Approved 6-0.**

6. Proclamations

The Commission discussed the upcoming LGBTQ Pride Month proclamation for June. Klauss and Goodloe will work on updating the proclamation for this year.

7. New Business

a. Comprehensive Plan: Klauss provided an update on the annual comprehensive plan amendment schedule.



b. Juneteenth: Commissioner Amos moved to send a letter of appreciation to the Ellensburg City Council in relation to the Council declaring Juneteenth a City holiday.
Motion approved 6-0.

6. Subcommittee Reports

Commissioner Divine and Colazo provided updates on the Unity Park stakeholder sessions.

Commission members discussed what else could be done to celebrate Pride Month in June. Commissioner Divine will reach out to the City Manager to ask if a flag could be held at City Hall.

Commissioner Cleary and Carnell said CWU is holding an amateur drag show and professional drag show for Pride Month and will also have a parade around campus.

Commissioner Colazo asked about the budget, and Chair Goodloe directed the subcommittees to meet before June to discuss budget recommendations. Commissioner Divine will look into the possibility of farmers market heritage celebration days.

7. Commission Member Reports

Chair Goodloe thanked Commissioner Omrani for her service to the DEI Commission.

8. Staff Report

Klauss provided the staff report:

- July 5 City Council Study Session will likely have a boards/commissions training with Ann MacFarlane from Jurassic Parliament. 6 p.m. tentatively

9. Review Next Meeting/Adjournment

Meeting adjourned at 4:34 p.m.

Nicole Klauss

Drafted: 5/11/22

Approved: 6/14/22

CITY OF ELLENSBURG

**Minutes of Diversity, Equity & Inclusion
Commission Meeting**

Date of Meeting

June 14, 2022

Time of Meeting

3:00 PM

Place of Meeting

Council Chambers, 501 North Anderson St.

Ellensburg, WA 98926

And remotely via Zoom

1. Call to Order and Roll Call

Roll Call Present: Kandee Cleary, Tylene Carnell, Teresa Divine, Daniel Amos, Alex Mandujano, and Nancy Goodloe (Chair)

Absent: Mayra Colazo (excused)

Also present: Nicole Klauss, Public Information Officer (Recording Secretary); Heidi Behrends Cerniwey, City Manager.

Commissioner Amos moved to approve an excused absence for Commissioner Colazo. **Motion Approved 6-0.**

Commissioner Cleary moved to approve an excused absence for Commissioner Carnell for the July meeting. **Motion approved 6-0.**

2. Approval of Agenda

Chair Goodloe asked to amend the agenda to include a brainstorming exercise and discussion about the community engagement plan instead of planned agenda.

Commissioner Cleary moved to approve the agenda as amended. **Motion Approved 6-0.**

3. Approval of Minutes from May 10, 2022 Meeting

Commissioner Mandujano moved to approve the May 10, 2022 minutes. **Motion Approved 6-0.**

4. Pride Flag at City Hall Update

Commissioner Divine provided an update that the City cannot raise the Pride flag or non-governmental flags at this time due to a Supreme Court ruling. The City Attorney is working on a flag policy so this topic may be revisited in the future.

5. Community Engagement Brainstorming and Discussion

Commission members brainstormed about the community engagement plan on topics including: programs (ongoing), events/celebrations, communications, policy, budget impact, timeline (annual, biannual, month), partnerships, and additional resources.

The Commission discussed possibly hosting a panel on bullying as the local schools return to session this fall. Commission members will research community connections that may have expertise in this area.

Commissioner Mandujano will inquire whether the City Library has books on bullying.

Chair Goodloe will combine all brainstorming ideas into a document that can be revisited at the July meeting.

6. Staff Report

Klauss provided the staff report:

- July 5 City Council Study Session will likely have a boards/commissions training with Ann MacFarlane from Jurassic Parliament. 5:30 p.m.

7. Review Next Meeting/Adjournment

Meeting adjourned at 4:58 p.m.

Nicole Klauss

Drafted: 6/15/22

Approved: 7/12/22



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: July 18, 2022

Item Title/Agenda Subject: Award Bid Call 2022-12 - Rotary Park Field Light Installation

Submitted by: Brad Case Parks and Recreation

Recommended Action or Motion: Award Bid Call 2022-12 to Titan Electric LLC in the amount of \$336,304.50 and approve the necessary budget adjustments.

Background/Summary: In 2018 the City was awarded a \$230,000.00 grant through the Kittitas Sales and Use Tax program for the purchase of field lights for the Rotary Park youth baseball and softball four field complex. The addition of field lights will benefit the local organizations who use the park, as well as increase the draw of local and regional tournaments to Ellensburg.

Previous Council Action: At its November 2, 2020 meeting, Council authorized the purchase of MUSCO field lights in the amount of \$398,029.00 off the Sourcewell interlocal purchasing agreement. The majority of the funding to purchase the lights was through Kittitas County and its \$230,000.00 grant through Kittitas Sales and Use Tax program.

Analysis: Staff went through the formal bid process on the field light installation project, receiving a total of six bids. Titan Electric LLC was the lowest responsive and responsible bidder with a bid total of \$336,304.50.

Financial Impact: The funding for the project will be taken out of the Park Acquisition and Development Fund, which as of May 31, 2022 had a fund balance of \$988,682.00. This expense is not reflected in the 2022 budget and so a budget adjustment will be necessary.

Attachments:
[22-075 Rotary Park Field Lights Bid Tab](#)

Rotary Park Field Lights
Project 22-075; Bid Call 2022-12
Bid Opening: June 23, 2022 3:00 p.m.

				Titan Electrical LLC		Prater Electric		Engineer's Estimate	
Item	Description	Unit	Quantity	Unit Price	Unit Total	Unit Price	Unit Total	Unit Price	Unit Total
1	Minor Change	1	EST	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
2	Record Drawings (Min. Bid \$500)	1	LS	\$ 1,000.00	\$ 1,000.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00
3	Mobilization	1	LS	\$ 15,000.00	\$ 15,000.00	\$ 20,000.00	\$ 20,000.00	\$ 21,100.00	\$ 21,100.00
4	Furnish and Install Power Distribution System	1	LS	\$ 150,000.00	\$ 150,000.00	\$ 179,500.00	\$ 179,500.00	\$ 196,680.00	\$ 196,680.00
5	Install Lighting System	1	LS	\$ 134,244.00	\$ 134,244.00	\$ 110,000.00	\$ 110,000.00	\$ 67,200.00	\$ 67,200.00
Subtotal					\$ 310,244.00		\$ 320,000.00		\$ 295,480.00
State Sales Tax (8.4%)					\$ 26,060.50		\$ 26,880.00		\$ 24,820.32
Total					\$ 336,304.50		\$ 346,880.00		\$ 320,300.32

Subtotal	\$ 310,244.00	\$ 320,000.00	\$ 295,480.00
Total State Sales Tax - 8.4%	\$ 26,060.50	\$ 26,880.00	\$ 24,820.32
TOTAL	\$ 336,304.50	\$ 346,880.00	\$ 320,300.32

Rotary Park Field Lights
Project 22-075; Bid Call 2022-12
Bid Opening: June 23, 2022 3:00 p.m.

				Neppel Electrical & Controls, LLC		Northeast Electric, LLC		Engineer's Estimate	
Item	Description	Unit	Quantity	Unit Price	Unit Total	Unit Price	Unit Total	Unit Price	Unit Total
1	Minor Change	1	EST	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
2	Record Drawings (Min. Bid \$500)	1	LS	\$ 1,500.00	\$ 1,500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00
3	Mobilization	1	LS	\$ 15,000.00	\$ 15,000.00	\$ 35,000.00	\$ 35,000.00	\$ 21,100.00	\$ 21,100.00
4	Furnish and Install Power Distribution System	1	LS	\$ 30,000.00	\$ 30,000.00	\$ 123,500.00	\$ 123,500.00	\$ 196,680.00	\$ 196,680.00
5	Install Lighting System	1	LS	\$ 276,000.00	\$ 276,000.00	\$ 190,000.00	\$ 190,000.00	\$ 67,200.00	\$ 67,200.00
Subtotal					\$ 332,500.00		\$ 359,000.00		\$ 295,480.00
State Sales Tax (8.4%)					\$ 27,930.00		\$ 30,156.00		\$ 24,820.32
Total					\$ 360,430.00		\$ 389,156.00		\$ 320,300.32

Subtotal	\$ 332,500.00	\$ 359,000.00	\$ 295,480.00
Total State Sales Tax - 8.4%	\$ 27,930.00	\$ 30,156.00	\$ 24,820.32
TOTAL	\$ 360,430.00	\$ 389,156.00	\$ 320,300.32

Rotary Park Field Lights
Project 22-075; Bid Call 2022-12
Bid Opening: June 23, 2022 3:00 p.m.

				Colvico, Inc.		Knobel's Electric, Inc.		Engineer's Estimate	
Item	Description	Unit	Quantity	Unit Price	Unit Total	Unit Price	Unit Total	Unit Price	Unit Total
1	Minor Change	1	EST	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
2	Record Drawings (Min. Bid \$500)	1	LS	\$ 500.00	\$ 500.00	\$ 2,000.00	\$ 2,000.00	\$ 500.00	\$ 500.00
3	Mobilization	1	LS	\$ 26,130.00	\$ 26,130.00	\$ 35,000.00	\$ 35,000.00	\$ 21,100.00	\$ 21,100.00
4	Furnish and Install Power Distribution System	1	LS	\$ 76,525.00	\$ 76,525.00	\$ 198,227.00	\$ 198,227.00	\$ 196,680.00	\$ 196,680.00
5	Install Lighting System	1	LS	\$ 258,100.00	\$ 258,100.00	\$ 141,250.00	\$ 141,250.00	\$ 67,200.00	\$ 67,200.00
Subtotal					\$ 371,255.00		\$ 386,477.00		\$ 295,480.00
State Sales Tax (8.4%)					\$ 31,185.42		\$ 32,464.07		\$ 24,820.32
Total					\$ 402,440.42		\$ 418,941.07		\$ 320,300.32

Subtotal	\$ 371,255.00	\$ 386,477.00	\$ 295,480.00
Total State Sales Tax - 8.4%	\$ 31,185.42	\$ 32,464.07	\$ 24,820.32
TOTAL	\$ 402,440.42	\$ 418,941.07	\$ 320,300.32



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: July 18, 2022

Item Title/Agenda Subject: Latecomer and Reimbursement Agreement (Kittitas County Solid Waste) for Water/Sewer Oversizing on State Route 97 and Green Avenue

Submitted by: Derek Mayo Public Works & Utilities

Recommended Action or Motion: Staff recommends Council authorize the City Manager to execute the attached agreement which authorizes reimbursement to the developer in the amount of \$28,103.85 for oversizing of the sewer main and \$30,735.54 for oversizing of the water main.

Background/Summary: The property owner (developer) was required to install water and sewer mains in State Route 97 and Green Avenue to serve their recent short plat. The mains were installed at the sole expense of the owner. The potential exists for adjacent properties along the sewer and water mains to connect now that they are available. The owner is requesting reimbursement from the properties adjacent to the locations denoted as reimbursement areas shown in Figures 1 and 2. In addition, the developer was required to oversize the new sewer and water improvements in State Route 97 to conform to the City's Sewer and Water System Plan requirements. An agreement providing for latecomers charges and reimbursement of the costs of oversizing the sewer and water mains is attached. If approved, it provides for reimbursement to the developer (Kittitas County) for sewer and water main extension costs incurred during the improvements of the Kittitas County Short Plat #20-015 from those properties not presently connected along that portion of State Route 97 and Green Avenue. The agreement also provides reimbursement to the developer for the costs of oversizing the sewer and water mains to 10" in lieu of the required 8" diameter mains for each of the utilities, as required in City Code.

Previous Council Action: N/A

Analysis: State law (RCW 35.91.02) and City Code (Chapter 2.50 ECC)

provide for the assessment of latecomer charges and for the reimbursement to the installers. The City currently has several latecomer agreements in effect. This agreement will allow staff to collect fees from the owners of properties shown in Figures 1 and 2 who did not contribute to the original cost of the sewer and water construction at the time of connection. Those fees would then be forwarded to the developer of the project. The agreement is for a 20 year term from the time of completion of the facilities. The owners of the Kittitas County Short Plat #20-015 incurred \$28,103.85 for oversizing of the sewer main and \$30,735.54 for oversizing of the water main, in addition to expenses to install the oversized 10" sewer and water mains. Ellensburg City Code section 9.20.030(F) provides the ability to reimburse installers of water and sewer mains for costs in excess of an 8" sewer main and an 8" water main.

The agreement also provides for latecomer's fees to be assessed to properties benefitting from the water and sewer lines shown in Figures 1 and 2 for a period of twenty years.

Financial Impact:

The 2022 Sewer and Water utility budgets each include \$40,000 for main oversizing. The proposed \$28,103.85 for oversizing of the sewer main and \$30,735.54 for oversizing of the water main are within the amount budgeted.

Attachments:

[Latecomers, Reimbursement, Exhibits, and Figures](#)

After Recording, Return To:

Name: City of Ellensburg
Public Works Director
Address: 501 N. Anderson Street
Ellensburg, WA 98926

LATECOMER AGREEMENT FOR REIMBURSEMENT UNDER WATER AND SEWER FACILITIES ACT (CHAPTER RCW 35.91) FOR SEWER AND WATER FACILITIES

This AGREEMENT, made this _____ day of _____, 2022, between Kittitas County ("Owner"), a municipal corporation of the State of Washington, acting by and through Kittitas County Solid Waste, and the City of Ellensburg ("City"), a municipal corporation of the State of Washington, referred to collectively as "the Parties."

WHEREAS, the Owner has made application to the City for permission to construct Water, Sanitary sewer and/or Storm Drainage improvements;

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereafter set forth it is agreed by and between the parties hereto as follows:

A. RECITALS

1. The City, as a municipal corporation organized under the Optional Municipal Code, title 35A RCW, located in Kittitas County, Washington, owns and operates municipal water and sewer utility systems within and adjacent to its city limits.

2. Chapter 2.50 of the Ellensburg City Code, "Developer Reimbursement Agreements, governs the rights and procedures for establishment of a reimbursement area that allows developers and/or owners to recover a portion of those improvement costs incurred as a condition of development approval if the improvement benefits other property developers.

3. On May 13, 2021, the City approved the Kittitas County Short Plat, #20-015, a two-lot short plat for the development of a new county solid waste transfer station (the "Owner's Development").

B. FACILITIES

1. The Owner has constructed certain water and sewer improvements under this Agreement with the City, pursuant to the requirements to serve water and sewer to the Short Plat. Certain extensions to said systems are more particularly shown in Figures 1 and 2, attached hereto and incorporated herein by this reference (the

"Facilities"). These additions are capable of serving the Owner's Development and other adjacent areas. The improvements involved installing sewer and water lines in the State Route 97 and the East/West Collector (along southern boundary of short plat) Right-of-Ways to serve the Development. This Agreement is for the value of City standard 8" utility mains.

2. The extensions to said system shown on Figures 1 and 2 are located within the area served by the City and will be accepted by the City for maintenance and operation.

C. FACILITIES COSTS - AMOUNT OF REIMBURSEMENT

1. The cost of construction of the extensions shown in Figures 1 & 2 are shown on attached Exhibits:

Exhibit A: Sewer Main Extension	\$ 329,204.62
Exhibit B: Water Main Extension	\$ 473,871.87
Exhibit C: Sewer System – Oversizing	\$ 28,103.85
Exhibit D: Water System – Oversizing	\$ 30,735.54

2. The Parties agree that the area benefited by said extensions amounts to 3,420 feet of sewer main in SR 97 and the new collector street and 4,425 feet of water main of which frontages abutting the new water and sewer mains abutting Kittitas County Solid Waste (KCSW) property is attributable to the developer (KCSW). The remaining benefited property (future service area) resulting in a fair pro rata share of the cost of construction of said extensions, to be collected from the owner or owners of any parcel benefited thereby who tap or connect to said system. The new extensions shall be reimbursed on a front footage and or square footage basis. The reimbursement for the sewer main shall be a per foot charge of \$88.04 (\$101.25 with 15% Administration Cost) and water main shall be a foot charge of \$50.07 (\$57.58 with 15% Administration Cost) to the properties indicated on Figure 1 and Figure 2.

3. The parties further acknowledge that \$ 28,103.85 of the cost of the improvement for the sewer main and that \$ 30,735.54 of the cost of the improvement for the water main represents the cost of oversizing of the utilities which benefits the entire City sewer and water systems and were installed for the purpose of servicing future sewer and water system customers, and for which the City will pay to the Owner under separate agreement.

D. OWNERSHIP AND MAINTENANCE OF FACILITIES

1. Owner shall transfer title of the Facilities to the City free and clear of all encumbrances by a Bill of Sale to be executed and delivered by Owner to the City upon acceptance of said extensions for maintenance by the City. Said instrument shall contain Owner's warranty that they have good title and the right to convey said extensions, and that they will warrant and defend the City against any claim of interest

therein asserted by any third person, that they will guarantee the workmanship and materials in said facilities for a period of one year after date of acceptance by the City, and that they warrant said extensions to be fit for the use for which they are intended.

2. Owner has furnished the City with an Itemized written statement of all costs incurred for the required improvements, including all charges incurred for materials and labor that have been paid by Owner, and Owner warrants there are no liens against the property or improvements.

3. Owner further warrants that it is the owner in title absolute of the extensions shown in Figure 1 and 2, that it has neither permitted nor suffered any person or other entity to tap onto said extensions prior to the date of this Agreement; that the sum of \$88.04 (\$101.25 with 15% Administration Cost), for sewer, and \$50.07 (\$57.58 with 15% Administration Cost), for water, per lineal front foot is a fair pro rata charge to be assessed against the owner(s) of each parcel within the benefited premises (future service area), as shown on Figure 1 and 2, who subsequently tap onto or connect to said facility, and to further warrant that there are no persons, firms or corporations who have filed or have the right to file a lien against said extensions per provisions of Title 60 RCW. In the event any lien or other claim against said extensions is asserted after conveyance to the City, which lien or claim arose on or prior to such conveyance, then the Owner shall defend and save harmless the City from loss on account thereof, and in the event the City shall be put to any expense in defense of such claim or otherwise, then the City shall have a lien against any funds then or thereafter deposited with it pursuant to this Agreement.

4. In consideration of the conveyance of the Facilities shown in Figure 1 and 2, the City agrees to accept said extensions for maintenance as a part of its facility, after inspection and testing by the City.

E. ASSESSMENT AND COLLECTION OF LATECOMER FEES

1. The City and the Owner desire to and intend by this Agreement to provide for collection of the fair pro rata share of the cost of construction of said extensions from the owner(s) of the benefited properties shown on Figure 1 and 2 who did not contribute to the original cost thereof, under the provisions of the Municipal Water and Sewer Facilities Act, Chapter 35.91 RCW; provided, however, that nothing contained herein shall be construed to affect or impair in any manner the right of the City to regulate the use of its said systems of which the Facilities shown on Figure 1 and 2 shall become a part under the terms of this Agreement, pursuant to provisions of any Resolution, or policy now or hereafter in effect. The imposition by the City of any such requirements shall not be deemed an impairment of this Agreement though it may be imposed in such manner as to refuse service to an owner of the benefited property to secure compliance with such requirements of the city.

2. The City further agrees to collect from the owner(s) of the real property benefited by said Facilities who have not heretofore contributed to the cost of

construction thereof, and who subsequently tap onto or use the same, a fair pro rata share of the cost of such construction based upon the sum of \$88.04 (\$101.25 with 15% Administration Cost) for sewer and \$50.07 (\$57.58 with 15% Administration Cost), for water per lineal front foot; unit charges shall be conclusively presumed to be a fair pro rata charge against the benefited parcel(s). In addition to the amounts agreed to be collected by the City in this paragraph, the City shall charge in addition to its usual and ordinary charges made against persons applying for service from said facility a sum equal to fifteen percent of the amount agreed in this paragraph by the City to be collected for Owner from person tapping onto said facility, which sum shall be used by the City to defray the cost of labor, bookkeeping and accounting pursuant to the terms of this Agreement.

3. The City shall pay to the Owner the sums agreed by it to be collected pursuant to the provisions of the preceding paragraph, within sixty (60) days after receipt by the City at the address of the Owner as sets forth hereinafter or at such other address as the Owner shall provide by Certified mail. If said payments are returned to the City unclaimed by the Owner or if the City is unable to locate the owner, after six (6) months, the City shall retain all sums then received and all future sums collected under this Agreement.

4. In the event of the assignment or transfer of the rights of the Owner voluntarily, involuntarily, or by the operation of law, the City shall pay any benefits accruing hereunder, after notice, to the successor of the Owner as the City, in its sole judgment, deems entitled to such benefits; and in the event conflicting demands are made upon the City for benefits accruing under this agreement, then the City may at its option commence an action in interpleader joining any party claiming rights under this Agreement, or other parties which the City believes to be necessary or proper and the City shall be discharged further liability upon paying the person or persons whom any court having jurisdiction of such interpleader action shall determine, and in such action the City shall be entitled to recover its reasonable attorney's fees and costs, which fees and costs shall constitute a lien upon all funds accrued or accruing pursuant to this agreement.

5. The City agrees not to allow any owner or user of any benefited property as described in Figure 1 and 2 (future service area) to connect or tap onto said facility without such owner or user having first paid to the City a sum equal to the fair pro rata charge hereinabove set forth.

6. The City shall be entitled to rely on the provisions of this Agreement with respect to the fairness of the pro rata charge herein provided, and upon the description of the benefited properties set forth in Figure 1 and 2 (future service area).

7. The total amount to be reimbursed to Owner under this Agreement shall not exceed \$657,301.29 (the "Maximum Reimbursement Amount"). Upon confirmation by the City and the Owner that the amounts remitted to the Owner pursuant to paragraph are equal to the Maximum Reimbursement Amount, the City shall cease its

collection of Latecomer Charges pursuant to this Agreement, and this Agreement shall have no further force or effect.

F. UNAUTHORIZED COLLECTION

Whenever any connection is made into the Facilities which is not authorized by the City, the City shall have the absolute authority to remove or cause to be removed such unauthorized connections and all connecting lines or pipes, located in the right-of-way or on City property. The City shall incur no liability for any damage to any person or property resulting from removal of the unauthorized connection.

G. MISCELLANEOUS

1. This Agreement shall become operative upon its being recorded with the Auditor of the County in which any of the benefited lands are situated, at the expense of the Owner, and shall remain in full force and effect for a period of twenty years after the date of such recording, or until the Owner, or their successors or assigns, shall have been fully reimbursed as aforesaid, whichever event occurs earlier, provided, that in the event the additions shown on Figure 1 & 2 or any portions thereof shall, during the term of this Agreement, be rendered useless by the redesign or reconstruction in the absolute judgment of the City Engineer, then the City's obligation to collect for the Owner of the tapping or connection charges provided pursuant to this Agreement shall cease.

2. All notices under this Agreement shall be writing, and shall be delivered or mailed by certified mail, return receipt requested, and shall be effective as of the date of delivery, on the date of receipt as shown by the return receipt, or three days after the postmark date if there is no return receipt. Notices shall be addressed to the following addresses or to such other address as a party may specify in writing:

City:	Owner:
City of Ellensburg City Engineer 501 N. Anderson St. Ellensburg, WA 98926	Kittitas County, by and through Kittitas County Solid Waste Patti Stacey, Director 925 Industrial Way Ellensburg, WA 98926

Owner acknowledges and agrees that commencing every two years from the date this Agreement is executed, they provide the City with information regarding their current address and telephone number. If the Owner fails to comply with the notification requirements of this subsection within sixty days of the specified time, then the City may collect any reimbursement funds owed to the property owner under this Agreement, which shall be deposited in the capital fund of the City.

3. This Agreement shall be a covenant running with the land and be binding on the Developer, its successors, heirs and assigns and shall be binding on the legal owners of all properties within the Benefit Boundary and their successors, heirs and assigns.

4. Except as otherwise provided herein, Owner releases and agrees to defend, indemnify and hold harmless the City and all of its elected and appointed officials and its employees from all liability, claims and costs arising in connection with the enforcement of this Agreement, except to the extent resulting from any gross negligence or intentional act or omission of the City or its officers, agents or employees in performance of the Agreement.

5. Venue and jurisdiction to enforce all obligations under this Latecomer Agreement shall lie in the Kittitas County Superior Court. The obligations of the parties hereunder may not have an adequate remedy by way of an action for damages and may be enforced by an action for specific performance.

6. In the event a court of competent jurisdiction declares any material provision of this Latecomer Agreement invalid, unconstitutional, or otherwise unenforceable, any party may elect to terminate the remainder of this Agreement. In the event a non-material provision of this Latecomer Agreement is declared invalid, unconstitutional, or otherwise unenforceable, such provisions hereof as are not affected by such declaration shall remain in full force and effect.

7. This Latecomer Agreement may be modified only by written instrument duly executed by all parties after approval of the Ellensburg City Council.

IN WITNESS WHEREOF, the parties have hereunto set their hands and official seals the day and year first above written.

CITY OF ELLENSBURG

City Manager

Approved as to form:

City Attorney

KITTITAS COUNTY by and through KITTITAS COUNTY SOLID WASTE

Patti Stacey, Director KCSW

Owner's address: _____

STATE OF WASHINGTON)
) ss.
COUNTY OF KITTITAS)

I certify that I know or have satisfactory evidence that Patti Stacey is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it as the Owner of the improvements described herein to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

Signature _____
Print Name: _____

NOTARY PUBLIC for the State of Washington,
residing at _____
My commission expires: _____

Bill of Sale

In accordance with the Latecomer Agreement for Reimbursement Under Water and Sewer Facilities Act (RCW 35.91) for Sewer and Water Facilities dated _____, and recorded with Kittitas County Auditor under Auditor's File No. _____, and IN CONSIDERATION of the City of Ellensburg's requirements for approval of the Kittitas County Short Plat, #20-015, which includes the Water and Sewer Main Extensions on State Route 97 and the new east/west collector street, KITTITAS COUNTY, acting by and through KITTITAS COUNTY SOLID WASTE (hereinafter "KCSW"), does hereby sell, transfer and convey to THE CITY OF ELLENSBURG, a municipal corporation (hereinafter the "City") all KCSW right, title and interest in and to the extensions and oversizing described in Exhibits A and B, attached hereto and incorporated herein by reference (hereinafter the "Property").

KCSW guarantees that the Property is free and clear of any and all liens; that it has good title and the right to convey said extensions and oversizing, and will warrant and defend the City against any claim of interest therein asserted by a third party; that they guarantee the workmanship and materials in said Property for a period of one year after the date of acceptance by the City; and that they warrant said extensions and oversizing to be fit for the use for which they are intended.

DATED this ____ day of _____, 2022.

Kittitas County Solid Waste

Patti Stacey, Director

STATE OF WASHINGTON)
)SS.
County of Kittitas)

I certify that I know or have satisfactory evidence that Patti Stacey, are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it as the Owner of the property described in Exhibits A and B to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

Signature: _____

Print Name: _____

NOTARY PUBLIC for the State of Washington,
residing at _____

My commission expires: _____

EXHIBIT A - KITTITA COUNTY TRANSFER STATION SEWER REIMBURSEMENT AGREEMENT

SR 97 and E/W Collector Street

Sewer Main Extension Total Costs

Description	Quantity	Unit Cost	Total
Mobilization	1 LS	\$ 25,200.37	\$ 25,200.37
PVC Sewer Main - 8"	825 LF	\$ 48.00	\$ 39,600.00
PVC Sewer Main - 10"	2595 LF	\$ 58.00	\$ 150,510.00
Manhole 48" Dia.	15 EA	\$ 4,650.00	\$ 69,750.00
Temp. Traffic Control	1 LS	\$ 1,734.35	\$ 1,734.35
Shoring or Extra Excavation	34360 SF	\$ 0.50	\$ 17,180.00
Subtotal			303,974.72
Sales Tax 8.3%			25,229.90
Total			\$ 329,204.62
Reimburseable Costs (Sewer)	Total Sewer Costs		\$ 329,204.62
	Minus Oversizing		28,103.85
			301,100.77

Cost distributed equally for both side of main. Therefore 50% of
sewer $\$301,100.77 / 2 = \$150,550.39 / 3420 \text{ LF} = \$88.04 / \text{Frontage Foot}$
(\$101.25 with 15% city administration cost)

EXHIBIT B - KITTITAS COUNTY TRANSFER WATER REIMBURSEMENT AGREEMENT

SR 97 and E/W Collector Street

Water Main Extension Total Costs

Description	Quantity	Unit Cost	Total
Mobilization	1 LS	\$ 38,399.82	\$ 38,399.82
DI Water Main - 8"	1845 LF	\$ 63.00	\$ 116,235.00
Butterfly Valve - 10"	5 EA	\$ 2,060.00	\$ 10,300.00
Air Vac. Assembly	2 EA	\$ 3,750.00	\$ 7,500.00
Blowoff Assembly	1 EA	\$ 2,120.00	\$ 2,120.00
Hydrant Assembly	8 EA	\$ 7,100.00	\$ 56,800.00
DI Water Main - 10"	2580 LF	\$ 74.00	\$ 190,920.00
Gate Valve - 8"	8 EA	\$ 1,650.00	\$ 13,200.00
Temp. Traffic Control	1 LS	\$ 2,080.00	\$ 2,080.00
Subtotal			437,554.82
Sales Tax 8.3%			36,317.05
Total			\$ 473,871.87
Reimburseable Costs (Sewer)	Total Sewer Costs		\$ 473,871.87
	Minus Oversizing		30,735.54
			443,136.33

Cost distributed equally for both side of main. Therefore 50% of
water $\$443,136.33 / 2 = \$221,568.17 / 4425 \text{ LF} = \$50.07 / \text{Frontage Foot}$
(\$57.58 with 15% city administration cost)

EXHIBIT C - KITTITAS COUNTY SEWER MAIN OVERSIZING

SR 97 and E/W Collector Street

Increased Cost to Install 10" PVC sewer main vs. 8" PVC sewer main

Description	Quantity	Unit Cost	Total
Increase Cost per foot for main	2595 LF	\$ 10.00	\$ 25,950.00
Subtotal			25,950.00
Sales Tax 8.3%			2,153.85
Total			<u>\$ 28,103.85</u>

EXHIBIT D - KITTITAS COUNTY WATER MAIN OVERSIZING

SR 97 and E/W Collector Street

Increased Cost to Install 10" water main vs. 8" water main

Description	Quantity	Unit Cost	Total
Increase Cost per foot for main	2580 LF	\$ 11.00	\$ 28,380.00
Increase Cost for Valves	5 EA	\$ 410.00	\$ 2,050.00
Subtotal			28,380.00
Sales Tax 8.3%			2,355.54
Total			<u>\$ 30,735.54</u>



UPDATED 7/11/2022

Reimbursement Agreement

US-97 - W Green Ave

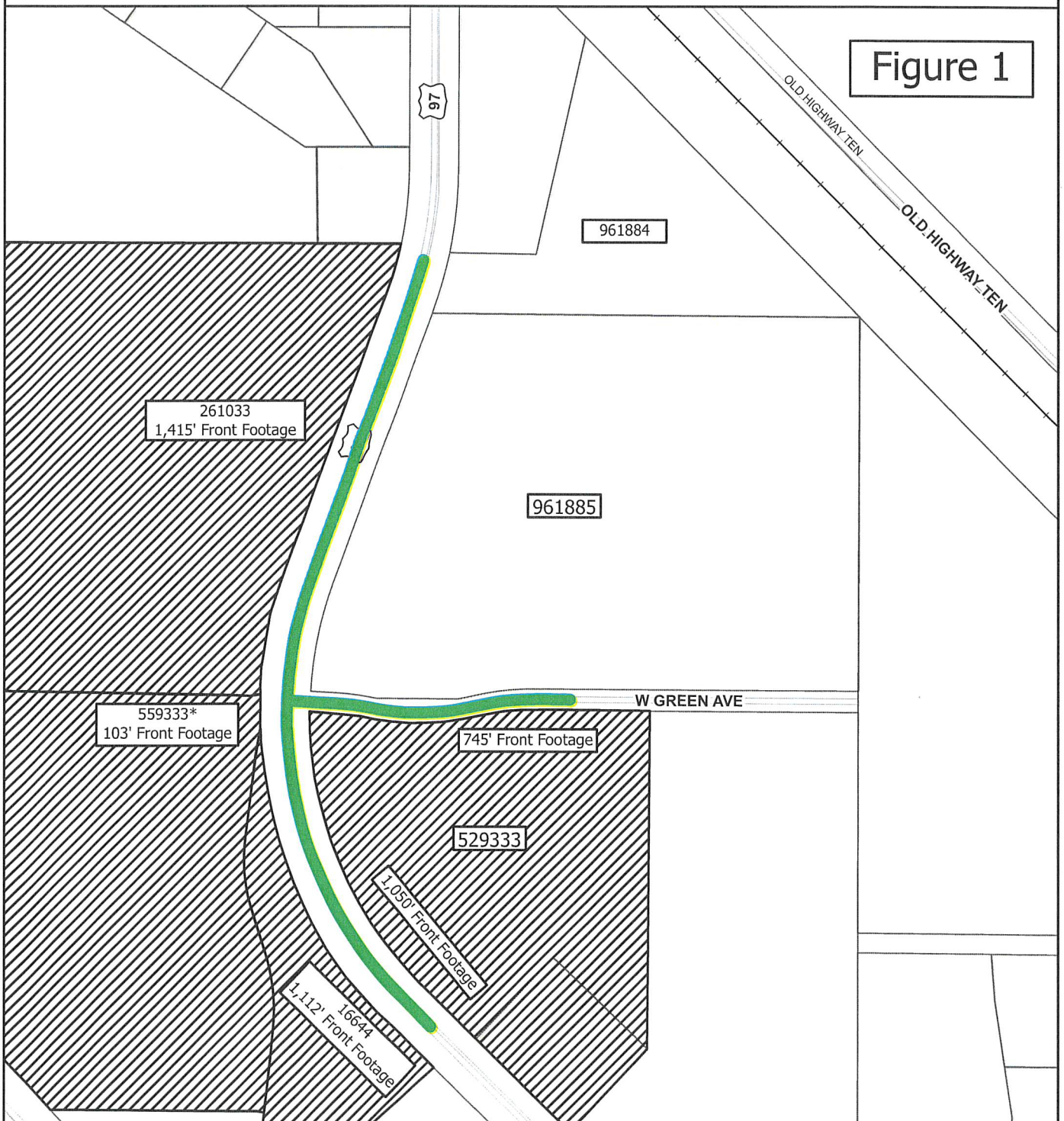
Project #19-048

Reimbursement Agreement Expires:

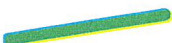
October 29, 2041



Figure 1



Reimbursement Area: Per Front Footage Cost @ \$88.04 plus 15% Administration Cost = \$101.25



Sewer Main Extension: 825 LF of 8" and 2,595 LF of 10" PVC Sewer Main

* Parcel is currently outside the current UGA. Connection to water and sewer utilities would not be allowed for this parcel, unless UGA boundaries were revised to include this parcel.



UPDATED 7/11/2022

Reimbursement Agreement

US-97 - W Green Ave

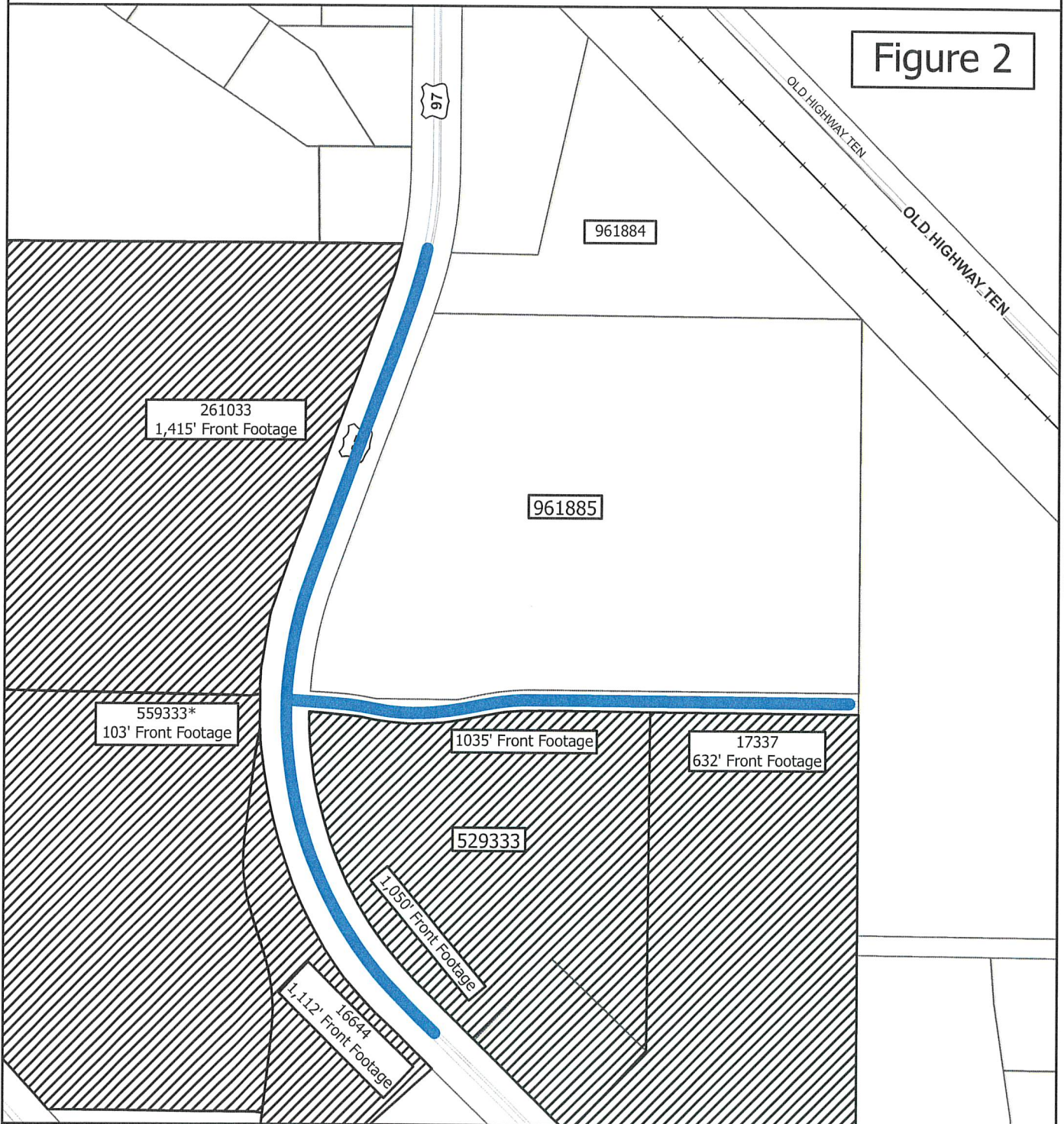
Project #19-048

Reimbursement Agreement Expires:

October 29, 2041



Figure 2



Reimbursement Area: Per Front Footage Cost @ \$50.07 plus 15% Administration Cost = \$57.58



Water Main Extension: 1,845 LF of 8" and 2,580 LF of 10" Ductile Iron Water Main

* Parcel is currently outside the current UGA. Connection to water and sewer utilities would not be allowed for this parcel, unless UGA boundaries were revised to include this parcel.

Derek Mayo

From: Patti Stacey <patti.stacey@co.kittitas.wa.us>
Sent: Thursday, June 23, 2022 12:34 PM
To: Derek Mayo
Subject: RE: [Ext] Re: Latecomer agreement

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

Derek,

The county agrees with the latest version of the Latecomers agreement for Reimbursement. Once the agreement is signed by the City Manager the county will sign and record the agreement. Once the agreement is recorded I will be able to complete the Bill of Sale to finalize the transaction.

Please let me know if you have any questions.

Thank you,

*Patti Stacey, Director
Kittitas County Solid Waste/Facility Maintenance Director
925 Industrial Way
Ellensburg, WA 98926
(509) 962-7070
Main office (509)962-7542*



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: July 18, 2022

Item Title/Agenda Subject: Acknowledge Designation of the CWU Representative on the Utility Advisory Committee.

Submitted by: Laurie Gigstead City Manager Department

Recommended Action or Motion: Acknowledge designation.

Background/Summary: Ellensburg City Code Section 1.50.040 provides that a representative from Central Washington University shall represent the general interests of CWU and be designated by CWU Administration.

Staff received the attached letter designating Scott Carlson as the CWU representative on the Utility Advisory Committee. Scott Carlson will be replacing Shane Scott.

Previous Council Action: N/A

Analysis: N/A

Financial Impact: N/A

Attachments:

[Scott Carlson Recommendation](#)



LEARN. DO. LIVE.

July 14, 2022

Laurie Gigstead
Office of the City Manager
501 N Anderson Street
Ellensburg, WA 98926

Re: Nomination for CWU representative to **Utility Advisory Committee**

Councilmembers,

Central Washington University would like to nominate Scott Carlson, Capital Planning Project Manager, to serve as CWU representative on the Utility Advisory Committee.

Please feel free to contact me with any questions.

Sincerely,

Joel Klucking
Vice President of Finance and Administration

Finance & Administration

400 East University Way • Ellensburg WA 98926-7481 • Office: 509-963-2323 • Fax: 509-963-2025
Office location • E-mail: vpbfa@cwu.edu • Web: www.cwu.edu/financial-affairs/
EEO/AA/TITLE IX INSTITUTION • FOR ACCOMMODATION E-MAIL: CDS@CWU.EDU

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.

Kathy Bickel
AUDITING OFFICER

7/12/22
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 **18TH DAY OF JULY 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	158120	TO	158296	\$ 1,567,534.76
EFT #'s	5593	TO	5622	\$ 1,075,628.67

Payroll Fund				Total Amounts
Check #'s	95751	TO	95761	\$ 13,777.41
Direct Deposits	68369	TO	68584	\$ 413,747.53

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

ATTEST: _____
CITY CLERK



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: July 18, 2022

Item Title/Agenda Subject: Rezone Application P22-012, Submitted by DNR Jensen Rentals, LLC, Property Owner – Closed Record Hearing (quasi-judicial); and First Reading of an Ordinance Approving Rezone Application P22-012

Submitted by: Jamey Ayling Community Development

Recommended Action or Motion:

- 1) Approve rezone request P22-012 from Residential Suburban to Commercial Highway zoning, and adopt the Hearing Examiner's Findings of Fact, Conclusions of Law, and Decision and Conditions of Approval (Exhibit 1); and
- 2) Conduct first reading of the Ordinance 4893 (Attached).

Background/Summary: This is a closed record quasi-judicial hearing to consider a site-specific rezone application (P22-012) submitted by DNR Jensen Rentals, LLC, property owner. The applicant seeks to rezone two adjacent parcels from Residential Suburban (R-S) to Commercial Highway (C-H) for the purpose of contiguously expanding their existing C-H parcel inventory in order to facilitate redevelopment of heavy industrial retail and service uses along Vantage Highway. A State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) was issued on March 21, 2022, for the rezone.

If the rezone application is approved by Council following the closed record hearing, staff also request that Council proceed with first reading of Ordinance 4893 to implement the rezones.

Previous Council Action: N/A

Analysis: An open record public hearing was held before Hearing Examiner Andy Kottkamp on June 15, 2022. His recommendation, received on June 16, 2022, is attached to this report as Exhibit 1, and includes 10 exhibits which are attached to this report as Exhibits 1.1 through 1.10. The June 15, 2022 staff report submitted to the Hearing Examiner is Exhibit 1.10.

During the public hearing, Matthew Sweeney, agent for the property owner, testified on behalf of the rezone proposal before the Hearing Examiner. No testimony was received from the public. Following the public hearing, the Hearing Examiner determined the request to be consistent with the City's Comprehensive Plan designation of Community Mixed Use for the property and with the requirements of the Ellensburg City Code (ECC). The Hearing Examiner therefore recommended that City Council approve the rezone from R-S to C-H, with conditions (Exhibit 1 at pp. 5).

BACKGROUND AND SITE INFORMATION

Location: The parcels are located on the south side of Vantage Highway, east of Vista Road, in Ellensburg; Kittitas County Assessor's Parcel ID#'s 171933 and 181933; addressed 1900-1930 Vantage Highway (Exhibit 1.1).

Site Characteristics: The site topography is relatively flat and the sites have been used as residences in the past.

Surrounding Properties: A zoning map of the surrounding properties is attached as Exhibit 1.2. The zoning of the surrounding properties is further described below.

Access: Access to the parcel is available via Vantage Highway which is classified as a principal arterial.

Zoning and Development Standards, ECC Title 15: Ellensburg City Code (ECC) Table 15.310.040, Heavy Retail and Heavy Services – indicates that these types of uses are permitted in Commercial Highway (C-H) zones.

Comprehensive Plan Designations: A map of the comprehensive plan future land use designations is attached as Exhibit 1.3. This parcel is designated Community Mixed Use which accommodates a combination of commercial and/or office activities. This designation is the same as all other nearby parcels that are zoned Commercial Highway.

Critical Areas: Lyle Creek runs along the eastern boundary of parcel number 171933. There is no project construction as part of this non-project action and specific project proposals will be

required to undergo separate SEPA/Critical Areas Review as applicable.

ENVIRONMENTAL (SEPA) REVIEW

The applicant submitted the required SEPA checklist for review, which was processed as follows:

SEPA Checklist Submitted: 1/27/22
Determination of Completeness: 2/16/22
Notice to Property owners: 2/16/22
SEPA Threshold Determination 03/21/22

The City of Ellensburg departments commented on the SEPA request and the pre-application, but had no comments specific to the rezone. No other agency/departmental comments were received by the SEPA comment deadline.

A SEPA Determination of Non-Significance (DNS) was issued on March 21, 2022 (Exhibit 1.7), for the rezone.

HEARING EXAMINER REVIEW

Public Comments: Notice of the open record public hearing (Exhibit 1.5) was published in the legal section of the Daily Record on May 26, 2022, and the site was posted with a land use action sign on May 31, 2022 (Exhibit 1.6). On May 26, 2022, notice of the rezone was mailed to property owners within 300 feet of the proposed site (Exhibit 1.4). No public comments on this rezone request were received.

The open record public hearing was held before the Hearing Examiner on June 15, 2022. The applicant's representative, Matthew Sweeney, was the only person to speak at the hearing and he agreed with the staff recommendation presented to the Hearing Examiner.

CITY COUNCIL REVIEW

Public Comments: Notice of this closed record hearing before City Council was published in the legal section of the Daily Record on June 25, 2022, and the site was posted with a land use action sign on July 1, 2022 (Exhibit 2). No public comments were received prior to publication of this agenda report.

PROJECT ANALYSIS

A. Ellensburg City Code Requirements for Site-Specific Rezone

Per Ellensburg City Code, site-specific rezone applications are subject to the Type IV review process, and the Hearings Examiner provides a recommendation to City Council after holding an open record public hearing. The Hearings Examiner must find that the application is in compliance with the decision criteria in ECC 15.250.060.

The criteria for consideration of a site-specific rezone are set forth in ECC 15.250.060(C). The applicant has the burden of establishing that all of the following criteria apply to the proposed rezone:

1. Conditions have changed since the imposition of the zoning classification on the property;
2. The proposed rezone bears a substantial relationship to the public health, safety, morals, and general welfare;
3. The proposed rezone is consistent with the comprehensive plan; and
4. The proposed rezone to a particular zoning district shall be consistent with the development standards in the Land Development Code for the zoning district.

B. Analysis of Criteria for a Site-Specific Rezone

The applicant has submitted an application (Exhibit 1.8) with a narrative (Exhibit 1.9) addressing the rezone criteria found in ECC 15.250.060(C). The applicant seeks Commercial Highway (C-H) zoning in order to facilitate heavy retail redevelopment of the property consistent with the City of Ellensburg's Comprehensive Plan. The information submitted by the applicant is followed by staff analysis.

1. Conditions have changed since the imposition of the zoning classification on the property.

Applicant narrative: The property owner has acquired the subject parcels to go with the two parcels already owned and

already zoned Commercial Highway. The City has made substantial improvements to the nearby intersection including signalization. Additionally, major frontage improvements are being planned as part of the Gateway II enhancement project that will change the character of the immediate area. These changed conditions make single family residential use and zoning inappropriate for this area.

Staff analysis: In 2016, this property was annexed into the City of Ellensburg and the property was subsequently zoned Residential-Suburban (R-S). At the time of annexation these property parcels were in use as residences and the comprehensive plan land use designation was Mixed Residential. The current comprehensive plan land use designation for this property is community mixed use. The site specific rezone request is consistent with the community mixed use land use designation.

2. The proposed rezone bears a substantial relationship to the public health, safety, morals, and general welfare.

Applicant narrative: The existing parcels have a couple of older single family houses and a hodgepodge of outbuildings in various states of repair. The site is sandwiched by non-residential uses on either side and Vantage Highway is a major roadway slated for future improvements. The site is not really conducive to single family development but is ideal for commercial uses. There is good access and all needed utilities are available. The rezone will allow redevelopment of the property to more appropriate uses consistent with the public health, safety and welfare.

Staff analysis: The rezone to Commercial Highway (C-H) will allow expanding development opportunities for commercial uses in an area suited for heavy service/retail and commercial activity adjacent to and with good access to the major arterial known as Vantage Highway. This will support the public health, safety, and general welfare of the community.

3. The proposed rezone is consistent with the comprehensive plan.

Applicant narrative: As noted above, the City's Comprehensive Plan Future Land Use Map designates this area as Community Mixed Use. This allows for a variety of commercial uses and includes the zoning designation Commercial Highway. Going from a residential zoning to a commercial zoning is consistent with the Comprehensive Plan and with the future development of the area.

Staff analysis: The current comprehensive plan land use designation for this parcel is Community Mixed Use, which is consistent with the rezone request to Commercial Highway (C-H) (EXHIBIT 1.3).

In addition, staff finds the request for Commercial Highway (C-H) zoning to be in keeping with the following goals, policies and programs of the current Comprehensive Plan:

Goal ED-2, "Stimulate and diversify Ellensburg's economy."

Policy A, "Encourage growth that will provide goods and services to the local and regional community."

Policy B, "Promote the retention and expansion of existing businesses as well as the development of new businesses."

4. The proposed rezone to a particular zoning district shall be consistent with the development standards in the LDC for the zoning district.

Applicant narrative: N/A.

Staff analysis: Staff finds the rezone proposal consistent with the purpose and standards of Commercial Highway (C-H) zoning as set forth in ECC 15.300.050(C).

The Commercial Highway (C-H) zone purpose, to accommodate diversified commercial establishments. The purpose of the Commercial Highway (C-H) zone is 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.

The applicant seeks Commercial Highway (C-H) zoning to expand opportunities for redevelopment of the property to a heavy retail/heavy service use which otherwise would be prohibited in the Residential Suburban (R-S) zone. The applicant will be responsible for meeting all development standards under the Land Development Code.

Financial Impact: N/A

Attachments:

4893- Rezone P22-012 (first reading)
Exhibit 1 HEARING EXAMINER DECISION
Exhibit 1.1 Location Map
Exhibit 1.2 Current Zoning Map
Exhibit 1.3 Comp Plan Map
Exhibit 1.4 BUFFER MAP
Exhibit 1.5 Legal Notice
Exhibit 1.6 Affidavit of posting
Exhibit 1.7 SEPA DNS
Exhibit 1.8 Rezone Application
Exhibit 1.9 Narrative
Exhibit 1.10 Staff report for HE
Exhibit 2 Affidavit of Posting

ORDINANCE NO. 4893

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO ZONING AND AMENDING TITLE 15 OF THE ELLENSBURG CITY CODE BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE CITY OF ELLENSBURG FROM RESIDENTIAL SUBURBAN (R-S) TO COMMERCIAL HIGHWAY (C-H).

WHEREAS, on January 27, 2022 the City received an application (P22-012) from property owner DNR Jensen Rentals, LLC, requesting a rezone of two parcels located on Vantage Highway, Parcel ID Numbers 171933 and 181933 (“application”); and

WHEREAS, the application proposed to rezone the parcels from Residential Suburban (R-S) to Commercial Highway (C-H); and

WHEREAS, pursuant to ECC Table 15.210.050(D), a Site-Specific Rezone Application is processed under a Type IV review, which requires a Hearing Examiner recommendation to City Council after an Open Record Hearing, with the final decision to be made by City Council after a Quasi-Judicial Closed Record Hearing; and

WHEREAS, the SEPA official for the City issued a Determination of Non-Significance (DNS), on March 21, 2022; and

WHEREAS, the Hearing Examiner held a duly noticed open record hearing on June 15, 2022, received evidence and heard testimony regarding the proposed rezone; and

WHEREAS, the Hearing Examiner on June 16, 2022, issued Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval for the rezone request from R-S to C-H; and

WHEREAS, the Ellensburg City Council held a duly noticed closed record hearing on July 18, 2022 and at the conclusion of the hearing approved a motion to adopt the Hearing Examiner’s Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval, and to approve the applicant’s request to rezone the subject property from R-S to C-H;

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

Section 1. The City Council adopts the findings of fact and conclusions based thereon, made and entered by the Hearing Examiner in support of the recommendation to the City Council for approval with regard to the rezone for the hereinafter described property located on Vantage Highway, with Parcel ID Numbers 171933 and 181933 as set forth in the Hearing Examiner’s “Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval,” dated June 16, 2022, attached as Exhibit A.

Section 2. Title 15 of the Ellensburg City Code is hereby amended by changing the city's zoning map as adopted in ECC 15.300.020 for the following described area from Residential Suburban (R-S) to Commercial Highway (C-H):

ACRES 1.12; N1/2 NW1/4 TAX 14 & 15 OUT OF TAX 13 (PTN PARCEL A, B20/P8);
SEC 06, TWP 17, RGE 19

ACRES .35, CD. #9717; SEC. 6; TWP. 17; RGE. 19 NW 1/4 PT. LOT 4 NO. MIL. RR
TAX 8

Section 3. That the official zoning map of the City of Ellensburg, as well as the Geographic Information System (GIS) data shall be amended to incorporate the land use classifications herein provided.

Section 4. Except as modified herein, each and every provision of the City Land Development Code, Title 15, as amended, shall remain in full force and effect.

Section 5. 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 6. 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 7. Effective Date. This ordinance shall take effect and be in full force five (5) days after passage, approval and publication as required by law.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the ____ day of _____, 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. 4893 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, that Ordinance No. 4893 was published as required by law.

Beth Leader

**CITY OF ELLENSBURG
LAND USE HEARING EXAMINER**



IN THE MATTER OF P 22-012 DNR Jensen Rentals, LLC	))))	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 June 15, 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. The applicant seeks to rezone the subject property from Residential Suburban (R-S) to Commercial Highway (C-H) for the purpose of contiguously expanding their existing C-H parcel inventory in order to facilitate redevelopment of heavy industrial retail and service uses along Vantage Highway. A State Environmental Policy Action (SEPA) Determination of Non-Significance (DNS) was issued for the parcels on March 21, 2022 for the site specific rezone.
2. The applicant and property owner is DNR Jensen Rentals, LLC. Their agent is Matt Sweeney.
3. The parcels are located on the south side of Vantage Highway, east of Vista Road, in Ellensburg; Kittitas County Assessor's Parcel ID#'s 171933 and 181933; addressed 1900-1930 Vantage Highway.
4. The two parcels were annexed into the City in 2016, at which time the applicant owned two nearby parcels which were designated to be zoned C-H. Since then, the applicant has acquired the other two contiguous parcels (the parcels involved in this rezone request), which are currently zoned R-S and are developed with older single family houses and a number of outbuildings in various states of repair. The property is bordered by Public Reserve zoning to the west; Commercial Highway adjacent to the east; and across Vantage Highway there is unincorporated Urban Residential low density residential and vacant property to the north.
5. The parcels' southern border is buffered by the applicant's existing C-H zoned parcel and the Palouse to Cascades trail (formerly the John Wayne Trail). The trail provides separation between the property and unincorporated single family residential and pasture area to the south of the property.
6. The site topography is relatively flat and the sites have been used as residences in the past.
7. The zoning of the surrounding properties is further described below:

North: The properties to the north, on the other side of Vantage Hwy, are zoned Rural-5 by Kittitas County and consist of single-family dwellings and undeveloped pasture land.

South: Directly south is an existing parcel owned by the applicant which is currently zoned C-H. The southern border is the Palouse to Cascades trail. The trail provides separation between the subject properties and the unincorporated properties to the south which are zoned Rural-5 by Kittitas County and consist of single-family dwellings and pasture.

East: The properties to the east are zoned Public Reserve (P-R) and consist of a large Kittitas County Fire District Facility within the City Limits.

West: The property directly west is an additional C-H zoned parcel owned by the applicant. Further west lies property within the unincorporated area of Kittitas County and consists of veterinarian hospital facilities.

8. Zoning and Development Standards, ECC Title 15: Ellensburg City Code (ECC) Table 15.310.040, *Heavy Retail and Heavy Services* – indicates that these types of uses are not permitted in the Residential-Suburban zone. However, uses of this type are permitted in Commercial Highway (C-H) zones.
9. Comprehensive Plan Designations: This parcel is designated Community Mixed Use which accommodates a combination of commercial and/or office activities. This designation is the same as all other nearby parcels that are zoned Commercial Highway.
10. Access: Access to the parcel is available via Vantage Hwy which is classified as a Principal Arterial.
11. During the SEPA notification process, no comments specific to the rezone request were received. Subsequent to the SEPA environmental review, public notice and distribution of the site specific rezone request was undertaken.
12. Notice of the open record public hearing was published in the legal section of the Daily Record on May 26, 2022, and the site was posted with a land use action signs on May 31, 2022. On May 26, 2022 notice of the rezone was mailed to property owners within 300 feet of the proposed site. As of the date of this decision, no comments have been received
13. The required SEPA checklist was submitted on January 27, 2022. The Determination of Completeness was issued on February 16, 2022. The Notice to property owners was issued on February 16, 2022.
14. The City of Ellensburg departments commented on the SEPA request, but had no comments specific to the rezone. A SEPA Mitigated Determination of Non-Significance (MDNS) was issued on March 21, 2022, for the non-project site specific rezone. There was no appeal of this MDNS.
15. Ellensburg City Code Requirements for Site-Specific Rezone: Per Ellensburg City Code, site-specific rezone applications are subject to the Type IV review process, and the Hearings Examiner provides a recommendation to City Council after holding an open record public hearing. To recommend approval, the Hearings Examiner must find that the application is in compliance with the decision criteria in ECC 15.250.060.
 - 15.1 The criteria for consideration of a site specific rezone are set forth in ECC 15.250.060(C). The applicant has the burden of establishing that all of the following criteria apply to the proposed rezone:
 - 15.1.1. Conditions have changed since the imposition of the zoning classification on the property;
 - 15.1.2. The proposed rezone bears a substantial relationship to the public health, safety, morals, and general welfare;
 - 15.1.3. The proposed rezone is consistent with the comprehensive plan;
 - 15.1.4. The proposed rezone to a particular zoning district shall be consistent with the development standards in the Land Development Code for the zoning district.

16. Analysis of Criteria for a Site-Specific Rezone. The applicant has submitted an application with a narrative addressing the rezone criteria found in ECC 15.250.060(C). The applicant seeks Commercial Highway (C-H) zoning in order to facilitate heavy industry redevelopment of the property consistent with the City of Ellensburg's Comprehensive Plan. The information submitted by the applicant is followed by the Hearing Examiner's analysis. All are recommended findings of the Hearing Examiner.
- 16.1 Conditions have changed since the imposition of the zoning classification on the property.
- 16.1.1 The property owner has acquired the subject parcels to go with the two parcels already owned and already zoned Commercial Highway. The City has made substantial improvements to the nearby intersection including signalization. Additionally, major frontage improvements are being planned as part of the Gateway II enhancement project that will change the character of the immediate area. These changed conditions make single family residential use and zoning inappropriate for this area.
- 16.1.2 In 2016, this property was annexed into the City of Ellensburg and the property was subsequently zoned Residential-Suburban (R-S). At the time of annexation these property parcels were in use as residences and the comprehensive plan land use designation was Mixed Residential. The current comprehensive plan land use designation for this property is community mixed use. The site specific rezone request is consistent with the community mixed use land use designation.
- 16.2 The proposed rezone bears a substantial relationship to the public health, safety, morals, and general welfare.
- 16.2.1 The existing parcels have a couple of older single family houses and a hodgepodge of outbuildings in various states of repair. The site is sandwiched by non-residential uses on either side and Vantage Highway is a major roadway slated for future improvements. The site is not really conducive to single family development but is ideal for commercial uses. There is good access and all needed utilities are available. The rezone will allow redevelopment of the property to more appropriate uses consistent with the public health, safety and welfare.
- 16.2.2 The rezone to Commercial Highway (C-H) will allow expanding development opportunities for commercial uses in an area suited for heavy service/retail and commercial activity adjacent to and with good access to the major arterial known as Vantage Highway. This will support the public health, safety, and general welfare of the community.
- 16.3 The proposed rezone is consistent with the comprehensive plan.
- 16.3.1 As noted above, the City's Comprehensive Plan Future Land Use Map designates this area as Community Mixed Use. This allows for a variety of commercial uses and includes the zoning designation Commercial Highway. Going from a residential zoning to a commercial zoning is consistent with the Comprehensive Plan and with the future development of the area.
- 16.3.2 The current comprehensive plan land use designation for this parcel is Community Mixed Use, which is consistent with the rezone request to Commercial Highway (C-H).
- 16.3.3 In addition, the Hearing Examiner finds the request for Commercial Highway (C-H) zoning to be in keeping with the following goals, policies and programs of the current Comprehensive Plan:

Goal ED-2, "Stimulate and diversify Ellensburg's economy."

Policy A, "Encourage growth that will provide goods and services to the local and regional community."

Policy B, "Promote the retention and expansion of existing businesses as well as the development of new businesses."

- 16.4 The proposed rezone to a particular zoning district shall be consistent with the development standards in the LDC for the zoning district.
 - 16.4.1 The Hearing Examiner finds the rezone proposal consistent with the purpose and standards of Commercial Highway (C-H) zoning as set forth in ECC 15.300.050(C). The Commercial Highway (C-H) zone purpose, to accommodate diversified commercial establishments. The purpose of the Commercial Highway (C-H) zone is accomplished by:
 - 16.4.1.1. Allowing commercial uses that serve the traveling public;
 - 16.4.1.2. Providing the opportunity for regional retail uses in specific areas deemed appropriate for such uses; and
 - 16.4.1.3. Providing standards and guidelines that enhance the appearance and function of commercial-tourist uses and their compatibility with surrounding uses;
 - 16.4.1.4. Use of this zone is appropriate for areas that meet both of the following criteria:
 - 16.4.1.4.1 Areas designated general commercial services and community mixed use in the comprehensive plan; and
 - 16.4.1.4.2 Areas located within one-half-mile radius of the center of Interstate 90 interchange.
- 16.5 The applicant seeks Commercial Highway (C-H) zoning to expand opportunities for redevelopment of the property to a heavy retail / heavy service use which otherwise would be prohibited in the Residential Suburban (R-S) zone. The applicant will be responsible for meeting all development standards under the Land Development Code.
17. The Hearing Examiner finds that the Applicant has demonstrated that the proposal to be consistent with the criteria outlined in 15.250.050 pertaining to rezones.
18. An open record public hearing was held on June 15, 2022.
19. The following exhibits were admitted into the record:
 - 19.1 Ex. 1: Location Map;
 - 19.2 Ex. 2: Current Zoning Map;
 - 19.3 Ex. 3: Comprehensive Plan Land Use Designation;
 - 19.4 Ex. 4: Area Notification Map;
 - 19.5 Ex. 5: Legal Notice of Open Record Public Hearing;
 - 19.6 Ex. 6: Affidavit of Posting and Land Use Action Signs;
 - 19.7 Ex. 7: SEPA MDNS;
 - 19.8 Ex. 8: Rezone Application;
 - 19.9 Ex. 9: Rezone Application Narrative; and
 - 19.10 Ex. 10: Staff Report
20. Appearing and testifying was Matt Sweeney, agent for the property owner and applicant. Mr. Sweeney testified that he agreed with all representations in the staff report and that the proposed Condition of Approval was acceptable.

21. No member of the public testified at the hearing.
22. 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 recommended Decision.
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 the Comprehensive Plan, 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

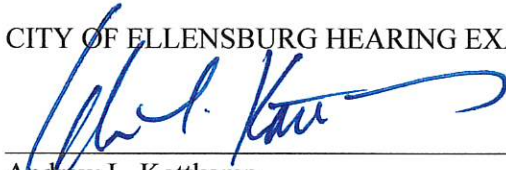
The Hearing Examiner found the proposal to be consistent with the criteria outlined in 15.250.060 pertaining to rezones. As such, the Hearing Examiner recommends approval to the City Council of the rezone request from Residential Suburban (R-S), to Commercial Highway (C-H) zoning.

IV. RECOMMENDED CONDITION OF APPROVAL

1. The applicant shall adhere to any requirements related to any future development approvals, including meeting all requirements of utility providers, City departments, and affected districts, as outlined in adopted City Codes and other regulatory documents.

Dated this 16th day of June, 2022.

CITY OF ELLENSBURG HEARING EXAMINER

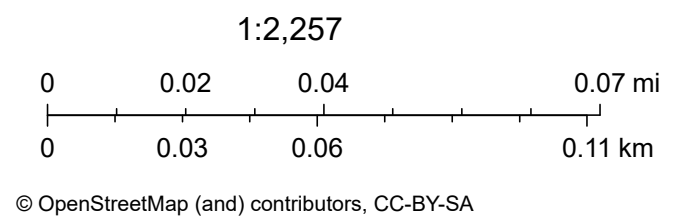


Andrew L. Kottkamp



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| | County Parcels | | Urban Growth Area |
| | Road | | Parcels |
| | Major Arterial | | Lot Lines |
| | City Limits | | |





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 County Parcels	 Urban Growth Area	 RM
 Road	 Zoning	 CH
 Major Arterial	 RS	 PR
 City Limits	 RL	 Parcels

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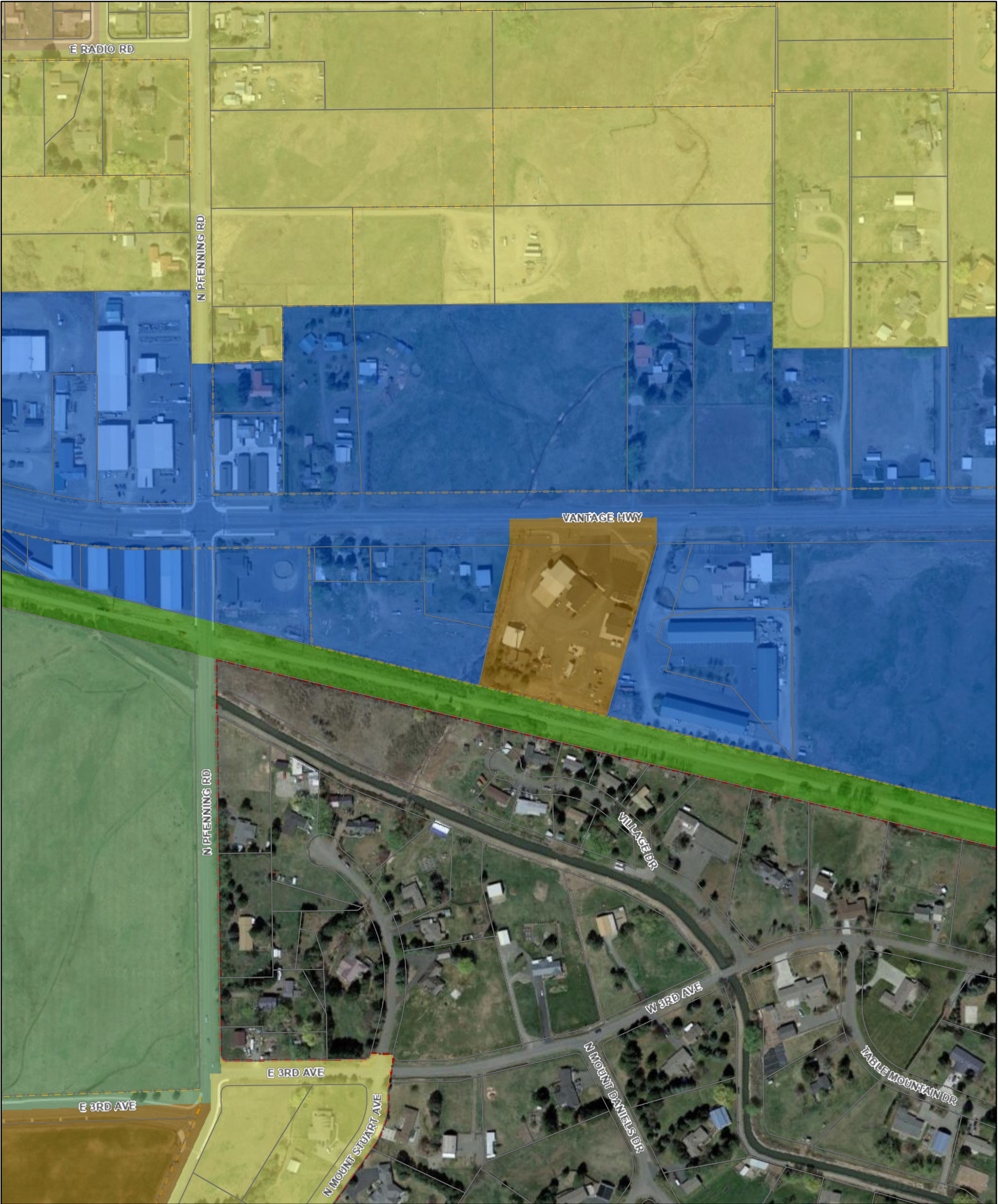
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County Parcels

Road

Major Arterial

Land Use Designations

Residential neighborhood

Blended residential neighborhood

Urban neighborhood

Neighborhood mixed use

Urban center

Community mixed use

Industrial residential

Neighborhood commercial

Mixed business park

General commercial and services

Light industrial

Heavy industrial

Public/institutional

Open space (pvt/non-city owned)

Parks and open space

City Limits

Urban Growth Area

Parcels

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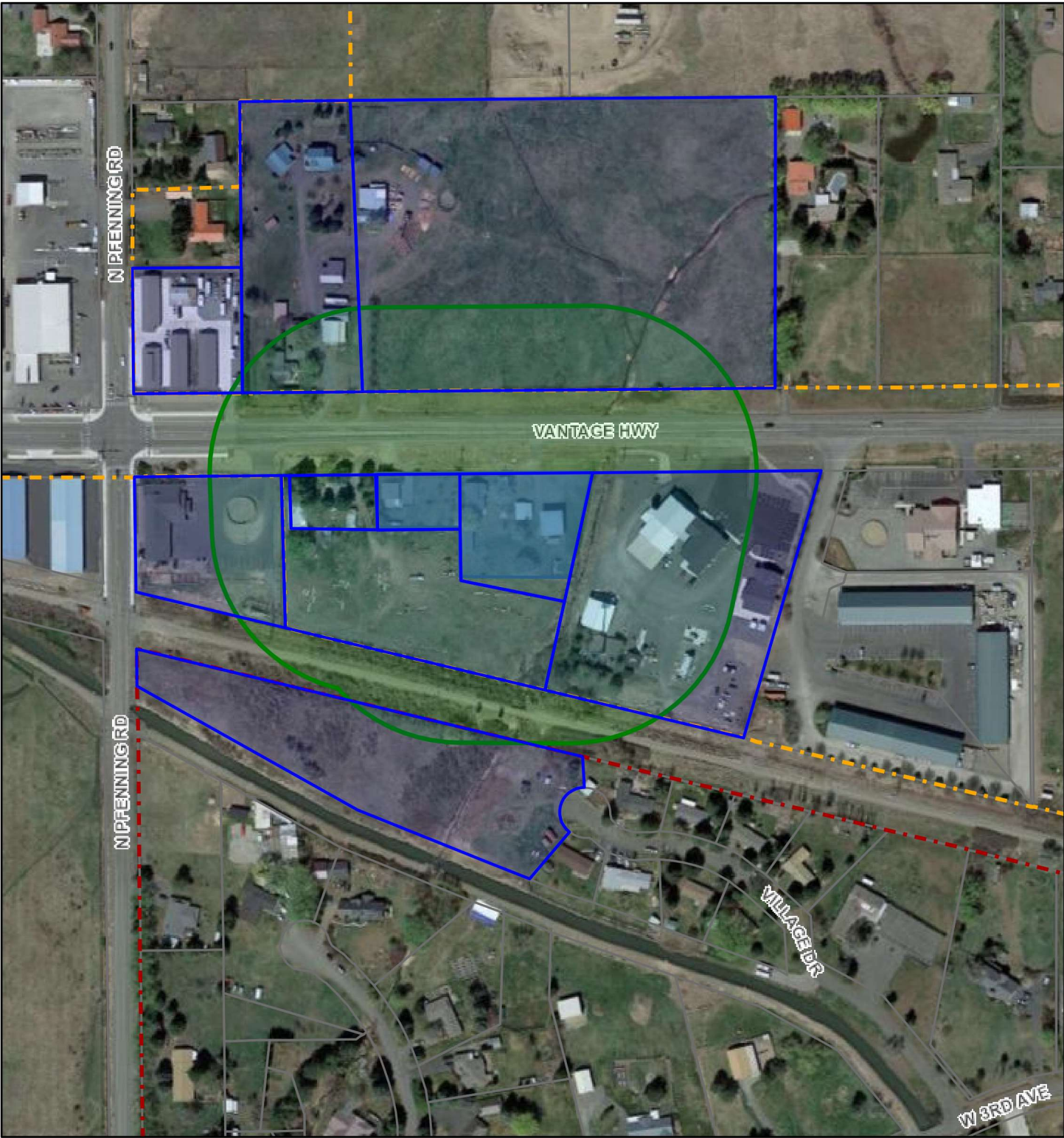
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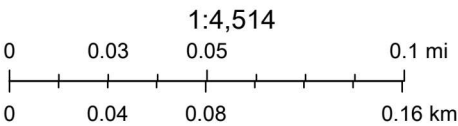
Google Maps | © Copyright City of Ellensburg GIS | COE GIS | Kittitas County Public Works | Kittitas County Auditor | Kittitas County Assessor |

W.LONGMIRE 56



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-  Urban Growth Area
-  City Limits



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NOTICE OF A PUBLIC HEARING REZONE REQUEST

NOTICE IS HEREBY GIVEN that the Hearing Examiner for the City of Ellensburg will hold an open record public hearing at **4:00 pm on Wednesday, June 15, 2022** to consider a Rezone application (P22-012) submitted by Matthew Sweeney, Agent for DNR Jensen Rentals LLC, property owner. The Rezone request is for two properties identified by Parcel ID # 171933 and 181933, addressed as 1900-1930 Vantage Highway, Ellensburg. The applicant seeks to have it rezoned from Residential Suburban (R-S) to Commercial Highway (C-H).

NOTICE IS HEREBY GIVEN that the Hearing Examiner for the City of Ellensburg will hold an open record public hearing at **4:00 pm on Wednesday, June 15, 2022** to consider a Rezone application (P22-015) submitted by Matthew Stalder, Agent for D&D Investments, LLC, property owner. The Rezone request is for property identified by Parcel ID # 782733, addressed as 503 E Helena Avenue, Ellensburg. The applicant seeks to have it rezoned from Residential Suburban (R-S) and Residential Medium (R-M) to Residential Medium (R-M).

NOTICE IS FURTHER GIVEN that all persons interested in these matters may attend in person or remotely. Written comments may be filed with the Community Development Dept, City Hall, 501 N. Anderson St., Ellensburg, WA 98296, attention: Planning Manager Jamey Ayling, or to his email: aylingj@ci.ellensburg.wa.us. **Comments must be submitted in writing by 5:00 pm on Monday, June 13, 2022 in order to be included in the staff report provided to the Hearing Examiner in advance of the hearing. Any comments received after this date and time will be provided to the Hearing Examiner at the meeting itself.**

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) or by calling 509-925-8614.

Please Publish: **Thursday, May 26, 2022**

AFFIDAVIT OF PUBLICATION

RECEIVED

JUN 01 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 P22-012/P22-015

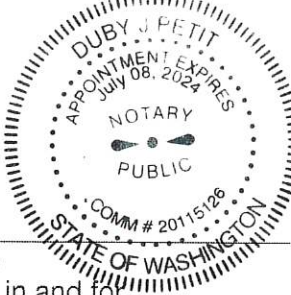
is published in regular issues (and not in supplement form) of said newspaper once a week for a period of 1 consecutive week(s), commencing on the following days.

05/26/22

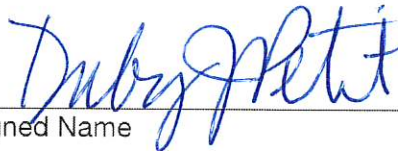
All dates inclusive and that such newspaper were regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of \$121.49 the rate of \$8.80 per column inch for each insertion.



Subscribed to me this date: 05/26/22



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



Signed Name

Legals

Our office will be closed on Monday, May 30th for Memorial Day.

Please observe the following deadlines for advertising:

CLASSIFIEDS

For classified submissions, please contact:
classified2@kvnw.com

LEGAL NOTICES

For legal notice submissions, please contact:
legals@kvnw.com

OBITUARIES & DEATH NOTICES

For obit submissions, please visit:
www.dailyrecordnews.com
then Scroll to the Bottom of the Page
Click on > Submit an Obituary
If you would like further assistance, please contact:
obits@kvnw.com

PUBLISH DATE	DEADLINE
SAT. MAY 28, 2022	THU. MAY 26, 2022 @ 10:30AM
SUN. MAY 29, 2022	NO PUBLISH DAY
MON. MAY 30, 2022	NO PUBLISH DAY, HOLIDAY
TUE. MAY 31, 2022	FRI. MAY 27, 2022 @ 10:30AM
WED. JUN 1, 2022	FRI. MAY 27, 2022 @ 10:30AM

DISPLAY ADVERTISING

For display ad submissions, please contact:
advertising@kvnw.com

PUBLISH DATE	DEADLINE
SAT. MAY 28, 2022	THU. MAY 26, 2022 @ 12:00PM
SUN. MAY 29, 2022	NO PUBLISH DAY
MON. MAY 30, 2022	NO PUBLISH DAY, HOLIDAY
TUE. MAY 31, 2022	FRI. MAY 27, 2022 @ 12:00PM
WED. JUN 1, 2022	FRI. MAY 27, 2022 @ 12:00PM

NOTICE OF A PUBLIC HEARING REZONE REQUEST

NOTICE IS HEREBY GIVEN that the Hearing Examiner for the City of Ellensburg will hold an open record public hearing at 4:00 pm on Wednesday, June 15, 2022 to consider a Rezone application (P22-012) submitted by Matthew Sweeney, Agent for DNR Jensen Rentals LLC, property owner. The Rezone request is for two properties identified by Parcel ID # 171933 and 181933, addressed as 1900-1930 Vanage Highway, Ellensburg. The applicant seeks to have it rezoned from Residential Suburban (R-S) to Commercial Highway (C-H).

NOTICE IS HEREBY GIVEN that the Hearing Examiner for the City of Ellensburg will hold an open record public hearing at 4:00 pm on Wednesday, June 15, 2022 to consider a Rezone application (P22-019) submitted by Matthew Stalker, Agent for D&D Investments, LLC, property owner. The Rezone request is for property identified by Parcel ID # 782733, addressed as 503 E Helena Avenue, Ellensburg. The applicant seeks to have it rezoned from Residential Suburban (R-S) and Residential Medium (R-M) to Residential Medium (R-M).

NOTICE IS FURTHER GIVEN that all persons interested in these matters may attend in person or remotely. Written comments may be filed with the Community Development Dept., City Hall, 501 N. Anderson St., Ellensburg, WA 98926, attention: Planning Manager Jamey Ayling, or to his email: aylingj@ci.ellensburg.wa.us. Comments must be submitted in writing by 5:00 pm on Monday, June 13, 2022 in order to be included in the staff report provided to the Hearing Examiner in advance of the hearing. Any comments received after this date and time will be provided to the Hearing Examiner at the meeting itself.

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) or by calling 509-925-8814.

PUBLISH: Daily Record: May 26, 2022 / LEGAL #: 241214

2022 LIMITED PUBLIC WORKS (VENDOR LIST) - NOTICE TO VENDORS

"2022 LIMITED PUBLIC WORKS (VENDOR LIST) - NOTICE TO VENDORS" Kittitas Reclamation District is creating a Vendor List to award contracts for materials, equipment, supplies or services for amounts between \$10,001 - \$50,000 in lieu of requirements for a formal sealed bid (per RCW 87.05.437 and RCW 39.04.190). The Vendor List will be in effect from June 1, 2022 to November 30, 2022. A vendor may request to be placed on the list at any time during the period specified. The Vendor List shall consist of all responsible vendors who have requested to be on this list, and where required by law are properly licensed or registered to provide materials, equipment, supplies or perform such services in Washington State. Submit request to be added to the Vendor List by mail to KRD, PO Box 276, Ellensburg, WA 98926, or email krd.lina@fairpoint.net. Vendors interested in being placed on the Vendor List must submit the following to be eligible:

- 1) Contact Information, Point of Contact & valid email address
- 2) Materials, Goods, and Equipment Provided
- 3) WA State Contractor's Registration Number
- 4) Bonding Company, amount, and bond number

PUBLISH: Daily Record: May 26, 2022 / LEGAL #: 241245

Ads with a price ALWAYS generate more sales!

Legals

CITY OF ELLENSBURG NOTICE OF WORK BY CITY FORCES (Pursuant to RCW 39.04.020)

NOTICE IS HEREBY GIVEN that City of Ellensburg employees will perform work to complete the following project:

15TH AVENUE IMPROVEMENTS

Project description: This project is to install road crossings and runs of conduit in the right-of-way to replace a direct buried system before scheduled chip seal in July.

Project estimate cost: \$101,012.46

Estimated project start date: June 13th, 2022

Contact information: Kim Bowie, City of Ellensburg
501 N Anderson
Ellensburg, WA 98926
kbowie@ci.ellensburg.wa.us
509-962-7124

DATED this 25th day of May, 2022

BETH LEADER
CITY CLERK
PUBLISH: Daily Record May 26, 2022 /
LEGAL # 241651

LEGAL NOTICE

The Ellensburg Water Company will be applying aquatic weed herbicides to its irrigation canals, laterals, wasteways and drains between April 1 through October 20, 2022 in accordance with Washington Department of Ecology Administrative Order No. 01WQHO-2979.

The purpose of the herbicide applications is to control aquatic weeds within the irrigation delivery system.

Treatments will be made to a majority of the irrigation facilities within the boundaries of the Ellensburg Water Company located in Kittitas County.

The herbicides to be used for aquatic weed control are Endothal (Cascade) and Teton.

Applications are generally made starting in April and ending in October. Depending on weather and other conditions, applications may be necessary on an as needed basis.

Application sites will be posted with the name and telephone number of the Ellensburg Water Company. Waters within the Company boundaries are intended for agricultural purposes only and are not for human consumption or primary contact such as swimming or aquaculture. Irrigation facilities can be dangerous, are not for public use and are intended for Company operation and maintenance personnel only. Company facilities are not for public use and are not to be trespassed upon.

Herbicides will be applied by licensed Company personnel. Ellensburg Water Company Office telephone No. is (509) 925-5498.

Washington Department of Ecology contact is Ray Latham, Central Office, telephone No. (509) 575-2800.

PUBLISH: Daily Record: May 26 & 28, 2022 /
LEGAL #: 241608

NOTICE OF SEPA ACTION Nunnally Holdings, LLC SE-21-00006

NOTICE IS HEREBY given that pursuant to WAC 197-11-340, Kittitas County Community Development Services did on May 26, 2022 issue a Mitigated Determination of Non-Significance (MDNS) on the construction of the private access roads to 13 existing tax parcels. The SEPA application is associated with Kittitas County Public Works Grading Permit GP-20-00020. The project is proposed on a site that is zoned Agriculture 20 within a Rural Working Land Use designation. The square footage of the grade and fill used in the construction of the approximate one (1) mile access road, exceeds the 500 cubic yards threshold pursuant to KCC 15.04.090(1)(e) requiring SEPA. The project proposes access from Stande Road approximately .50 miles north of the Manastash and Stande Road intersection in the SE 1/4 of NE 1/4, Section 08, Township 17N Range 18E, in Kittitas County, bearing Assessor's map number 17-18-08000-0010, tax parcel number 748433.

The lead agency for this proposal has determined that it will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency.

This MDNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days. Any person, affected tribe, or agency may submit comments to the lead agency within 14 days of the date of issuance of the MDNS. The complete checklist and associated documents may be viewed at Kittitas County Community Development Services 411 North Ruby St., Suite 2, Ellensburg, WA 98926, or on the county website: <http://www.co.kittitas.wa.us/cds/land-use/default.aspx> (Miscellaneous SEPA Applications).

Designated Permit Coordinator (staff contact): Kelly Bacon, (509) 962-7539, email at kelly.bacon.cd@co.kittitas.wa.us

Date of Notice: May 26, 2022

Comment Period Ends: June 10, 2022

PUBLISH: Northern Tribune: May 26, 2022 and June 2, 2022

PUBLISH: Daily Record: May 26, 2022 and June 2, 2022 / LEGAL #: 240911

Legals

Legals

Kittitas Reclamation District Small Works Roster

Kittitas Reclamation District (KRD) has established a small works roster for projects on KRD infrastructure and facilities with an estimated cost of \$50,001 to \$350,000. Any contractor wishing to be included on the small works roster for KRD should contact Kittitas Reclamation District at P.O. Box 276 Ellensburg, WA 98926 or email krd.lina@fairpoint.net. KRD is establishing a small works roster for building repair, maintenance and construction, electrical work, excavation, crane services, gate and fencing services. All eligible contractors are required to have the following on file with KRD:

- a. Certificate of Registration with the Department of Labor and Industries
- b. Unified Business Identifier Number (UBI)
- c. Employment Security Department Number
- d. State Excise Tax Registration Number
- e. Federal ID Number / Business License Number
- f. Certificate of Liability Insurance
- g. List of contractor equipment with hourly rates
- h. Contact and business information

All applications must be received by 5:00 PM June 8, 2022.

PUBLISH: Daily Record: May 26, 2022 / LEGAL #: 241250

NOTICE OF APPLICATION

Project Name (File Number): Apostolic Faith United (CU-22-00001)

Applicant: Walter Davenport (Owner)

Location: Parcel# 951598 located at 141 Rein Road at the intersection of Rein Road and Number 6 Road, in Section 8, Township 17, Range 19, bearing Assessor's Map# 17-19-08055-0002 in Kittitas County.

Proposal: The proposed project would convert an existing residence to a church facility with seating for up to 80 parishioners. The subject parcel is zoned Commercial Agriculture with a Commercial Agriculture land use designation. Religious Institutions are allowed in this zone with a Conditional Use Permit.

Materials Available for Review: The submitted application and related filed documents may be examined by the public at the Kittitas County Community Development Services (CDS) office at 411 N. Ruby, Suite 2, Ellensburg, Washington, 98926 or on the CDS website at: <http://www.co.kittitas.wa.us/cds/land-use/default.aspx> under "Conditional Use Permits" under permit number "CU-22-00001 Apostolic Faith United" Phone: (509) 962-7506

Written Comments on this proposal can be submitted to CDS any time prior to 5:00 pm, on Monday, June 13, 2022. Any person has the right to comment on the application and request a copy of the decision once made

Environmental Review (SEPA): The County expects to issue a Determination of Non-Significance (DNS) for this proposal, and will use the optional DNS process, meaning this may be the only opportunity for the public to comment on the environmental impacts of the proposal. A copy of the threshold determination may be obtained from the County once made.

Public Hearing: An open record hearing will be scheduled before the Kittitas County Hearing Examiner. A Public Hearing Notice will be issued establishing the date, time, and location of this hearing.

Required Permits: Conditional Use Permit

Required Studies: SEPA

Designated Permit Coordinator (staff contact): Rachael Stevie, Staff Planner: (509) 962-7637, email at rachael.stevie.cd@co.kittitas.wa.us

Notice of Application: Thursday, May 26, 2022

Application Received: Wednesday, March 23, 2022

Application Complete: Friday, April 22, 2022

Publication Date: Thursday, May 26, 2022

PUBLISH: NKC Tribune: May 26, 2022

PUBLISH: Daily Record: May 26, 2022 / LEGAL #: 239342

Public Notice Kittitas County, Ellensburg WA

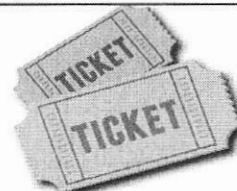
The Board of Kittitas County Commissioners will meet at 2:00 PM on 6/7/22 at Kittitas County Courthouse to consider disposition of items deemed surplus to Kittitas County.

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

Mandy Buchholz
Clerk of the Board - Deputy

PUBLISH: North Kittitas County Tribune: May 19 & 26, 2022

PUBLISH: Daily Record: May 19 & 26, 2022 / LEGAL #: 239195



Classifieds are your ticket to savings!





EXHIBIT 1.6

COMMUNITY DEVELOPMENT DEPARTMENT

501 N. Anderson St, Ellensburg WA 98926

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

Jamey Ayling, Interim Director

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

AFFIDAVIT OF POSTING

The Ellensburg City Code requires that all Type IV Projects (such as site-specific Rezones) shall have a notice posted at the site of the project. Per ECC 15.220.050, the following shall apply:

1. The posting of a weather-resistant sign posted 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, more than one sign may be required as determined by the responsible official.
3. The responsibility for the posting of the sign shall be upon the project applicant.
4. The sign shall be at least two feet by three feet in size, have a written description of the proposal, include a site drawing which shows the proposed project, have the date listed when comments are due, and where comments are to be mailed.

DATE: May 26, 2022	PLANNER: Jamey Ayling, Interim Director
PROJECT NAME: Rezone of Parcels 181933, 171933, from R-S to C-H	FILE NUMBER: P22-012

PLEASE COMPLETE THE FOLLOWING:

I, **Matthew Sweeney**, 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 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. **Please post the site and return this form to the Community Development Department in a timely manner.**


Signature

May, 31, 2022
Date

Please return the above affidavit and a photograph of the posted sign(s) to Jamey Ayling, Planning Manager, by email: aylingj@ci.ellensburg.wa.us; mail; or deliver to: Community Development Dept., City Hall, 501 N. Anderson St., Ellensburg, WA 98926.

LAND USE ACTION

Notice of Public Hearing:

NOTICE IS HEREBY GIVEN that the City of Ellensburg Hearing Examiner will hold an open record public hearing at 4:00 pm on **Wednesday, June 15, 2022** in the Council Chambers, to consider a rezoning application (P22-412). The applicant seeks a rezoning of two parcels from Residential Suburban(RS) to Commercial Highway (CH) zoning. This parcel is approximately 1.47-acres and is located at 1900 and 1530 Vantage Highway.



All parcels mentioned in this notice are subject to the hearing process as provided in the applicable code or other laws of the City of Ellensburg, WA. The City of Ellensburg Hearing Examiner will hold an open record public hearing at 4:00 pm on Wednesday, June 15, 2022, in the Council Chambers, to consider a rezoning application (P22-412). The applicant seeks a rezoning of two parcels from Residential Suburban(RS) to Commercial Highway (CH) zoning. This parcel is approximately 1.47-acres and is located at 1900 and 1530 Vantage Highway.

The applicant's application will be considered by the City of Ellensburg Hearing Examiner on Wednesday, June 15, 2022, at 4:00 pm in the Council Chambers, to consider a rezoning application (P22-412). The applicant seeks a rezoning of two parcels from Residential Suburban(RS) to Commercial Highway (CH) zoning. This parcel is approximately 1.47-acres and is located at 1900 and 1530 Vantage Highway.

Staff Contact: Jeremy Ayling, Hearing Examiner, jayling@ellensburg.gov or 509-425-4222.

Mailing Address: Community Development Dept., 541 S. Anderson St., Ellensburg, WA 98926.



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

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

Proponent: Matt Sweeney, Agent for Owner

Location: The two subject parcels are located on the south side of Vantage Highway, and east of Pfenning Rd., in Ellensburg, WA.

Description: Case # P22-011; a SEPA Environmental checklist for the proposed site-specific, non-project rezone of two adjacent parcels located on the south side of Vantage Highway. The proposed rezone includes Parcel ID #181933 (.35 acres) and #171933 (1.12 acres), and the proposed change is from Residential Suburban to Commercial Highway.

Lead Agency: City of Ellensburg

File #: P22-011

The lead agency for this proposal has determined that the proposed rezone 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.

This **Determination of Non-Significance (DNS)** is issued under WAC 197-11-355; There is no further comment period on the DNS. Any action to set aside, enjoin, review, or otherwise challenge this administrative SEPA action on the grounds of noncompliance with the provisions of Chapter 43.21C RCW shall be made to the Hearings Examiner within 14 days of this decision.

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: 3-21-22

Signature: _____

Kirsten Sackett

Appeals: Following the issuance of this DNS, 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 1.8

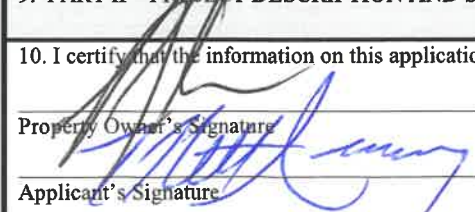
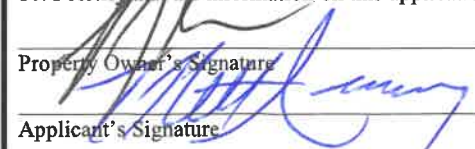
Land Use Application Cover Sheet

P22-012
RECEIVED
01/27/2022
COMMUNITY
DEVELOPMENT
PA-01
APPLICATION

Community Development Department 501 N. Anderson, Ellensburg, WA 98926 (509) 962-7239 (Building) permits@ci.ellensburg.wa.us (509) 962-7231 (Planning) comdev@ci.ellensburg.wa.us
--

INSTRUCTIONS – PLEASE READ FIRST AND ANSWER ALL QUESTIONS COMPLETELY.

If you have any questions about this form or the application process, please ask to speak with a planner. All necessary attachments and the filing fee are required upon submittal. Filing fees are not refundable. This application consists of two parts. PART I - GENERAL INFORMATION and PART II, project descriptions and site plan contain additional information specific to your proposal and all required information MUST be attached to this page to complete the application process.

PART I – GENERAL INFORMATION																																		
1. Applicant's Information:	Name:	Matthew Sweeney																																
	Mailing Address:	PO Box 7935																																
	City:	Tacoma	St:	WA Zip: 98417 Phone : (253) 241-6289																														
	E-Mail:	matt#rcftacoma.com																																
2. Applicant's Interest in Property:	Check One:	☐ Owner ☐ Agent ☐ Purchaser ☒ Other Attorney for owner																																
3. Property Owner's Information (If other than Applicant):	Name:	DNR Jensen Rentals LLC, Randy & Dan Jensen																																
	Mailing Address:	11012 Canyon Road E. STE 8-390																																
	City:	Puyallup	St:	WA Zip: 98373 Phone : ()																														
	E-Mail:																																	
4. Subject Property's Assessor's Parcel Number(s): 171-933, 181-933																																		
5. Legal Description of Property. (if lengthy, please attach it on a separate document) attached																																		
6. Property Address: 1900-1930 Vantage Highway																																		
7. Property's Existing Zoning: ☒ RS ☐ RL ☐ RM ☐ RH ☐ RO ☐ CN ☐ CH ☐ CT ☐ CC ☐ CCH ☐ MHP ☐ IL ☐ IH ☐ PR ☐ PUD																																		
8. Type Of Application: (Check All That Apply)																																		
<table border="0"> <tr> <td>☐ Final Plat Application</td> <td>☐ Environmental Checklist (SEPA Review)</td> <td>☐ Conditional Use Permit</td> </tr> <tr> <td>☐ Type (II) Review</td> <td>☐ Landmarks COA</td> <td>☒ Rezone</td> </tr> <tr> <td>☐ Boundary Line Adjustment</td> <td>☐ Landmarks Demolition</td> <td>☐ Shoreline</td> </tr> <tr> <td>☐ Short Plat Alteration</td> <td>☐ Commercial Wireless Communication</td> <td>☐ Critical Areas Review</td> </tr> <tr> <td>☐ Preliminary Short Subdivision</td> <td>☐ Appeal to HE / City Council</td> <td>☐ Variance/Admin. Variance</td> </tr> <tr> <td>☐ Preliminary Long Subdivision</td> <td>☐ Code Interpretation</td> <td>☐ Temporary Use Permit</td> </tr> <tr> <td>☐ Plat Vacation</td> <td>☐ Regional Retail Master Plan</td> <td>☐ Design Review Major/Minor</td> </tr> <tr> <td>☐ Plat Alteration</td> <td>☐ Design Review Departure</td> <td>☐ Binding Site Plan</td> </tr> <tr> <td>☐ Master Plan P-R Use</td> <td>☐ Comprehensive Plan Amendment</td> <td>☐ Essential Public Facility</td> </tr> <tr> <td>☐ Annexation</td> <td>☐ Development Code Amendment</td> <td>☐ Site Development Permit</td> </tr> </table>					☐ Final Plat Application	☐ Environmental Checklist (SEPA Review)	☐ Conditional Use Permit	☐ Type (II) Review	☐ Landmarks COA	☒ Rezone	☐ Boundary Line Adjustment	☐ Landmarks Demolition	☐ Shoreline	☐ Short Plat Alteration	☐ Commercial Wireless Communication	☐ Critical Areas Review	☐ Preliminary Short Subdivision	☐ Appeal to HE / City Council	☐ Variance/Admin. Variance	☐ Preliminary Long Subdivision	☐ Code Interpretation	☐ Temporary Use Permit	☐ Plat Vacation	☐ Regional Retail Master Plan	☐ Design Review Major/Minor	☐ Plat Alteration	☐ Design Review Departure	☐ Binding Site Plan	☐ Master Plan P-R Use	☐ Comprehensive Plan Amendment	☐ Essential Public Facility	☐ Annexation	☐ Development Code Amendment	☐ Site Development Permit
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9. PART II – PROJECT DESCRIPTION AND SITE PLAN (See attached page)																																		
10. I certify that the information on this application and the required attachments are true and correct to the best of my knowledge.																																		
 Property Owner's Signature		1-20-22 Date																																
 Applicant's Signature		1-20-22 Date																																
FILE/APPLICATION(S)# P22-012																																		
DATE FEE PAID:	RECEIVED BY:	AMOUNT PAID:	RECEIPT NO:																															

**DNR Jensen Rentals LLC, Randy and Dan Jensen
Rezone Request**

1900-1930 Vantage Highway
Parcels Nos.: 171933, 181933

Proposal: Rezone two contiguous parcels from Residential Suburban (R-S) to Commercial Highway (C-H) on the south side of Vantage highway near the eastern edge of the City limits.

Discussion: DNR Jensen Rentals LLC, Randy and Dan Jensen, own four contiguous parcels on the south side of Vantage Highway near the edge of town totaling 4.4 acres. Two of the parcels are already zoned Commercial Highway (C-H) while two are zoned Residential Suburban (R-S). On the west is a parcel, apparently outside the City limits, being used as a veterinary hospital. On the east is a large Kittitas County Fire District facility and this property is in the City and zoned Public Reserve (P-R). Across the highway is largely vacant unincorporated Kittitas County land. To the south is the old railroad grade, now a walking trail.

The parcels were annexed into the City a few years ago and at the time Jensen only owned two of the parcels and the City designated these as Commercial Highway. Since then, Jensen has acquired the other two that are zoned R-S. Having the entire 4.4 acres zoned Commercial Highway will facilitate re-development of the property consistent with the City's Comprehensive Plan.

Rezone Criteria. A Site Specific Rezone must meet certain criteria set forth at EMC15.250.060.

C. Site-Specific Rezone Decision Criteria. The city may approve or approve with modifications an application for a rezone of property only if the applicant has adequately demonstrated that all of the following statements apply to the proposed rezone:

1. Conditions have changed since the imposition of the zoning classification on the property;
2. The proposed rezone bears a substantial relationship to the public health, safety, morals, and general welfare;
3. The proposed rezone is consistent with the comprehensive plan; and
4. The proposed rezone to a particular zoning district shall be consistent with the development standards in the LDC for the zoning district.

The burden of this demonstration is on the rezone applicant.

Comprehensive Plan. A proposed rezone must be compatible with the adopted Comprehensive Plan. The City's Comprehensive Plan Future Land Use Map designates this area as Community Mixed Use. This designation is set forth in the Land Use Element, Chapter 1.

COMMUNITY MIXED USE. This designation accommodates a combination of commercial and/or office activities that include a residential component within a self-contained planned development. Activities within this land use designation are the basic

employment and services necessary for a vibrant community. Establishments located in this designation draw from the community as a whole for the employee and customer base. They serve the larger community as well as adjacent neighborhoods. A broad range of functions including retail, education, financial institutions, professional and personal services, offices, residences, and general service activities are typical in this designation.

Community mixed use areas should be integrated with main transportation corridors, including public transit and active transportation systems. The density of development may be higher than currently seen in most commercial areas in Ellensburg. Mixing commercial and residential uses within this designation, typically with residences on upper floors, will facilitate access to services and retail opportunities without requiring the use of an automobile. Implementation of this land use designation should include encouraging medium to high-density residential uses.

Zoning Code. The Commercial Highway (C-H) zoning designation is described in the City's Code at EMC15.300.050:

(C). Commercial Highway Zone (C-H). The C-H zone is intended to accommodate diversified commercial establishments. 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. Providing standards and guidelines that enhance the appearance and function of commercial highway uses and their compatibility with surrounding uses;
4. 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.

The C-H Zone allows for a variety of commercial uses. Given the highway frontage and being on the edge of town, Jensen is most interested in developing the property for the provision of heavy retail or heavy services. These uses are allowed outright in the C-H Zone and defined in the Code as:

“Heavy retail” includes retail activities that are generally conducted indoors but may have an ancillary use, such as a garden center, where limited outdoor operations, storage, and sales may occur. This use category includes, but is not limited to, agricultural supplies, building materials, manufactured homes, and outdoor display/sales. Heavy retail uses are limited to buildings no larger than 50,000 gross square feet in area.

“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 and warehousing. Heavy service uses are limited to buildings no larger than 50,000 gross square feet in area.

Decision Criteria per EMC 15.250.060C.

1. Conditions have changed since the imposition of the zoning classification on the property.

The property owner has acquired the subject parcels to go with the two parcels already owned and already zoned Commercial Highway. The City has made substantial improvements to the nearby intersection including signalization. Additionally, major frontage improvements are being planned as part of the Gateway II enhancement project that will change the character of the immediate area. These changed conditions make single family residential use and zoning inappropriate for the area.

2. The proposed rezone bears a substantial relationship to the public health, safety, morals, and general welfare.

The existing parcels have a couple of older single family houses and a hodgepodge of outbuilding is various states of repair. The site is sandwiched by non-residential uses on either side and Vantage Highway is a major roadway slated for future improvements. The site is not really conducive to single family development but is ideal for commercial uses. There is good access and all needed utilities are available. The rezone will allow redevelopment of the property to more appropriate uses consistent with the public health, safety and welfare.

3. The proposed rezone is consistent with the comprehensive plan.

As noted above, the City's Comprehensive Plan Future Land Use Map designates this area as Community Mixed Use. This allows for a variety of commercial uses and includes the zoning designation Commercial Highway. Going from a residential zoning to a commercial zoning is consistent with the Comprehensive Plan and with the future development of the area.

4. The proposed rezone to a particular zoning district shall be consistent with the development standards in the LDC for the zoning district. N/A

Exhibit 2



COMMUNITY DEVELOPMENT DEPARTMENT

501 N. Anderson St, Ellensburg WA 98926

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

Jamey Ayling, Interim Director

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

AFFIDAVIT OF POSTING

The Ellensburg City Code requires that all Type IV Projects (such as site-specific Rezones) shall have a notice posted at the site of the project. Per ECC 15.220.050, the following shall apply:

1. The posting of a weather-resistant sign posted 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, more than one sign may be required as determined by the responsible official.
3. The responsibility for the posting of the sign shall be upon the project applicant.
4. The sign shall be at least two feet by three feet in size, have a written description of the proposal, include a site drawing which shows the proposed project, have the date listed when comments are due, and where comments are to be mailed.

DATE: June 24, 2022	PLANNER: Jamey Ayling, Interim Director
PROJECT NAME: Rezone of Parcels 181933, 171933, from R-S to C-H	FILE NUMBER: P22-012

PLEASE COMPLETE THE FOLLOWING:

I, Matthew Seery, 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 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. **Please post the site and return this form to the Community Development Department in a timely manner.**

Matthew Seery
Signature

6/30 20 22
Date

Please return the above affidavit and a photograph of the posted sign(s) to Jamey Ayling, Planning Manager, by email: aylingj@ci.ellensburg.wa.us; mail; or deliver to: Community Development Dept., City Hall, 501 N. Anderson St., Ellensburg, WA 98926.





CITY COUNCIL AGENDA REPORT

City Council Meeting Date: July 18, 2022

Item Title/Agenda Subject: Rezone Application P22-015, Submitted by Matt Stalder, Agent for D & D Investment Group, Property Owner – Closed Record Hearing (quasi-judicial); and First Reading of Ordinance 4894 Approving Rezone Application P22-015

Submitted by: Jamey Ayling Community Development

Recommended Action or Motion: 1) Hold a closed record quasi-judicial public hearing and approve rezone request P22-015 from split zoning of Residential Suburban and Residential Medium to Residential Medium zoning, and adopt the Hearing Examiner's corrected Findings of Fact, Conclusions of Law, and Decision and Conditions of Approval (Exhibit 1); and

2) Conduct first reading of Ordinance 4894 (attached).

Background/Summary: This is a closed record quasi-judicial hearing to consider a site-specific rezone application (P22-015) submitted by Matt Stalder, agent for D & D Investment Group, property owner. The applicant seeks to rezone one parcel with split zoning from Residential Suburban (R-S) and Residential Medium (R-M) to Residential Medium (R-M) for the purpose of developing a multifamily multiple building complex. A State Environmental Policy Action (SEPA) Determination of Mitigated Non-Significance (MDNS) was issued for the parcel on April 11, 2022 for the site-specific rezone.

If the rezone application is approved by Council following the closed record hearing, staff also requests that Council proceed with first reading of Ordinance 4894 to implement the rezone.

Previous Council Action: N/A

Analysis: An open record public hearing was held before Hearing Examiner Andy Kottkamp on June 15, 2022. His recommendation, received on June 16, 2022, and corrected to address a scrivener's error on July 11, 2022 is attached to this report as Exhibit 1, and includes 10 exhibits which are attached

to this report as Exhibits 1.1 through 1.10. The June 15, 2022 staff report submitted to the Hearing Examiner is Exhibit 1.10.

During the public hearing, Matt Stalder, agent for the property owner testified on behalf of the rezone proposal before the Hearing Examiner. No testimony was received from the public. Following the public hearing, the Hearing Examiner determined the request to be consistent with the City's Comprehensive Plan designation of Urban Neighborhood for the property and with the requirements of the Ellensburg City Code (ECC). He therefore recommended that City Council approve the rezone from R-S and R-M to R-M, with conditions (Exhibit 1 at pp. 5).

BACKGROUND AND SITE INFORMATION

Location: The parcel is located north of Helena Ave, and west of Airport Road, in Ellensburg; Kittitas County Assessor's Parcel ID #782733; addressed as 503 E Helena Avenue. (Exhibit 1.1).

Site Characteristics: The site topography is relatively flat and the site has been used as a single family dwelling.

Surrounding Properties: A zoning map of the surrounding properties is attached as Exhibit 1.2. The zoning of the surrounding properties is further described below.

North: The property to the north is zoned Residential Suburban, and consists of a single-family dwelling.

South: The properties to the south are zoned Residential

Medium (R-M), and consist of various multi-family dwellings

East: The properties to the east are zoned Residential Medium (R-M), and consist of single-family dwellings.

West: The properties to the west are zoned Residential Medium (R-M) and consist of duplex family dwellings.

Access: Access to the property is from Helena Avenue which is classified as a minor arterial.

Zoning and Development Standards, ECC Title 15: Ellensburg City Code (ECC) Table 15.310.040, indicates that while single-family, and cottage type dwellings are allowed in both R-M and R-S zones; duplex, townhouse, and multifamily type dwellings

may be permitted in R-S zones subject to density bonuses and townhouses and multifamily dwellings shall not be located adjacent to existing single-family dwellings except where approved on an individual plat. In R-M zones duplex, townhouse, and multifamily type dwellings are permitted outright.

Comprehensive Plan Designations: A map of the comprehensive plan future land use designations is attached as Exhibit 1.3. This parcel is designated Urban Neighborhood which supports a wide range of housing types and allows for the development of transitional areas between lower density neighborhoods and higher density residential and commercial areas. The Urban Neighborhood designation accommodates a wide range of building types, from small-lot single dwellings to large-scale multistory, multi-dwelling developments. This designation is similar to the residential neighborhood designation of other properties zoned R-M across the street.

Critical Areas: Per the Ellensburg Wetlands Inventory, there are no wetlands or potential wetlands located on the property. Additionally, the parcel is not located within a floodplain, nor are there any fish and wildlife habitat conservation areas on the parcel.

ENVIRONMENTAL (SEPA) REVIEW

The applicant submitted the required SEPA checklist for review, which was processed as follows:

SEPA Checklist Submitted: 01/07/22; add. info 03/04/22

Determination of Completeness: 03/04/22

Notice to Property owners: 03/07/22

SEPA Threshold Determination 04/11/22

The City of Ellensburg departments commented on the SEPA request and the pre-application, but had no comments specific to the rezone. No other agency/departamental comments were received by the SEPA comment deadline.

A SEPA Mitigated Determination of Non-Significance (MDNS) was issued on April 11, 2022 (Exhibit 1.7), for the rezone and associated new construction of a 15-unit apartment building.

HEARING EXAMINER REVIEW

Public Comments: Notice of the open record public hearing (Exhibit 1.5) was published in the legal section of the Daily Record on May 26, 2022, and the site was posted with a land use action sign on May 31, 2022 (Exhibit 1.6). On May 26, 2022, notice of the rezone was mailed to property owners within 300 feet of the proposed site (Exhibit 1.4).

No public comments on this rezone request were received.

The open record public hearing was held before the Hearing Examiner on June 15, 2022. The applicant's representative Matt Stalder was the only person to speak at the hearing and he agreed with the staff recommendation presented to the Hearing Examiner.

CITY COUNCIL REVIEW

Public Comments: Notice of this closed record hearing before City Council was published in the legal section of the Daily Record on June 25, 2022, and the site was posted with a land use action sign on June 27, 2022 (Exhibit 2).

PROJECT ANALYSIS

I. PROJECT ANALYSIS

A. Ellensburg City Code Requirements for Site-Specific Rezone

Per Ellensburg City Code, site-specific rezone applications are subject to the Type IV review process, and the Hearings Examiner provides a recommendation to City Council after holding an open record public hearing. The Hearings Examiner must find that the application is in compliance with the decision criteria in ECC 15.250.060.

The criteria for consideration of a site specific rezone are set forth in ECC 15.250.060(C). The applicant has the burden of establishing that all of the following criteria apply to the proposed rezone:

1. Conditions have changed since the imposition of the zoning classification on the property;
2. The proposed rezone bears a substantial relationship to the

public health, safety, morals, and general welfare;

3. The proposed rezone is consistent with the comprehensive plan;

4. The proposed rezone to a particular zoning district shall be consistent with the development standards in the Land Development Code for the zoning district.

B. Analysis of Criteria for a Site-Specific Rezone

The applicant has submitted an application (Exhibit 1.8) with a narrative (Exhibit 1.9) addressing the rezone criteria found in ECC 15.250.060(C). The applicant seeks Residential High (R-H) zoning in order to facilitate the development of a multifamily multiple building complex. The information submitted by the applicant is followed by staff analysis.

1. Conditions have changed since the imposition of the zoning classification on the property.

Applicant narrative: The conditions of the property and land use needs have changed dramatically since the last update to its zoning two decades ago. The City has expanded rapidly and as the area of the site has experienced infill of higher density rental development with more needed with single family developments going elsewhere in town.

Staff analysis: In 1997, this property was annexed into the City of Ellensburg and the property was subsequently split zoned as Residential-Medium (R-M) and Residential-Suburban (R-S). At the time of annexation the property was in use as a residence and the comprehensive plan land use designation was Blended Residential. The current comprehensive plan land use designation is Urban Residential. The site specific rezone request is consistent with the Urban Residential land use designation.

2. The proposed rezone bears a substantial relationship to the public health, safety, morals, and general welfare.

Applicant narrative: The rezone is critical to the area as the current as it will allow for higher density development that the City has acknowledged is required to help alleviate the housing shortage of the town.

Staff analysis: The rezone to Residential Medium (R-M) will eliminate the split zoning of the existing parcel to provide additional contiguous higher density land for development of a multifamily housing structure consisting of 15 small units. The City has a responsibility under the Growth Management Act to make adequate provisions for existing and projected needs of all economic segments of the community. Based on both affordability and household size, the Ellensburg Comprehensive Plan identifies a need for more one and two bedroom dwellings in Ellensburg. The multifamily residential structure will conform with Ellensburg City Code, and will meet the goal encouraging opportunities for infill as supported by the comp plan without increasing an unexpected demand on utilities and services. This will support the public health, safety, and general welfare of the community by reducing pressures on the low housing supply options.

3. The proposed rezone is consistent with the comprehensive plan.

Applicant narrative: The parcel is in the Urban Neighborhood area portion of the Future Land Use Map on page 29 of the Comprehensive Plan. The Residential Medium-Density zone is intended for the area type stated in ECC 15.300.040 (C).

Staff analysis: The current Comprehensive Plan Designation for the parcel is Urban Neighborhood which is consistent with the rezone request to residential medium density (R-M) as depicted in the attached Comprehensive Plan Future Land Use Designation map (Exhibit 3). In the Comprehensive Plan the description of Urban Neighborhood indicates that it supports a wide range of housing types and allows for the development of transitional areas between lower density neighborhoods and higher density residential and commercial areas. The Urban Neighborhood designation accommodates a wide range of building types, from small-lot single dwellings to large-scale multistory, multi-dwelling developments.

The Comprehensive Plan further indicates that in the Urban Neighborhood land use designation, implementing zoning districts for lower density housing are appropriate adjacent to

existing single family residential areas characterized primarily by detached housing units and zero lot line projects. Implementing zoning districts that accommodate higher density housing types are more appropriate adjacent to parks and the University campus, along transit routes and principal and minor arterials, on local streets adjacent to commercial areas and served by transit routes, and near recreational activity centers, shopping centers, and entertainment areas.

The parcels for this proposed rezone are addressed along East Helena Avenue which is designated as a minor arterial. East Helena Avenue is served by transit from Water Street to Alder Street, making them appropriate for higher density types of housing.

In addition, staff finds the request for R-M zoning to be in keeping with the following goals, policies and programs of the Comprehensive Plan:

Goal LU-1, "Encourage development that creates a variety of housing, shopping, entertainment, recreation, gathering spaces, employment, and services that are accessible to neighborhoods."

Policy B, "Integrate new development with consideration to design and scale that complements existing neighborhoods and provides effective transitions between different uses and intensities."

Goal LU-2, "Establish land use patterns that promote walking, biking, and using transit to access goods, services, education, employment and recreation."

Policy A, "Enhance the character, quality, and function of existing neighborhoods while accommodating anticipated growth."

Program 2, "Encourage compact form for urban development, particularly in newly developed areas and where infill is possible."

Goal H-1, "Preserve, protect, and strengthen the vitality and stability of existing neighborhoods."

Policy A, "Encourage development of an appropriate mix of housing choices through innovative land use and well-crafted regulations."

Program 2, "Encourage infill development on vacant and

underused sites.”

Goal H-2, “Allow and encourage a variety of housing types and densities to meet housing needs of all economic segments of the community.”

4. The proposed rezone to a particular zoning district shall be consistent with the development standards in the LDC for the zoning district.

Applicant narrative: ECC 15.300.040(A.) additionally implies that the R-S is not an allowable zone the Urban Neighborhood use area. R-S is also an inconsistent zone as it is for “areas characterized predominantly by single- family dwellings,” while the area around the site is predominantly medium to larger scale multifamily developments which is what the R-M zone is intended for. The rest of the neighborhood to the East and South of the parcel is all R-M and R-H so this rezone would create consistency.

Staff analysis: Staff finds the rezone proposal consistent with the purpose and standards of Residential Medium (R-M) zoning as set forth in ECC 15.300.040(C).

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 a minimum density standard to avoid large scale low density sprawl;
6. Providing for an option for a modest floor area ratio bonus (see ECC 15.330.030) in exchange for:
 - a. Energy efficient building and site design; or

- b. Purchase of transferable development rights (subject to the city adopting a TDR program) that help to preserve valuable resource lands outside the city; and
- 7. Use of this zone is appropriate for:
 - a. Areas designated mixed residential in the comprehensive plan; and
 - b. Areas characterized by a mix of single and multifamily buildings;
 - c. Areas within one-half mile of Central Washington University;
 - d. Areas located along designated arterial streets;
 - e. Areas adjacent to commercial zoned property; or
 - f. Areas located along corridors served by transit.

The applicant seeks Residential Medium (R-M) zoning for developing multifamily dwellings. The applicant would be responsible for meeting all development standards under the Land Development Code if the rezone request is approved.

Financial Impact: N/A

Attachments:

4894 - Rezone P22-015 (first reading)
Exhibit 1 Hearing Examiner Final Decision
Exhibit 1.1 Location Map
Exhibit 1.2 Current Zoning Map
Exhibit 1.3 Comp Plan Map
Exhibit 1.4 Buffer Map
Exhibit 1.5 Legal Notice
Exhibit 1.6 P22-015 Affidavit of Post Rezone
Exhibit 1.7 SEPA MDNS
Exhibit 1.8 REZONE APPLICATION
Exhibit 1.9 NARRATIVE
Exhibit 1.10 Staff report for Hearing Examiner
Exhibit 2 Closed Record Public Hearing Affidavit of Post

ORDINANCE NO. 4894

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO ZONING AND AMENDING TITLE 15 OF THE ELLENSBURG CITY CODE BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE CITY OF ELLENSBURG FROM RESIDENTIAL SUBURBAN (R-S) AND RESIDENTIAL MEDIUM (R-M) TO RESIDENTIAL MEDIUM (R-M).

WHEREAS, on February 15, 2022 the City received an application (P22-015) from Matt Stalder, agent for property owner D & D Investment Group, requesting a rezone of a parcel located at 510 Vantage Highway, Parcel ID Number 782733 (“application”); and

WHEREAS, the application proposed to rezone the parcel with split zoning from Residential Suburban (R-S) and Residential Medium (R-M) to Residential Medium (R-M); and

WHEREAS, pursuant to ECC Table 15.210.050(D), a Site-Specific Rezone Application is processed under a Type IV review, which requires a Hearing Examiner recommendation to City Council after an Open Record Hearing, with the final decision to be made by City Council after a Quasi-Judicial Closed Record Hearing; and

WHEREAS, the SEPA official for the City issued a Mitigated Determination of Non-Significance (MDNS), on April 11, 2022; and

WHEREAS, the Hearing Examiner held a duly noticed open record hearing on June 15, 2022, received evidence and heard testimony regarding the proposed rezone; and

WHEREAS, the Hearing Examiner on July 11, 2022, issued corrected Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval for the rezone request from R-S and R-M to R-M; and

WHEREAS, the Ellensburg City Council held a duly noticed closed record hearing on July 18, 2022 and at the conclusion of the hearing approved a motion to adopt the Hearing Examiner’s Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval, and to approve the applicant’s request to rezone the subject property from R-S and R-M to R-M;

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

Section 1. The City Council adopts the findings of fact and conclusions based thereon, made and entered by the Hearing Examiner in support of the recommendation to the City Council for approval with regard to the rezone for the hereinafter described property located at 503 E Helena Avenue, with Parcel ID Number 782733 as set forth in the Hearing Examiner’s

“Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval,” dated June 16, 2022, attached as Exhibit A.

Section 2. Title 15 of the Ellensburg City Code is hereby amended by changing the city’s zoning map as adopted in ECC 15.300.020 for the following described area from Residential Suburban (R-S) and Residential Medium (R-M) to Residential Medium (R-M):

ACRES .53, CD. 8735-E; SEC 26; TWP 18; RGE 18; PTN SE1/4 SE1/4 (PARCEL A, B22/P248)

Section 3. That the official zoning map of the City of Ellensburg, as well as the Geographic Information System (GIS) data shall be amended to incorporate the land use classifications herein provided.

Section 4. Except as modified herein, each and every provision of the City Land Development Code, Title 15, as amended, shall remain in full force and effect.

Section 5. 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 6. 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 7. Effective Date. This ordinance shall take effect and be in full force five (5) days after passage, approval and publication as required by law.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the ____ day of _____, 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. 4894 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, that Ordinance No. 4894 was published as required by law.

Beth Leader

**CITY OF ELLENSBURG
LAND USE HEARING EXAMINER**

IN THE MATTER OF

P 22-015

D & D Investment Group

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)
)
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**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 June 15, 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. The applicant seeks to rezone the subject property from Residential Suburban (R-S) and Residential Medium (R-M) to Residential Medium (R-M) for the purpose of developing a multifamily multiple building complex. A State Environmental Policy Action (SEPA) Determination of Mitigated Non-Significance (MDNS) was issued for the parcel on April 11, 2022 for the site specific rezone.
2. The applicant is Matt Stalder, agent for D & D Investment Group, property owner.
3. The parcel is located north of Helena Ave, and west of Airport Way, in Ellensburg; Kittitas County Assessor's Parcel ID #782733; addressed as 503 E Helena Avenue.
4. The parcel is currently developed with a small single family dwelling and garage that are proposed to be demolished. Currently, this parcel has split zoning of Residential Medium and Residential Suburban. The applicant is proposing to change the entire parcel to RM zoning for compatibility with multifamily building. The proposal would be to develop the site with a 15-unit multistory multifamily building. The property is bordered by Residential-Medium density zoning to the south east and west and Residential Suburban to the north. The parcel is larger than the other R-S zoned lots on the same street and similar in size to those lots zoned R-L to the East.
5. In 1997, the parcels were annexed into the City of Ellensburg. At that time, the property was zoned Residential-Suburban (R-S).
6. The site topography is relatively flat and the site has been used as a single family dwelling.
7. The zoning of the surrounding properties is further described below:
North: The property to the north is zoned Residential Suburban, and consists of a single-family dwelling.
South: The properties to the south are zoned Residential Medium (R-M), and consist of various multi-family dwellings.
East: The properties to the east are zoned Residential Medium (R-M), and consist of single-family dwellings.
West: The properties to the west are zoned Residential Medium (R-M) and consist of duplex family dwellings.

Rezone P22-015
D & D Investment Group
Page 1 of 7

8. Zoning and Development Standards, ECC Title 15: Ellensburg City Code (ECC) Table 15.310.040, Ellensburg City Code (ECC) Table 15.310.040, Residential-based Uses – indicates that while single-family, and cottage type dwellings are allowed in both R-M and R-S zones; duplex, townhouse, and multifamily type dwellings may be permitted in R-S zones subject to density bonuses and townhouses and multifamily dwellings shall not be located adjacent to existing single-family dwellings except where approved on an individual plat. In R-M zones duplex, townhouse, and multifamily type dwellings are permitted outright.
9. Comprehensive Plan Designations: This parcel is designated Urban Neighborhood which supports a wide range of housing types and allows for the development of transitional areas between lower density neighborhoods and higher density residential and commercial areas. The Urban Neighborhood designation accommodates a wide range of building types, from small-lot single dwellings to large-scale multistory, multi-dwelling developments. This designation is similar to the residential neighborhood designation of other properties zoned R-M across the street.
10. Access: Access to the property is from Helena Avenue
11. Subsequent to the SEPA environmental review, public notice and distribution of the site specific rezone request was undertaken.
12. Notice of the open record public hearing was published in the legal section of the Daily Record on May 26, 2022, and the site was posted with a land use action signs on May 26, 2022. On May 24, 2022 notice of the rezone was mailed to property owners within 300 feet of the proposed site. As of the date of this decision, no comments have been received
13. The required SEPA checklist was submitted on January 7, 2022, with subsequent information added on March 4, 2022. The Determination of Completeness was issued on March 4, 2022. The Notice to property owners was issued on March 7, 2022, and the SEPA Threshold Determination was issued on April 11, 2022.
14. The City of Ellensburg departments commented on the SEPA request, but had no comments specific to the rezone. A SEPA Mitigated Determination of Non-Significance (MDNS) was issued on April 11, 2022, for the non-project site specific rezone. There was no appeal of this MDNS.
15. Ellensburg City Code Requirements for Site-Specific Rezone: Per Ellensburg City Code, site-specific rezone applications are subject to the Type IV review process, and the Hearings Examiner provides a recommendation to City Council after holding an open record public hearing. To recommend approval, the Hearings Examiner must find that the application is in compliance with the decision criteria in ECC 15.250.060.
 - 15.1 The criteria for consideration of a site specific rezone are set forth in ECC 15.250.060(C). The applicant has the burden of establishing that all of the following criteria apply to the proposed rezone:
 - 15.1.1. Conditions have changed since the imposition of the zoning classification on the property;
 - 15.1.2. The proposed rezone bears a substantial relationship to the public health, safety, morals, and general welfare;
 - 15.1.3. The proposed rezone is consistent with the comprehensive plan;
 - 15.1.4. The proposed rezone to a particular zoning district shall be consistent with the development standards in the Land Development Code for the zoning district.

16. Analysis of Criteria for a Site-Specific Rezone. The applicant has submitted an application with a narrative addressing the rezone criteria found in ECC 15.250.060(C). The applicant seeks Commercial Highway (C-H) zoning in order to facilitate heavy industry redevelopment of the property consistent with the City of Ellensburg's Comprehensive Plan. The information submitted by the applicant is followed by the Hearing Examiner's analysis. All are recommended findings of the Hearing Examiner.
- 16.1 Conditions have changed since the imposition of the zoning classification on the property.
- 16.1.1 The conditions of the property and land use needs have changed dramatically since the last update to its zoning two decades ago. The City has expanded rapidly and as the area of the site has experienced infill of higher density rental development with more needed with single family developments going elsewhere in town.
- 16.1.2 In 1997, this property was annexed into the City of Ellensburg and the property was subsequently split zoned as Residential-Medium (R-M) and Residential-Suburban (R-S). At the time of annexation the property was in use as a residence and the comprehensive plan land use designation was Blended Residential. The current comprehensive plan land use designation is Urban Residential. The site specific rezone request is consistent with the Urban Residential land use designation.
- 16.2 The proposed rezone bears a substantial relationship to the public health, safety, morals, and general welfare.
- 16.2.1 The rezone is critical to the area as the current as it will allow for higher density development that the City has acknowledged is required to help alleviate the housing shortage of the town.
- 16.2.2 The rezone to Residential Medium (R-M) will eliminate the split zoning of the existing parcel to provide additional contiguous higher density land for development of a multifamily housing structure consisting of 15 small units. The City has a responsibility under the Growth Management Act to make adequate provisions for existing and projected needs of all economic segments of the community. Based on both affordability and household size, the Ellensburg Comprehensive Plan identifies a need for more one and two bedroom dwellings in Ellensburg. The multifamily residential structure will conform with Ellensburg City Code, and will meet the goal encouraging opportunities for infill as supported by the comp plan without increasing an unexpected demand on utilities and services. This will support the public health, safety, and general welfare of the community by reducing pressures on the low housing supply options.
- 16.3 The proposed rezone is consistent with the comprehensive plan.
- 16.3.1 The parcel is in the Urban Neighborhood area portion of the Future Land Use Map on page 29 of the Comprehensive Plan. The Residential Medium-Density zone is intended for the area type stated in ECC 15.300.040 (C.).
- 16.3.2 The current Comprehensive Plan Designation for the parcel is Urban Neighborhood which is consistent with the rezone request to residential medium density (R-M) as depicted in the Comprehensive Plan Future Land Use Designation map. In the Comprehensive Plan the description of Urban Neighborhood indicates that it supports a wide range of housing types and allows for the development of transitional areas between lower density neighborhoods and higher density residential and commercial areas. The

Urban Neighborhood designation accommodates a wide range of building types, from small-lot single dwellings to large-scale multistory, multi-dwelling developments.

- 16.3.3 The Comprehensive Plan further indicates that in the Urban Neighborhood land use designation, implementing zoning districts for lower density housing are appropriate adjacent to existing single family residential areas characterized primarily by detached housing units and zero lot line projects. Implementing zoning districts that accommodate higher density housing types are more appropriate adjacent to parks and the University campus, along transit routes and principal and minor arterials, on local streets adjacent to commercial areas and served by transit routes, and near recreational activity centers, shopping centers, and entertainment areas.
- 16.3.4 The parcels for this proposed rezone are addressed along East Helena Avenue which is designated as a minor arterial. East Helena Avenue is served by transit from Water Street to Alder Street, making them appropriate for higher density types of housing.
- 16.3.5 In addition, the Hearing Examiner finds the request for R-M zoning to be in keeping with the following goals, policies and programs of the Comprehensive Plan:
 - 16.3.5.1 Goal LU-1, "Encourage development that creates a variety of housing, shopping, entertainment, recreation, gathering spaces, employment, and services that are accessible to neighborhoods."
 - 16.3.5.2 Policy B, "Integrate new development with consideration to design and scale that complements existing neighborhoods and provides effective transitions between different uses and intensities."
 - 16.3.5.3 Goal LU-2, "Establish land use patterns that promote walking, biking, and using transit to access goods, services, education, employment and recreation."
 - 16.3.5.4 Policy A, "Enhance the character, quality, and function of existing neighborhoods while accommodating anticipated growth."
 - 16.3.5.5 Program 2, "Encourage compact form for urban development, particularly in newly developed areas and where infill is possible."
 - 16.3.5.6 Goal H-1, "Preserve, protect, and strengthen the vitality and stability of existing neighborhoods."
 - 16.3.5.7 Policy A, "Encourage development of an appropriate mix of housing choices through innovative land use and well-crafted regulations."
 - 16.3.5.8 Program 2, "Encourage infill development on vacant and underused sites."
 - 16.3.5.9 Goal H-2, "Allow and encourage a variety of housing types and densities to meet housing needs of all economic segments of the community."
- 16.4 The proposed rezone to a particular zoning district shall be consistent with the development standards in the LDC for the zoning district.
 - 16.4.1 ECC 15.300.040(A.) additionally implies that the R-S is not an allowable zone the Urban Neighborhood use area. R-S is also an inconsistent zone as it is for "areas characterized predominantly by single-family dwellings," while the area around the site is predominantly medium to larger scale multifamily developments which is what the R-M zone is intended for. The rest of the

neighborhood to the East and South of the parcel is all R-M and R-H so this rezone would create consistency.

16.4.1.1.

16.4.2 The Hearing Examiner finds the rezone proposal consistent with the purpose and standards of Residential Medium (R-M) zoning as set forth in ECC 15.300.040(C).

16.5 The applicant seeks R-H Residential High density zoning to eliminate a split zone of the existing parcel and expand opportunities for multifamily development with a greater maximum building height than what is allowed in the R-M residential medium zone.

16.6 The Hearing Examiner finds the rezone proposal consistent with the purpose and standards of R-M zoning as set forth in ECC 15.300.040(C):

17. The R-M zone is intended to provide for a mixture of housing types in a walkable neighborhood setting. These purposes are accomplished by:

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

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

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

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

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

17.6. Providing for an option for a modest floor area ratio bonus (see ECC 15.330.030) in exchange for:

17.6.1 Energy efficient building and site design; or

17.6.2 Purchase of transferable development rights (subject to the city adopting a TDR program) that help to preserve valuable resource lands outside the city; and

17.7. Use of this zone is appropriate for:

17.7.1 Areas designated mixed residential in the comprehensive plan; and

17.7.2 Areas characterized by a mix of single and multifamily buildings;

17.7.3 Areas within one-half mile of Central Washington University;

17.7.4 Areas located along designated arterial streets;

17.7.5 Areas adjacent to commercial zoned property; or

17.7.6 Areas located along corridors served by transit.

18. The applicant seeks Residential Medium (R-M) zoning for developing multifamily dwellings. The applicant would be responsible for meeting all development standards under the Land Development Code.

19. The Hearing Examiner finds the proposal to be consistent with the criteria outlined in 15.250.050 pertaining to rezones.

20. An open record public hearing was held on June 15, 2022.

21. The following exhibits were admitted into the record:

21.1 Ex. 1: Location Map;

21.2 Ex. 2: Current Zoning Map;

21.3 Ex. 3: Comprehensive Plan Land Use Designation;

21.4 Ex. 4: Area of Notification Map

- 21.5 Ex. 5: Legal Notice of Open Record Public Hearing;
 - 21.6 Ex. 6: Affidavit of Posting and Land Use Action Signs;
 - 21.7 Ex. 7: SEPA MDNS;
 - 21.8 Ex. 8: Rezone Application;
 - 21.9 Ex. 9: Rezone Application Narrative; and
 - 21.10 Ex. 10: Staff Report
- 22. Appearing and testifying was Matt Stalder, agent of the property owner and applicant. Mr. Stalder testified that he agreed with all representations in the staff report and that the proposed Condition of Approval was acceptable.
 - 23. No member of the public testified at the hearing.
 - 24. 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.
 - 25. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
 - 26. 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 recommended Decision.
- 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

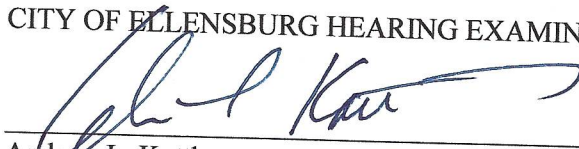
The Hearing Examiner found the proposal to be consistent with the criteria outlined in 15.250.060 pertaining to rezones. The Hearing Examiner recommends approval of the rezone request, from Residential Suburban (R-S), and Residential Medium (R-M) to Residential Medium Density (R-M) zoning to the City Council.

IV. RECOMMENDED CONDITION OF APPROVAL

1. The applicant shall adhere to any requirements related to any future development approvals, including meeting all requirements of utility providers, City departments, and affected districts, as outlined in adopted City Codes and other regulatory documents.

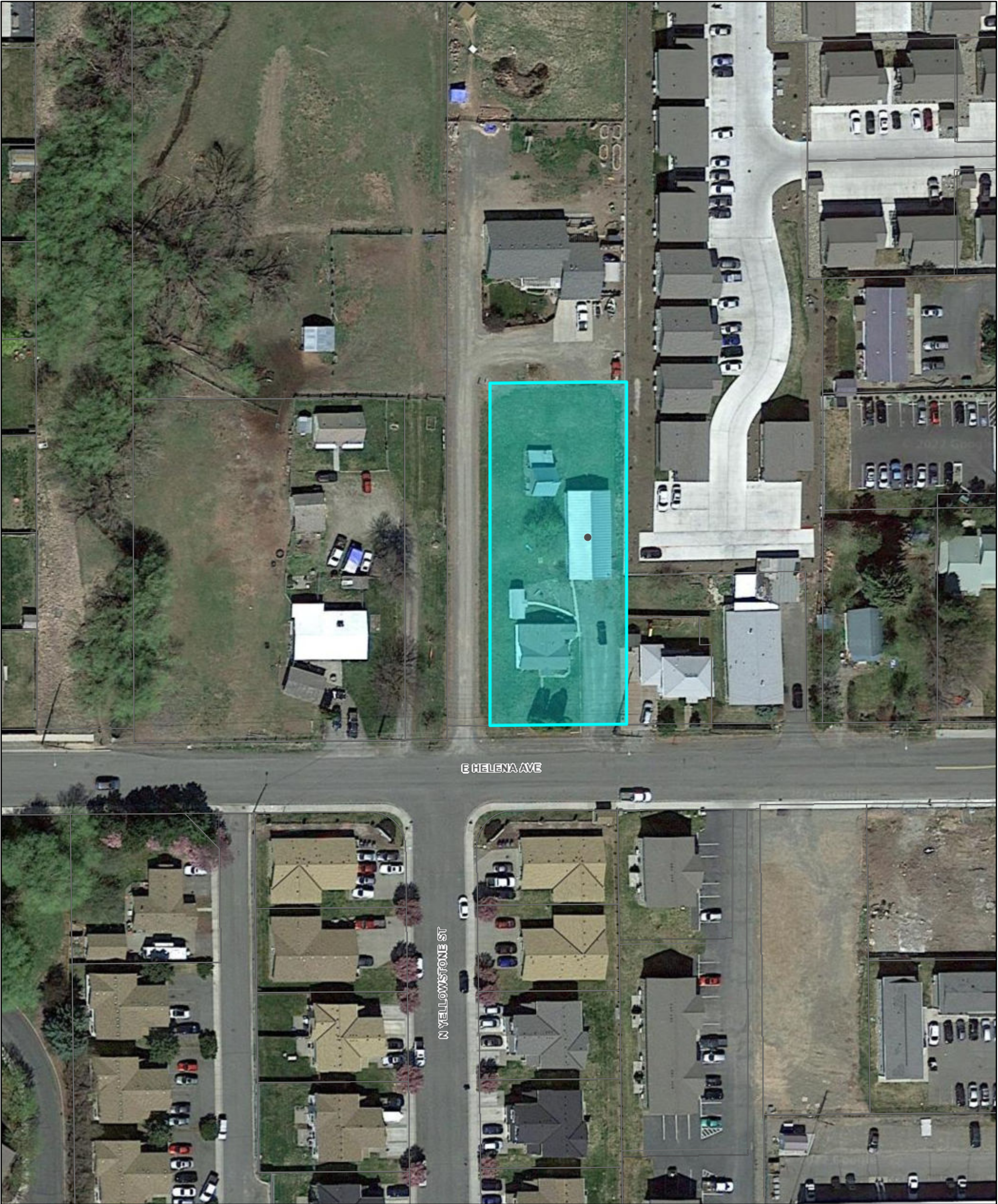
Dated this 11 day of July, 2022.

CITY OF ELLENSBURG HEARING EXAMINER



Andrew L. Kottkamp

Location Map EXHIBIT 1.1



5/31/2022, 3:20:03 PM

County Parcels

Urban Growth Area

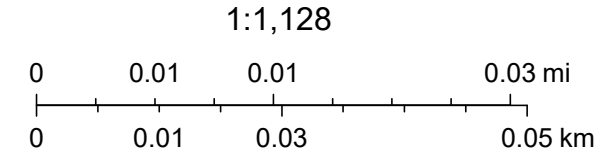
Road

Parcels

Major Arterial

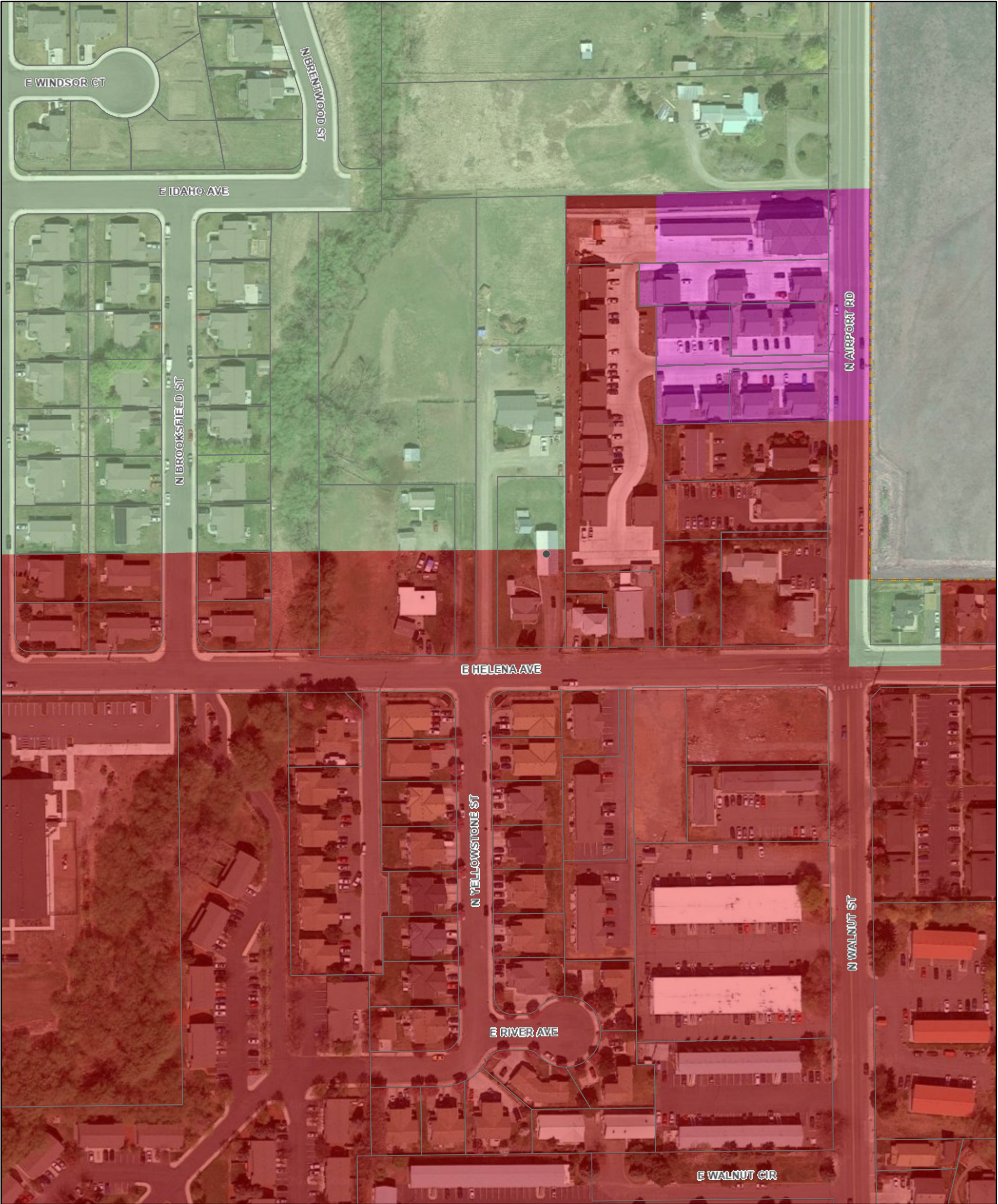
Lot Lines

City Limits



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Zoning Map EXHIBIT 1.2



5/31/2022, 3:22:19 PM

	County Parcels		Urban Growth Area		RH
	Road		RS		U-INC
	Major Arterial		RM		Parcels
	City Limits				Lot Lines

1:2,257

00.020.040.07 mi

00.030.060.11 km

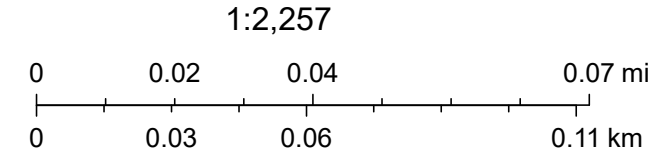
© OpenStreetMap (and) contributors, CC-BY-SA, © Copyright City of Ellensburg GIS

Comp Plan Designation Map EXHIBIT 1.3



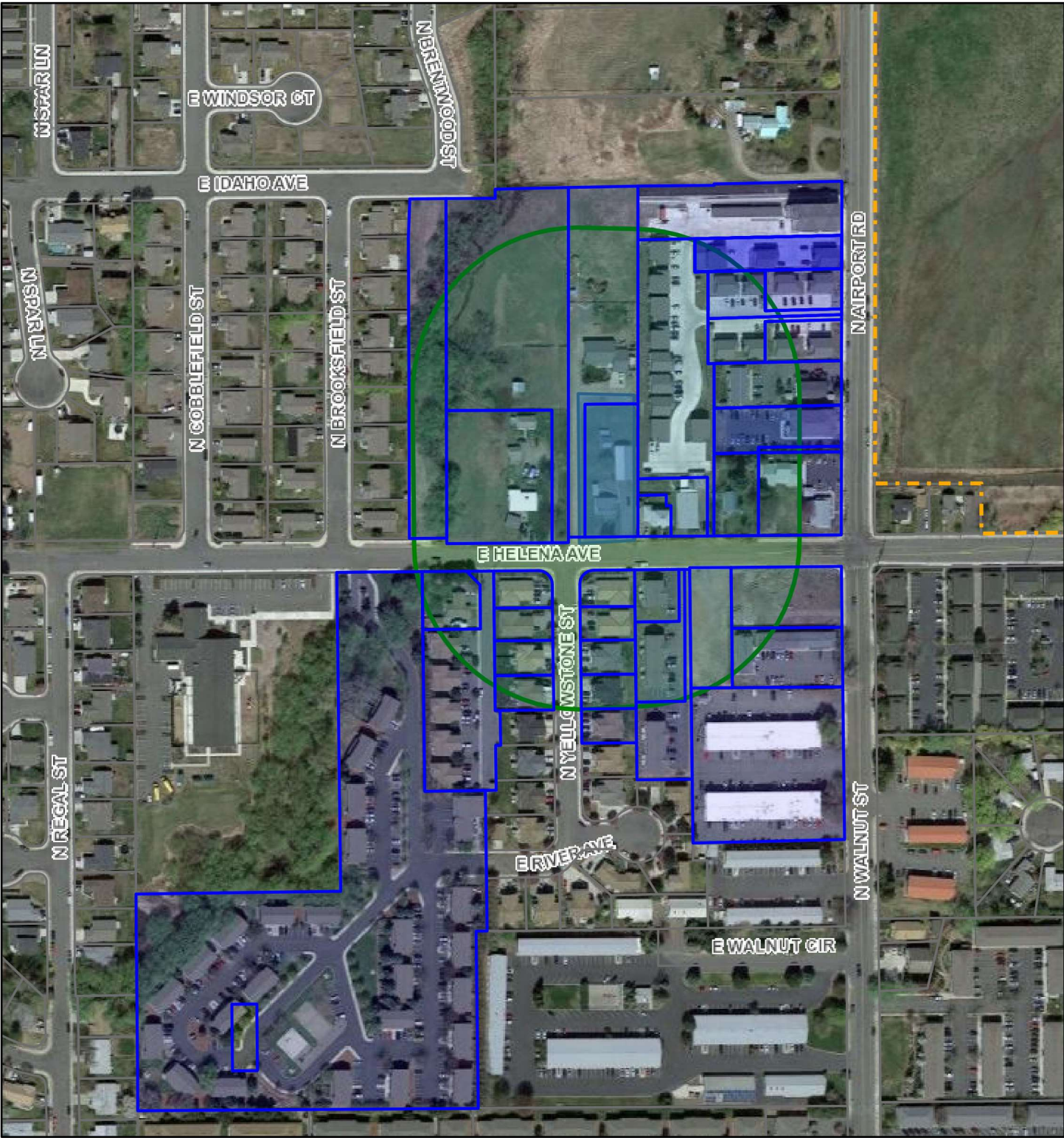
5/31/2022, 3:24:44 PM

- | | | |
|----------------------------------|---------------------------------|---------------------------------|
| County Parcels | Urban center | Public/institutional |
| Road | Community mixed use | Open space (pvt/non-city owned) |
| Major Arterial | Industrial residential | Parks and open space |
| Land Use Designations | Neighborhood commercial | City Limits |
| Residential neighborhood | Mixed business park | Urban Growth Area |
| Blended residential neighborhood | General commercial and services | Parcels |
| Urban neighborhood | Light industrial | Lot Lines |
| Neighborhood mixed use | Heavy industrial | |



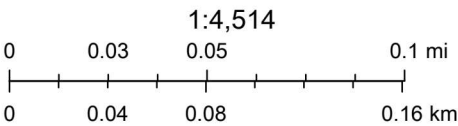
© OpenStreetMap (and) contributors, CC-BY-SA

eburg map EXHIBIT 1.4



3/15/2022, 9:28:54 AM

- Urban Growth Area
- City Limits



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NOTICE OF A PUBLIC HEARING REZONE REQUEST

NOTICE IS HEREBY GIVEN that the Hearing Examiner for the City of Ellensburg will hold an open record public hearing at **4:00 pm on Wednesday, June 15, 2022** to consider a Rezone application (P22-012) submitted by Matthew Sweeney, Agent for DNR Jensen Rentals LLC, property owner. The Rezone request is for two properties identified by Parcel ID # 171933 and 181933, addressed as 1900-1930 Vantage Highway, Ellensburg. The applicant seeks to have it rezoned from Residential Suburban (R-S) to Commercial Highway (C-H).

NOTICE IS HEREBY GIVEN that the Hearing Examiner for the City of Ellensburg will hold an open record public hearing at **4:00 pm on Wednesday, June 15, 2022** to consider a Rezone application (P22-015) submitted by Matthew Stalder, Agent for D&D Investments, LLC, property owner. The Rezone request is for property identified by Parcel ID # 782733, addressed as 503 E Helena Avenue, Ellensburg. The applicant seeks to have it rezoned from Residential Suburban (R-S) and Residential Medium (R-M) to Residential Medium (R-M).

NOTICE IS FURTHER GIVEN that all persons interested in these matters may attend in person or remotely. Written comments may be filed with the Community Development Dept, City Hall, 501 N. Anderson St., Ellensburg, WA 98296, attention: Planning Manager Jamey Ayling, or to his email: aylingj@ci.ellensburg.wa.us. **Comments must be submitted in writing by 5:00 pm on Monday, June 13, 2022 in order to be included in the staff report provided to the Hearing Examiner in advance of the hearing. Any comments received after this date and time will be provided to the Hearing Examiner at the meeting itself.**

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) or by calling 509-925-8614.

Please Publish: **Thursday, May 26, 2022**

AFFIDAVIT OF PUBLICATION

RECEIVED

JUN 01 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 P22-012/P22-015

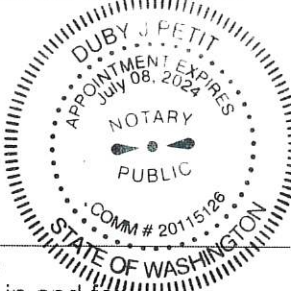
is published in regular issues (and not in supplement form) of said newspaper once a week for a period of 1 consecutive week(s), commencing on the following days.

05/26/22

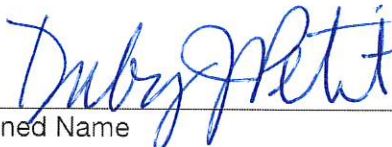
All dates inclusive and that such newspaper were regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of \$121.49 the rate of \$8.80 per column inch for each insertion.



Subscribed to me this date: 05/26/22



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


Signed Name

Legals

Our office will be closed on
Monday, May 30th
for Memorial Day.

Please observe the following
deadlines for advertising:

CLASSIFIEDS

For classified submissions, please contact:
classified2@kvnw.com

LEGAL NOTICES

For legal notice submissions, please contact:
legals@kvnw.com

OBITUARIES & DEATH NOTICES

For obit submissions, please visit:
www.dailyrecordnews.com
then Scroll to the Bottom of the Page
Click on > Submit an Obituary
If you would like further assistance, please contact:
obits@kvnw.com

PUBLISH DATE	DEADLINE
SAT. MAY 28, 2022	THU. MAY 26, 2022 @ 10:30AM
SUN. MAY 29, 2022	NOV. PUBLISH DAY
MON. MAY 30, 2022	NOV. PUBLISH DAY, HOLIDAY
TUE. MAY 31, 2022	FRI. MAY 27, 2022 @ 10:30AM
WED. JUN 1, 2022	FRI. MAY 27, 2022 @ 10:30AM

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SAT. MAY 28, 2022	THU. MAY 26, 2022 @ 12:00PM
SUN. MAY 29, 2022	NOV. PUBLISH DAY
MON. MAY 30, 2022	NOV. PUBLISH DAY, HOLIDAY
TUE. MAY 31, 2022	FRI. MAY 27, 2022 @ 12:00PM
WED. JUN 1, 2022	FRI. MAY 27, 2022 @ 12:00PM

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PUBLISH: Daily Record: May 26, 2022 / LEGAL #: 241214

2022 LIMITED PUBLIC WORKS (VENDOR LIST) -
NOTICE TO VENDORS

"2022 LIMITED PUBLIC WORKS (VENDOR LIST) - NOTICE TO VENDORS" Kittitas Reclamation District is creating a Vendor List to award contracts for materials, equipment, supplies or services for amounts between \$10,001 - \$50,000 in lieu of requirements for a formal sealed bid (per RCW 87.05.437 and RCW 39.04.190). The Vendor List will be in effect from June 1, 2022 to November 30, 2022. A vendor may request to be placed on the list at any time during the period specified. The Vendor List shall consist of all responsible vendors who have requested to be on this list, and where required by law are properly licensed or registered to provide materials, equipment, supplies or perform such services in Washington State. Submit request to be added to the Vendor List by mail to KRD, PO Box 276, Ellensburg, WA 98926, or email krd.lina@fairpoint.net. Vendors interested in being placed on the Vendor List must submit the following to be eligible:

- 1) Contact Information, Point of Contact & valid email address
- 2) Materials, Goods, and Equipment Provided
- 3) WA State Contractor's Registration Number
- 4) Bonding Company, amount, and bond number

PUBLISH: Daily Record: May 26, 2022 / LEGAL #: 241245

Ads with a price ALWAYS
generate more sales!

Legals

CITY OF ELLENSBURG
NOTICE OF WORK BY CITY FORCES
(Pursuant to RCW 39.04.020)

NOTICE IS HEREBY GIVEN that City of Ellensburg employees will perform work to complete the following project:

15TH AVENUE IMPROVEMENTS

Project description: This project is to install road crossings and runs of conduit in the right-of-way to replace a direct buried system before scheduled chip seal in July.

Project estimate cost: \$101,012.46

Estimated project start date: June 13th, 2022

Contact information: Kim Bowie, City of Ellensburg
501 N Anderson
Ellensburg WA 98926
kbowie@ci.ellensburg.wa.us
509-962-7124

DATED this 25th day of May, 2022

BETH LEADER
CITY CLERK
PUBLISH: Daily Record May 26, 2022 /
LEGAL # 241651

LEGAL NOTICE

The Ellensburg Water Company will be applying aquatic weed herbicides to its irrigation canals, laterals, wasteways and drains between April 1 through October 20, 2022 in accordance with Washington Department of Ecology Administrative Order No. 01WQHO-2979.

The purpose of the herbicide applications is to control aquatic weeds within the irrigation delivery system.

Treatments will be made to a majority of the irrigation facilities within the boundaries of the Ellensburg Water Company located in Kittitas County.

The herbicides to be used for aquatic weed control are Endothal (Cascade) and Teton.

Applications are generally made starting in April and ending in October. Depending on weather and other conditions, applications may be necessary on an as needed basis.

Application sites will be posted with the name and telephone number of the Ellensburg Water Company. Waters within the Company boundaries are intended for agricultural purposes only and are not for human consumption or primary contact such as swimming or aquaculture. Irrigation facilities can be dangerous, are not for public use and are intended for Company operation and maintenance personnel only. Company facilities are not for public use and are not to be trespassed upon.

Herbicides will be applied by licensed Company personnel. Ellensburg Water Company Office telephone No. is (509) 925-5498.

Washington Department of Ecology contact is Ray Latham, Central Office, telephone No. (509) 575-2800.

PUBLISH: Daily Record: May 26 & 28, 2022 /
LEGAL #: 241608

NOTICE OF SEPA ACTION
Nunnally Holdings, LLC
SE-21-00006

NOTICE IS HEREBY given that pursuant to WAC 197-11-340, Kittitas County Community Development Services did on May 26, 2022 issue a Mitigated Determination of Non-Significance (MDNS) on the construction of the private access roads to 13 existing tax parcels. The SEPA application is associated with Kittitas County Public Works Grading Permit GP-20-00020. The project is proposed on a site that is zoned Agriculture 20 within a Rural Working Land Use designation. The square footage of the grade and fill used in the construction of the approximate one (1) mile access road, exceeds the 500 cubic yards threshold pursuant to KCC 15.04.090(1)(e) requiring SEPA. The project proposes access from Stande Road approximately .50 miles north of the Manastash and Stande Road intersection in the SE 1/4 of NE 1/4, Section 08, Township 17N Range 18E, in Kittitas County, bearing Assessor's map number 17-18-08000-0010, tax parcel number 748433.

The lead agency for this proposal has determined that it will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency.

This MDNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days. Any person, affected tribe, or agency may submit comments to the lead agency within 14 days of the date of issuance of the MDNS. The complete checklist and associated documents may be viewed at Kittitas County Community Development Services 411 North Ruby St., Suite 2, Ellensburg, WA 98926, or on the county website: <http://www.co.kittitas.wa.us/cds/land-use/default.aspx?Miscellaneous%20SEPA%20Applications>.

Designated Permit Coordinator (staff contact): Kelly Bacon, (509) 962-7539, email at kelly.bacon.cd@co.kittitas.wa.us

Date of Notice: May 26, 2022

Comment Period Ends: June 10, 2022

PUBLISH: Northern Tribune: May 26, 2022 and June 2, 2022

PUBLISH: Daily Record: May 26, 2022 and June 2, 2022 / LEGAL #: 240911

Legals

Legals

Kittitas Reclamation District
Small Works Roster

Kittitas Reclamation District (KRD) has established a small works roster for projects on KRD infrastructure and facilities with an estimated cost of \$50,001 to \$350,000. Any contractor wishing to be included on the small works roster for KRD should contact Kittitas Reclamation District at P.O. Box 276 Ellensburg, WA 98926 or email krd.lina@fairpoint.net. KRD is establishing a small works roster for building repair, maintenance and construction, electrical work, excavation, crane services, gate and fencing services. All eligible contractors are required to have the following on file with KRD:

- a. Certificate of Registration with the Department of Labor and Industries
- b. Unified Business Identifier Number (UBI)
- c. Employment Security Department Number
- d. State Excise Tax Registration Number
- e. Federal ID Number / Business License Number
- f. Certificate of Liability Insurance
- g. List of contractor equipment with hourly rates
- h. Contact and business information

All applications must be received by 5:00 PM June 8, 2022.

PUBLISH: Daily Record: May 26, 2022 / LEGAL #: 241250

NOTICE OF APPLICATION

Project Name (File Number): Apostolic Faith United (CU-22-00001)

Applicant: Walter Davenport (Owner)

Location: Parcel# 951598 located at 141 Rein Road at the intersection of Rein Road and Number 6 Road, in Section 8, Township 17, Range 19, bearing Assessor's Maps 17-19-08055-0002 in Kittitas County.

Proposal: The proposed project would convert an existing residence to a church facility with seating for up to 80 parishioners. The subject parcel is zoned Commercial Agriculture with a Commercial Agriculture land use designation. Religious Institutions are allowed in this zone with a Conditional Use Permit.

Materials Available for Review: The submitted application and related filed documents may be examined by the public at the Kittitas County Community Development Services (CDS) office at 411 N. Ruby, Suite 2, Ellensburg, Washington, 98926 or on the CDS website at: <http://www.co.kittitas.wa.us/cds/land-use/default.aspx> under "Conditional Use Permits" under permit number "CU-22-00001 Apostolic Faith United" Phone: (509) 962-7506

Written Comments on this proposal can be submitted to CDS any time prior to 5:00 pm, on Monday, June 13, 2022. Any person has the right to comment on the application and request a copy of the decision once made

Environmental Review (SEPA): The County expects to issue a Determination of Non-Significance (DNS) for this proposal, and will use the optional DNS process, meaning this may be the only opportunity for the public to comment on the environmental impacts of the proposal. A copy of the threshold determination may be obtained from the County once made.

Public Hearing: An open record hearing will be scheduled before the Kittitas County Hearing Examiner. A Public Hearing Notice will be issued establishing the date, time, and location of this hearing.

Required Permits: Conditional Use Permit

Required Studies: SEPA

Designated Permit Coordinator (staff contact): Rachael Stevie, Staff Planner: (509) 962-7637, email at rachael.stevie.cd@co.kittitas.wa.us

Notice of Application: Thursday, May 26, 2022

Application Received: Wednesday, March 23, 2022

Application Complete: Friday, April 22, 2022

Publication Date: Thursday, May 26, 2022

PUBLISH: NKC Tribune: May 26, 2022

PUBLISH: Daily Record: May 26, 2022 / LEGAL #: 239342

Public Notice
Kittitas County, Ellensburg WA

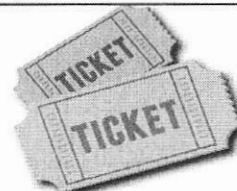
The Board of Kittitas County Commissioners will meet at 2:00 PM on 6/7/22 at Kittitas County Courthouse to consider disposition of items deemed surplus to Kittitas County.

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

Mandy Buchholz
Clerk of the Board - Deputy

PUBLISH: North Kittitas County Tribune: May 19 & 26, 2022

PUBLISH: Daily Record: May 19 & 26, 2022 / LEGAL #: 239195



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COMMUNITY DEVELOPMENT DEPARTMENT

501 N. Anderson St, Ellensburg WA 98926

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

Jamey Ayling, Interim Director

 Phone: (509) 962-7232 Fax: (509) 925-8655 E-Mail: aylingj@ci.ellensburg.wa.us
AFFIDAVIT OF POSTING

The Ellensburg City Code requires that all Type IV Projects (such as site-specific Rezones) shall have a notice posted at the site of the project. Per ECC 15.220.050, the following shall apply:

1. The posting of a weather-resistant sign posted 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, more than one sign may be required as determined by the responsible official.
3. The responsibility for the posting of the sign shall be upon the project applicant.
4. The sign shall be at least two feet by three feet in size, have a written description of the proposal, include a site drawing which shows the proposed project, have the date listed when comments are due, and where comments are to be mailed.

DATE: May 26, 2022	PLANNER: Jamey Ayling, Interim Director
PROJECT NAME: Rezone of Parcel 782733, from R-S to R-M	FILE NUMBER: P22-015

PLEASE COMPLETE THE FOLLOWING:

I, Matt Stalder, 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 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. **Please post the site and return this form to the Community Development Department in a timely manner.**

Signature

5/26

20 22

Date

Please return the above affidavit and a photograph of the posted sign(s) to Jamey Ayling, Planning Manager, by email: aylingj@ci.ellensburg.wa.us; mail; or deliver to: Community Development Dept., City Hall, 501 N. Anderson St., Ellensburg, WA 98926.



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

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

Proponent: Matthew Stalder, Agent for Property Owner.

Date: April 11, 2022

Description: A SEPA Environmental Checklist for the proposed rezone and new construction of a 15-unit apartment building at 503 E. Helena Ave, Parcel ID #782733 (0.53 acres). Currently, this parcel has split zoning of Residential Medium and Residential Suburban. The applicant is proposing to rezone the entire parcel to RM zoning for compatibility with a multifamily building. The proposed new construction is for a 15-unit, 3 floor, multifamily building with 14,400sf of building space, 760sf of storage space, and 26 off street parking spaces. Main access to the parking would be off Helena Ave.

Location: The proposed rezone and new construction is located north of Helena Ave, and west of Airport Way, on Parcel ID #782733.

Lead Agency: City of Ellensburg

File #: P22-001

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 3/11/2022, regarding roadway and access, water, sewer, stormwater and all other public work development standards.
2. The applicant shall comply with all requirements outlined in the City of Ellensburg Fire Marshall division memo, dated 2/7/2022, 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. Such plans shall be approved by City Staff prior to construction.

4. The applicant shall comply with all requirements outlined in the Department of Ecology memo, dated 3/28/2022, regarding water quality and any required stormwater permits. All necessary permits shall be approved and issued prior to construction.
5. 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.
6. 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.
7. 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: April 11, 2022 **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.



Site Specific Rezone Permit Application Form

EXHIBIT 1.8

P22-015
RECEIVED
02/15/2022
PA-04
COMMUNITY
DEVELOPMENT 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 Rezone application. Site-specific rezones to change the current zoning of a property to a new zoning category that is consistent with the comprehensive plan land use designation for the property are reviewed as Type IV processes. Type V reviews involve the legislative revisions to the zoning map for area-wide changes including comprehensive plan updates and those proposed to implement subarea plans.

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 Rezone Application if you fail to provide ALL of the following required material.

OFFICIAL USE ONLY:

Staff Person:	AW
Date Submitted:	02/15/2022
Fee Total:	1800.00
FILE #:	P22-015
Associated Permit File #:	P22-014-SEPA P22-002

PRE-APP

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

Legal Owner Name(s):	D&D Investments LLC	Day Phone:	
Mailing Address:	PO Box 1616, Ellensburg, WA		
E-mail:		Cell Phone:	

***APPLICANT:** ☐ Owner ☐ Contractor ☐ Tenant ☒ Other Agent

Name:	Matt Stalder	Day Phone:	509-929-4820
Mailing Address:	2000 E Quartz Mtn Dr		
E-mail:	staldermw@gmail.com	Cell Phone:	

CONTACT PERSON: ☐ Owner ☐ Contractor ☐ Tenant ☒ Other Agent

Name:		Day Phone:	
Mailing Address:			
E-mail:		Cell Phone:	

PROJECT INFORMATION:

Parcel Number(s) of Site:	782733		
Site Address (if any):	503 E Helena		
Current City Zoning Designation :	RM, RS	Requested City Zoning Designation :	RM

(OVER)

PROJECT INFORMATION:

Ellensburg City Code 15.250.060 requires that application for site specific rezone amendments to the zoning district map may only be approved if/all the following criteria are satisfied. Please include responses as an attachment.

(INCLUDE RESPONSES AS AN ATTACHMENT TO THIS APPLICATION)

1. Narrative project description (include as attachment): Please include at a minimum the following information in your description: describe project size, location, and all qualitative features of the proposal; include every element of the proposal in the description.

2. Applicant for rezone must demonstrate that the following criteria are met (attach additional sheets as necessary):

A. Conditions have changed since the imposition of the zoning classification on the property.

B. The proposed rezone bears a substantial relationship to the public health, safety, morals, and general welfare.

C. The proposed rezone is consistent with the comprehensive plan; and

D. The proposed rezone to a particular zoning district shall be consistent with the development standards in the LDC for the zoning district. :

Applicants may propose conditions to be imposed on the site specific rezone in order to mitigate any detrimental effect the rezone might have on uses or property in the immediate vicinity of the proposed rezone. Any conditions imposed by the city on the rezone shall be incorporated in a development agreement executed by the city council and the property owners(s), under the procedures set forth in RCW 36.70B.170 through 36.70B.170 through 36.70B.200 and ECC Chapter 15.380 (Development Agreements)

The burden of this demonstration is on the rezone applicant.

3. Site Plan Requirements:

The proposed project and dimensions in relation to the property boundaries. Show how the property is located in reference to existing streets, alleys and sidewalks.

The proposed project and dimensions in relation to all existing and proposed development on the property. Show all existing buildings or structures on subject property and those proposed to be located on property with setback dimensions and distances between buildings.

Show present and additional "off-street" parking, if required.

(The site plan shall be legibly drawn to a minimum scale of 1:20 on substantial paper a minimum 11" x 17" size)

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

I, Matt Stalder, (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:

2/14/22¹⁰⁰

Rezone Application Narrative for 503 E Helena St

1. This application is requesting a site-specific rezone of 503 E Helena St, parcel 782733, from a split zone of Residential Medium Density and Residential Suburban to all Residential Medium Density. The total site is 0.53 acres along the North side of E Helena St. The site is relatively flat and with mostly grass and a small single-family house and garage. The surrounding land use is medium to high density zoned residential land with single family houses immediately abutting the property and high-density apartment complexes in the vicinity. The current split zone is undesirable to the City and Residential Suburban is inconsistent with the Comp Plan designation of the area.
2.
 - A. The conditions of the property and land use needs have changed dramatically since the last update to its zoning two decades ago. The City has expanded rapidly and as the area of the site has experienced infill of higher density rental developments with more needed with single family developments going elsewhere in town.
 - B. The rezone is critical to the area as the current as it will allow for a higher density development that the City has acknowledged is required to help alleviate the housing shortage of the town.
 - C. The parcel is in the Urban Neighborhood area portion of the Future Land Use Map on page 29 of the Comprehensive Plan. The Residential Medium-Density zone is intended for the area type stated in ECC 15.300.040(C).
 - D. ECC 15.300.040(A) additionally implies that RS is not an allowable zone the Urban Neighborhood use area. RS is also an inconsistent zone as it is for “areas characterized predominantly by single-family dwellings,” while the area around the site is predominantly medium to larger scale multifamily developments which is what the RM zone is intended for. The rest of the neighborhood to the East and South of the parcel is all RM and RH so this rezone would create consistency.

EXHIBIT 2



COMMUNITY DEVELOPMENT DEPARTMENT

501 N. Anderson St, Ellensburg WA 98926

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

Jamey Ayling, Interim Director

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

AFFIDAVIT OF POSTING

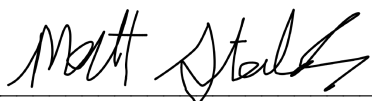
The Ellensburg City Code requires that all Type IV Projects (such as site-specific Rezones) shall have a notice posted at the site of the project. Per ECC 15.220.050, the following shall apply:

1. The posting of a weather-resistant sign posted 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, more than one sign may be required as determined by the responsible official.
3. The responsibility for the posting of the sign shall be upon the project applicant.
4. The sign shall be at least two feet by three feet in size, have a written description of the proposal, include a site drawing which shows the proposed project, have the date listed when comments are due, and where comments are to be mailed.

DATE: June 24, 2022	PLANNER: Jamey Ayling, Interim Director
PROJECT NAME: Rezone of Parcel 782733, from R-S to R-M	FILE NUMBER: P22-015

PLEASE COMPLETE THE FOLLOWING:

I, Matt Stalder, 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 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. **Please post the site and return this form to the Community Development Department in a timely manner.**


Signature

6/27 20 22
Date

Please return the above affidavit and a photograph of the posted sign(s) to Jamey Ayling, Planning Manager, by email: aylingj@ci.ellensburg.wa.us; mail; or deliver to: Community Development Dept., City Hall, 501 N. Anderson St., Ellensburg, WA 98926.



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: July 18, 2022

Item Title/Agenda Subject: Ordinance Eliminating Requirement for Extension of Natural Gas Mains in Residential Subdivisions

Submitted by: Ryan Lyyski Public Works & Utilities

Recommended Action or Motion: Review recommendations and conduct first reading proposed Ordinance 4892 to eliminate the requirement that developers extend gas mains to new subdivisions.

Background/Summary: At its April meeting, the City's Utility Advisory Committee (UAC) requested staff provide background/overview and history of the City's gas utility and energy supply to begin discussions on the natural gas infrastructure expansion requirements. At the June 16 UAC meeting, staff provided an overview of natural gas utilization, history of the natural gas utility, uncertainty of current regulatory environment, and several policy options.

Currently, residential subdivision developers are required to provide trenching, sand bedding and backfill for the extension of natural gas through the development, per ECC 15.260.070. The City then installs the utility extension. Connecting residential units to the utility is not required.

Previous Council Action: In 2013, the City Council added a requirement for extension of natural gas mains along with other utilities into and through in subdivisions —a “dig once” policy.

Analysis: At the June 16, 2022 Utility Advisory Committee (UAC) meeting, staff provided an overview and history of the natural gas utility, an overview of development utilizing natural gas in residential units, and the estimated impacts to the electric utility from shifting energy load from gas to electric. The UAC recommended staff prepare an Ordinance for the City Council to consider removal of the requirement for gas infrastructure extensions in residential subdivisions.

Financial Impact: The average cost has been \$1,650 per lot on recent developments, with installation cost paid by the development.

Attachments:

4892 - Natural Gas Infrastructure (first reading)

City Council Gas Extension Policy Slides - Final Draft

ORDINANCE NO. 4892

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO CHAPTER 15.260 “SUBDIVISIONS” AND AMENDING SECTION 15.260.070 OF THE ELLENSBURG CITY CODE.

WHEREAS, the Washington State Clean Energy Transformation Act (“CETA”), chapter 19.405 of the Revised Code of Washington (“RCW”), commits Washington to an electricity supply free of greenhouse gas emissions by 2045; and

WHEREAS, the Washington State Climate Commitment Act (“CCA”), chapter 70A.45 RCW, establishes a comprehensive program to reduce carbon pollution and achieve greenhouse gas limits set in state law; and

WHEREAS, the City of Ellensburg requires housing developers to extend natural gas distribution infrastructure in subdivisions as a mechanism to continue promulgating energy choices to its current and future customers; and

WHEREAS, natural gas is a contributor to climate change, the impact of which is increasingly disrupting natural systems upon which humans depend across the world and which threatens our future prosperity; and

WHEREAS, each gas appliance installed in Ellensburg this year will contribute to harmful carbon emissions for the life of the appliance, usually around 20 years, creating a burden for the Utility under Climate Commitment Act rules; and

WHEREAS, the City’s Utility Advisory Committee recommended eliminating requirement for developers to extend natural gas mains in subdivisions at its June 16, 2022 meeting;

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

Section 1. Section 15.260.070 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4656, is hereby amended to read as follows:

15.260.070 Preliminary subdivision – Required minimum improvement standards.

A. Public Works Improvements. In order to meet the public interest, the following minimum public works improvements shall be required and shall be constructed in accordance with the public works development standards and other city utility standards:

1. Installation of concrete curbs and gutters according to the public works development standards;

2. Construction of streets in accordance with the public works development standards;
3. Installation of monuments and monument cases in accordance with the public works development standards;
4. Installation of storm drainage system including inlet, pipe, manholes, detention or retention facilities if deemed necessary, all in accordance with the public works development standards;
5. Installation of iron pipe or reinforcing rods at the corners of all lots, plots or tracts in accordance with the public works development standards;
6. Construction of sidewalks on abutting sides of all public streets in accordance with the public works development standards; and
7. Installation of water and sewer mains, water service lines and side sewers to serve each lot platted in accordance with the public works development standards.

B. Public Utility Improvements. In order to meet the public interest, the following minimum public electric utility improvements, and public natural gas utility improvements, if applicable, shall be required to be constructed within the subdivision and shall be constructed in accordance with the public works development standards and the public works and utilities department development standards:

1. Installation of underground ducts, manholes and vaults to accommodate the electrical distribution system within the subdivision; and
- ~~2. Trenching and installation of all necessary public facilities for natural gas distribution within the subdivision; and~~
32. Communication and television signal service facilities with ducting provided for communication and television service at the right-of-way crossings through a minimum two-inch PVC duct type unless otherwise required by the city based on recommendation from the respective utility. [Ord. 4804 § 1, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 2. 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 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 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 August, 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. 4892 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4892 was published as required by law.

BETH LEADER

Natural Gas Utility Extension Policy

July 18, 2022

City Council Meeting

2023-2028 Ellensburg City Council Strategic Vision

- **Economic Vitality**

- Forecast and plan proactively for transportation, utility, and broadband infrastructure to serve residential, commercial, and industrial future

- **Energy & Resource Management**

- Develop and implement community-wide sustainability/climate action plan to reduce carbon footprint with milestones across sectors
- Meet milestones and targets of Clean Energy Transformation Act (CETA), Climate Commitment Act, building codes, and other state and federal mandates
- Identify and implement renewable energy incentives and streamlined permitting

City of Ellensburg Natural Gas Department History

Ordinance 2253 October 6th, 1954 - City Council
"finds that a lack of a natural gas utility in the City has created an emergency and an emergency is hereby declared to exist".

A special election was called on November 2nd, 1954 in which the citizens of Ellensburg voted for creating a natural gas utility and incurring \$650,000 of debt at 6% interest to construct it.

History Continued...

1955-56 Construction wraps up on the \$200M Pipeline to serve heating loads for the 1956-57 winter.

1960 Forecast showed the Pacific Northwest being short on hydropower and Natural Gas power generation was identified as a major market.

1970 CWU converts old central steam plant at 7th and Sampson St. from bunker oil to natural gas.

1990's City Council votes “NO” to new natural gas services/main extensions outside the City limits.

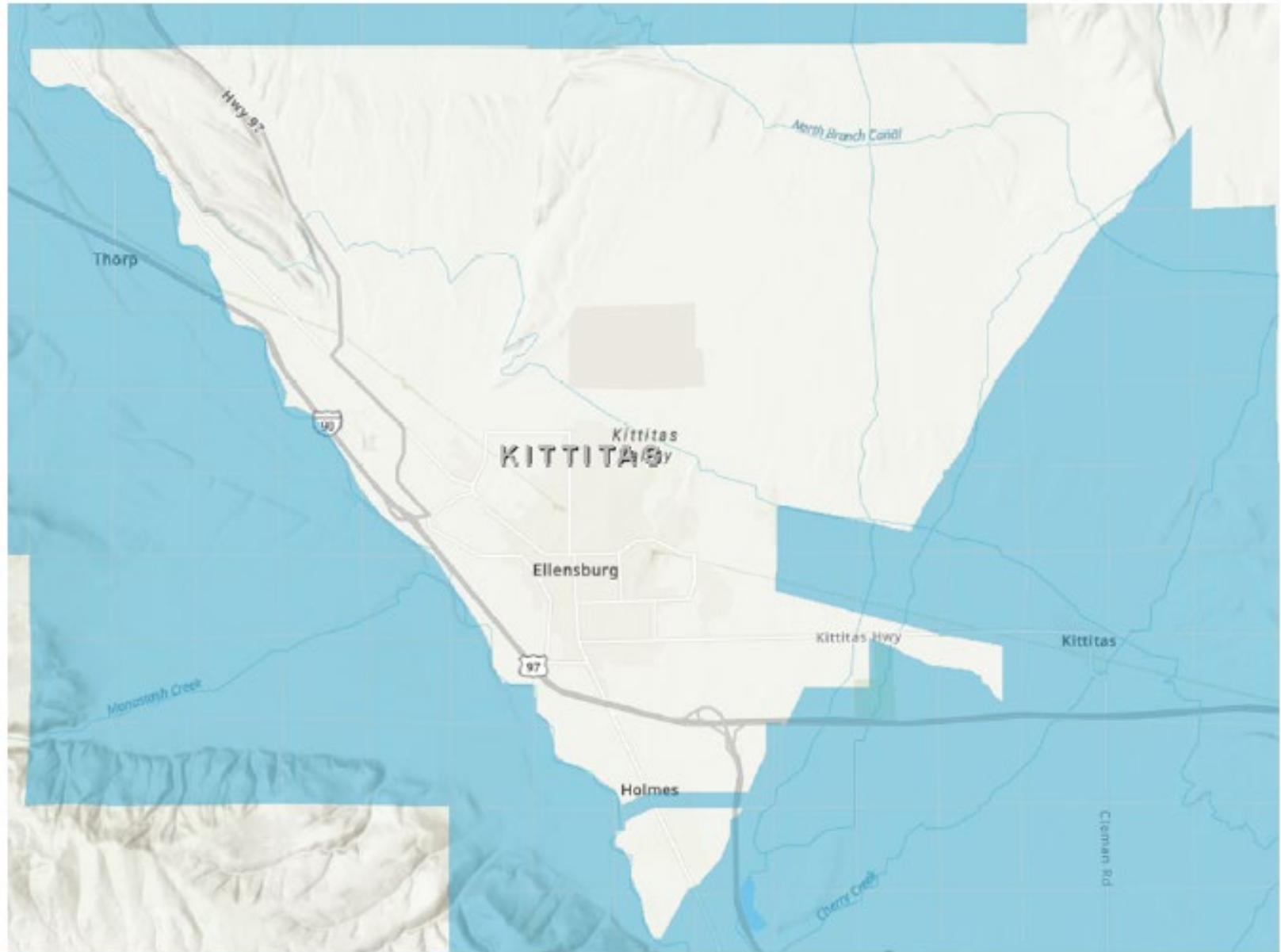
History Continued...

1990's Several requests for City natural gas service outside the City limits are denied which motivated Puget Sound Energy to file with Utilities and Transportation Commission for a service territory in Kittitas County.

The City would not or could not serve the entire Kittitas County they were granted in 1956.

Negotiations resulted in a pie shaped service territory delineation, roughly bounded by the Northwest Pipeline lateral on the east and the Yakima River on the west running north to the foothills.

Puget Sound Energy received everything else to serve with a new natural gas utility.



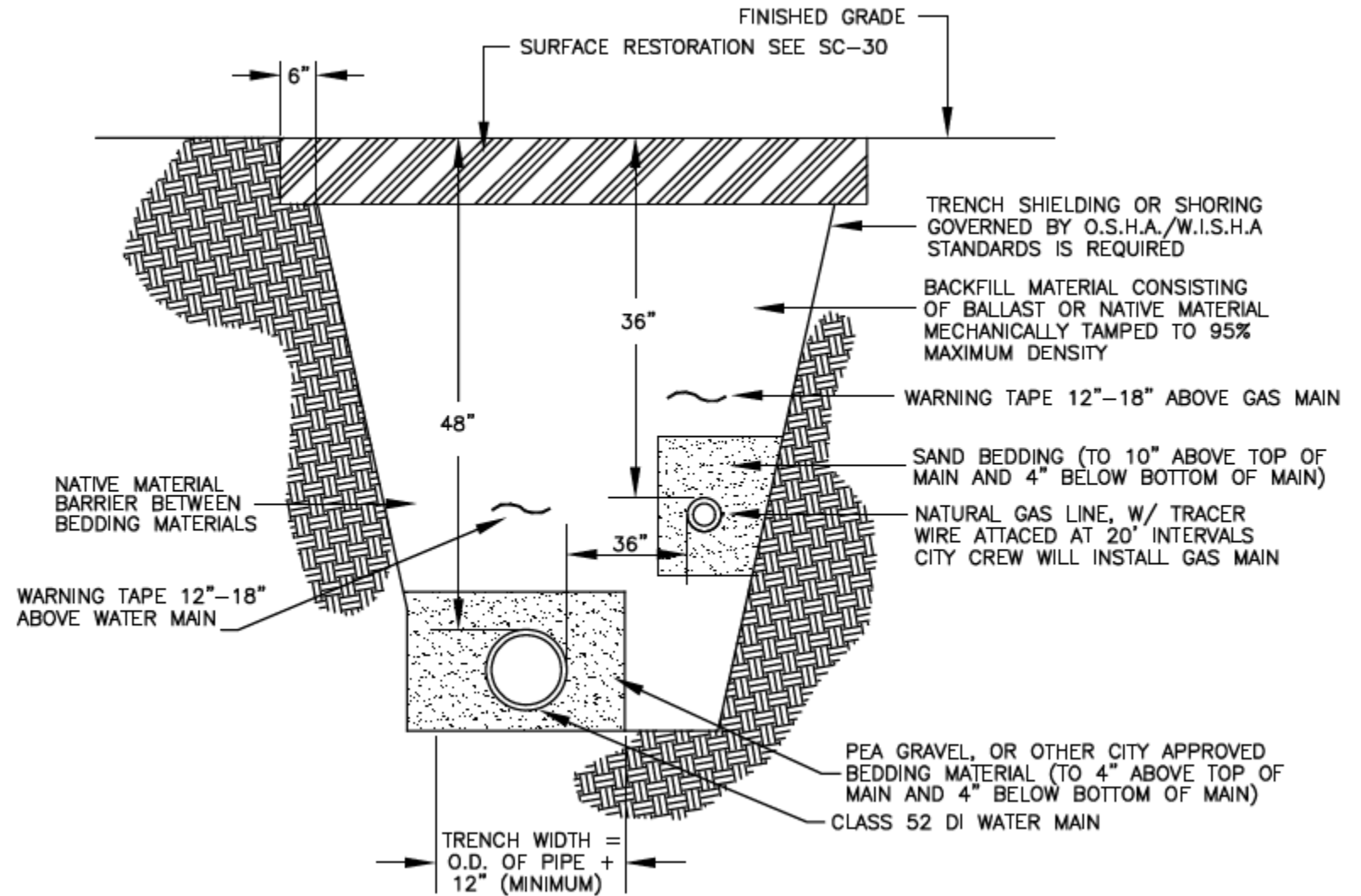
SMART City / Dig Once Policy

Dig Once - 2013 City Council makes it mandatory to install natural gas mains in new subdivisions at the time of construction.

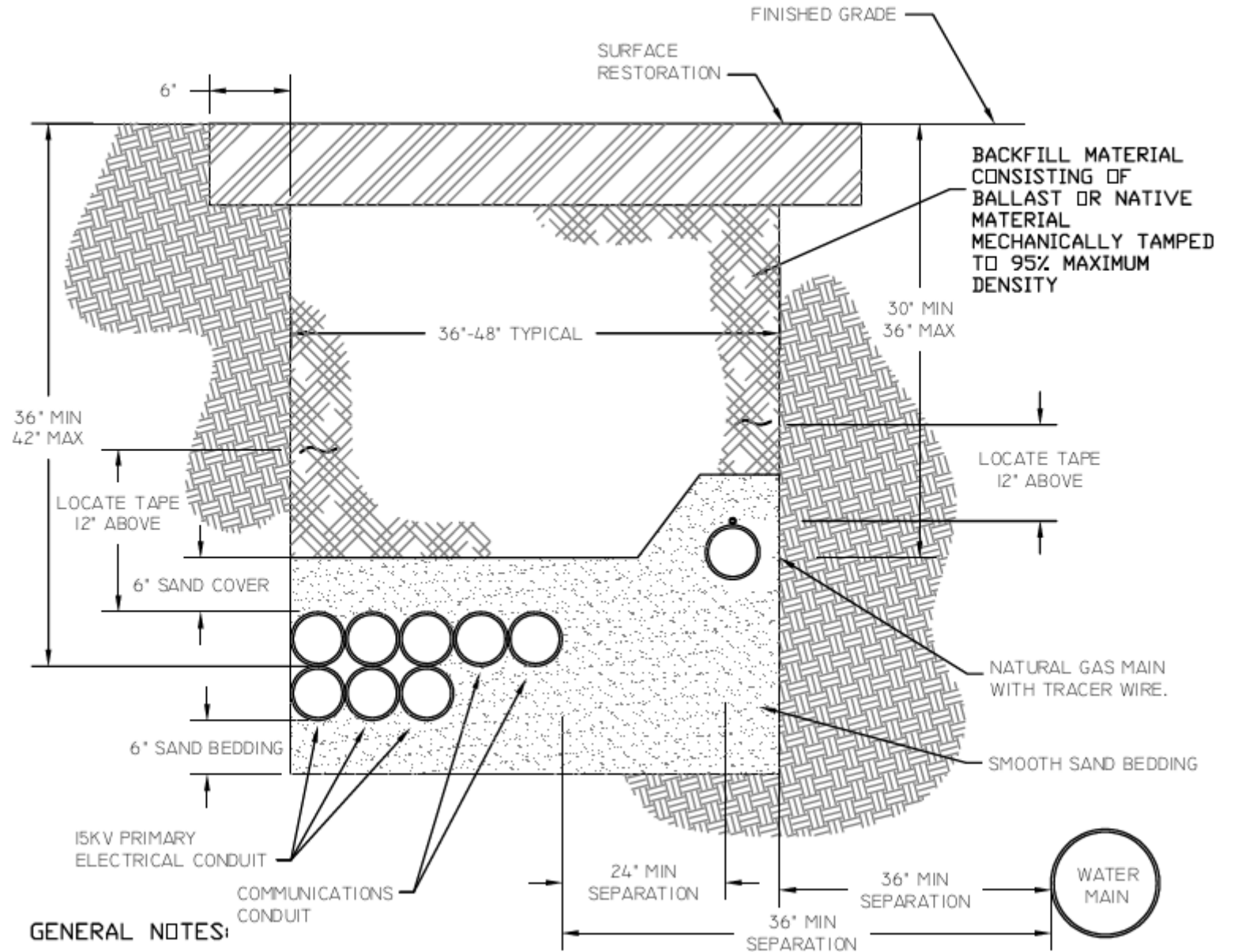
This does not require natural gas service lines to each home built.

It would enable a homeowner future access to natural gas service with the least amount of impact possible.

Dig Once Shared Trenching with Water



Dig Once Shared Trenching with Electric



Cost of Installation by Utility

(Recent Average Cost Per Lot)



Sewer
\$14,350

Water
\$9,653

Light
\$8,887

Gas
\$1,968



City of
Ellensburg
WASHINGTON

History Continued...

2014 With the rising cost of power and Tier-2 load growth projections, Council authorizes marketing efforts for the natural gas utility including offering incentives for:

- **Fuel Switching**
- **Furnace Upgrades**
- **Promotions**

MAKE THE SHIFT TO GAS FOR FREE

Developers: Reap the benefits of natural gas with help from the City of Ellensburg. Electricity rates are going up, and the City of Ellensburg wants your help doing something about it! We're asking home builders to install lower-operating-cost, higher-comfort gas appliances in their new construction projects. City-supplied rebates bring your costs near zero, and gas appliances can increase the value of the homes you build.

Home buyers love natural gas for its lower fuel costs, more cooking control and the comfort of gas fireplaces and stoves.

And now, we've made it easy for you to choose gas, with free City-supplied gas service lines to the house (in your trench), reduced electric duct and vault agreement fees for developments that put in gas heating, and substantial rebates for gas appliances.

Natural Gas Appliance	Rebate
Cooking range/oven	\$100
Clothes dryer	\$100
Water heater (tankless)	\$1,000
Furnace	\$1,600

Ready to take advantage of our natural gas services and increase your home values as well? Call Heather at (509) 925-8603 to get started. Or just go straight to www.ci.ellensburg.wa.us/naturalgasrebates to apply for rebates.

Attention HVAC contractors and plumbers: Additional City-supplied rebates are available for your residential customers who switch from electric appliances to natural gas. Let them know they can apply at www.ci.ellensburg.wa.us/naturalgasrebates.



Tier 2 Power Supply

Customers have various options for serving Above Rate Period High Water Mark (ARHWM) Load:

- 1) Non-Federal Resource (Specified or Unspecified)*
- 2) BPA/Federal Short-Term product*
- 3) BPA/Federal Vintage product*

Tier 2 Power Supply

Tier 2 Product (Customer commitment)

Resources Description

Short-Term
(5 years)

Short-Term market purchases (5 years or less in duration). Purchases driven by lowest cost market opportunities. Typically follows BPA's fuel mix

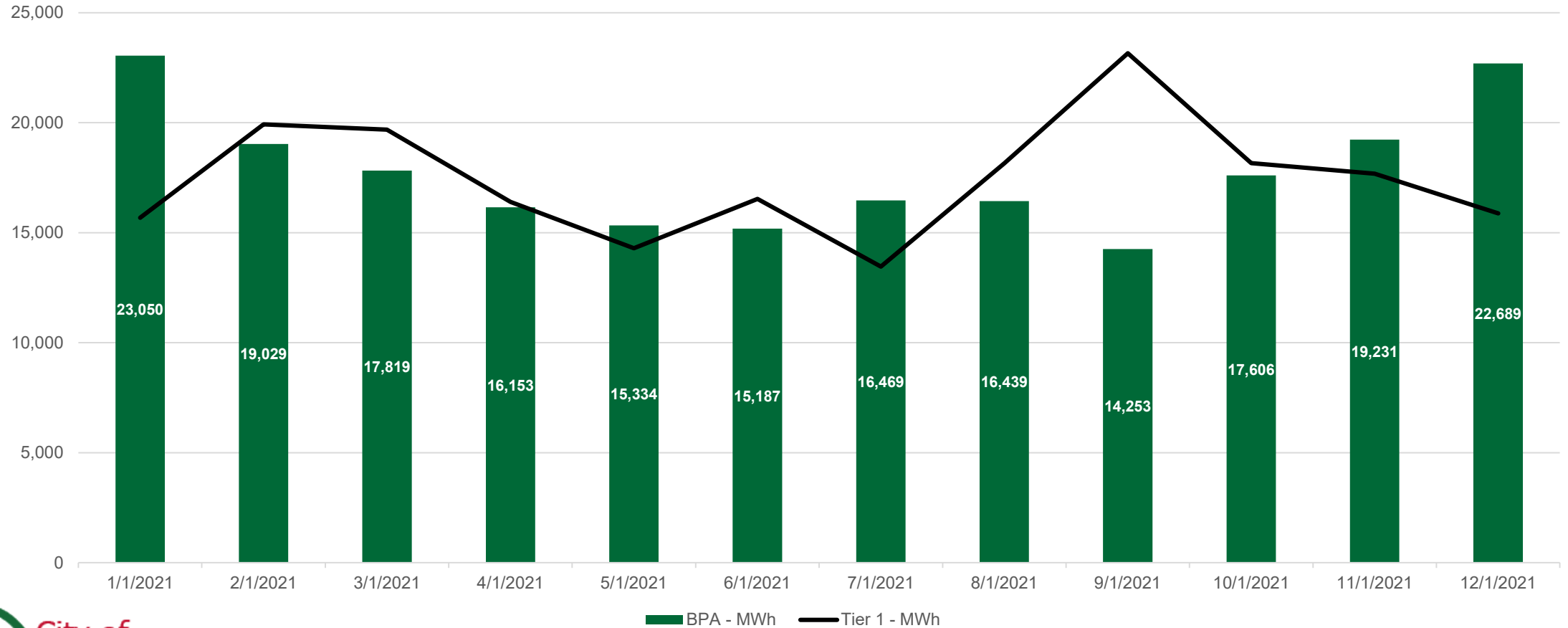
Vintage
(generally, up to 8 years)

Based on customer interest. (In no particular order: Wind, Geothermal, Solar, Waste Energy Generation, CCCT, market purchase.) Resource selection driven by targeted resource & lowest life cycle cost. REC's potentially provided for renewable resource.

Non-Federal Resource

Based on customer interest. (In no particular order: Wind, Geothermal, Solar, Waste Energy Generation, CCCT, Hydro, market purchase.)

2021 Electricity Consumption vs. Tier 1 Allocation



Climate Commitment Act (CCA)

Who Participates in Cap-and-Invest?



Covered Entities

GHG emitters that meet the program thresholds. Participation is not optional.



General Market Participants

Anyone else who wants to buy, sell, or trade allowances as a financial instrument.



Opt-In Entities

GHG emitters that don't meet the covered emission thresholds but choose to participate.

What Counts as 'Covered Emissions'

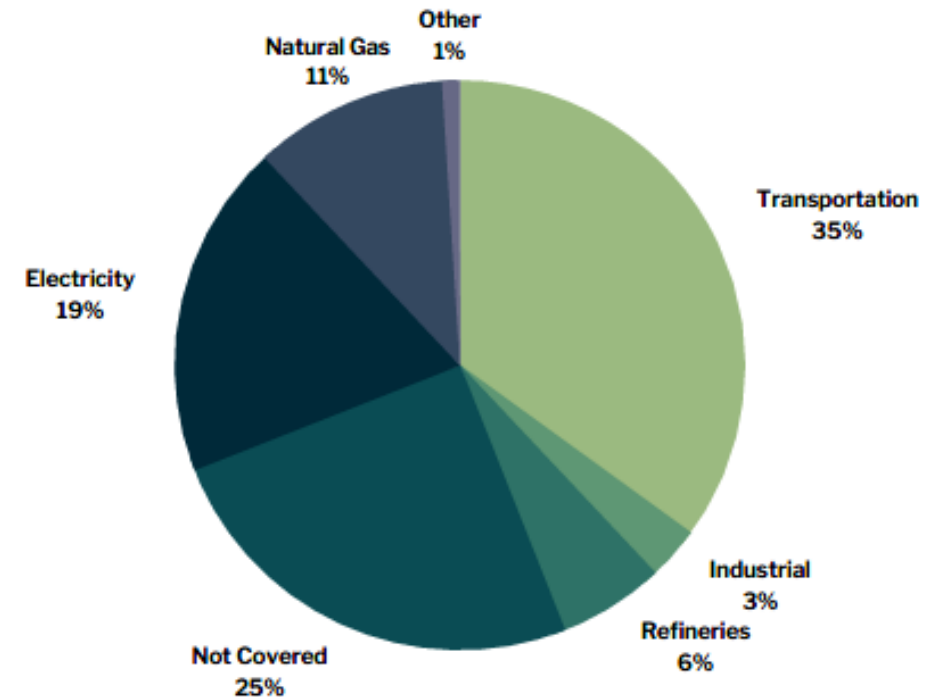
Roughly 75% of statewide emissions are considered 'covered' under the CCA, while the remaining 25% are designated as exempt.

Covered Emissions - 75%

- Emissions from:
 - Gasoline and on-road diesel
 - Electricity consumed in WA state
 - Facilities generating more than 25,000 MT/yr. of GHG emissions.
 - Natural gas distributed to homes and commercial businesses
 - Waste-to-energy facilities, beginning in 2027
 - Railroads & certain landfills, beginning in 2031

Not Covered - 25%

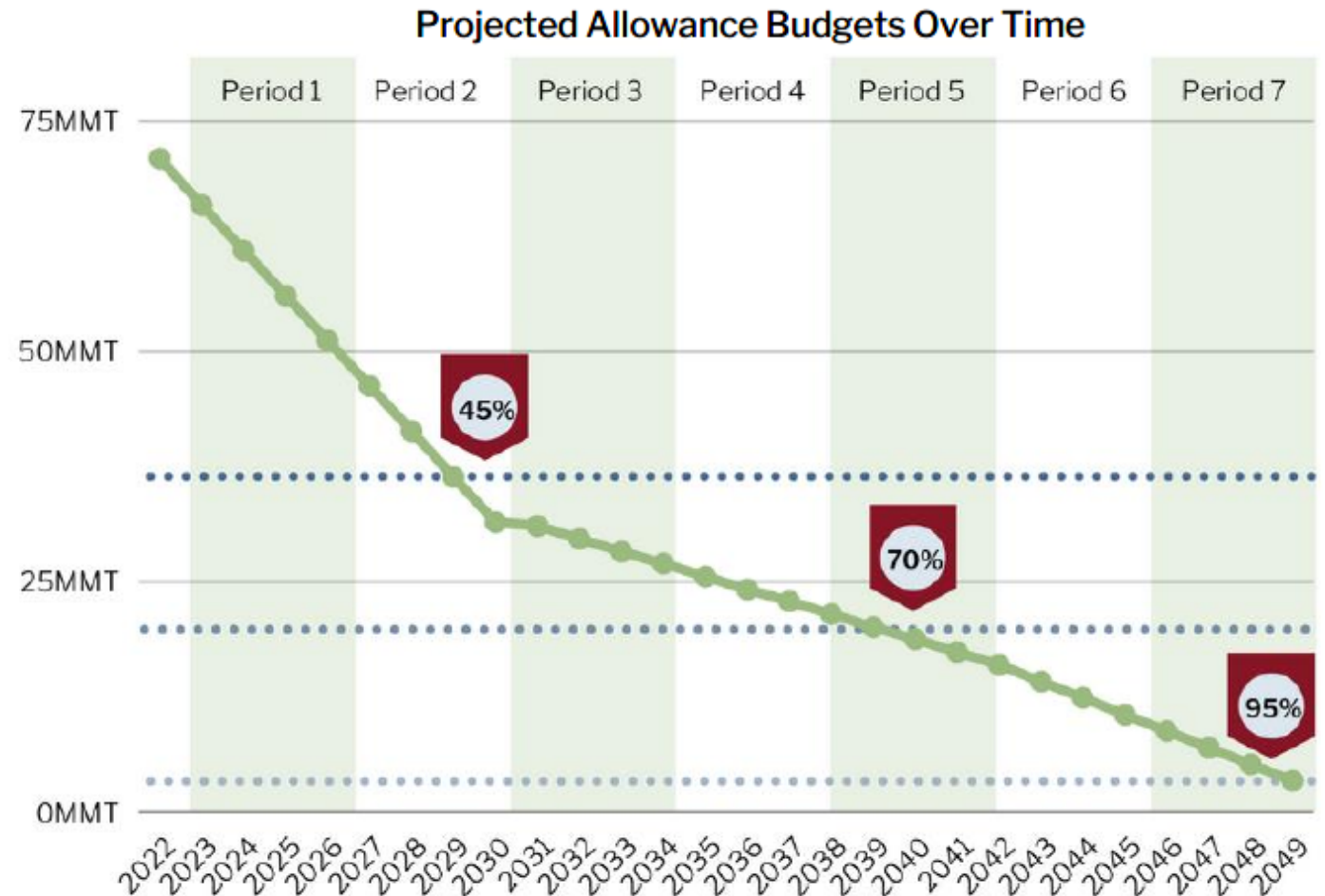
- Emissions from:
 - Agricultural operations
 - Businesses with fewer than 25,000 MT/yr. of GHG emissions.
 - Aviation fuels and most marine fuels



Allowance Budget Reductions

To keep Washington on track to meet its emissions reduction targets, the Allowance Budget decreases each year.

This graph shows the predicted Allowance Budgets through 2049, based on the proportionate reduction in covered emissions required for Washington to meet its statutory obligation of reducing emissions by 95% by 2050.



Natural Gas Utility Allowance Allocation

- Natural gas utilities that wish to receive free allowances must submit complete GHG reports for 2015-2021 no later than March 31, 2022.
- These reports will be used by Ecology to set the utility's allocation baseline for the first compliance period.
- Future emissions reporting will be calculated using a tool being developed by Ecology, based on Subpart NN reporting. Trainings on how to use this new tool are anticipated to begin in February 2022. All emissions reports will be subject to third-party verification.
- The total amount of free allowances distributed to natural gas utilities will decrease over time in line with the overall emissions cap.

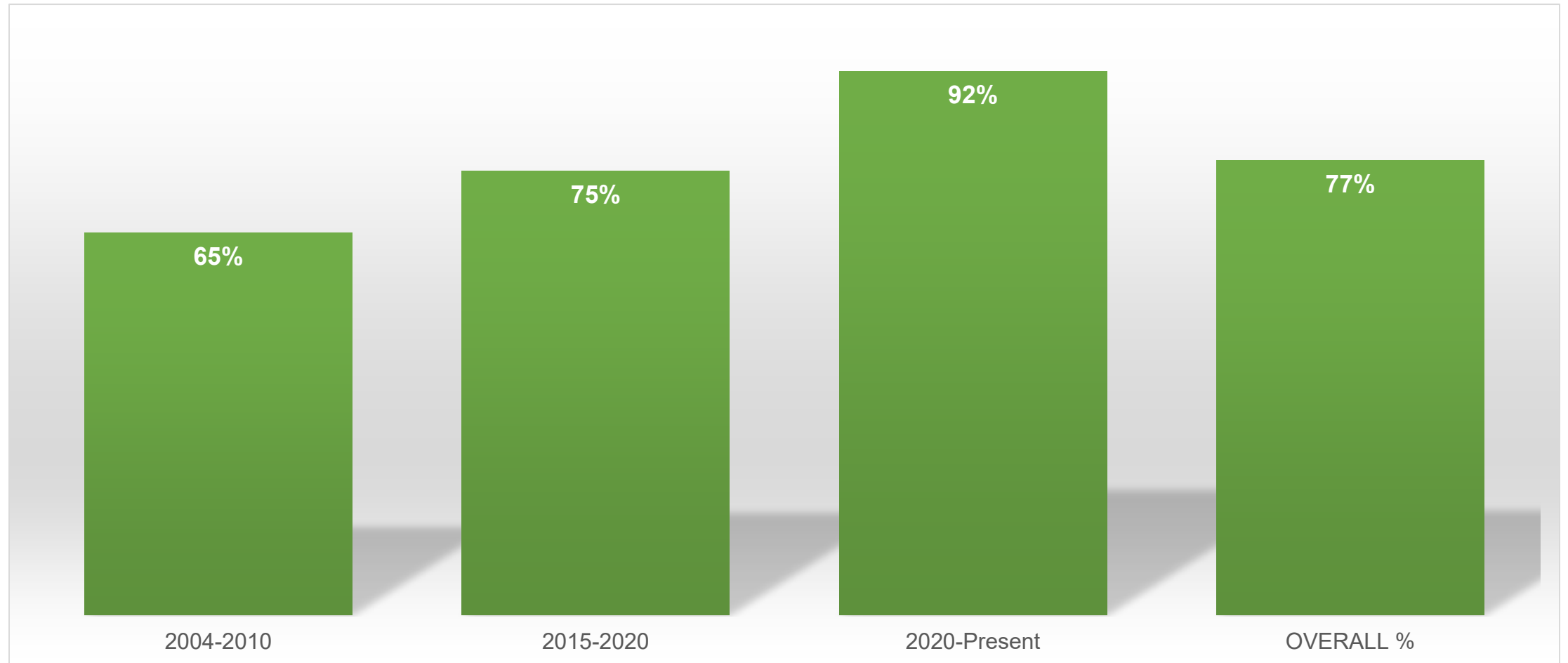
Public Utility Improvements

In order to meet the public interest, the following minimum public electric utility improvements, and public natural gas utility improvements, if applicable, shall be required to be constructed within the subdivision and shall be constructed in accordance with the public works development standards and the public works and utilities department development standards:

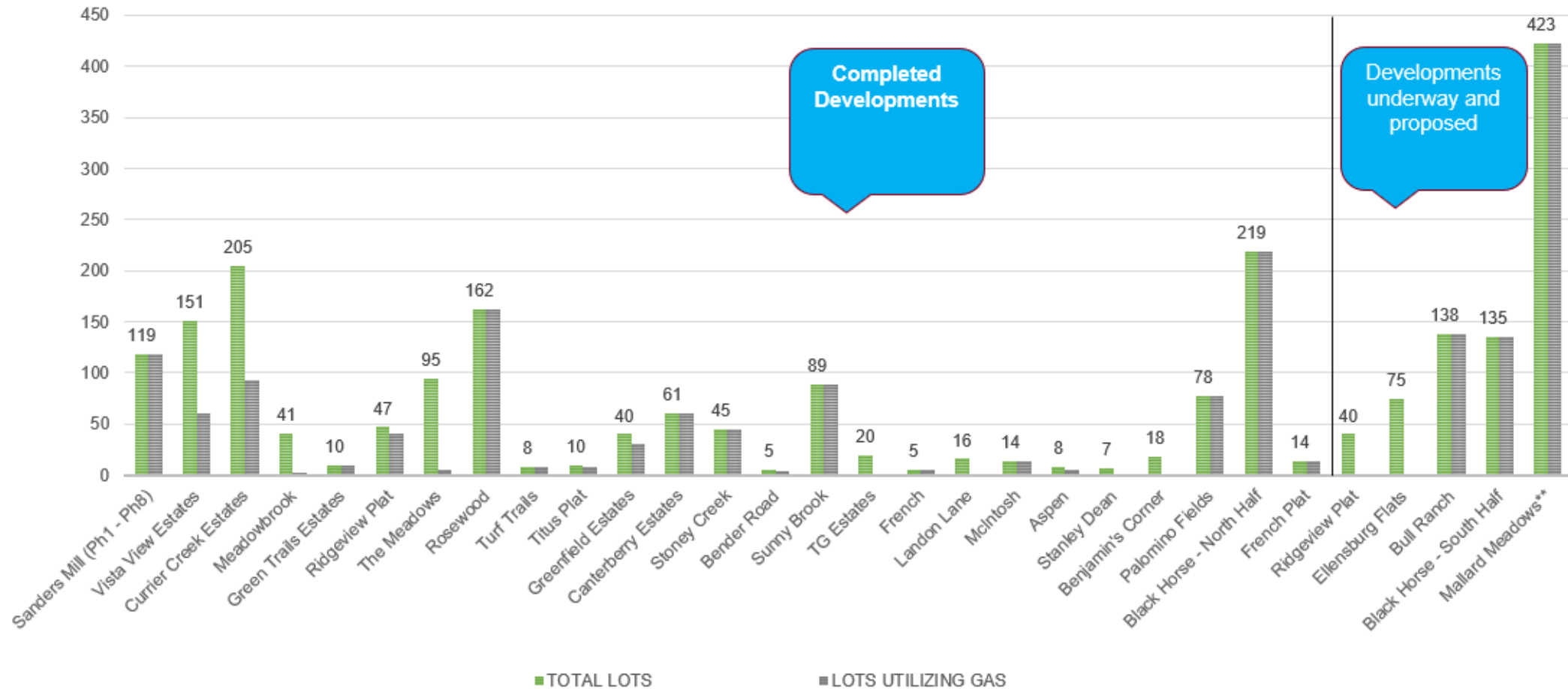
- 1. Installation of underground ducts, manholes and vaults to accommodate the electrical distribution system within the subdivision;***
- 2. Trenching and installation of all necessary public facilities for natural gas distribution within the subdivision; and***
- 3. Communication and television signal service facilities with ducting provided for communication and television service at the right-of-way crossings through a minimum two-inch PVC duct type unless otherwise required by the city based on recommendation from the respective utility.***

[Ord. 4804 § 1, 2018; Ord. 4656 § 1 (Exh. 02), 2013.]

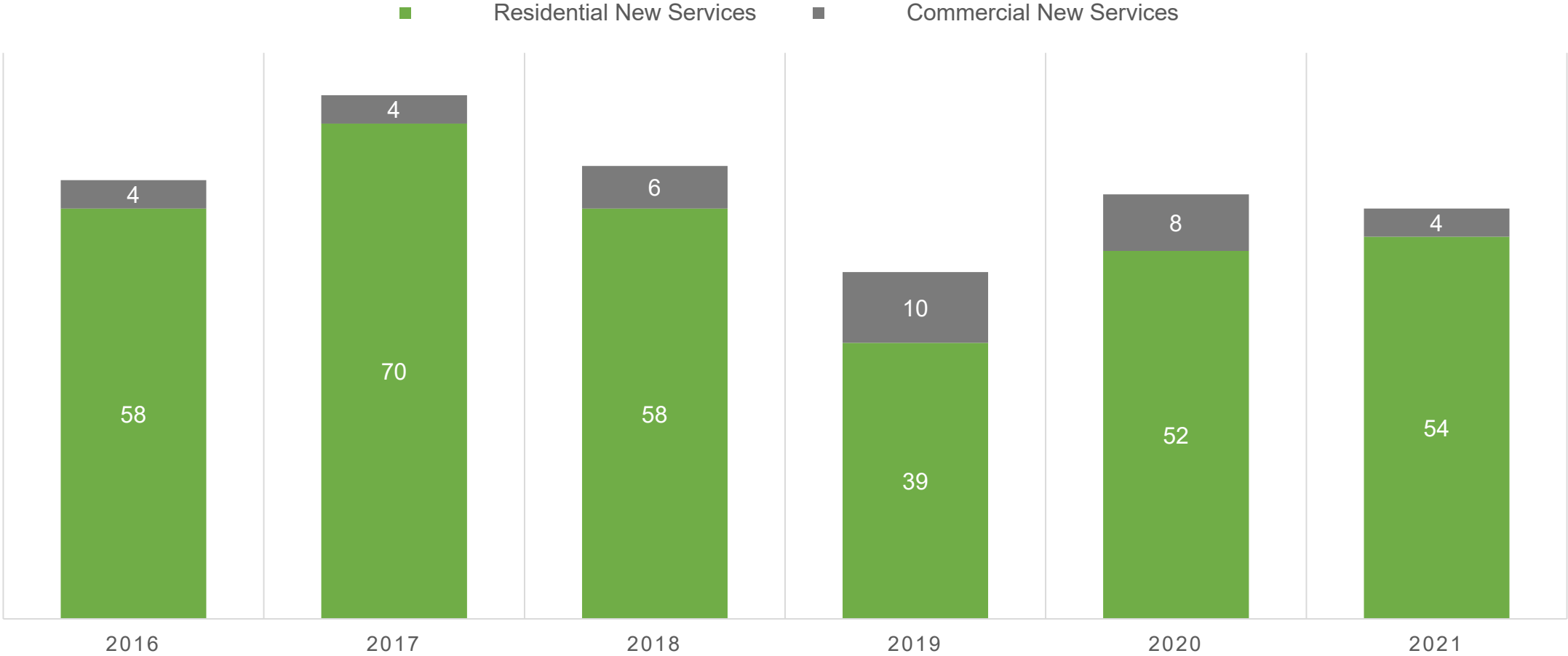
NEW RESIDENTIAL LOTS – GAS SERVICE INSTALLATION RATE



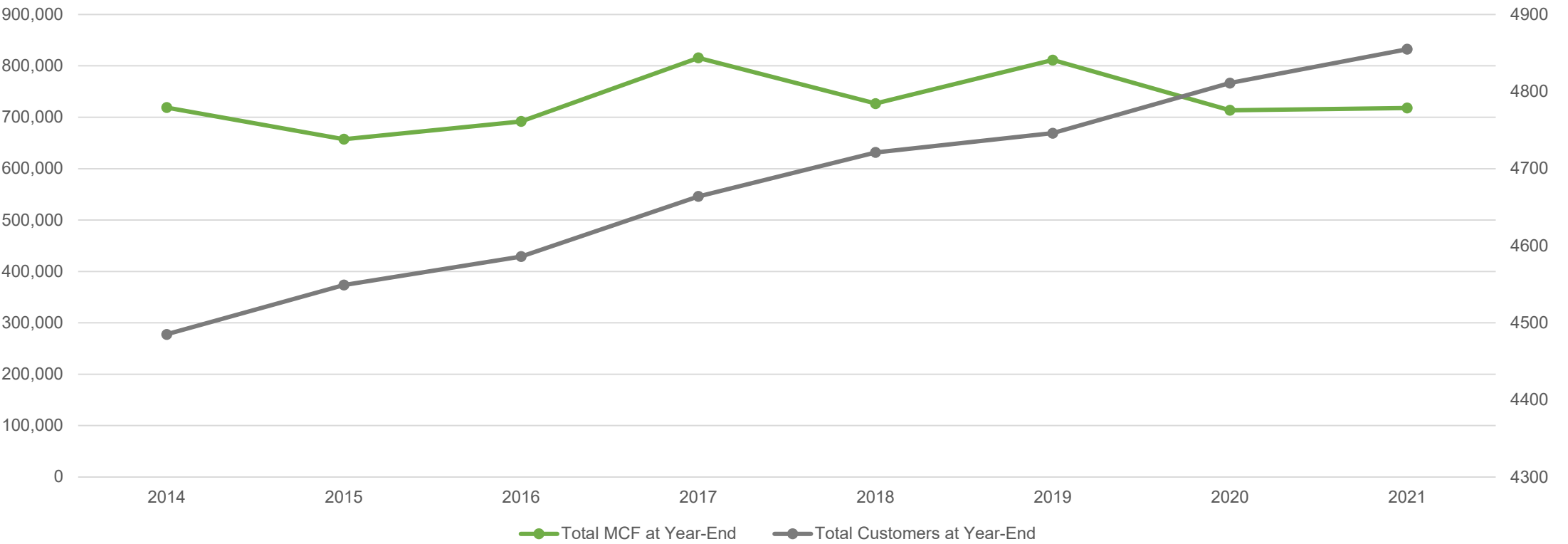
NATURAL GAS SYSTEM - DEVELOPMENT ANALYSIS



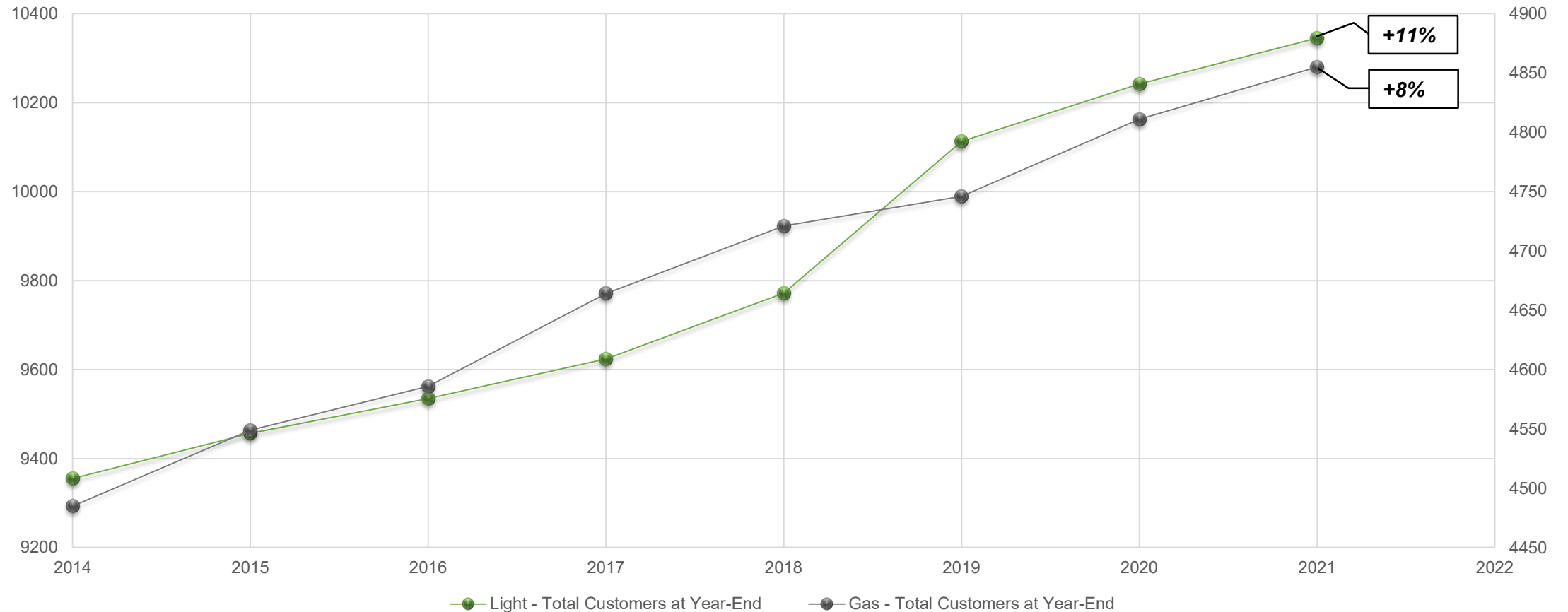
NATURAL GAS SYSTEM - NEW SERVICES PER YEAR



Total Customers and MCF at Year-End



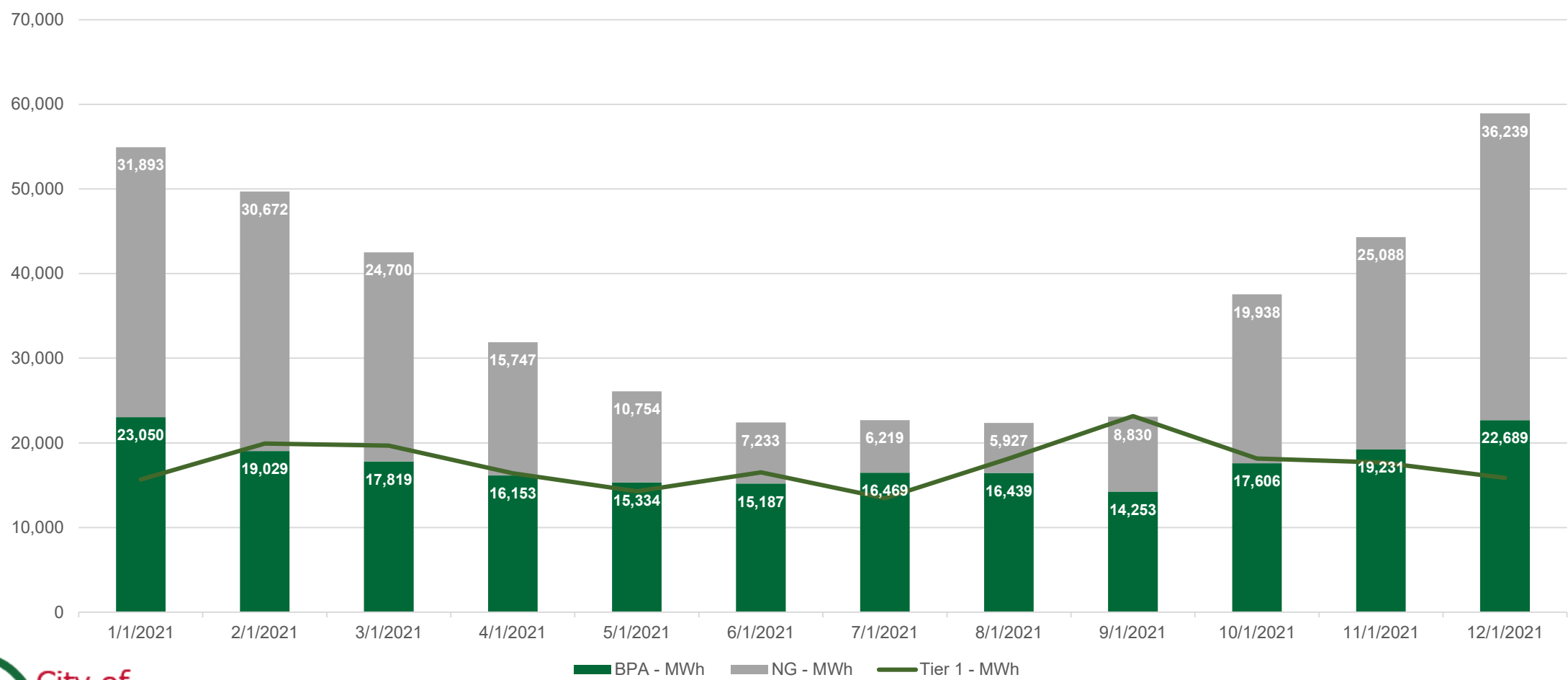
Light & Gas Customer Growth





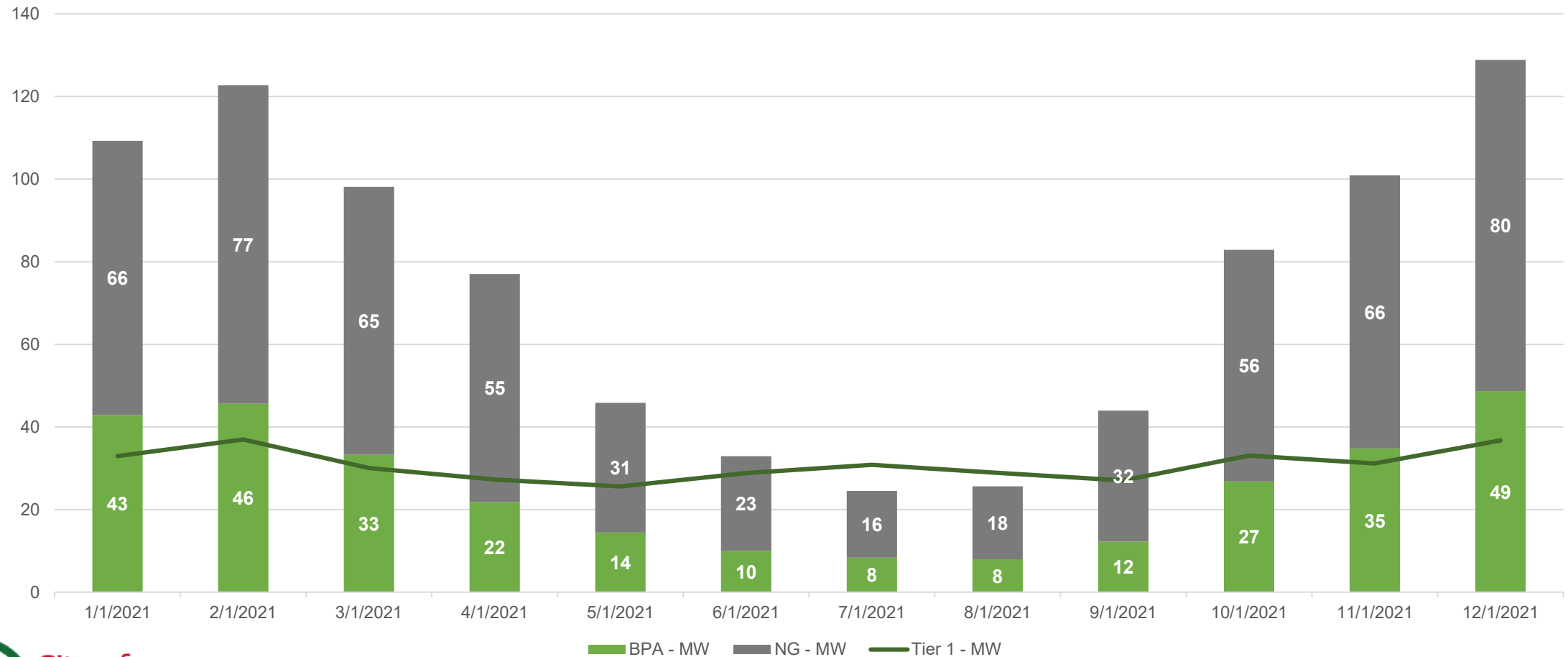
2021 Total Energy

(Purchased Power & Purchased Natural Gas Converted to Power)



2021 Monthly Peak Energy Demand

(Billed Demand (MW's) & Peak Natural Gas Converted to MW's)



Peak Gas Demand (Represented in MW)

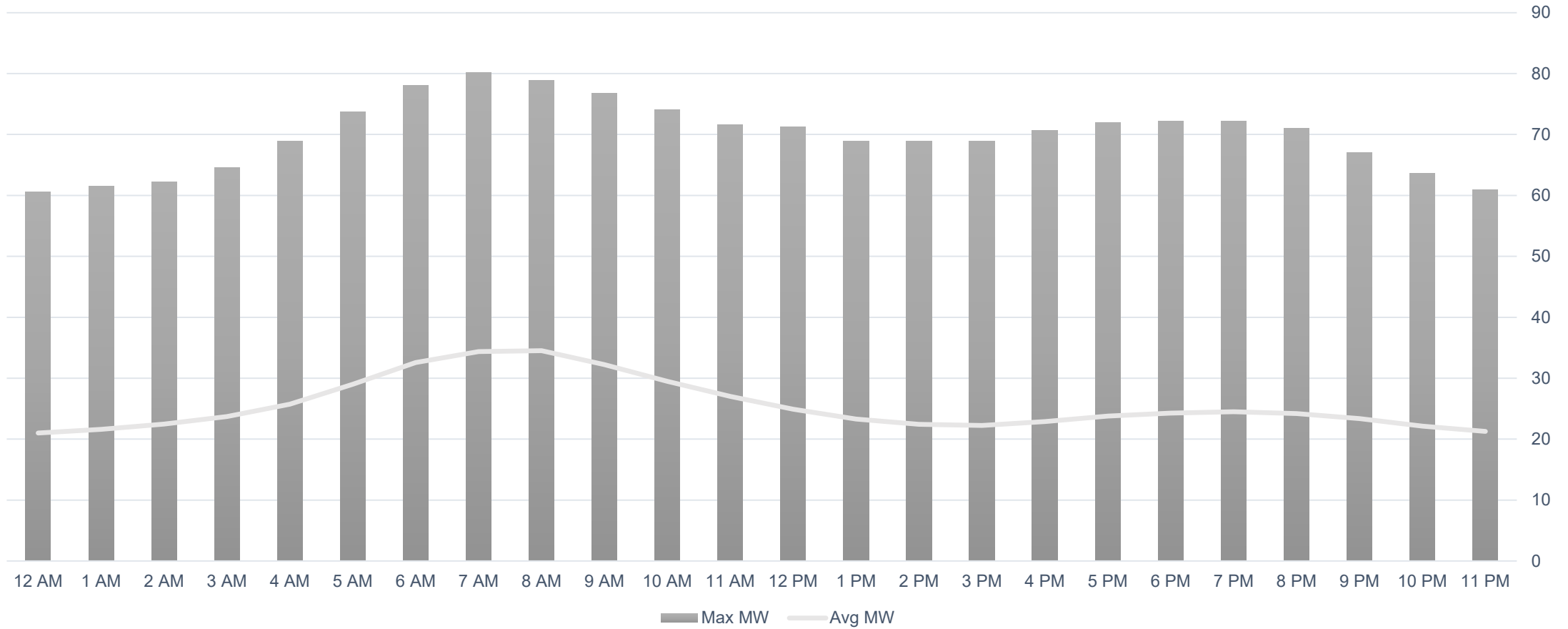
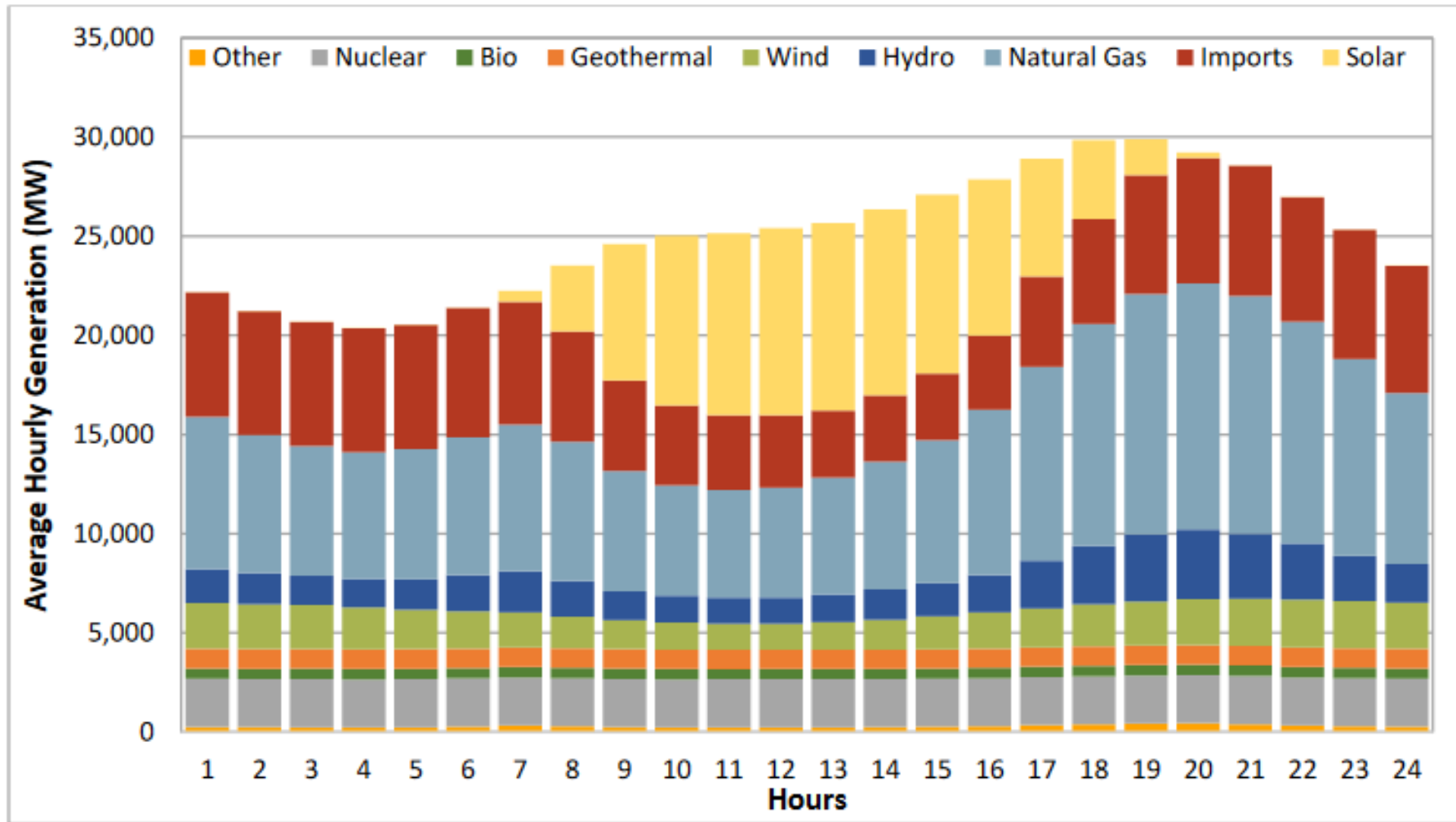
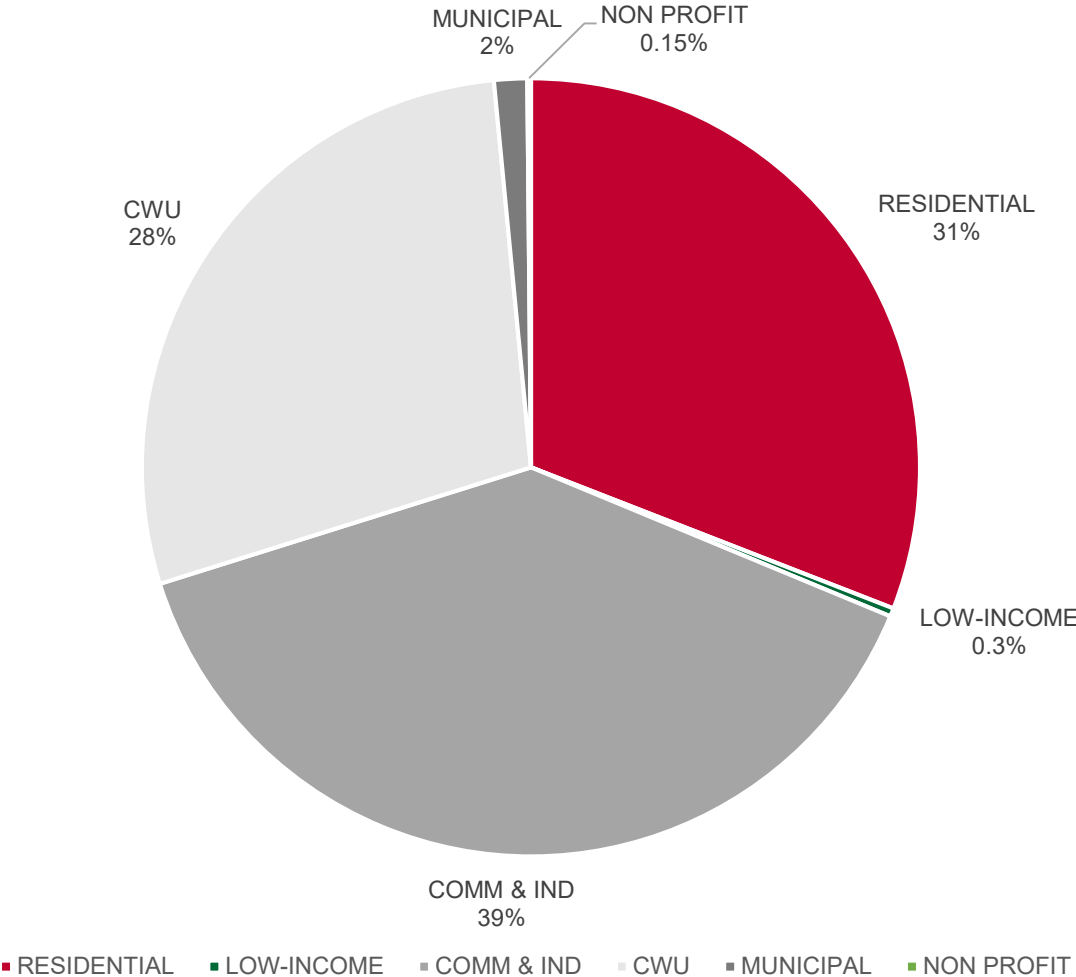


Figure 1.8 Average hourly generation by fuel type (2020)



Generation by fuel type - Department of Market Monitoring - Annual
Report on Market Issues and Performance – California ISO - August 2021

2021 NATURAL GAS CONSUMPTION BY RATE CLASS



Residential home using 2,000 kWh equivalent Cost & MT CO2 E



Policy Considerations – Gas Extensions

Continue

- Consumer Demand
 - Builders and consumers continue to use - fireplace, cooking, HVAC, etc.
 - Balances electric source demand
- Reliability - Secondary source option
- Efficiency
- Cost
- System integrity

Monitor

- Building Code
 - Trend in easing out use in residential heating
 - State Code Council recommendations
- Emissions impact unknown
- Sustainability and Energy Plan
 - CETA and CCA compliance uncertainty
- Demand
 - Volatility of Tier 2 rates

Policy Considerations – Gas Extensions

Alter – not require

- Potentially reduce residential direct fossil fuel consumption
- Potentially reduce future localized emissions (residential extensions decentralize distribution, but continue commercial availability)

Utility Advisory Committee
Recommended Option

Alter – prohibit

- Reduce residential direct fossil fuel consumption
- Reduce future localized emissions
- OPTION:
 - Continue commercial availability?
- OPTION:
 - Prohibit new connections until CCA compliance strategy is approved



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: July 18, 2022

Item Title/Agenda Subject: Gateway 1 Stormwater Retro-fit Bid Award and Acceptance, Bid Call 2022-09

Submitted by: Jon Morrow Public Works & Utilities

Recommended Action or Motion: Award bid to Rotschy Inc. for Bid Call 2022-09 for the amount of \$6,682,449.56, and approve the necessary budget adjustments.

Background/Summary: Bids were received on Thursday June 16 , 2022 for the above-mentioned project. Rotschy Inc. was the lowest responsive and responsible bidder in the amount of \$6,682,449.56. Council is being requested to award the bid to Rotschy Inc.

The project will provide stormwater treatment on both sides of University Way from Wenas to Whiskey Creek crossing in the form of rock lined infiltration swales just behind the curbs. Porous paver pedestrian bicycle path and sidewalks will be constructed on both sides of University behind the infiltration swales. Ginkgo trees will be planted on both sides of the road from Cora to the Whiskey Crossing. Gas and light utilities will be relocated in a common trench behind the pedestrian bicycle paths on both sides of the road. Private franchise utilities and the City's Telecom Utility fiber will be relocated off the poles and into the same Joint Utility Trench Agreement (JUT). The power poles will be removed and new street lighting will be installed on the north side of University.

Osborn Consulting prepared bid specifications for this project Bid Call 2022-09. City staff will oversee the administration and construction management of the project.

Previous Council Action: Council authorized the grant agreement with the Department of Ecology on January 22, 2019 to design and construct the project. Ecology's share of the agreement was \$2,742,627.85 and the City match was \$483,993.15. bringing the total project cost to \$3,226,621.00 just for the stormwater retro-fit portion of the project. The grant agreement did not cover utility relocation

costs for both public and private utilities. Council awarded the design and permitting contract to Osborn Consulting on August 8, 2019. Osborn prepared and delivered the design and bid specifications on May 24, 2022. The City bid was advertised on May 26 and bids were open on June 16, 2022.

Analysis:

The project was advertised, and bids were received as follows:

- Rotschy Inc. \$ 6,682,449.56
- Active Construction \$ 7,499,499.00
- Belsaas &Smith \$ 8,056,543.98
- Selland Construction \$ 8,160,962.07
- Strider Construction \$ 8,735,170.25
- Interwest Construction \$10,069,334.82

Financial Impact:

The grant eligible and non-grant eligible schedules/remaining budget adjustment requests are outlined below.

Schedule A - Arterial Street/Sidewalk

Bid amount - \$3,507,059

Ecology Grant remaining funds - \$2,402,000

Remaining unbudgeted amount - \$1,105,059

The City has met with Ecology and submitted an amendment requesting additional funds. Ecology has emergency reserve funds for cost overruns, but potential allocation of funding will not be awarded for approximately two months.

Schedule B - Non-grant eligible portion - Arterial Street

Bid amount - \$553,920.76

Sales Tax budgeted - \$484,000

Unbudgeted amount - \$69,920.76

Schedule C - City light schedule -underground power

Bid amount - \$1,883,312.71

Light Fund budgeted amount - \$827,119

Unbudgeted amount - \$1,056,193.71

Schedule D - Street Illumination

Bid amount - \$263,422.59

Unbudgeted amount - \$263,422.59

Schedule E - Joint Utility Trench (JUT)-CCI improvements

Bid amount - \$106,024.63

JUT-CCI Agreement - \$106,024.63

Schedule F - JUT -Charter improvements
Bid amount - \$82,631.37
JUT-Charter agreement - \$82,631.37

Schedule G - City Telecom improvements
Bid amount - \$140,375.83
Unbudgeted amount - \$140,375.83

Schedule H - City Gas improvements
Bid amount - \$145,702.66
Gas budgeted amount - \$100,000
Unbudgeted amount - \$45,702.66

NEEDED SUPPLEMENTAL BUDGET REQUESTS:

- Arterial Street/Sidewalk Related Budgets: \$1,438,402.35 to be funded via a transfer of Street Fund Balance in the amount of \$1,100,000, and Sidewalk Fund Balance in the amount of \$338,402.35.
- City Light Budget: \$1,056,193.71 to be funded from Light Fund Balance.
- City Telecom Budget: \$140,375.83 to be funded from the Telecom Distressed County Sales and Use Tax Grant.
- City Gas Budget: \$45,702.66 to be funded from Gas Fund Balance.



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: July 18, 2022

Item Title/Agenda Subject: Ad Hoc Committee on Homelessness Recommendation for Establishment of Year-round Overnight Sleep Center in Ellensburg/Kittitas County

Submitted by: Heidi Behrends Cerniwey City Manager Department

Recommended Action or Motion: Review recommendation and provide direction for Ad Hoc Committee on Homelessness and/or staff.

Background/Summary: The City has taken several actions in recent years to improve housing affordability. In 2017, voters passed a 0.1% sales and use tax for affordable housing. These funds, along with surplus city property, are being used to develop long-term affordable housing for members of our community. There are currently three main projects underway, totaling 91 new units of long-term affordable housing. A Housing Action Plan was adopted with strategies to create more housing, different types of housing, and more affordable housing stock.

With more visible public health and safety challenges of people experiencing homelessness in the community, an expanding need for behavioral health intervention/treatment, and limited ability to enforce camping regulations on public property without overnight shelter available year-round, Council engaged in a discussion with the Board of County Commissioners to explore service gaps and partnership opportunities.

Previous Council Action: Following discussion at the joint meeting of the Ellensburg City Council and Board of Kittitas County Commissioners on December 9, 2021, an Ad Hoc Committee on Homelessness was established to review issues around homelessness. The Committee was to identify changes in the regulatory framework and service network, and resources needed to address issues confronted by people who are unsheltered and/or homeless in Kittitas County and impacts to the community.

Analysis: A recommendation and supporting information from the Ad Hoc

Committee on Homelessness is attached to this agenda report.

Financial Impact:

Kittitas County has a professional services agreement with HopeSource to operate the seasonal overnight Cold Weather Shelter funded through the Homeless and Housing Assistance Fund (recording fees) for the amount of \$80,500 (2021-2022). Additional work will need to be completed to identify facility and annual operational models and costs for a year-round overnight shelter facility.

Attachments:

[Ad Hoc Committee on Homelessness Recommendation to City and County](#)

DATE: July 18, 2022

TO: Kittitas County Commissioners and Ellensburg City Council

FROM: Kittitas County/Ellensburg Ad Hoc Committee on Homelessness

RE: Recommendation for establishment of Year-round Overnight Sleep Center in Ellensburg/Kittitas County

Recommendation:

- Individual sleep sheds/tents/shelters to accommodate overnight stays which will allow enforcement of regulations prohibiting camping on public property
- Sited on publicly owned property, in or adjacent to Ellensburg and accessible to target population; non-residential light industrial
- Scaled appropriately: ability to accommodate up to 20 guests (with contingency plan for more)
- Access to restroom, shower, and secured storage facilities
- Secure, managed low-barrier facility with clear and enforced rules for access and facility use
- Year-round operation to replace seasonal Cold Weather Shelter
- Connection to social services to remove barriers and develop housing
- Maximize volunteer/faith community resources to build and operate facility
- Contingency plan to scale up facility over time
- Dedicated funding for ongoing operations
- Opportunity to expand model to smaller site in Upper County, depending on partnerships

Background:

- City Councilmember Bruce Tabb, City of Ellensburg; Heidi Behrends Cerniwey, Ellensburg City Manager; Terry Weiner, City Attorney/Asst City Manager; and Captain Dan Hansberry, Ellensburg Police Department
- Kittitas County Commissioner Laura Osiadacz, and Taylor Crouch, staff
- Sheriff Clay Myers, Kittitas County; Chris Whitsett, Sheriff's Office
- Council member Jeanine Brodine, City of Roslyn
- Donald Green, Kittitas Valley Ministerial Association
- HopeSource: Susan Grindle, ED, John Raymond, COO; Mark Hollandsworth, Director of Operations;
- Kelle Vandenberg, Area Director Kittitas County Habitat for Humanity
- Sascha Burckhardt, Kittitas Valley Health Network
- Peggy Morache, FISH
- Greg Aubol – Comprehensive Healthcare
- Melissa Denner – Merritt Resources
- Chelsey Loeffers, KC Public Health Director

The group met five times from February through June 2022, plus a site visit to Moses Lake to tour the Sleep Center operated by HopeSource.

About Homelessness in Ellensburg and Kittitas County:

- Since 2017, HopeSource has documented a nearly 400% increase in services to individuals and families experiencing homelessness
- Approximately 80% of those seeking help were residents of Kittitas County already as reported by the Department of Commerce Homeless Management Information System (HMIS).
- On average, there are approximately 45 homeless households in Kittitas County at any given time, 20 of which are in temporary housing/shelter units. (Point in Time data, 2021)
- In 2022, the Point in Time (PIT) census identified 22 unsheltered individuals in Kittitas County. Ellensburg has the highest concentration of individuals.
- Individuals living in recreational vehicles (RVs) or other vehicles are considered to be sheltered. Long-term parking and inoperable vehicles as living spaces is becoming more challenging across the County.
- Many communities use a housing first model: knowing they cannot impact homelessness and the underlying factors of mental health, substance abuse, trauma, etc. without addressing housing needs first.

Services Available in Kittitas County:

- Cold weather shelter during the winter months (November 15- March 15). The 2021-2022 Cold Weather Shelter season served 74 individuals total with an average of 12 guests per night, the busiest night of the season saw 18 individuals. The faith community (Kittitas Valley Ministerial Association) opened the Cold Weather Shelter in 2014. The shelter rotated between faith facilities for several years and was primarily volunteer operated. The pandemic created special health and safety challenges for shelter operations. The shelter was housed in a single seasonal location for the past two years. Due to reduced volunteer capacity, HopeSource became the shelter operator in 2021-2022, coordinating resources and providing overnight security. The 2021-2022 Cold Weather Shelter agreement with HopeSource provided \$80,500 from the County's Homeless and Housing Assistance Fund (recording fees).
- HopeSource provides Coordinated Entry into housing and services in the County. Several local scattered-site shelters are available in our community. Some serve specific populations, veterans, domestic violence victims, youth, etc. Most are operated by HopeSource, a regional service provider.
- The A-Team is coordinated through Kittitas Valley Health Network and offers collaborative service connections from hospital, emergency care, behavioral health, substance use disorders housing, etc.
- Behavioral Health Court began to offer a diversion program in 2022 for individuals willing to participate in substance use disorder and/or mental health evaluation and treatment programs

- The Navigator program facilitates community outreach, case management, and referrals for people struggling with substance use disorder mental health issues
- Kittitas County lacks a crisis stabilization facility and sufficient behavioral health resources to serve the need
- Utilization of voluntary mental health and substance use disorders is low

Current Gaps in Services Discussed:

- Need for year-round drop-in overnight shelter
- Limited options in Upper County
- Long-term housing (permanent supported housing) with wrap-around services for people with chronic substance abuse/mental health barriers
- Improved coordination of behavioral health/substance abuse/case management and adequate resources to ensure that people who need substance use disorder and behavioral health services receive those services in a timely manner.
- Crisis stabilization facility

Other Related Actions:

- Housing affordability is a statewide problem, and certainly an issue in Ellensburg and Kittitas County.
 - o Kittitas County Homelessness and Affordable Housing 5-year Plan (updated 2019): [2020-Kittitas-HAHC-5-Year-Plan.pdf](#)
 - o City of Ellensburg Housing Action Plan: [Housing Action Plan | City of Ellensburg \(beheardeburg.com\)](#)
- The City of Ellensburg has taken several actions in recent years to improve housing affordability:
 - o In 2017, voters passed a 0.1% sales and use tax for affordable housing. These funds, along with surplus city property are being used to develop long-term affordable housing for members of our community. There are currently three main projects underway, totaling nearly 91 new units of long-term affordable housing.
 - o Developed a Housing Action Plan with strategies to create more housing, different types of housing, and more affordable housing stock.
- Behavioral Health Resources: The City and County work closely with HopeSource, Comprehensive Healthcare, Merit Resource Services, and other agencies to get people connected to the resources they need and to plan for ongoing comprehensive services.
 - o The City Council has been a vocal advocate for the .1% sales and use tax for behavioral health services. The Board of County Commissioners passed this measure in 2021 with revenues scheduled. Use of funding could be to add crisis beds at Kittitas Valley Healthcare (KVH) and to fill other critically needed services within the County and City to support first responders and law enforcement with options to help those in crisis. The County Commissioners are responsible for funding allocations to improve behavioral

health services. Ellensburg Police Department (EPD) staff and other service providers advise on those service needs.

- o EPD partners with a substance abuse counselor so officers have access to direct referrals in the field.
- HopeSource purchased the 4.8-acre site, formerly Nites Inn Hotel, to convert it to affordable housing. The City contributed local affordable housing sales tax dollars (\$750,000) and the County provided Homeless and Affordable Housing funds (\$750,000) to purchase the property. Over the next two years, the building will be converted into 16 units of affordable housing and the site has additional buildable acreage for approximately 40 additional units. The project will serve people who face the highest barrier to stable housing, who are earning at or below 60% of area median income.



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: July 18, 2022

Item Title/Agenda Subject: Ellensburg Broadband Mapping and Strategic Plan Adoption

Submitted by: Ben Faubion Information Technology

Recommended Action or Motion: Staff recommends Council approve and adopt the Broadband Mapping and Strategic Plan report.

Background/Summary: In 2015, consultant CTC Technology & Energy was retained to prepare a Telecom Utility Strategic Plan. In the Telecom Utility Strategic Plan, broadband service was evaluated and at that time recommended the City not pursue a full retail broadband service as it would not be financially feasible. However, the consultant recommended that the City pursue niche markets to support the community's broadband needs.

In July 2021, the City's consultant, NoaNet, and the City began a Broadband Study to evaluate if building out a community broadband network project was feasible. The study conducted mapping to identify served, underserved, and barriers to broadband access. As part of the study, a public survey was conducted to understand the current broadband service in the community, measuring speed, reliability and value. Four business case planning concepts were then evaluated: Open Access, Public-Private Partnership, Excess Capacity, and Full End-User Retail. NoaNet also conducted business modeling to provide the City a better understanding of the financial obligations involved with the open access and full retail broadband models.

On November 15, 2021, NoaNet presented the survey findings in a study session with Council. The survey results established that service throughout Ellensburg generally meets or exceeds the FCC broadband minimum broadband requirements (25/3mbps). One of the barriers is that although the City is eligible to apply for state and federal broadband expansion grants, the likelihood of being awarded is low because by the current FCC standards, which emphasize financing projects in those communities that are unserved; broadband service in the

City meets the minimum FCC requirements and is considered a "served" community.

During a March 7, 2022 study session, NoaNet continued the discussion regarding different broadband business models and also shared that local providers are planning to improve services and build out more fiber in Ellensburg. Finally, NoaNet advised that the open access or full end-user retail solutions present too much risk and are not economically feasible. As a result, their report recommends the City pursue the excess capacity model (discussed below).

The report was presented to the Utility Advisory Committee at its June 16, 2022 meeting, and received a favorable recommendation for adoption by City Council.

Previous Council Action:

Two study sessions were conducted with City Council on November 15, 2021 and March 7, 2022 to review the study findings. The feedback from Council was used by NoaNet and staff to draft the Broadband Mapping and Strategic Plan.

Analysis:

As communicated by NoaNet during the study sessions, the competitive environment is quickly changing with at least one commercial broadband provider undertaking significant expansion of its fiber footprint in the City in recent months. Likewise, there is an increasingly competitive environment for grant awards and, at the same time, it remains unlikely the City can forge a public-private broadband partnership. The Ellensburg Broadband Mapping and Strategic Plan concludes that open access or full end-user fiber-to-the-home (FTTH) solutions are economically infeasible. As result, and given the City's already existing fiber network, the Plan recommends the City pursue the excess capacity model as opportunities emerge that offer a reasonable return on investment that support the needs of the city.

The excess capacity model utilizes the City's unused fiber strands within the existing City's infrastructure. Using the excess capacity model, the City would take a measured and calculated approach to any future network expansion. The City would strategically plan and budget in coordination with other departments as capital projects develop or if viable grant opportunities become available in the future.

Financial Impact: There is no direct financial impact to adopt the plan.

Attachments:

[Ellensburg Broadband Mapping and Strategic Plan](#)



CITY OF ELLENSBURG BROADBAND MAPPING AND STRATEGIC PLAN

Prepared by



June 9, 2022

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EXECUTIVE SUMMARY

SCOPE AND PURPOSE

The City of Ellensburg Broadband Mapping and Business Assessment is intended to guide the development of broadband services in the City of Ellensburg to achieve a vision shared by city officials, residents, and local businesses. This effort expanded upon the objectives of the original buildout and commercial business district pilot project and mapped the City's broadband environment to capture broadband accessibility, affordability, reliability, digital equity, and literacy. This allowed the City's role in delivering broadband to the community, including business and residential solutions, to be evaluated objectively and establish a long-term strategic vision.

The objectives outlined at the onset of this project, which are responded to in this document, are as follows:

1. Expand upon the objectives of the original buildout and commercial business district pilot project.
2. Map the broadband environment of the City to capture broadband accessibility, affordability, reliability, and digital equity and literacy.
3. Collaborate with Kittitas County and the PUD towards a county-wide solution for our communities' broadband needs.
4. Evaluate the City's role in delivering broadband to the community, including business and residential solutions.
5. Create projects (service zones) that can be categorized and prioritized as part of a long-term vision towards a city-wide broadband network.
6. Establish a Long-Term Strategic Vision

This assessment can serve as a guiding document to outline the future steps of network deployment and broadband management by the City of Ellensburg.

SUMMARY OF EFFORT

A community-wide online survey launched in conjunction with Kittitas PUD to develop a dataset of community-led feedback on current broadband needs, services, opinions, and speed tests. To ensure individuals without access to the Internet or technology could reach the survey, paper surveys were also distributed to community groups, available at the City Offices and critical community agencies that serve underserved populations. Additionally, a phone line was available for community members who could not access the survey via a web-enabled resource.

It was determined that the survey results showed that there was sufficient need to warrant continued exploration. Network solutions were developed and costs to deploy city-wide infrastructure to bring fiber services to the entire community were developed. Business philosophies were discussed, and various methodologies and partnerships were explored.

Individual meetings were held with several area service providers that overall expressed moderate interest, including:

- iFiber Communications
- Charter Communications
- Central Connect
- Blue Span
- Inland Networks
- Consolidated Communications

Four business case planning concepts were reviewed as possible solutions for this market: open access, public-private partnerships, excess capacity, and full end-user retail.

1. Open Access-

- a. A lit open access fiber-to-the-home (FTTH) broadband network means that the network is open to multiple service providers all the way to the home or business, not just to their town or neighborhood. Lit open access FTTH networks have all the required equipment to deliver broadband services included in them.

2. Public Private Partnership-

- a. A public private partnership in broadband means that the county or municipality builds community support, identifies its needs and offers its resources to the broadband provider to make broadband deployment more financially attractive to the provider, such as going out for grants or loans to help build the infrastructure.

3. Excess Capacity-

- a. A network that is built but has excess data capacity, such as a well-provisioned office or data center, which may not be using all of its throughput capacity all of the time – sells some of that extra unused network bandwidth space to others for their use.

4. Full End-User Retail-

- a. Offering consumer internet services products for sale directly to consumers.

All operating models explored initially and were then narrowed down from the original to open access and full retail for full analysis after there was not an apparent and clear private partner for a PPP, and excess capacity is the current model in use by the city. Throughout this effort, the city has maintained close collaboration with Kittitas County and Kittitas PUD to ensure all actions would be transparent and in line with the community's needs.

FINDINGS SUMMARY

Services currently being offered by incumbent service providers generally exceed the FCC definition of broadband which is 25/3mbps. The average speed test completed in our survey yielded a result of 89/26mbps. However, the need for capacity at residential premises rises steeply over time, with that trend expected to continue.

While the results obtained through the study are above the FCC threshold, they are well below the Washington State broadband goal of 150/150mbps for every household by the year 2028. Less than 1% of test results yielded speeds that would pass this metric. If a continued investment is not made into the existing infrastructure, the City and UGA will quickly fall behind the curve and become inadequately serviced.

One of indicator of whether a network will be adequately maintained and upgraded over time is if there is free-market competition among providers. This environment is not without competition. Thirty-nine percent of survey respondents reported that their location was only serviced by one ISP. 47% of respondents reported having access to two service providers, and 15% said three or more providers serve their area. The results of the survey are explored in-depth in the survey results section of this document.

Most of the broadband service is provided by two ISP's: Charter/Spectrum and Consolidated Communications, Inc. (CCI). While there are other providers in the community, they are mostly resellers of these two providers. Charter/Spectrum currently provides residential broadband speeds of up to 100 mbps, CCI's service is limited to DSL speeds, which are significantly lower. However, CCI has undertaken a significant build-out of new fiber service throughout Ellensburg, and reportedly offer speeds of up to 1 GB along with reduced pricing for low-income households.

The total costs associated with a citywide deployment of the infrastructure necessary to bring fiber services city-wide is approximately \$17 million. As a non-rural area with many residents exceeding the FCC's threshold of broadband, the area is a candidate for the current funding available for broadband infrastructure expansion projects. Ellensburg would not be qualified as an unserved community by most funding authorities, but would be considered an underserved one, making outside funding such as grant and loan programs challenging. There are currently many communities throughout the state likely to be awarded grant points for metrics such as being rural, financially distressed, and only having access to sub 25/3 services, that this community would not be awarded.

City officials and staff currently recognize the importance of the existing fiber-optic system to the commercial business district's city services, education, and economic development, evidenced by the current infrastructure deployed, which services anchor institutions such as Central Washington University, municipal uses, and the core downtown business district. It also provides a core network that has greatly benefited the deployments modeled in this document.

The competitive environment, including the new CCI broadband fiber build-out, makes the likelihood of the City investing in an open access or full end-user FTTH solutions economically infeasible. For reasons stated above, it is also doubtful the City will qualify for most of the grant offerings currently available, making a public-private partnership also unlikely. Therefore, given the current competitive and economic environment, and the City's already existing fiber network, it is well-positioned to take advantage of the excess capacity model. This will allow the City to strategically budget for and invest in network expansion as capital projects develop, especially those associated with potential grant opportunities targeted at broadband service.

HISTORICAL EFFORTS

BROADBAND FOR CITY SERVICES

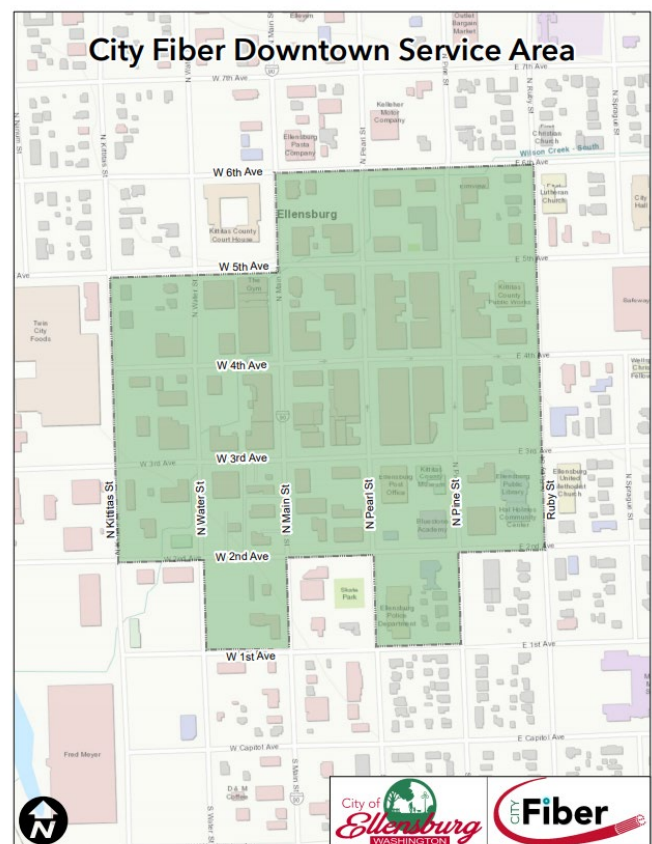
The City of Ellensburg has been providing fiber services to the local municipality and other public agencies in the community since 1999 and began offering internet service in 2017. City Fiber operates on a break-even basis, and all savings are reinvested back into the network.



City Fiber is the retail name of the Internet Services owned by the people of Ellensburg and operated as a public service by the City of Ellensburg. The City fiber network consists of fiber optic cable which can deliver dark fiber and lit network services to a myriad of different anchor institutions, as well as supply internal network services to the city. This network has been used to serve the university, fire and rescue, library, public safety, small to medium business, and other mission critical city services, just to name a few.

DOWNTOWN PILOT PROJECT

The City has improved the reliability and speed of internet services in Ellensburg by constructing a fiber optic-based internet network downtown. This network utilizes the latest technologies in fiber optic networking to bring the anchor institutions and downtown businesses of Ellensburg ultra-fast Internet at an affordable price. City Fiber is also an Open Access Network, so ISPs can lease fiber from the City to extend services to anchor institutions and residential neighborhoods and provide competitive services. Maintenance, monitoring, and operations are outsourced so the City can maintain a minimal staff to support this effort.



BROADBAND MAPPING DATA

SURVEY RESULTS

In mid-August of 2021, the City of Ellensburg launched a county-wide community survey coordinated with Kittitas PUD. The survey was available to any resident or business within Kittitas County for eight weeks until we closed the survey portal in mid-October.

The survey explored many aspects of digital inclusion – accessibility, affordability, and various data points that could potentially support future grant opportunities such as local farms, home-based businesses, and homes with students residing within them.

The survey was primarily available via an online portal. Community outreach for this web portal was engaged through social media, Be Heard EBurg, customer billing inserts, direct business outreach, and public community meetings.

To ensure individuals without access to the Internet or technology could reach the survey, paper surveys were also distributed to community groups, were available at the City Offices and critical community agencies that serve underserved populations. Additionally, a phone line was available for community members who could not access the survey via a web-enabled resource.

949 SURVEYS WERE COMPLETED IN KITTITAS COUNTY, 333 OF WHICH WERE SPECIFICALLY WITHIN THE CITY OF ELLENSBURG CITY AND URBAN GROWTH AREA LIMITS.

For the Ellensburg-specific responses, 278 were received from single-family homes, 46 from multi-unit housing such as apartments or condominiums, and 9 were from businesses.

We divided the speed test received through the survey into three categories of speeds relating to the governing organization's definitions of broadband. The FCC updated its definition of broadband in 2015 to 25mbps download and 3mbps upload as broadband. While federal programs have begun utilizing higher benchmarks such as 100/20mbps, 25/3 is the current official FCC broadband definition as of the time of this report. The other category utilized in our assessment is Washington State's stated broadband goal for Washington State. By the year 2028, Washington State leadership has aimed to, at minimum, see every household have access to broadband speeds of 150mbps download and 150mbps upload symmetrical broadband. This goal is even higher for businesses and anchor institutions at 1gigabit per second symmetrical services.

The City of Ellensburg is not far from being considered served for the FCC definition. 62% of the population have download speeds greater than 25mbps, and 84% are testing at upload speeds greater than 3mbps.



THE CITY IS CONDUCTING A BROADBAND SURVEY

TAKE THE SURVEY:
[HTTPS://NOANET.SERVICEZONES.NET/KITTITAS](https://noanet.servicezones.net/kittitas)

No Internet? Call us at (509) 602-1522 and we'll take the survey over the phone with you.



The city has launched a short survey to better understand our area's need for Internet services. Please take five minutes to let us know about Internet access at your home or business so we can assess if there is a need for additional infrastructure investment. Thank you!

**This is only a survey to gather information about broadband availability. There is absolutely no obligation to sign up or buy services. Your information will never be used for marketing purposes.

The speed tests were not as promising for the Washington State goal of 150/150. Of the speed tests completed, only 10% of the speeds recorded meet Washington State's 2028 broadband goal of 150mbps download capacity. Only 1% of tests met Washington's goal for upload speed of 150 mbps.

Maps of key survey results are included in this document as Appendix A.

An Interactive map of all results and other metrics is available at:
<https://noanet.maps.arcgis.com/apps/webappviewer/index.html?id=3ba89edefaac41eeaa99fb860d2c7d3a>

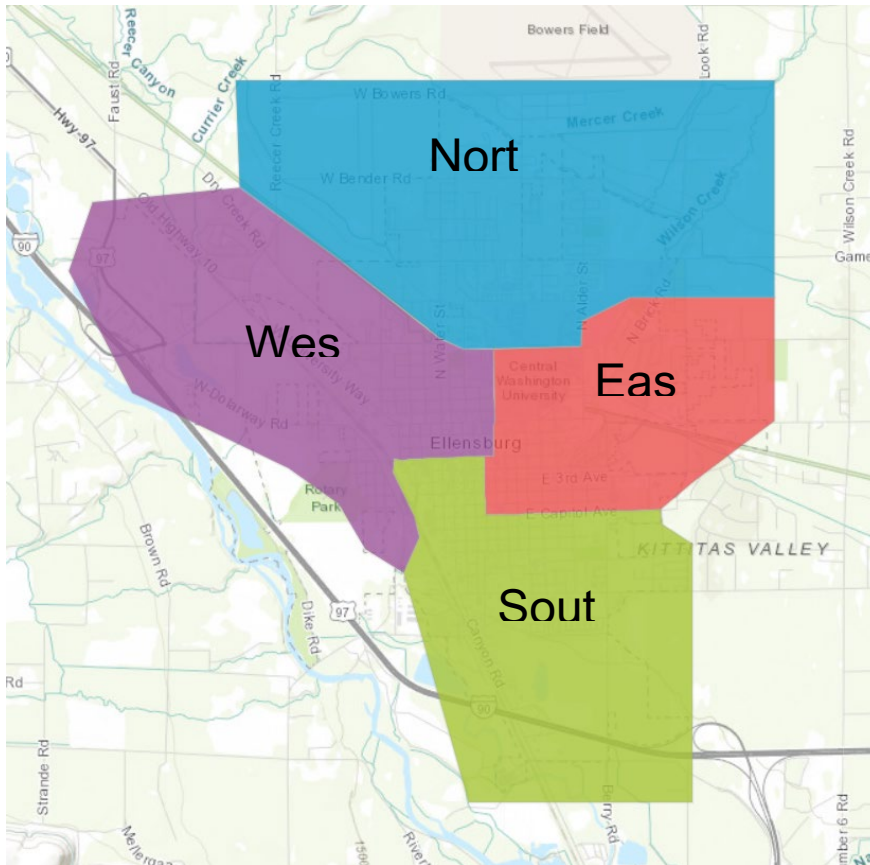
DOWNLOAD SPEEDS RECORDED		
< 25 mbps	> 25 mbps < 150 mbps	> 150 mbps
28%	62%	10%

UPLOAD SPEEDS RECORDED		
< 3 mbps	> 3 mbps < 150 mbps	> 150 mbps
15%	84%	1%

	UNSATISFIED	SATISFIED
SPEED	31.2%	69.8%
RELIABILITY	20.0%	80.0%
VALUE	61.8%	38.2%

COMMUNITY DESIGN

SERVICE ZONES



To further evaluate the viability of constructing a city-wide network, the area was divided into four logical service zones, directionally labeled as North, East, South, and West. Each zone was modeled with a 40% take rate.

The North Zone passed 2,227 service locations, and 909 were connected. The total cost of the backbone in the North Zone was \$2,664,594.50, while the activation of customers was very similar at \$2,619,787.52, bringing the total cost of the North zone to \$5,284,382.02.

The East Zone passed 1383 service locations, and 553 were connected. This was the smallest zone, with congruently lower customers activated and overall costs compared

to the other zones. The total cost of the backbone in the East Zone was \$1,477,279.33, while the activation of customers was very similar at \$1,399,166.03, bringing the total cost of the East Zone to \$2,876,445.36.

The South Zone passed 1,746 service locations, and 698 were connected. The total cost of the backbone in the South Zone was \$2,992,114.29, while the activation of customers was quite a bit lower at \$1,930,213.86, bringing the total cost of the South Zone to \$4,922,328.15.

The West Zone passed 1674 service locations, and 670 were connected. The total cost of the backbone in the West Zone was \$1,878,107.08, while the activation of customers was very similar at \$1,773,273.34, bringing the total cost of the West Zone to \$3,651,380.42.

The detailed network design maps resulting from this network modeling are included as Appendix B in this document, and a logical network diagram is included in Appendix C.

CITY-WIDE COSTS

The cost of the city-wide project came to \$16,734,535.94, with the total cost of the backbone being approximately 54% of the total expenses at \$9,012,095.19 and the remaining 46% of expenditures going to activation at \$7,722,440.75. In this network build, 7,075 premises would be passed, with 2,830 premises being activated in the modeled costs.

The average cost of activation was \$853.00 per premise. The physical service drop off of the backbone ranged from \$1300 to \$1600, bringing the average total cost per home for the service drop to between \$2,529.83 and \$2,882.24. If the backbone network is included in these estimations, the total cost of the network plus activation per home between the zones range from \$5,199.65 to \$7,048.01.

A recent state funding program prioritized projects where the total cost per premise activated was below \$10,000 per premise. These average costs are well below that benchmark, which is expected in a more urban environment with a higher population density than in more rural areas.

Full financial spreadsheets may be found in Appendix D.

OPERATING MODELS

An original assessment of the 4 operating models (open access, public-private partnership, excess capacity, and full-retail) was conducted. It was concluded that the open access and retail models should be more thoroughly explored as suitable solutions for the city fiber network. The public-private partnership model was determined not feasible due an absence of a qualified and willing partner organization.

The following pages explore open access and retail in further detail. The information provided outlines these operating models, their capital and operation costs, long-term viability, and challenges associated with each.

OPEN ACCESS

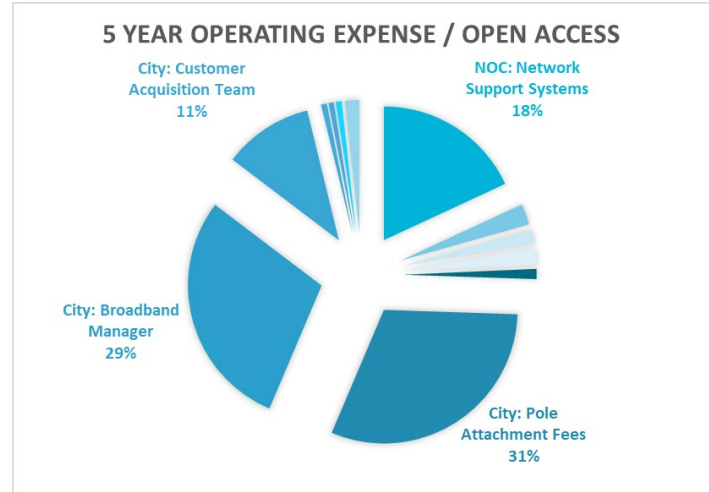
An open-access network model means that infrastructure and equipment would be built off the existing city-owned infrastructure to homes and businesses. This infrastructure would be made available on a non-discriminatory basis to any service provider who meets the City's service level standards to provide services to end-users.

There are 7,075 total premises in the city, with a 40% take rate modeled for last-mile costs and revenue capabilities. A \$49 monthly wholesale rate per residential premise, \$69 for commercial, \$99 commercial fiber and \$450 high-capacity monthly wholesale rate was modeled. Each premise also had a one-time non-recurring (NRC) charge of either \$250 or \$500 to help subsidize the last-mile network costs.

Residential:	Customers	Rate
	2711	\$49 \$250 NRC
Commercial:	Customers	Rate
	106	\$69 \$250 NRC
Commercial Fiber:	Customers	Rate
	11	\$99 \$250 NRC
High Cap Fiber:	Customers	Rate
	1	\$450 \$500 NRC

The average current cost of residential services to this area is \$60-79 per month, which is within reasonable market limits for the services being provided. Current services also do not have an NRC charge for hookups in most cases. At a \$49 wholesale rate, the ISPs who would pick up the customers and sell the retail services to the end-user would also add an additional charge, likely resulting in higher service costs than current market prices. A lower wholesale rate would make the likely retail costs lower but would also impact city revenues. In our modeling, the capital project is completed in year 5, causing year six non-recurring gains to drop significantly due to no last-mile extensions being created. The net cash average is \$46,000 per year with a 2% annual increase in customers connected. At year 12, the total cash flow analysis yields a negative \$1,564,766 projection. These are modeled with a 40% overall take rate which will depend almost entirely on the performance and marketing efforts of the participating ISPs.

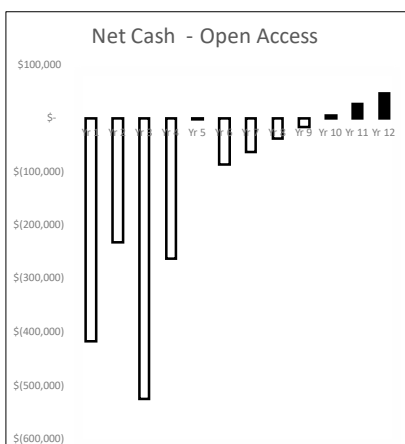
The most impactful expenses of operations are on acquiring a dedicated staff member to focus on broadband efforts and manage the development and delivery of open access services. This expense is 29% of the overall cost of this effort. The other most impactful price is recurring pole attachment fees, which cover 31% of the identified costs. The remaining 40% of costs include a small sales team, outsourced network operations, and other ancillary business costs.



Key considerations in the open-access model:

1. There is an existing competitive marketplace
2. Interviewed 6 ISPs, several of whom showed moderate enthusiasm about participating in an open-access market.
3. There was higher enthusiasm around gaining access to the network to support wireless deployments
4. 2022 Infrastructure and Labor costs are at a premium
5. 40% take rate dependent on successful ISP marketing and consumer engagement
6. Limits City's engagement in sales and marketing efforts
7. Can we physically keep up with the take-rate from a constructability perspective?

Operations and Expense Model						
LINE ITEM DESCRIPTION	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6+
Operating Expenses						
Network Operating Expense	\$ 87,076.88	\$195,344.53	\$309,481.37	\$373,952.15	\$438,537.95	\$443,241.77
Sales and Marketing	\$290,000.00	\$288,250.00	\$296,897.50	\$305,804.43	\$314,978.56	\$324,427.91
Business Administration	\$ 9,500.00	\$ 9,785.00	\$ 10,078.55	\$ 10,380.91	\$ 10,692.33	\$ 11,013.10



Open Access Cash Notes:

- Year 5- Capital Project Completed
- Year 6- NRC revenues significantly reduced along with take-rate
- 12-year cash flow analysis:
 - Net Cash flow = (\$1,564,766)
 - Net Cash Average = \$46k/year with 2% annual increase

RETAIL

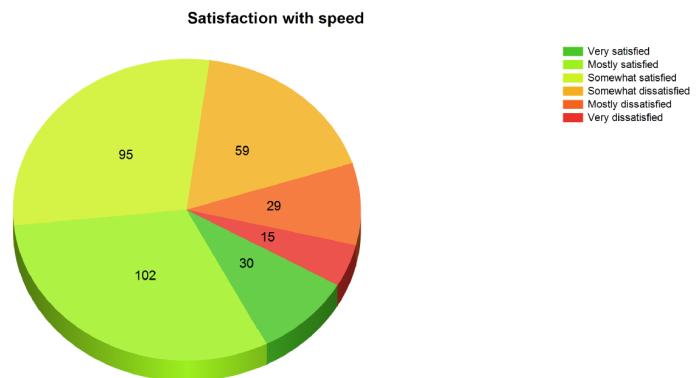
In the retail model, the infrastructure and equipment would be built off the existing city-owned infrastructure to homes and businesses. The City would utilize them to directly provide retail services to the end user. Additional revenue not modeled here could be access leased to other ISPs wholesale for transport.

There are 7,075 total premises in the City, with a 40% take rate modeled for last-mile costs and revenue capabilities. A \$69 monthly retail rate per residential premise, \$99 for commercial, \$200 commercial fiber, and \$800 high-capacity monthly retail rate was modeled. Each premise also had a one-time non-recurring (NRC) charge of either \$250 or \$500 to help subsidize the last-mile network costs.

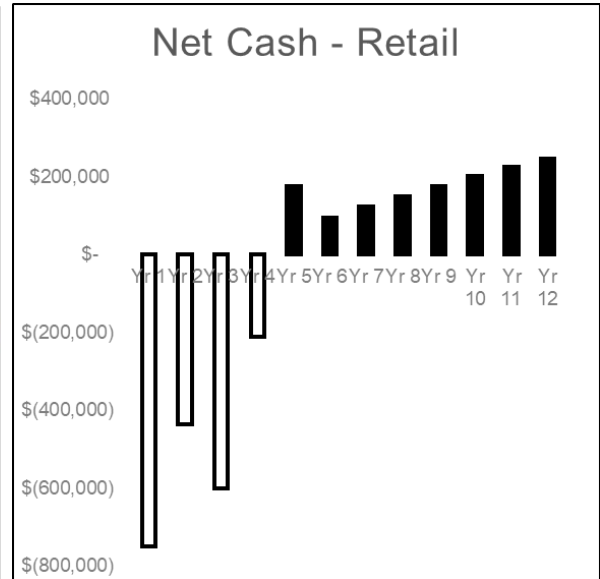
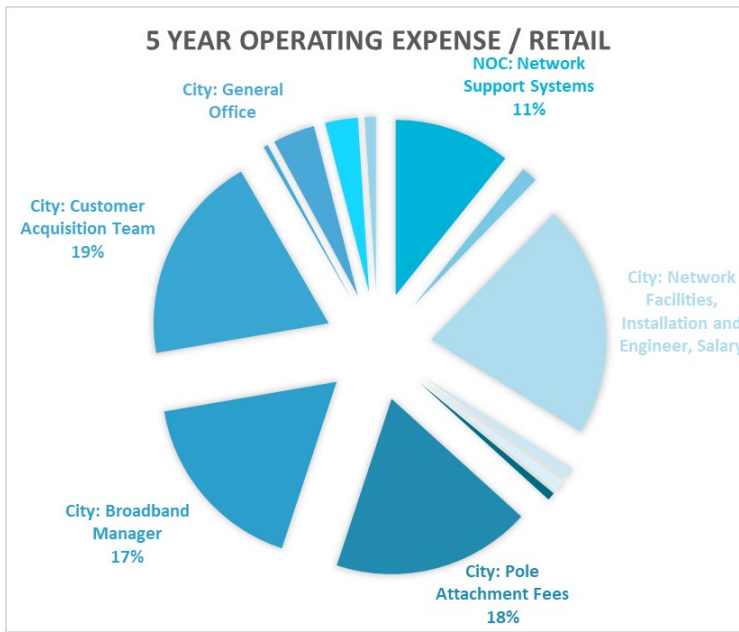
Residential:	Customers	Rate
	2711	\$69 \$250 NRC
Commercial:	Customers	Rate
	106	\$99 \$250 NRC
Commercial Fiber:	Customers	Rate
	11	\$200 \$250 NRC
High Cap Fiber:	Customers	Rate
	1	\$800 \$500 NRC

Our community survey and market analysis found that the average current cost of residential services to this area is \$60-79 per month, which is within reasonable market limits for the services being provided. Current services also do not have an NRC charge for hookups in most cases. Unlike the wholesale model, there is no additional fee charged to the end-user in this model to bring retail services. The business case for retail was promising when modeled a 40% take rate. The net cash average is \$250,000 per year with a 2% annual increase in customers connected. At year 12, the total cash flow analysis yields a negative \$607,932 projection. To remain congruent with the open-access business model, the retail models utilized a 40% overall take rate of customers. Unlike the open-access model, where that 40% would be a cumulative customer base of all participating ISPs, this 40% take rate would depend entirely on the performance and marketing efforts of the City.

Many areas of the City already have more than one service provider available. Those entities may be able to undercut the price of the City's modeled services with promotional offers on a short-term basis to lock customers into plans over time. While the City's retail broadband services are likely to be of much higher quality than the current services available, most customers in this market are satisfied with their current service speeds. The draw of lower-cost services is likely to significantly impact the City's take rate, and it will be a struggle to obtain a 40% market share.



Operations and Expense Model						
LINE ITEM DESCRIPTION	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6+
Operating Expenses						
Network Operating Expense	\$337,076.88	\$452,844.53	\$574,706.37	\$647,133.90	\$719,915.16	\$733,060.29
Sales and Marketing	\$440,000.00	\$442,750.00	\$456,032.50	\$469,713.48	\$483,804.88	\$498,319.03
Business Administration	\$ 80,000.00	\$ 82,400.00	\$ 84,872.00	\$ 87,418.16	\$ 90,040.70	\$ 92,741.93



Year 5- Capital Project Completed

Year 6- NRC revenues significantly reduced along with take-rate

12-year cash flow analysis:

- Net Cash flow = (\$607,932)
- Net Cash Average = \$250k/year with 2% annual increase

Key considerations in retail model:

1. There is an existing competitive marketplace
2. High-population of low-income customers- subsidization needed
3. High cost of construction
4. Although NRCs are not high, they don't cover the cost of deployment
5. Impressive marketing campaign and community education needed around subsidization programs
6. Can we physically keep up with the take-rate from a constructability perspective?

POTENTIAL SOURCES OF FUNDING FOR BROADBAND INFRASTRUCTURE

COMMUNITY ECONOMIC REVITALIZATION BOARD

CERB provides funding for construction and planning for broadband projects in Washington State that are in rural counties and rural communities only.

Eligible projects are those that encourage, foster, develop, and improve broadband within the state to:

- Drive job creation, promote innovation, and expand markets for local businesses; or
- Serve the ongoing and growing needs of local education systems, health care systems, public safety systems, industries and businesses, governmental operations, and citizens.
- And Improve accessibility for underserved communities and populations.

Ellensburg does not meet the qualifications of a rural community as defined by CERB and therefore this is not a feasible funding mechanism to consider for this project at this time.



THE WASHINGTON STATE BROADBAND OFFICE

As part of the 2019 legislative session, SB 5511 created a statewide Broadband Office under the Department of Commerce Public Works Board to disseminate state and federal funds to facilitate broadband expansion projects in unserved areas of Washington State. Their most recent award cycle closed April 26th, 2022.

Kittitas County does not qualify as a severely distressed county for this program. However, NoaNet recommends the City to follow this project as a possible ongoing funding mechanism for broadband infrastructure development.



THE WASHINGTON STATE PUBLIC WORKS BOARD

The Washington State Broadband office has an Acceleration Grant program which funded project up to \$25 million dollars and requires a 10% cash match of the total project costs. This match



**WASHINGTON STATE
PUBLIC WORKS BOARD**
INFRASTRUCTURE IS FUNDAMENTAL

requirement may be waived if the entity can demonstrate financial hardship. An additional funding round is expected for Spring of 2022 with a similar format, which highly favors the applicant to be the county, not any other entity. If the City is interested in pursuing funding through this program, close collaboration with the county is advised as the City is unlikely to be a winning applicant on their own.

USDA RECONNECT

The Reconnect Program offers unique federal financing and funding options in the form of loans, grants, and loan/grant combinations to facilitate broadband deployment in areas of rural America that don't currently have sufficient access to broadband, defined by the law as 25 Mbps (megabits per second) downstream and 3 Mbps upstream. Infrastructure must support 100/100mbps symmetrical service.



This program's goal is to generate investment to deploy broadband infrastructure to provide high-speed internet e-Connectivity to as many rural premises as possible, including homes, community facilities for healthcare and public safety, schools, libraries, farms, ranches, factories, and other production sites. Awards are made in tiers of 100% grant, 50% Grant/50% loan and 100% loan.

An application window closed for the Reconnect Program in March of this year. USDA has continued to re-establish this program over time, and it is likely that this will continue. As the federal thresholds for what constitutes broadband continues to evolve, the City should monitor the Reconnect program as a potential future funding source.

MUNICIPAL BONDS

A municipal bond, commonly known as a muni, is a bond issued by state or local governments or entities they create, such as authorities and special districts, and they also plan for urban development. Many municipalities have looked to bonding to fund broadband network deployment. At this time, when there are many grant programs for broadband network deployment available, this is a less attractive funding source for most areas. A municipal bond could be used towards match contributions of a larger grant project, or purposed for individual projects not able to take advantage of federal and state grant programs.

INFRASTRUCTURE INVESTMENT AND JOBS ACT (IIJA) FUNDS

NTIA and Broadband USA are engaged in a range of efforts to increase broadband Internet access and adoption in America, which supports economic growth, job creation, and improved education, health care, and public safety. NTIA's BroadbandUSA program serves communities, industry and nonprofits that want to expand broadband infrastructure and promote digital inclusion. BroadbandUSA's services are driven by the needs and interests of state and local broadband leaders, and focus on encouraging private partnerships, supporting planning efforts, helping to identify funding, and implementing public-private broadband partnerships. NTIA also conducts research and analysis into broadband usage and adoption through our Digital Nation initiative.



The Infrastructure Investment and Jobs Act (IIJA) funded five new broadband grant programs: The Broadband Equity, Access, and Deployment Program; the Enabling Middle Mile Broadband Infrastructure Program; and the Digital Equity Act Programs, which include the State Digital Equity Planning Grant Program, State Digital Equity Capacity Grant Program, and Digital Equity Competitive Grant Program. The NOFO for these opportunities have not been released but the City of Ellensburg could be a successful applicant to these programs, especially for digital inclusion efforts.

LOCAL UTILITY DISTRICTS

Long before the FCC recognized broadband as a utility, citizens and communities were finding high-speed Internet access necessary to their well-being and future success. Broadband telecommunications are increasingly becoming how people communicate, conduct business, access government services and distance education opportunities.

Kitsap Public Utility District (KPUD) recognized that broadband is a utility in their community and has worked to expand their fiber optic network to increase access to all residents of Kitsap County using Local Utility Districts (LUDs). Below is an outline of how the LUD model in Kitsap County, Washington is formed to fund broadband infrastructure:

1. Homeowners petition the Public Utility District to form a Local Utility District. If a majority (50% + 1) of the homeowners petition the LUD is formed.
2. Once the LUD is formed, the PUD begins the process to construct the infrastructure
3. When construction is complete, the homeowners are provided a final assessment amount
 - a. The assessment can be paid:
 - i. Upfront or over a determined period
 - ii. Or a combination of the two with some upfront and the rest over the determined period
4. The county administers the assessment and homeowners receive a tax bill for their assessed amount annually

The City could leverage this model utilizing Local Improvement Districts as a funding mechanism for telecommunications infrastructure as Kitsap PUD has done. The city should keep this model in mind for persistently unserved areas such as locations that are exceedingly difficult and costly to access to help mitigate costs.

"FIBERHOODS" WITH CONSTRUCTION ADDERS

Mason PUD #3 in Mason County is running a "Fiberhood" program where residential areas have an opportunity to show interest for fiber broadband connectivity in a defined build area. If that area reaches a 75% interest rate, the PUD builds an open-access network out to their homes. Each month in addition to their service fee from their selected Internet Service Provider, they pay a \$25 "construction adder" to pay for the cost to build the network

to their homes. That fee is paid for 12 years, and then retired after it has covered the cost of the build to the premise. Customers also have the option to pay the \$3600 total cost upfront to lower their monthly bill, qualify for seasonal service, or write the cost off as a business expense.



If attempts to procure outside funding for commercial or residential buildout in the PUDs service area are not successful, the "Fiberhood" model of engaging homeowners and businesses in specific areas for self-financing is a successful option to help assist homeowners and businesses with the high costs of infrastructure line extensions.

PRIVATE CAPITAL INVESTMENT FIRMS

Private investment firms are funding community networks that are either unable or unwilling to use bonds to support network investments. These firms' partner with real estate developers, municipal, county, and other governmental entities, as well as a variety of private partners to deploy last-mile fiber optic network infrastructure.

There are many state and federal grant and low interest loan programs. The city should exhaust those avenues of project funding before considering private equity investment options.

KEY PARTNERSHIPS

KITTITAS PUBLIC UTILITY DISTRICT

Kittitas Public Utility District is actively studying broadband in their service area, which is surrounding the City of Ellensburg and the city UGA. They also are the predominant power utility pole owner for the area surrounding the City and may be a favorable future partner.

KITTITAS COUNTY

Kittitas County Government is currently evaluating broadband infrastructure deploying in the area as well and will be a key strategic partner in any broadband efforts for Kittitas County. Current state funding programs may prioritize projects that partner with counties and have a wide area strategic plan.

CENTERFUSE

In 2020, with grant funding from Washington State Department of Commerce, CenterFuse retained CCG Consulting (CCG) to review current and future broadband needs, affordability of services, a service gap analysis, future demands, identify broadband service providers, options and costs and identify potential areas for partnership among local and state government, and incumbent/competitive providers. They are continuing to develop relationships and pursue a path forward for addressing broadband accessibility in the area.

NORTHWEST OPEN ACCESS NETWORK (NOANET)

NoaNet is an open-access network in Washington State, they provide whole- sale wide area and last mile broadband solutions to rural communities on a fiber optic high-capacity system. Owned and operated by Public Utilities, NoaNet has been assisting successful public benefit broadband programs since 2000. NoaNet and the City of Ellensburg have been in collaboration for many years.

REPORT RECOMMENDATION

The current efforts underway at the City of Ellensburg have been very impactful to the community. In all network expansion models explored, the existing network reduced the cost of new infrastructure by \$6 million. It has provided much-needed broadband infrastructure for city services, filled a void by supplying services to higher education, public safety, and community support institutions, and brought high-capacity services to the downtown business corridor. The method by which the network was developed allows for continued expansion into underserved pockets over time as possible and needed. The recommendation is to continue in the City's excess capacity model to bring highly valuable fiber assets to the community and keep the door open for opportunities to expand as opportunities arise strategically.

This model of 'excess capacity' brings many advantages to the City. The availability of broadband services around the community encourages competition and service offerings by the local and regional service providers. This model unlocks opportunities for several entities, including those not originally in the market, to expand service offerings, and reduce expenses, creating a more affordable product offering throughout the City. This model has allowed the City to address city-specific needs, including internal operations, its strategic plan objectives of increasing economic development, and community public Wi-Fi.

The City has created an 'intranet' – a wide area network that connects city services to city functions by having a city-wide network. The community network is helpful for two reasons:

1. It supports the City's information technology needs by connecting city services and public safety systems to each other and the outside Internet.
 - a. This reduces the need to purchase services from others and rely on potentially inferior capacity and security that the City can provide for itself.
2. By offering the excess capacity of the existing network to regional providers, the City supplies a high-speed information network for essential public infrastructure, ensures fair and equitable competition, generates revenue, ensures universal access for all, and has established a non-discriminatory network for community use.

A "broadband for all" fiber build to every business and residence has substantial risks. An all-inclusive network has a \$17 million price tag to bring a future-proof network to the community. This network would support and encourage a vibrant economic development strategy and support pandemic solutions such as public safety and work from home initiatives. However, it would also create a substantial burden on taxpayers, overbuild existing provider networks, and have no clear investment return. The risks of such an endeavor without significant outside subsidization would prove to be challenging.

Moving forward, the city should look to invest in infrastructure projects that help support the goals of resolving broadband access and affordability. The City should explore opportunities in areas where there is a reasonable return on investment that support the needs of the city. This limited buildout of the fiber broadband system could include:

- new housing developments that may not have a broadband development plan,

- individual anchor institutions projects that provide higher capacity services than what the private market is capable of providing, and
- distributed fiber backhaul solutions to wireless and cellular companies.

The strategies listed below support the recommendation and the current excess capacity model:

- Continue serving on the existing network following the excess capacity model.
- Evaluate individual projects on a case-by-case basis to determine cost/benefit analysis and risk profile.
- Evaluate opportunities with wireless infrastructure provider partners to provide commodity Internet to the community.
- Continue to operate with the intent to pay off the existing debt service
- Evaluate a small broadband delivery model by reducing the scope of a city-wide network. Take advantage of existing facilitates to reduce cost of construction by eliminating the cost of higher buildout areas, thereby decreasing capitalization on the retail model and increasing margin.
- Engage a public education and outreach Initiative for utilization of Affordable Connectivity Subsidy Program for low-income households
- Seek grant funding for digital literacy programs in conjunction with other community-serving institutions such as libraries and schools.
- Continue to engage with Kittitas County and Kittitas PUD in a collaborative manner for potential future projects
- Develop a small marketing program to facilitate further adoption of the downtown commercial broadband district.

A series of identified projects already underway or in planning that support the recommendation are outlined below, these projects look to provide targeted areas of the city with city-owned infrastructure and open-access services:

- Downtown business district service area
- Gateway 1
- Gateway 2
- South and North greenfield development areas
- University Way

A strategic approach to localized infrastructure projects would continue to bring broadband benefits to the community and encourage continuous private sector investment without increasing the City's financial risk and reducing overbuild. A smaller, more localized approach may also create opportunities for smaller funding sources for broadband projects. The interactive survey response and broadband needs mapping tool that has been developed is available to the city. This resource could be useful in verifying areas of concern. If greenfield development opportunities are of strategic interest, a notification from permitting may be an approach to bring potential opportunities for future expansion to the broadband team at the City. These avenues would be more strategic, yet potentially a stepped approach towards overall broadband expansion efforts.

APPENDIX A: SURVEY RESULTS MAPS

Figure 1 Download Speed Tests

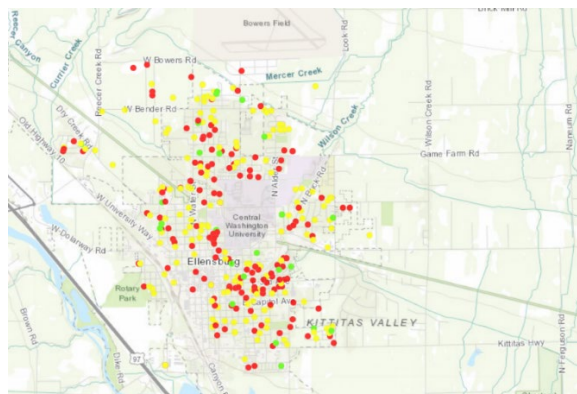


Figure 2 Upload Speed Tests

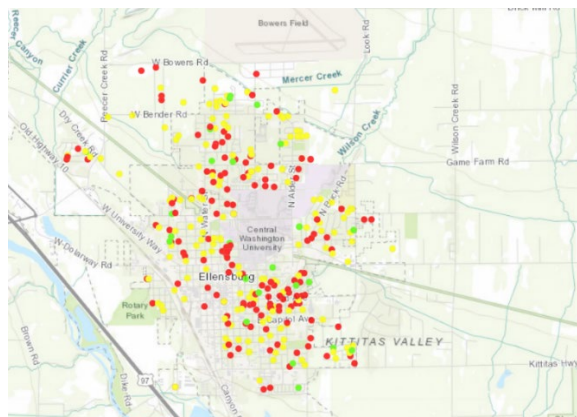


Figure 3 Satisfaction with Speed

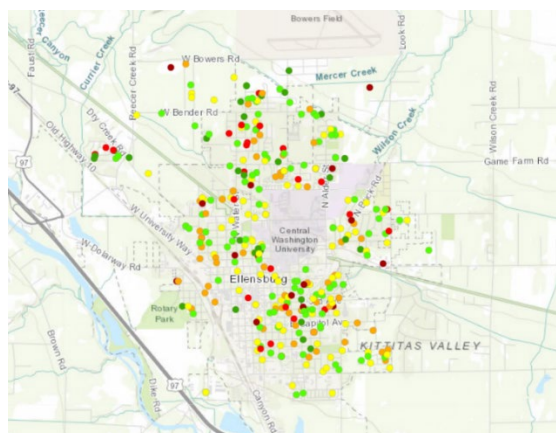


Figure 4 Satisfaction with Reliability

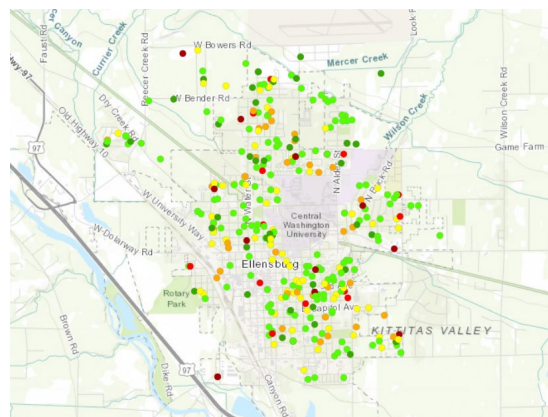
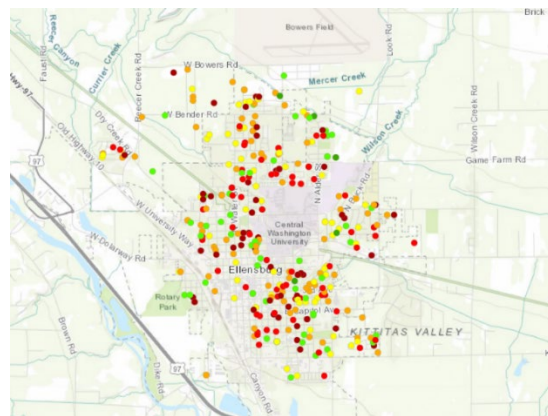


Figure 5 Satisfaction with Value



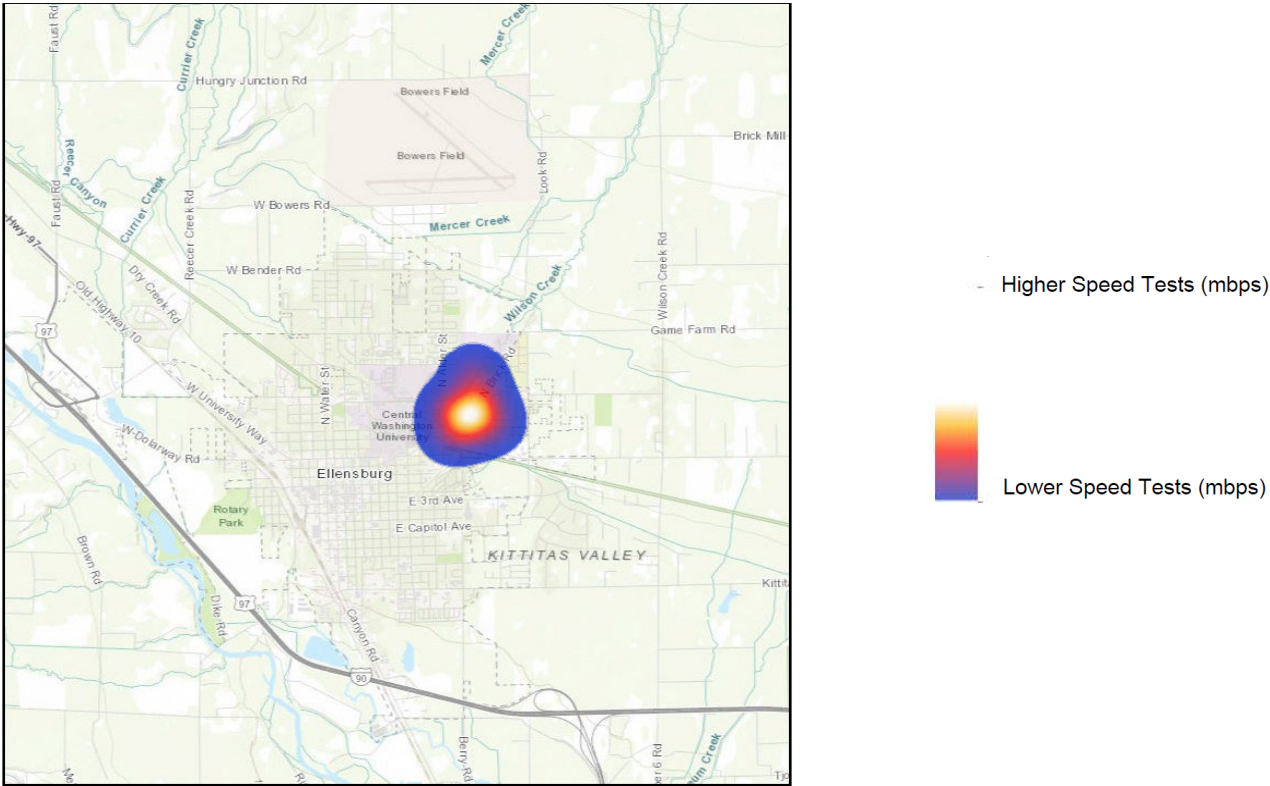
An Interactive map of all results and other metrics is available at:

<https://noanet.maps.arcgis.com/apps/webappviewer/index.html?id=3ba89edefaac41eeaa99fb860d2c7d3a>

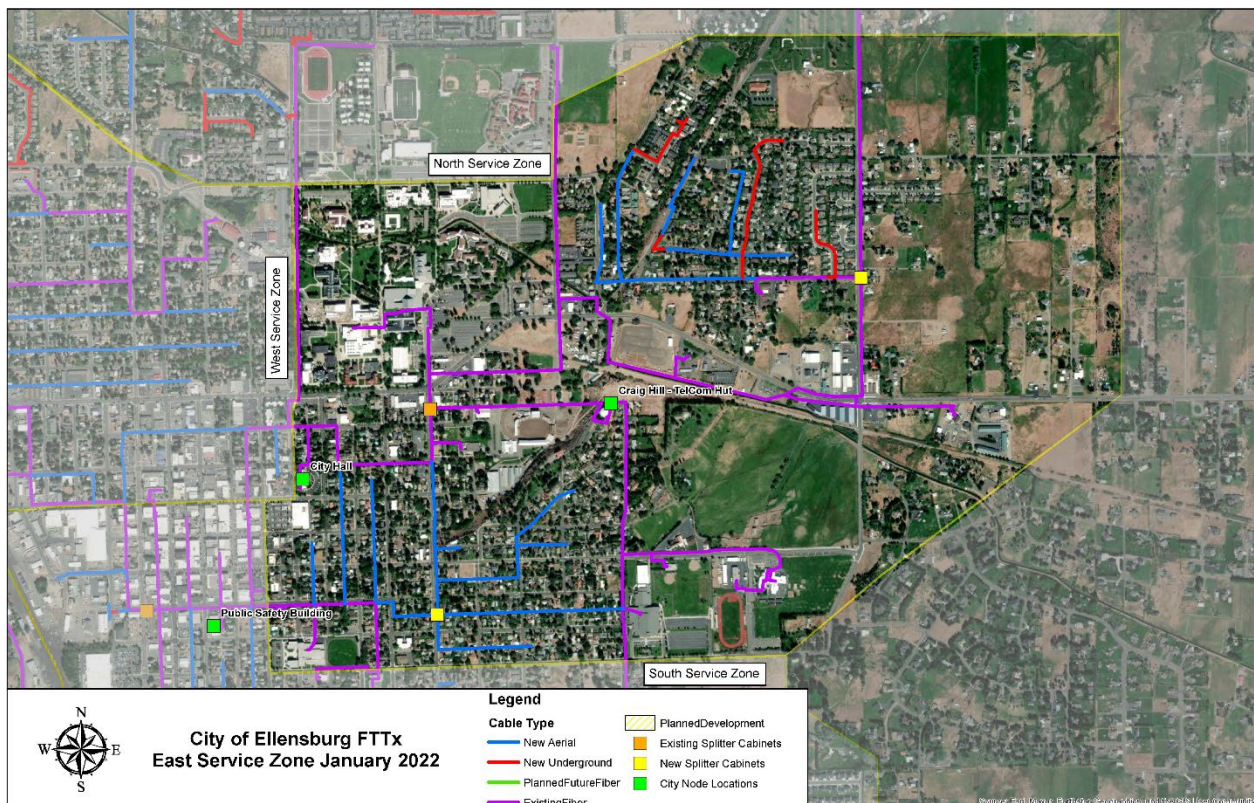
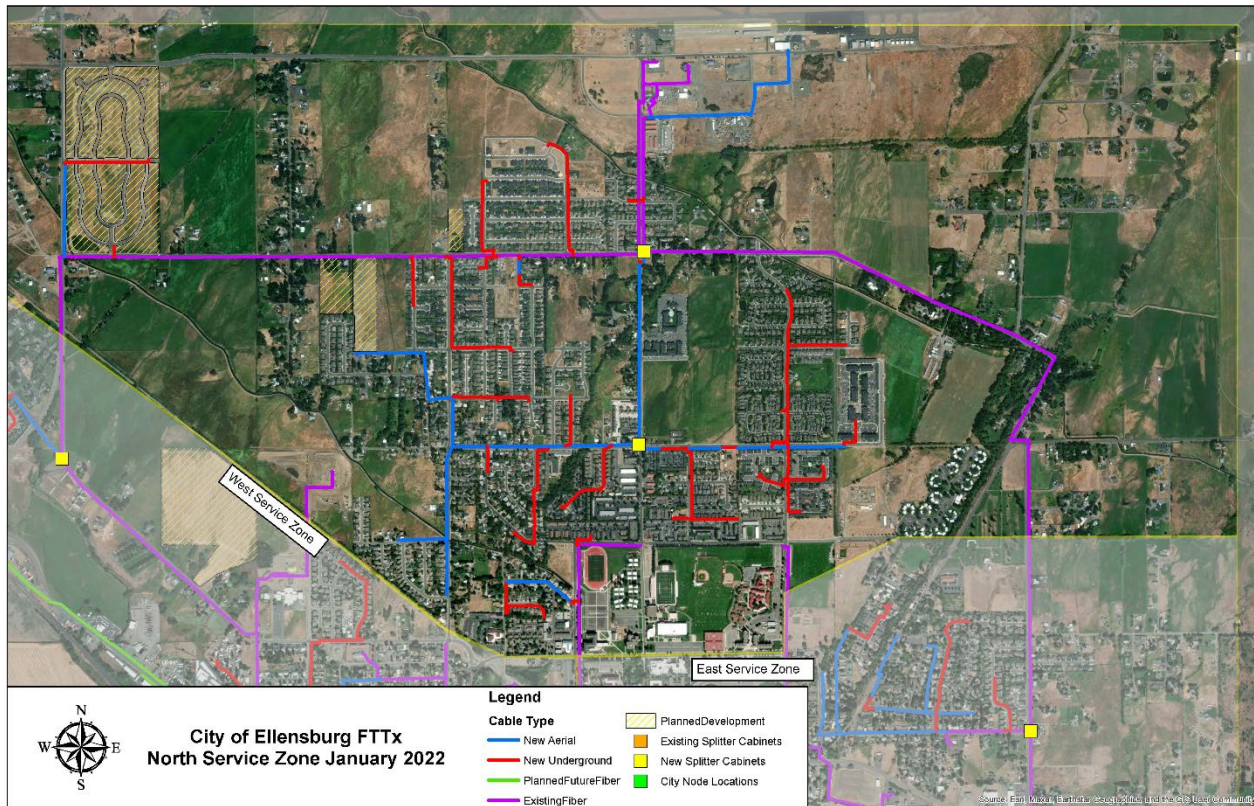
Figure 6 - Download Speed Tests Heat Map

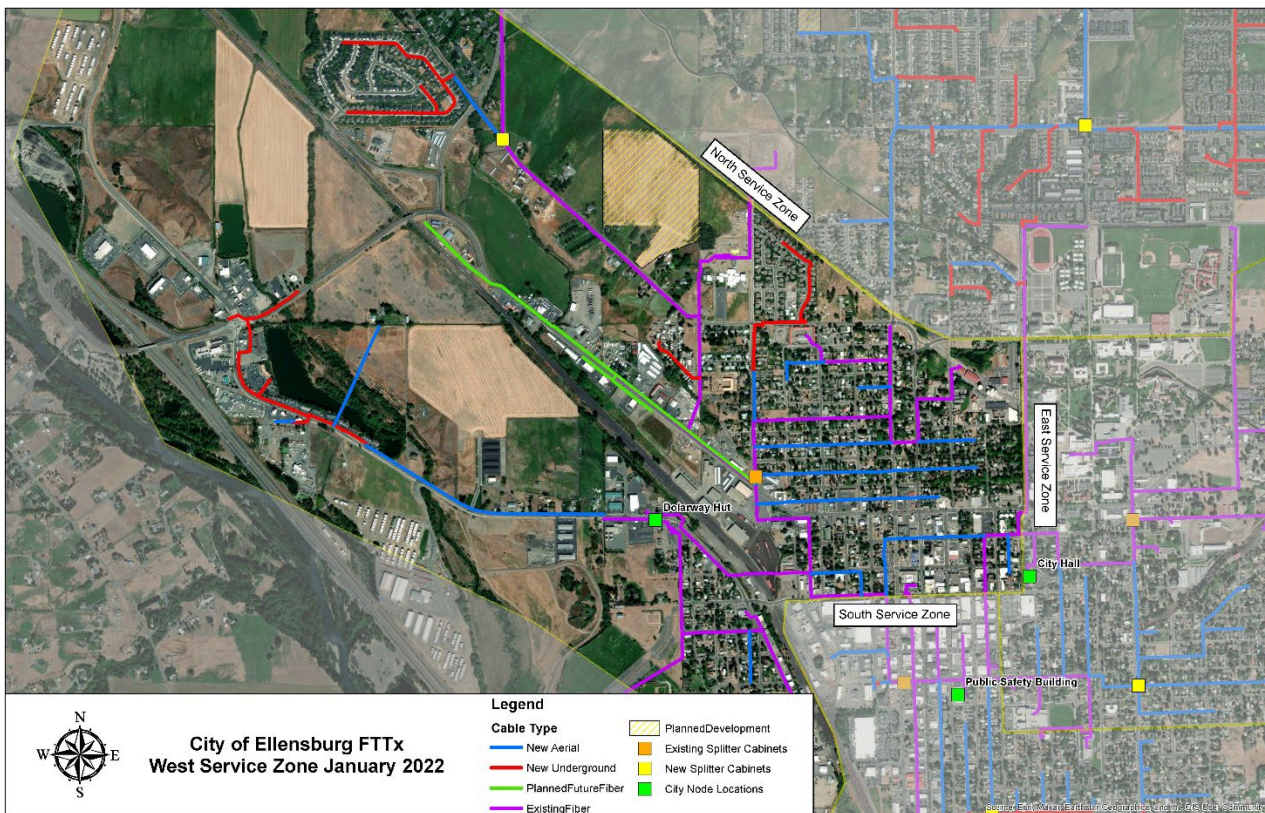
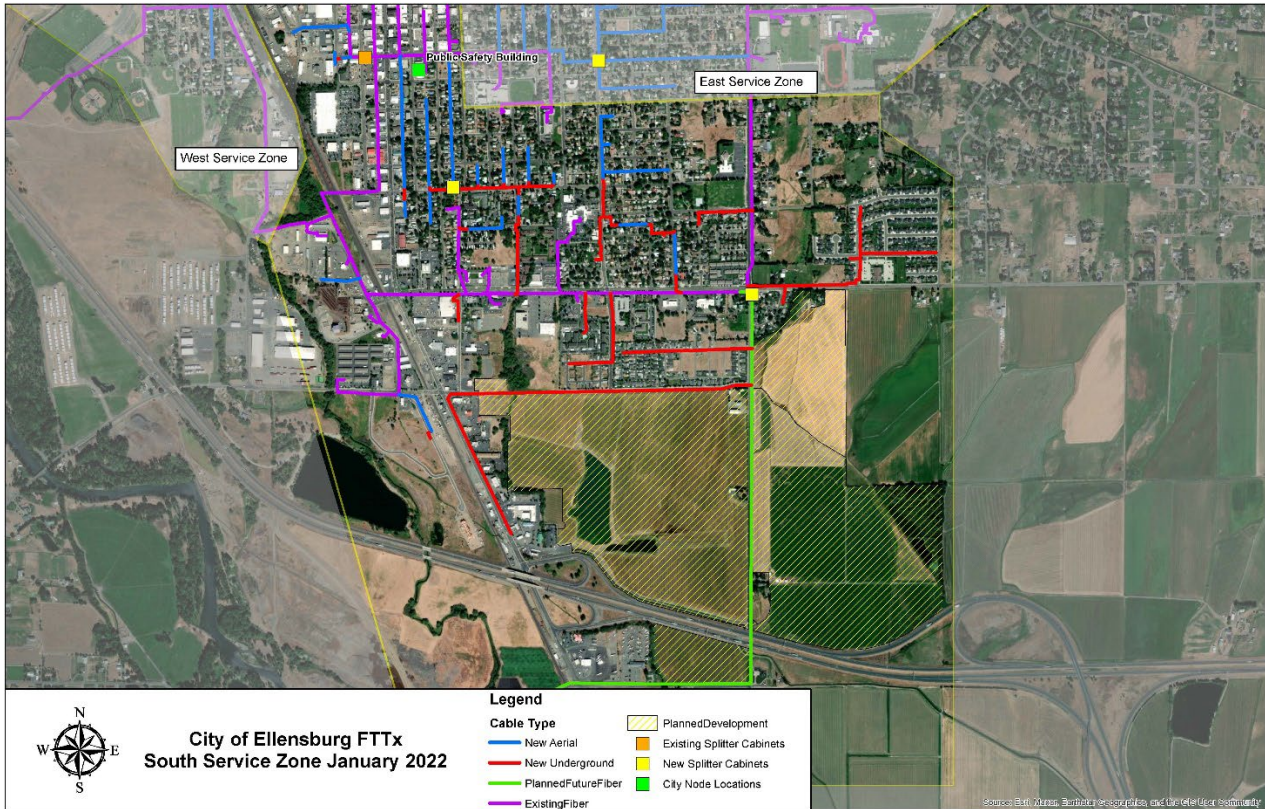


Figure 7 Upload Speed Tests Heat Map

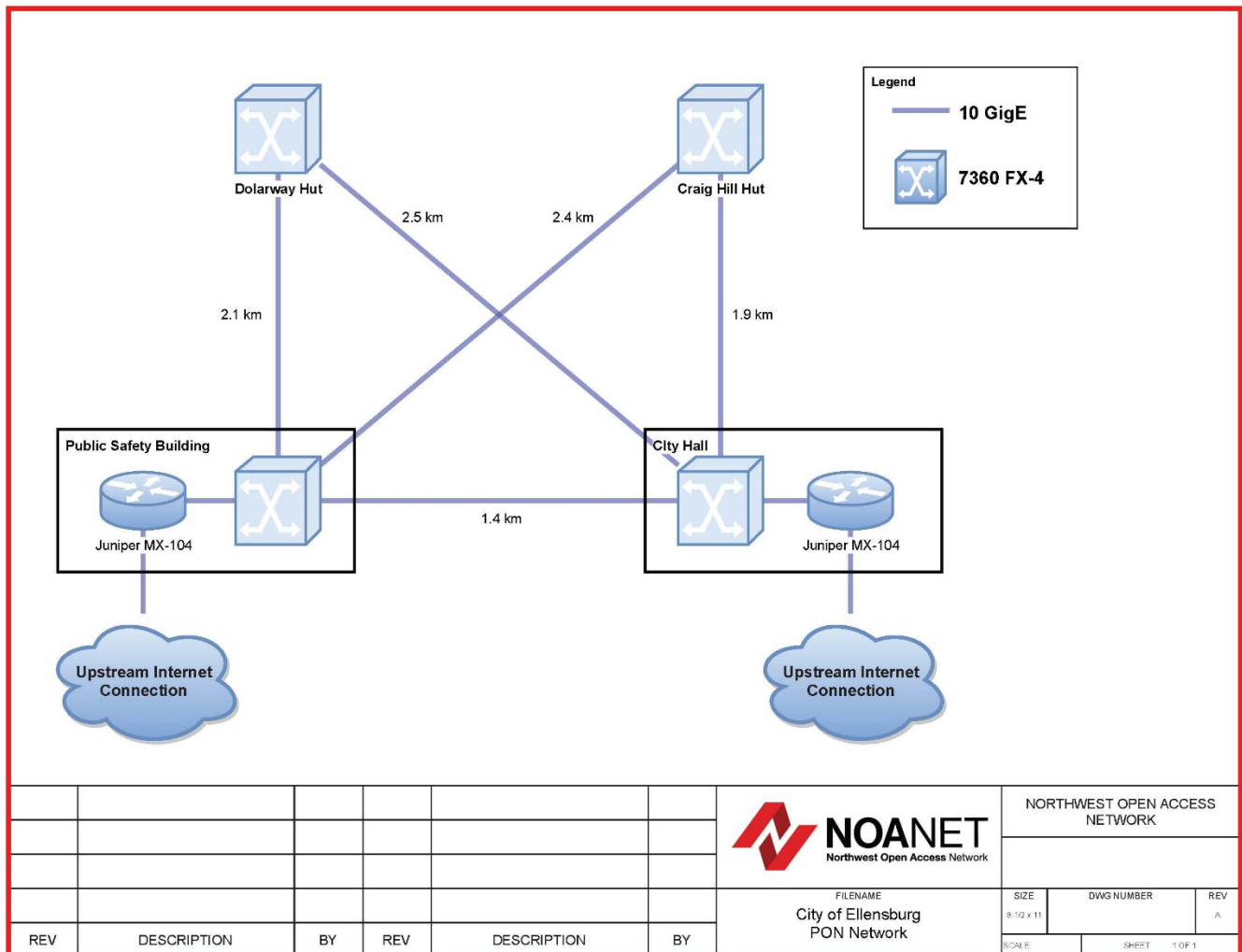


APPENDIX B: PROPOSED NETWORK DESIGNS





APPENDIX C: NETWORK DIAGRAM



APPENDIX D: FINANCIALS

Cost Roll Up		Cost Breakdown			
	Totals	East	North	South	West
Number of Premises Activated	2,830	553	909	698	670
Number of Premises Passed	7,075	1383	2272	1746	1674
Overall Adoption Rate	40%	40%	40%	40%	40%
Total Cost of Project	\$16,734,535.94	\$2,876,445.36	\$5,284,382.02	\$4,922,328.15	\$3,651,380.42
Total Cost of Backbone	\$9,012,095.19	\$1,477,279.33	\$2,664,594.50	\$2,992,114.29	\$1,878,107.08
Total Cost of Activation	\$7,722,440.75	\$1,399,166.03	\$2,619,787.52	\$1,930,213.86	\$1,773,273.34
Residential Buildings	6,778	1116	2153	1370	1391
Commercial Building	297	267	119	376	283

Averages		Cost Breakdown			
		East	North	South	West
Drop					
Average Cost per Activation		\$853.00	\$853.00	\$853.00	\$853.00
Average Cost per Service Drop		\$1,300.00	\$1,600.00	\$1,500.00	\$1,400.00
Average Cost per Project Management		\$376.83	\$429.24	\$411.86	\$394.19
	Total	\$2,529.83	\$2,882.24	\$2,764.86	\$2,647.19
Network Plus Drop					
Ave Cost per Home	Total	\$5,199.65	\$5,814.68	\$7,048.01	\$5,453.08



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: July 18, 2022

Item Title/Agenda Subject: Annual Comprehensive Plan Amendment Docket

Submitted by: Jamey Ayling Community Development

Recommended Action or Motion: Consider each of the proposed amendments for docketing during the 2022 annual Comprehensive Plan amendment process.

Background/Summary: Under the requirements of the State Growth Management Act (GMA), the City is allowed to amend its Comprehensive Plan one time each year. Ellensburg City Code (ECC) 15.250.090 specifies the formal Comprehensive Plan update process, which allows for amendments to be proposed by any member of the community, City Council member, City Board or Commission, or City staff. Notice of the 2022 annual Comprehensive Plan amendment process, including timelines and deadlines for submittals, was published in the Daily Record, was posted in the Newsfeed on the City's webpage, and was also promoted through the City's social media accounts. Included in this report are the submittal forms for six proposed amendments submitted by the City Staff, outside organizations and members of the public.

Previous Council Action: N/A

Analysis: Per ECC 15.250.090(C)(3), Council has set their second meeting in July for the docketing of proposed amendments to the Comprehensive Plan. Ellensburg City Code requires that Council consider all proposed amendments and determine which proposals have sufficient background information and analysis to allow their full consideration and review in the annual process. Council is authorized to docket only those proposed amendments that it deems are ready for review during the annual review process. Council must take formal action on a docketed amendment no later than December 31 or the docketed amendment will be continued over for consideration in next year's amendment process.

City Staff received six proposed amendments to the Comprehensive Plan for Council consideration. These proposals are summarized below, with the full submittals included as attachments to this agenda report.

Proposal 22-01 was submitted by the Community Development Department to update the 6-year Capital Improvement Plans, which is updated every year as an appendix to the Comprehensive Plan. The plans are still in development and will be updated prior to next review by City Council.

Staff recommends docketing this item in order comply with State GMA requirements.

Proposal 22-02 was submitted by the Community Development Department to update the Transportation Element for consistency with the Growth Management Act. The proposal would be to accept the suggestion from the QUADCO review and include the missing elements into our plan by reference including travel modes, park and rides, and a reference to the QUADCO Long-range Transportation Plan.

Staff recommends docketing this item in order comply with State GMA requirements.

Proposal 22-03 was submitted by the Community Development Department as a continuation of Docket Items 21-04 and 21-06, Item 21-04 was a proposal to update the Housing Chapter of the Comp Plan to align with more current demographics outlined in the June 2021 Housing Needs Assessment conducted by BERK Consulting. This proposal would update all of the facts, figures and charts and descriptive narrative of the Housing Chapter. Item 21-06 was a proposal to update the Economic Development Chapter of the Comp Plan. The proposals were not completed in 2021 and could be included in 2022.

Staff recommends renewing this docket item, as it was referred by Council into this year's docket cycle.

Proposal 22-04 was submitted by Matt Willard. The proposal is

to revise Chapter 3 Figure 13 to Delete/Edit the Map with a footnote about dedication of right-of-way for any future land use action along a section of Helena Ave.

Staff recommends docketing this item as it has been identified as an area that would be very difficult to complete in any cost effective manner.

Proposal 22-05 was submitted by Solar Dollar, LLC to amend the future land use map for tax parcel 946133 from Industrial to Community Mixed Use to accommodate a Regional Center Mixed Use zoning designation upon annexation of the property.

Staff recommends docketing this item as it is a tool that will allow consistency with existing development in the area and future zoning upon annexation.

Proposal 22-06 was submitted by Steve Willard. The proposal is to request exemption from the interlocal agreement between the City of Ellensburg and Kittitas County on lands located within the Airport Overlay.

Staff would note this request falls more into an area of ordinance and interlocal agreement enforcement and not a comprehensive plan amendment. The Comp Plan does not provide specific details about interlocal agreement regulations, and instead is considered a guiding document that sets forth strategies to achieving a desired community vision. Staff does not recommend docketing this item for a Comp Plan amendment, but instead referring this proposal to Planning Commission.

Financial Impact:

The costs of administering the annual Comprehensive Plan amendment process are included in the 2022 Community Development budget.

Attachments:

[P22-01 6-year Capital Improvement Plan](#)
[P22-02 Transportation Element](#)
[P22-03 Previous Docket Items](#)
[P22-04 Matt Willard Helena Ave](#)
[P22-05 Solar Dolar Map Amendment](#)



Comprehensive Plan Amendment Proposal

RECEIVED

JUN 28 2022
PA-16

COMMUNITY DEVELOPMENT

Community Development Department

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

Application Name: Annual 6-year CIP

Docket #: 22-01

OFFICE USE ONLY

OFFICE USE ONLY

Date Application Received: 6-28-22

Received by: Alicia Winbauer

Applicant:

Name: Jamey Ayling

Daytime Phone: 509-925-8653

Mailing Address: 501 N. Anderson Street

Fax Number: _____

City/State/Zip: Ellensburg WA 98926

Signature: [Signature]

Professional License No: _____

E-mail: aylingj@ci.ellensburg.wa.us

Agent/Consultant/Attorney: (mandatory if primary contact is different from applicant)

Name: _____

Daytime Phone: _____

Mailing Address: _____

Fax Number: _____

City/State/Zip: _____

E-mail: _____

Signature _____

Please provide a statement in the space provided below or on an attached sheet as needed for the suggested change(s) to the comprehensive plan with regards to the relevant criteria listed below:

- Detailed statement of the proposal and reason for the amendment including proposed language for amendment;
- Anticipated impacts of the change, including the geographic area affected and issues presented;
- Why existing comprehensive plan should not continue in effect or why existing criteria no longer apply;
- How the change would be compliant with the Growth Management Act;
- How the change would be compliant with the Countywide Planning Policies; and
- How functional plans (e.g. subarea plans, utility plans) and capital improvement programs (e.g. transportation improvement program) support the change.

Annual Update to the 6 year Capital Improvement Plans.

It is a requirement that the 6 year CIP's are updated on an yearly basis for each of the City's utilities and other capital programs. The 6-year CIP's are incorporated into the Comp Plan by reference, as Appendix A of the Capital Facilities and Utilities Chapter.



Comprehensive Plan Amendment Proposal

PA-16

Community Development Department

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

Application Name: Transportation Element

Docket #: P22-02

OFFICE USE ONLY

OFFICE USE ONLY

Date Application Received: 6-28-22

Received by: Alicia Winbauer

Applicant:

Name: Jamey Ayling

Daytime Phone: 509-925-8653

Mailing Address: 501 N. Anderson Street

Fax Number: _____

City/State/Zip: Ellensburg WA 98926

Signature: _____

Professional License No: _____

E-mail: aylingj@ci.ellensburg.wa.us

Agent/Consultant/Attorney: (mandatory if primary contact is different from applicant)

Name: _____

Daytime Phone: _____

Mailing Address: _____

Fax Number: _____

City/State/Zip: _____

E-mail: _____

Signature _____

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- How the change would be compliant with the Growth Management Act;
- How the change would be compliant with the Countywide Planning Policies; and
- How functional plans (e.g. subarea plans, utility plans) and capital improvement programs (e.g. transportation improvement program) support the change.

The Transportation Element was reviewed by Quadco RTPO for consistency with the Growth Management Act and found to be consistent with 12 out of 13 topics. The area that needed minor correction included the section on modes of travel to include air, park and rides added to intermodal connections section and add a reference to the QUADCO Long-range Transportation Plan.



Comprehensive Plan Amendment Proposal

PA-16

Community Development Department

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

Application Name: _____ Docket #: _____

OFFICE USE ONLY

OFFICE USE ONLY

Date Application Received: June 28, 2021 Received by: KIRSTEN SACKETT

Applicant:

Name: CenterFuse Daytime Phone: 509.955.3880
Mailing Address: 110 W 6th, #238 Fax Number: na
City/State/Zip: Ellensburg/WA/98926 Signature: Margaret Reich
Professional License No: na E-mail: director@ellensburgcenterfuse.com

Agent/Consultant/Attorney: (mandatory if primary contact is different from applicant)

Name: _____ Daytime Phone: _____
Mailing Address: _____ Fax Number: _____
City/State/Zip: _____ E-mail: _____
Signature _____

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- Detailed statement of the proposal and reason for the amendment including proposed language for amendment;
- Anticipated impacts of the change, including the geographic area affected and issues presented;
- Why existing comprehensive plan should not continue in effect or why existing criteria no longer apply;
- How the change would be compliant with the Growth Management Act;
- How the change would be compliant with the Countywide Planning Policies; and
- How functional plans (e.g. subarea plans, utility plans) and capital improvement programs (e.g. transportation improvement program) support the change.

SEE ATTACHED SHEET WITH ANSWERS TO QUESTIONS



June 28, 2021

Please provide a statement in the space provided below or on an attached sheet as needed for the suggested change(s) to the comprehensive plan with regards to the relevant criteria listed below:

• Detailed statement of the proposal and reason for the amendment including proposed language for amendment:

CenterFuse is Ellensburg's Business Development Authority providing expertise and assistance for businesses to start, grow and thrive in Ellensburg. As such, we are proposing an update to the Economic Development chapter of the 2017 Ellensburg Comprehensive Plan. The key reasons for the update are:

COVID-19 pandemic. The COVID-19 pandemic has forever changed the landscape for residents and businesses in Ellensburg; changed in both positive and negative ways. How businesses operate is now different and will continue to be in the future. We propose to add language to the chapter speaking to the economic impacts of the pandemic and the resiliency of our community in the context of what happened with COVID-19 and how that impacts business development into the future.

Elevating the importance of broadband. The International Economic Development Council (IEDC) states what businesses are looking for most when siting a facility is infrastructure and workforce. Included in the infrastructure category is broadband. As site location professionals and businesses visit Ellensburg with intent to locate here, one of their first questions is 'How is your broadband?' CenterFuse completed a feasibility study earlier this year. The findings of the study, current and planned actions to meet the State's 150 Mbps synchronously by 2028 would be valuable information to add to this chapter. This information, too, could be referenced in the comprehensive plan's infrastructure chapter.

Industry and employment data. Currently the data in this chapter is outdated. With our population growth of 3.37% (2020 data) and continued increase in intra-state mobility (over 5% into Kittitas County), it is imperative to have current, accurate data.

Goal statements. Many of the goals are great, some in process or accomplished, and an effort around updating and maybe some eliminated or added.

Economic forecast. The US Bureau of Labor and Statistics produces an economic forecast. The information contained in this forecast, its relationship to Washington State and Ellensburg would be beneficial to add to this chapter.

Reimagining city properties. The city owns various properties. One such property, the Prospect Building/Ellensburg Incubator, was most recently, up until June 2021, managed by CenterFuse. CenterFuse facilitated the discussion with Ellensburg City Council to sell the building and dedicate the sale's proceeds to an economic development fund. CenterFuse, too, consulted with and directed



four prospective buyers to the city regarding the sale – the successful buyer being one of these. With the sale of the Prospect building almost complete, we direct our attention to the current Kittitas County Transfer Station site. Most, but not all, of the existing site is owned by the city. The County is moving to a new location in 2024.

While not limited to this, the results of the recent secondary marketing study, which CenterFuse partnered on along with CWU, Kittitas County, Yakima County and Grant County, one such re-use option might be a Resource Recovery Park. A Resource Recovery Park is a new development in recycling that includes the co-location of reuse, recycling, compost processing, manufacturing, and retail businesses in a central facility. The public can bring all their wastes and recoverable materials to this facility at one time.

Hospitable housing environment. The BERK Affordable Housing study provided baseline information about Ellensburg's housing market. But housing needs exceed supply, and there is a reluctance of existing/local builders to increase their construction and a reluctance of builders outside of Ellensburg to enter the marketplace. Housing is a component of economic development, and information about housing should be in the economic development chapter. This information could be added to the housing chapter as well.

• Anticipated impacts of the change, including the geographic area affected and issues presented;

The impacts of the change are all positive – Better, more accurate, current and future focused information about economic development.

• Why existing comprehensive plan should not continue in effect or why existing criteria no longer apply;

The information in the economic development chapter is outdated and in need of a refresh.

• How the change would be compliant with the Growth Management Act;

The policy framework of the GMA determines how to accommodate growth. This is done through the creation of local comprehensive plans that address land use, housing, capital facilities, utilities, transportation, economic development, parks and recreation, etc.

This proposal is compliant with GMA because it encourages economic development.

RCW 36.70A.020

Planning goals (2021).

The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:

- (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

- (3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.
- (4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
- (5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.
- (6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.
- (7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.
- (8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.
- (9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.
- (10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.
- (11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.
- (12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.
- (13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

• How the change would be compliant with the Countywide Planning Policies

The proposed changes not only consider ways to promote contiguous and orderly development with reimagining of City properties such as the transfer station but also consider the demand on housing with increased industrial development, job creation. The County wide planning Policies state to ensure favorable employment and economic conditions in the County. The proposed measures to add to the existing comp plan achieve these goals.

The changes do not adversely impact Kittitas County economic development related plans

- Kittitas County Tourism Infrastructure Plan March 2016
- 2016 Kittitas Valley Event Center Master Plan
- Yakima and Kittitas Counties Regional Comprehensive Economic Development Plan September 21, 2015 Adopted by Resolution 2016-014

- How functional plans (e.g. subarea plans, utility plans) and capital improvement programs (e.g. transportation improvement program) support the change

The changes are supportive of the cities function plans for growth in Ellensburg and the UGA. We have learned through out 2021 Broadband Feasibility Study that business recruitment hinges on the known availability, access, reliability, and affordability of broadband at home and at work. The city, too, sees broadband as a priority. By improving our ability to attract family wage jobs to Ellensburg we can continue to improve the quality of life for all who live, work, and play in Ellensburg.







Comprehensive Plan Amendment Proposal

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JUN 30 2021

PA-16 COMMUNITY DEVELOPMENT

Community Development Department

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

Application Name: _____ Docket #: _____

OFFICE USE ONLY

OFFICE USE ONLY

Date Application Received: 6/30/2021 Received by: Alicia Winbauer

Applicant:

Name: Kirsten Sackett Daytime Phone: 509-962-7232
Mailing Address: 501 N. Anderson Street Fax Number: _____
City/State/Zip: Ellensburg, WA 98926 Signature: Kirsten Sackett
Professional License No: _____ E-mail: sackettk@ci.ellensburg.wa.us

Agent/Consultant/Attorney: (mandatory if primary contact is different from applicant)

Name: _____ Daytime Phone: _____
Mailing Address: _____ Fax Number: _____
City/State/Zip: _____ E-mail: _____
Signature: _____

Please provide a statement in the space provided below or on an attached sheet as needed for the suggested change(s) to the comprehensive plan with regards to the relevant criteria listed below:

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- Anticipated impacts of the change, including the geographic area affected and issues presented;
- Why existing comprehensive plan should not continue in effect or why existing criteria no longer apply;
- How the change would be compliant with the Growth Management Act;
- How the change would be compliant with the Countywide Planning Policies; and
- How functional plans (e.g. subarea plans, utility plans) and capital improvement programs (e.g. transportation improvement program) support the change.

See attached narrative regarding a proposal to update sections of Chapter 4 Housing Element to align with the data in the 2021 Housing Needs Assessment.

Description of proposed Comprehensive Plan amendment to Chapter 2 Housing Demographics:

The Housing Element (Chapter 2) of the 2017-adopted Comprehensive provides demographic data and assumptions based on a Housing Needs Assessment that was conducted in 2016. The City recently completed a June 2021 Housing Needs Assessment that provides more current data.

The proposal is to update the Housing Element with the current demographics, beginning on Page 36 of the Comprehensive Plan. This includes updates to the chapter narrative, Figures 3, 4 and 5, and Tables 7 thru 11.

The City is currently working on a Housing Action Plan (HAP) that included an analysis of the existing Housing Goals, Policies, and Programs and assessed them for alignment with the Key Findings of the Housing Needs Assessment. Please see the attached DRAFT analysis of the Goal section. This identifies potential areas for re-evaluation of the existing goals.

Next steps in development of the HAP include engagement with the community in identifying and prioritizing strategies for improving the housing challenges in Ellensburg. Input from the community and future discussion with the Planning Commission and City Council may lead to amendments to the existing goals, policies, and programs within Chapter 2 of the Comprehensive Plan. Depending on the timing of these next steps staff would propose to update the Comprehensive Plan with any revised goals. If the information is not available or developed within the time period for this amendment cycle, staff would then propose to defer the amendments to the Goals section to the 2022 Comp Plan amendment cycle.

COMPREHENSIVE PLAN HOUSING ELEMENT REVIEW - DRAFT

Introduction

The City of Ellensburg Comprehensive Plan, amended in 2018, meets the regional responsibilities to manage urban growth for current and future residents through 2037. Ellensburg's Comprehensive Plan lays out a road map for navigating 20 years of projected population and employment growth by articulating a vision and corresponding core values, goals to achieve the vision, and policies and programs to promote the core values. Ellensburg's Comprehensive includes eight primary plan elements, for the purposes of this Housing Action Plan, policy guidance within Ellensburg Comprehensive Plan Housing Element was reviewed.

The Housing Element goals, policies, and programs are assessed below in terms of progress of implementation as well as alignment with the Housing Needs Assessment. Each goal area is followed by an evaluation discussion that includes a summary of work done to date and considerations for future action. The City of Ellensburg faces growth pressures and various challenges and opportunities as it relates to housing development, this makes it important to review current conditions and progress towards achieving planning goals. As the City continues to grow, creative approaches might be needed to accommodate growth and support diverse community needs.

TABLE 1. Evaluation Legend

Evaluation by progress of implementation	Evaluation	Alignment with findings from Housing Needs Assessment:	Evaluation
Not yet started	Not started	The policy may challenge the City's ability to meet the needs identified in the HNA. The policy's benefits and consequences should be reviewed to optimize the ability to meet the policy's objectives while minimizing the negative impacts on meeting the housing needs of all community members.	Challenge
Early/initiated	Early	The policy is aligned to the needs identified in the HNA but may not be sufficient to meet those needs. The City may consider amending the policies to encourage the desired development.	Amend/Review
Moderate progress through funding/code/program development	Moderate	The policy is valid and helpful. There is continued need for the policy and it is likely to help the City meet the needs identified in the Housing Needs Assessment.	Valid
Completed	Completed	The policy does not impact the City's ability to meet the needs identified in the HNA.	Neutral

TABLE 2. Goal H-1 – Preserve, protect, and strengthen the vitality and stability of existing neighborhoods

Comprehensive Plan Policies, and Programs		Progress of implementation	Alignment with findings from Housing Needs Assessment
Policy A	Encourage development of an appropriate mix of housing choices through innovative land use and well-crafted regulations.	Early	Amend/Review
Program 1	Integrate new development, with consideration to design and scale that complements existing neighborhoods and provides effective transitions between different uses and intensities.	Moderate	Valid
Program 2	Encourage infill development on vacant and underused sites.	Not started	Valid
Policy B	Establish additional logical access routes outside of the existing street system for bicycle and pedestrian traffic.	Moderate	Neutral
Program 1	Identify trail easements and develop an effective maintenance strategy.	Moderate	Neutral
Policy C	Protect and connect residential neighborhoods so they retain identity and character and provide amenities that enhance quality of life.	Moderate	Amend/Review
Program 1	Encourage housing opportunities in mixed residential/commercial settings throughout the city.	Early	Valid
Program 2	Provide increased residential density and improve infrastructure along arterials and transit routes through redevelopment and retrofitting, such as sidewalks and stormwater treatment.	Moderate	Valid
Program 3	Assure that site, landscaping, building, and design regulations create effective transitions between different land uses and densities.	Early	Valid
Policy D	Promote sense of place in neighborhoods.	Moderate	Valid
Program 1	Promote high quality design that is compatible with the overall style and character of established neighborhoods.	Moderate	Valid
Program 2	Support the preservation of Ellensburg's historically-significant housing through the City's historic preservation program, which maintains a list of historic properties and districts, and provides education and incentives.	Moderate	Amend/Review

Program 3	Encourage the use of long-lived, low-maintenance building materials; high-efficiency energy systems; and low impact development techniques that reduce housing life-cycle costs and provide better environmental performance.	Moderate	Challenge
Program 4	Foster innovative housing and mixtures of housing types that preserve natural resources and consolidate open space.	Early	Amend/Review

Evaluation Discussion

Ellensburg's Land Development was comprehensively updated in 2013 and includes cottage housing standards, maximum block lengths, policies that promote connections between residential neighborhoods, landscaping standards, and open space requirements. In addition, the city adopts state building code standards that provide for high-energy efficiency standards.

The Ellensburg Comprehensive Plan was updated in 2018 to include goals and future land use designations that provide for increasing mixed commercial and residential use areas. The city is currently pursuing amendments to its Land Development Code and zoning maps that will implement comprehensive plan goals to increase allowed uses in certain zoning designations – including a wider variety of housing types, and zoning designation changes that will allow for more mixed-use development outside of the downtown core which will increase the available opportunities for more diverse housing types throughout Ellensburg.

Ellensburg passed a complete streets ordinance in 2016 to ensure that construction of city transportation improvement projects accounts for all users. Under this ordinance, the City is able to apply for grants that help to plan, operate, and maintain appropriate facilities for the safe accommodation of pedestrians, bicyclists, transit users, motorists, emergency responders, freight, and users of all ages and abilities in new construction, retrofit, or reconstruction projects.

Comprehensive Plan policies and programs for review and possible amendment to better align with this Housing Action Plan include: Policy A, Policy C, and Policy D – Programs 2 and 4.

Comprehensive Plan policies and programs that are aligned with this Housing Action Plan but have not begun implementation include: Policy A – Program 2. Other areas of focus for implementation of the City's comprehensive plan are policies and programs in early stages of implementation and evaluated as valid for alignment with this Housing Action Plan.

Under Comprehensive Plan Goal H-1, Policy D – Program 3 was the only policy or program considered to be a challenge in terms of alignment with this Housing Action Plan. At this time, implementation of this program is limited to adoption of state building code standards.

TABLE 2. Goal H-2 – Allow and encourage a variety of housing types and densities to meet housing needs for all economic segments of the community.

Comprehensive Plan Policies, and Programs		Progress of implementation	Alignment with findings from Housing Needs Assessment
Policy A	Review the Land Development Code to allow for a wider variety of housing types.	Moderate	Amend/Review
Program 1	Review barriers to the development of denser housing types such as duplexes, townhomes, and accessory dwelling units.	Moderate	Valid
Policy B	Encourage residential development in commercial and mixed-use zones, especially those within proximity to transit.	Early	Valid
Program 1	Expand the Multifamily Tax Exemption program beyond the downtown area to encourage multifamily housing in other areas where it is needed.	Early	Valid
Program 2	Evaluate, review, revise, and publicize the density bonus incentive program.	Not started	Amend/Review
Program 3	Work with Central Washington University and private developers to support on-campus housing for students and in transit-served residential/commercial settings throughout the city.	Not started	Amend/Review
Policy C	Consider housing cost and supply implications of proposed regulations and procedures.	Not started	Valid
Program 1	Consider reducing parking requirements for mixed-use housing developments and affordable housing developments in closer proximity to jobs and transit.	Early	Amend/Review
Policy D	Create and preserve ADA accessible and affordable housing opportunities locally and with a regional perspective.	Early	Valid
Program 1	Promote working partnerships with public, private, non-profit groups, and developers to plan and develop a range of housing choices.	Moderate	Amend/Review
Program 2	Evaluate other housing affordability programs utilized in other communities that could be incorporated into the Land Development Code.	Early	Amend/Review
Program 3	Support the preservation, maintenance, and improvements of older/historic housing and	Not started	Valid

	assistance to low-income households who want to stay in their homes.		
--	--	--	--

Evaluation Discussion

The City is currently pursuing amendments to the Land Development Code and zoning maps that will allow duplexes and townhomes in zoning districts that previously have primarily only allowed for single family homes. The amendments will also create two new mixed-use zoning districts that will increase the available opportunities for more diverse housing types throughout Ellensburg.

Staff have compiled case studies of parking standards and City Council has had initial discussions related to initiating a citywide parking study to inform right-sized parking requirements. No additional implementation steps have been taken.

Voters passed a sales tax increase in 2018 for affordable housing and related services which has enabled the City to startup a housing fund. Using these funds and City surplus properties, the City has initiated partnerships with local housing organizations to provide affordable homeownership and rental housing for income qualified households.

City staff have taken initial steps to research steps needed to expand the Multifamily Tax Exemption program but have not begun the state process required for expansion.

Comprehensive Plan policies and programs for review and possible amendment to better align with this Housing Action Plan include: Policy A, Policy B – Programs 2 and 3, Policy C – Programs 1, and Policy D – Programs 1 and 2.

Comprehensive Plan policies and programs that are aligned with this Housing Action Plan but have not begun implementation include: Policy B – Program 2 and 3, and Policy D – Program 3. Other areas of focus for implementation of the City's comprehensive plan are policies and programs in early stages of implementation and evaluated as valid for alignment with this Housing Action Plan.

TABLE 3. Comprehensive Plan Goal H-3 – Encourage and support a variety of housing opportunities for older adults and people with disabilities.

Comprehensive Plan Policies, and Programs		Progress of implementation	Alignment with findings from Housing Needs Assessment
Policy A	Collaborate with other jurisdictions, organizations, and private developers to meet special housing needs that address a broad spectrum of solutions.	Early	Valid
Program 1	Promote accessible and affordable housing in areas that are close to services and the rest of the community.	Early	Valid

Program 2	Coordinate with local organizations and agencies to provide sufficient and affordable home maintenance and support services.	Moderate	Valid
Program 3	Promote the use of universal design principles for new development or redevelopment housing projects.	Not started	Valid

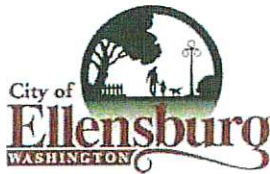
Evaluation Discussion

Voters passed a sales tax increase in 2018 for affordable housing and related services which has enabled the City to start up a housing fund. Using these funds and City surplus properties, the City has initiated partnerships with local housing organizations to provide affordable homeownership and rental housing for income qualified households.

The City provides a discounted utility rate for older adults, and also partners with the local Community Action Agency to provide utility assistance to income qualified households.

The City also partners with the local Community Action Agency to qualify community members for the City's utility assistance program, which is made available to low-income seniors and disabled at the 125% poverty level.

Comprehensive Plan policies and programs that are aligned with this Housing Action Plan but have not begun implementation include: Policy A – Program 3. Other areas of focus for implementation of the City's comprehensive plan are policies and programs in early stages of implementation and evaluated as valid for alignment with this Housing Action Plan.



Land Use Application Cover Sheet



Community Development Department

501 N. Anderson, Ellensburg, WA 98926

(509) 962-7239 (Building) permits@ci.ellensburg.wa.us (509) 962-7231 (Planning) comdev@ci.ellensburg.wa.us

INSTRUCTIONS – PLEASE READ FIRST AND ANSWER ALL QUESTIONS COMPLETELY.

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PART I – GENERAL INFORMATION

1. Applicant's Information:	Name:	MATT WILLARD, MANAGER SONVIDA 1, LLC						
	Mailing Address:	PO BOX 1359						
	City:	ELLENSBURG	St:		Zip:	98926	Phone:	(509) 859 3934
	E-Mail:	MATT@TANOC.HOMES.NET						
2. Applicant's Interest in Property:	Check One:	☒ Owner	☐ Agent	☐ Purchaser	☐ Other			
3. Property Owner's Information (If other than Applicant):	Name:	SEE ABOVE						
	Mailing Address:							
	City:		St:		Zip:		Phone:	()
	E-Mail:							
4. Subject Property's Assessor's Parcel Number(s):								
TAX PARCEL / A PORTION OF PARCEL 411133								
5. Legal Description of Property. (if lengthy, please attach it on a separate document)								
SEE ABOVE								
6. Property Address:								
NOT ADDRESSED								
7. Property's Existing Zoning:								
☒ RS ☐ RL ☐ RM ☐ RH ☐ RO ☐ CN ☐ CH ☐ CT ☐ CC ☐ CCH ☐ MHP ☐ IL ☐ IH ☐ PR ☐ PUD								
8. Type Of Application: (Check All That Apply)								
☐ Final Plat Application			☐ Environmental Checklist (SEPA Review)			☐ Conditional Use Permit		
☐ Type (II) Review			☐ Landmarks COA			☐ Rezone		
☐ Boundary Line Adjustment			☐ Landmarks Demolition			☐ Shoreline		
☐ Short Plat Alteration			☐ Commercial Wireless Communication			☐ Critical Areas Review		
☐ Preliminary Short Subdivision			☐ Appeal to HE / City Council			☐ Variance/Admin. Variance		
☐ Preliminary Long Subdivision			☐ Code Interpretation			☐ Temporary Use Permit		
☐ Plat Vacation			☐ Regional Retail Master Plan			☐ Design Review Major/Minor		
☐ Plat Alteration			☐ Design Review Departure			☐ Binding Site Plan		
☐ Master Plan P-R Use			☒ Comprehensive Plan Amendment			☐ Essential Public Facility		
☐ Annexation			☐ Development Code Amendment			☐ Site Development Permit		

9. PART II – PROJECT DESCRIPTION AND SITE PLAN (See attached page)

10. I certify that the information on this application and the required attachments are true and correct to the best of my knowledge.

Property Owner's Signature

Date

Applicant's Signature

Date

FILE/APPLICATION(S)#

DATE FEE PAID:

RECEIVED BY:

AMOUNT PAID:

RECEIPT NO:

FOOTNOTE: DEDICATION OF 40 FOOT ROW REQUIRED ON ANY FUTURE LAND USE ACTION. HELENA AVENUE IS CONTEMPLATED TO NOT EXTEND TO BRICK ROAD IN THE FORESEEABLE FUTURE DUE GRAB & CREEK CROSSING ISSUES. HELENA MAY EXTEND ONLY AS FAR AS 900 FEET EASTWARD FROM THE LOCATION EXISTING ON 6/2022.



Proposal No. _____ (leave blank) RETURN TO:

COMMUNITY DEVELOPMENT DEPARTMENT
501 N. ANDERSON STREET
ELLENSBURG, WA 98926

COMPREHENSIVE PLAN AMENDMENT PROPOSAL

THE PURPOSE OF THIS FORM IS TO CLEARLY OUTLINE INFORMATION REGARDING A PROPOSAL TO AMEND THE CITY OF ELLENSBURG COMPREHENSIVE PLAN. PROVISION OF THE FOLLOWING INFORMATION WILL INSURE THAT THE PROPOSAL CONTAINED HEREIN WILL RECEIVE FULL CONSIDERATION AND THAT THE INDIVIDUAL MAKING SUCH PROPOSAL WILL BE ADVISED OF ALL RELEVANT PUBLIC MEETINGS, HEARINGS, ETC....

NAME/DATE: Solar Dolar LLC, A Washington Limited Liability Company
June 23rd 2022

ADDRESS/PHONE NO.:

Attn: Joel Greear
Solar Dolar, LLC
1410 W. Dolarway, Suite 301
Ellensburg, WA 98926
Joel@centralpavingllc.com
509 899-737371

With copies to:

Jeff Slothower Attorney at Law
P.O. Box 1088
Ellensburg, WA 98926
Jslothower@lwhsd.com

DESCRIPTION OF AMENDMENT TO COMPREHENSIVE PLAN

Solar Dolar owns Kittitas County Tax Parcel No. 946133, which is located at 1501 W Dolarway Rd, Ellensburg WA (hereinafter the "Property"). (See map attached as exhibit 1) The Property is not within the city limits of Ellensburg and instead is an island of unincorporated Kittitas County surrounded by the city of Ellensburg. The applicant desires to change the future land use map so that this property is designated for a Community Mixed Use designation instead of Industrial. If the designation is approved, then the Applicant will petition the city to have the property annexed into the city with a zone of Regional Center Mixed-Use. The application then intends to develop the property consistent with the uses allowed in the Regional Center Mixed-Use zone.

SECTIONS OF THE COMPREHENSIVE PLAN PROPOSED FOR AMENDMENT

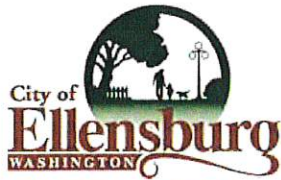
The Applicant requests that the City of Ellensburg Comprehensive plan future land use map be modified so that the Property is designated as Community Mixed Use under the comprehensive plan future land use map.

REASONS AND INFORMATION SUPPORTING THE PROPOSED AMENDMENT

The requested designation will allow the Property to be annexed into the city with a zoning designation of Regional Center Mixed-Use Zone. The Regional Center Mixed-Use zone is a new zone in the city of Ellensburg, having been authorized in Ordinance No. 4887, dated May 16, 2022. The zone is intended to provide for a “broad mix of uses that offer a variety of commercial and employment opportunities and medium to high density multifamily housing”. The applicant has a development across Dolar Way from the Property that provides compatible uses which provides small businesses a location to operate from, enhancing the economic development of the area and the city as a whole, providing significant employment opportunities and services to the citizens of Ellensburg. The requested designation and future zone will also give the applicant the ability to mix in multifamily housing opportunities that will be available to city residents with additional commercial business development. The Property is compatible for development consistent with the requested zoning designation.

PROPOSED LANGUAGE FOR AMENDMENTS (IF NOT PROVIDED ABOVE)

None proposed as this is a future land use map amendment.



Land Use Application Cover Sheet



22-06

Community Development Department

501 N. Anderson, Ellensburg, WA 98926

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PART I – GENERAL INFORMATION

1. Applicant's Information:	Name:	STEVE WILLARD						
	Mailing Address:	1312 SANDERS ROAD						
	City:	ELLensburg	St:	WA	Zip:	98926	Phone :	(206) 660 2739
	E-Mail:	willardis@gmail.com						
2. Applicant's Interest in Property:	Check One:	☐ Owner	☒ Agent	☐ Purchaser	☐ Other			
3. Property Owner's Information (If other than Applicant):	Name:							
	Mailing Address:							
	City:		St:		Zip:		Phone :	()
	E-Mail:							
4. Subject Property's Assessor's Parcel Number(s): NON PROJECT								
5. Legal Description of Property. (if lengthy, please attach it on a separate document)								
6. Property Address: NON PROJECT								
7. Property's Existing Zoning: ☐ RS ☐ RL ☐ RM ☐ RH ☐ RO ☐ CN ☐ CH ☐ CT ☐ CC ☐ CCH ☐ MHP ☐ IL ☐ IH ☐ PR ☐ PUD								
8. Type Of Application: (Check All That Apply)								
☐ Final Plat Application	☐ Environmental Checklist (SEPA Review)	☐ Conditional Use Permit						
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Property Owner's Signature

Date

Applicant's Signature

Date

FILE/APPLICATION(S)#

DATE FEE PAID:

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RECEIPT NO:

REQUESTED EXEMPTION FROM INTERLOCAL AGREEMENT
BETWEEN CITY OF GULENSBURG AND KITTITAS COUNTY

REQUEST FOR EXEMPTION OF UGA LANDS WITHIN THE
AIRPORT OVERLAY FROM COMPREHENSIVE PLAN & DEVELOPMENT
CODES & STANDARDS FOR LANDS WITHIN THE COUNTY AREA
WITHIN THE UGA WITH DENSITY RESTRICTIONS THAT
MAKE DEVELOPMENT TO CITY STANDARDS IMPOSSIBLE.
IE NOT URBAN DENSITY. DENSITY RESTRICTIONS WITHIN
THE AIRPORT OVERLAY IN THE UGA MAKE COMPLIANCE
WITH THE INTERLOCAL AGREEMENT IMPOSSIBLE
AND THEREFORE RESTRICTS PRIVATE PROPERTY RIGHTS
OF AFFECTED PROPERTIES.

RECEIVED

JUN 30 2022

COMMUNITY DEVELOPMENT



MANAGER'S REPORT

DATE: July 18, 2022
TO: Ellensburg City Council
FROM: Heidi Behrends Cerniwey, City Manager

1. Notice of Natural Gas Purchases.

Staff is notifying City Council, as required by Chapter 9.80 of the Ellensburg City Code, of recent natural gas purchase commitments to Shell Energy North America. The first purchase commitment is for 152,000 MMBtu's at \$5.960/MMBtu for delivery starting November 2023 through March 2024. The total value of the contract purchase is \$905,920.

A second purchase commitment is for 242,000 MMBtu's at \$5.350/MMBtu for delivery starting November 2022 through June 2023. The total value of the contract purchase is \$1,294,700.

2. Request to Set Public Hearings.

Staff requests Council set the following public hearings for the August 1, 2022 Council meeting:

- Legislative hearing to consider a resolution to surplus property that is the subject of a pending Boundary Line Adjustment for adjacent parcels owned by the City and Solar Dolar, LLC on Dolarway Road.
- Legislative hearing to consider a resolution to surplus two City-owned parcels at 1st and Pine for use as affordable housing.