

COUNCIL AGENDA

Monday, November 15, 2021



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

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

To attend the city council meeting virtually register here:
https://us02web.zoom.us/webinar/register/WN_-ZjWZFz9RNeuUAK0sjCamA

Face coverings are currently required for persons attending City Council meetings in person per the Washington Governor's Proclamation 20-25.17.

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](http://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: leaderb@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: leaderb@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_-ZjWZFz9RNeuUAK0sjCamA. 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 make comments of a personal, impertinent or derogatory nature.
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). You may wish to concisely state your concern and request placement of your matter on a future agenda.

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 925-8614.

PUBLIC HEARINGS

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

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

AMERICANS WITH DISABILITIES ACT

The City of Ellensburg strives to make our services, programs, and activities readily accessible and usable by individuals with disabilities. Reasonable accommodations will be made upon request. Please furnish the ADA Coordinator with your request in sufficient time for the City to provide a reasonable accommodation. A Request for Accommodation form may be obtained on the first floor of City Hall or by calling the City of Ellensburg ADA Coordinator at 962-7222.

**CITY OF ELLENSBURG
COUNCIL AGENDA
Council Chambers
501 North Anderson Street
Ellensburg, WA 98926
And Remotely via Zoom
Monday, November 15, 2021
6:00 PM – Study Session
7:00 PM - Regular Meeting**

Study Session (no public comment will be accepted)

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| Downtown Zoning Map & Historic Districts | |
| DRAFT Land Development Code Ordinance w/CC & LDC edits | |
-

Pledge of Allegiance

- 1. Call to Order and Roll Call**
- 2. Proclamations**
- 3. Awards and Recognitions**

 3.A Recognition of Ellensburg Military Family: The Botten Family

4. Approval of Agenda

5. Consent Agenda

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

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[11-15-21 Manager's Report](#)

12.B Councilmembers' Reports

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14. Adjournment



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: November 15, 2021

Item Title/Agenda Subject: Streateries

Submitted by: Heidi Behrends Cerniwey City Manager Department

Recommended Action or Motion: Provide direction to staff regarding extension of temporary streatory operations past 12/31/2021 and terms of future regulation.

Background/Summary: During the Governor's COVID-19 emergency response, many small businesses were impacted with closures and limited capacity. The City of Ellensburg issued Temporary Streatory Permits to downtown Ellensburg restaurants to reduce financial impacts on these small businesses. A streatory allows restaurants and cafés, to use portions of adjacent street parking during operating hours, functioning as additional outdoor seating. The streateries were a temporary solution to allow restaurants to serve more customers when safety protocols limited indoor dining capacity.

The Ellensburg City Council extended the temporary streatory permits until December 31, 2021. This action allowed time for a policy discussion by the City Council and the community on the future of these outdoor restaurant service extensions and time to explore standards for more permanent structures, if allowed.

Previous Council Action: Streateries were originally authorized through a City Manager emergency order under the City Council Resolution 2020-05 which granted the City Manager authority to take action to reduce impacts on the Ellensburg community. The City Council rescinded the Resolution on July 6, 2021 and extended the temporary streatory permits until December 31, 2021, through Resolution 2021-20. This action has allowed time for preparation of a policy discussion by the City Council and the community on the future of these outdoor restaurant service extensions and time to explore standards for more permanent structures, if allowed.

Analysis:

The City of Ellensburg conducted a brief survey with downtown residents and business owners to understand the advantages and disadvantages of streateries. The survey received over 800 responses from October 27-November 8, 2021. A summary of the results will be presented at the Council meeting.

At the meeting, staff will present a range of options for operating streateries in the public right-of-way in Downtown Ellensburg. The Ellensburg Downtown Association (EDA) representatives will be invited to present their perspective during the discussion.

Financial Impact:

Fiscal impacts will be evaluated to reflect fees for permitting and public right-of-way use.



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: November 15, 2021

Item Title/Agenda Subject: Proposed Land Development Code Amendments

Submitted by: Kirsten Sackett Community Development

Recommended Action or Motion: Study session - no action required

Background/Summary: This study session continues the discussion that was carried over from the October 11th and 18th study sessions. The purpose is to review and discuss an ordinance to amend the zoning districts and land use tables of the land development code, and also to amend the zoning map.

As discussed in the previous sessions, this ordinance was drafted to further align with the goals of Comprehensive Plan which focus on encouraging a variety of housing types and densities and to meet the housing needs of all economic segments of the community. This includes programs that remove barriers to increased density, and also allowing for mixed use zones which allow for combined commercial and residential development.

In addition to working towards these goals, some of the proposed revisions were drafted by Staff in response to the changing nature of certain neighborhoods or corridors. Staff has found that certain properties were difficult to develop based on the uses that were allowed within the zoning district. It was determined that appropriate development could occur through either a rezone of property, or amendments to the uses that are allowed within the zoning districts.

The proposed ordinance was reviewed by the Planning Commission during 12 work sessions between August 2018 and November of 2019. The work was shared with City Council during their meetings of April 1, 2019 and October 21, 2019, and four public meetings were held from May to July of 2019. Outreach was conducted with the property owners that would be affected by the changes and general support was achieved

during this time period.

Previous Council Action: City Council discussed this proposed ordinance during Study Sessions held on September 20, 2021, October 11, 2021 and October 18, 2021.

Analysis:

As shared in the previous discussions, the zoning ordinance will accomplish the following:

- Add two new mixed-use zoning districts – regional scale and neighborhood scale
- Eliminate the Commercial-Tourist (C-T) zoning district, and consolidate with the Commercial-Highway zoning district
- Amend the zoning map in several areas of the City
- Revise the land use charts to accommodate for uses that staff has identified as more appropriate for current conditions
- Revise the setback and density tables to accommodate for the new mixed use zones

At the conclusion of the study session of October 18, 2021, City Council requested that the Landmarks and Design Commission review the proposed height limitations in the CC zone, specifically in regard to potential impacts to the downtown historic district. The LDC reviewed this item and made the following recommendations:

- The height limitation within the CC district should be limited to 60 feet, with the following caveat:
- The height limitation within the downtown Ellensburg local landmark district should be limited to 45 feet.
- When a subject property within the CC zoning district shared any portion of a border with a residential zone, the height should be limited to 45 feet.
- The height limitation within the CC-II zoning district should be limited to 60 feet with no additional development conditions.

These modifications have been added to the draft ordinance which has again been attached for review. These specific edits are found on page 30 of the ordinance, and are highlighted in yellow.

This version of the ordinance also includes the revisions requested at the October 11 and 18 meetings as follows:

- Page 21 – bed and breakfast was included as a Permitted use in the two new mixed use zones.
- Page 22 – a new row was added to account for the use “Automobile, electric vehicle battery charging station”. In accordance with RCW 36.70A.695, this use is permitted within all areas except residential zones.
- Page 25 - within the special use table, Footnote #12 has been added back in to the Conditional Use Permit process for museums in residential zones.
- Page 27 – Footnote #12 has been modified to note that museums in residential zones are allowed within existing buildings, or if for new construction the building shall be limited to 2,000 square feet in size.

The remaining item up for discussion is a review of the allowed uses within the nonresidential and special use tables. Staff would request that Council review those two use tables and bring any questions or concerns to the study session. This discussion will review the use that is labeled “Retail, super scale (>60,000 sq feet)”, as found on page 23 of the ordinance. At present that use is only permitted with the C-T zone. With the proposed elimination of the C-T zone, Council requested discussion on the appropriateness of permitting that specific use within the C-H and RC-MU zoning districts.

Staff will be available at the study session to provide this overview of the ordinance and to answer any questions that arise.

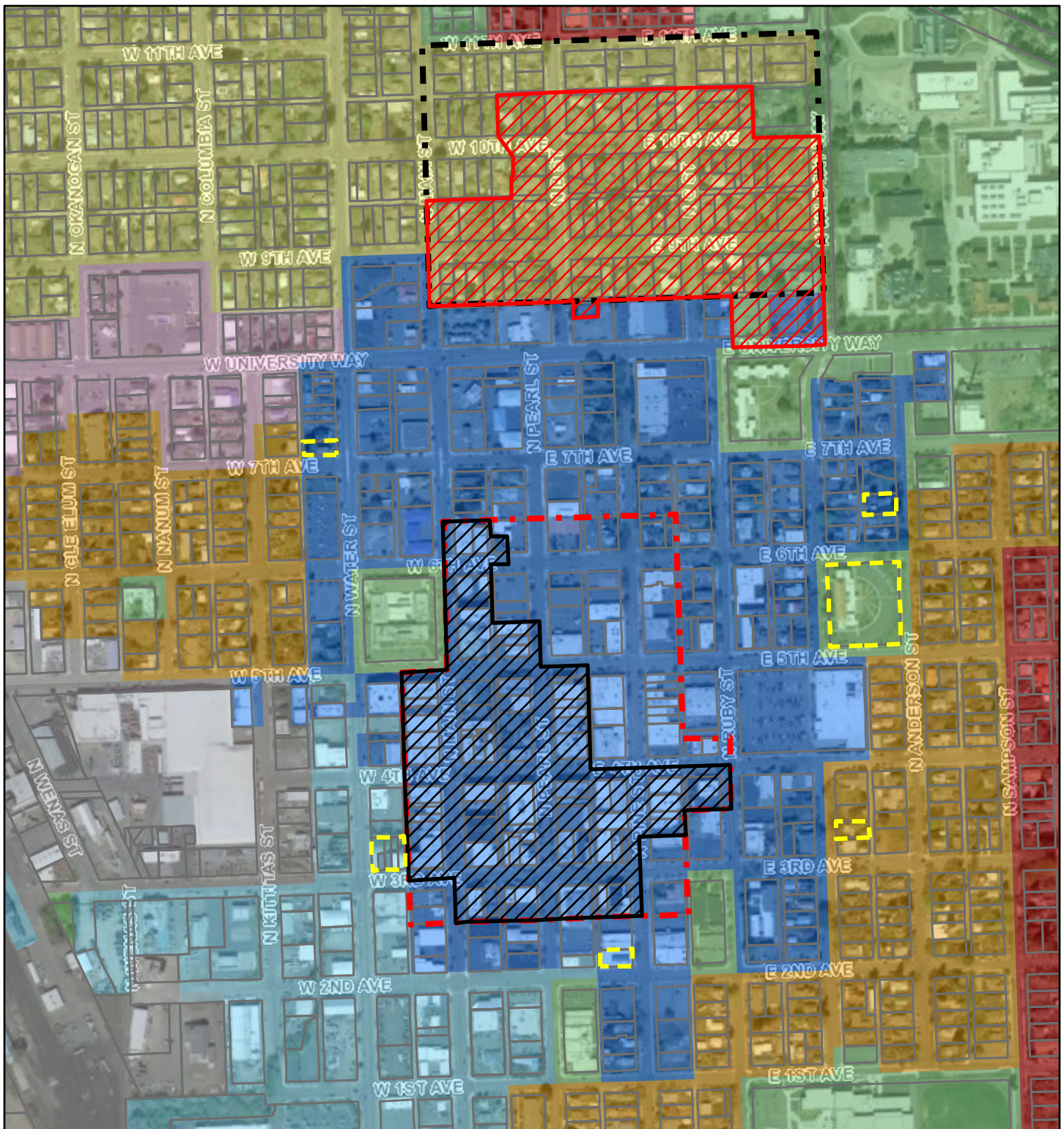
Financial Impact: None

Attachments:

[Downtown Zoning Map & Historic Districts](#)

[DRAFT Land Development Code Ordinance w/CC & LDC edits](#)

Downtown Zoning Map w/Historic District Boundaries

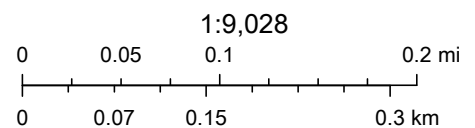


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- Urban Growth Area
- City Limits
- Landmarks Register

Landmark Districts

- Downtown Ellensburg Historic District
- Downtown Ellensburg National Register District
- First Railroad Addition Historic District



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ORDINANCE NO. *****

AN ORDINANCE RELATING TO THE CITY OF ELLENSBURG LAND DEVELOPMENT CODE, TITLE 15; AMENDING CHAPTER 15.130 “DEFINITIONS”; AMENDING CHAPTER 15.300 “ZONES, MAPS, AND DESIGNATIONS”; AMENDING CHAPTER 15.310 “PERMITTED USES”; AMENDING CHAPTER 15.320 “BUILDING SETBACK AND INTENSITY STANDARDS”, AND AMENDING AREA WIDE ZONING BOUNDARY MAPS.

WHEREAS, the Planning Commission held twelve work sessions from August 2018 through November 2019 to develop recommendations and review public feedback; and

WHEREAS, the Ellensburg City Council held two discussion sessions at regularly scheduled Council meetings on April 1 and October 21, 2019 to provide direction to staff and review public feedback; and

WHEREAS, the Community Development Department held public workshops on May 13, May 21, May 30, and July 9, 2019 at which staff presented proposed amendments to the zoning boundaries and Land Development Code and heard feedback from attendees; and

WHEREAS, the Community Development Department issued an online survey from June through July 2019 to solicit public feedback on the proposed changes to the Land Development Code and received 95 responses; and

WHEREAS, the Ellensburg Comprehensive Plan was initially adopted on December 18, 2017, and last updated January 19, 2021; and

WHEREAS, following adoption of the Comprehensive Plan update in December 2017, City of Ellensburg staff worked to evaluate the City’s development regulations and zoning districts to ensure consistency with the requirements of Chapter 36.70A RCW; and

WHEREAS, City of Ellensburg staff completed an analysis of the City’s development regulations for consistency with the requirements of Chapter 36.70A RCW, and staff found the development regulations and zoning district amendments set forth herein provide consistency with and will implement the City’s comprehensive plan; and

WHEREAS, City of Ellensburg staff found the development regulations and zoning district amendments set forth herein provide consistency with and will implement findings from community outreach conducted during the 2017 comprehensive plan update. This community outreach encouraged participation and feedback by community stakeholders and neighborhood groups and was preceded by broad and inclusive public notification of these initiatives, including public notices, community presentations and workshops, and information presented at community events; and

WHEREAS, City of Ellensburg staff found the development regulations and zoning district amendments set forth herein implement standards that provide predictability and consistency of application while also allowing adequate flexibility in ways more specifically set forth below in Sections 34 – 39, each of which is supported by comprehensive plan policies and the policies of Chapter 36.70A RCW; and

WHEREAS, the proposed amendments to the Ellensburg City Code were issued a SEPA Determination of Non-Significance on _____, 2021; and

WHEREAS, pursuant to RCW 36.70A.106, notice of the City’s intent to amend the Land Development Code was sent to the Washington State Department of Commerce; and

WHEREAS, the required Washington State Department of Commerce 60-day notice was complete on _____, 2021; and

WHEREAS, the proposed ordinance was reviewed by the Planning Commission in a public hearing on _____, 2021, and based on public testimony and other evidence received at said hearing, the Planning Commission recommended City Council adoption of the ordinance; and

WHEREAS, the City Council conducted a public hearing on _____, 2021, where it received and considered public comments on the proposed changes; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, DO ORDAIN AS FOLLOWS:

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

Section 2. Chapter 2.30.010 of Ellensburg City Code, as last amended by Ordinance 4678, is hereby amended to read as follows:

2.30.010 Purpose

The purpose of this chapter is to provide limited exemptions from ad valorem property taxation for multifamily housing in the downtown area and is intended to:

- A. Encourage increased residential opportunities within the central commercial zone as defined by Chapter 15.300 ECC (official zoning map) and ECC ~~15.300.050(E)~~ 15.300.060(B)(2);
- B. Stimulate new construction or rehabilitation of existing vacant and underutilized buildings for multifamily housing in the central commercial zone to increase and improve housing opportunities; and
- C. Assist in directing future population growth to the central commercial zone, thereby reducing development pressure on single-family residential neighborhoods. [Ord. 4678 § 1, 2014; Ord. 4488 § 4, 2007.]

Section 3. Chapter 2.30.020 of Ellensburg City Code, as last amended by Ordinance 4678, is hereby amended to read as follows:

2.30.020 Residential targeted area designated.

The central commercial zone as defined by Chapter 15.300 ECC (official zoning map) and ECC ~~15.300.050(E)~~ 15.300.060(B)(2) is hereby designated as the residential targeted area for the city of Ellensburg pursuant to RCW 84.14.040. [Ord. 4678 § 3, 2014; Ord. 4488 § 4, 2007.]

Section 4. Chapter 2.30.040 of Ellensburg City Code, as last amended by Ordinance 4678, is hereby amended to read as follows:

2.30.040 Project eligibility.

A proposed project must meet the following requirements for consideration for a property tax exemption:

- A. Location. The project must be located within the central commercial zone as defined by Chapter 15.300 ECC (official zoning map) and ECC ~~15.300.050(E)~~ 15.300.060(B)(2).

B. **Tenant Displacement.** The project must not displace existing residential tenants of structures that are proposed for redevelopment, unless the applicant has provided each existing tenant housing of comparable size, quality, and price and a reasonable opportunity to relocate. Existing dwelling units proposed for rehabilitation must fail to comply with one or more standards of applicable building or housing codes in ECC Title 3, the rehabilitation improvements shall achieve a condition of substantial compliance with the applicable building, construction, and housing codes contained in ECC Title 3 and all uniform codes adopted pursuant to ECC Title 3. Applications for new construction cannot be submitted for vacant property upon which an occupied residential rental structure previously stood during any portion of the 12-month period immediately preceding submission of the application, unless the applicant had provided each displaced tenant housing of comparable size, quality, and price and a reasonable opportunity to relocate.

C. **Business Displacement.** The project must not displace existing commercial space, occupied or unoccupied, located on the first floor of structures that are proposed for redevelopment, except for the limited purposes of providing:

1. Stairway and/or elevator ingress and egress to and from the street front and/or alley; or
2. The provision of garage, parking or loading areas on alley frontages, so long as such displacement does not exceed 25 percent of the existing commercial space.

D. **Size.** The project must include at least four units of multifamily housing within a residential structure or as part of a mixed-use development. A minimum of four new units must be constructed or at least four additional multifamily units must be added to existing occupied multifamily housing. Existing multifamily housing that has been vacant for 12 months or more does not have to provide additional units.

E. **Permanent Residential Housing.** At least 50 percent of the space designated for multifamily housing must be provided for permanent residential occupancy.

F. **Proposed Completion Date.** New construction multifamily housing and rehabilitation improvements must be scheduled to be completed within three years from the date of approval of the application.

G. **Compliance with Guidelines and Standards.** The project must be designed to comply with the city's comprehensive plan, building, housing and zoning codes and any other applicable regulations in effect at the time the application is approved. New construction must comply with the International Construction Code. The project must also comply with any other standards and guidelines adopted by the city council for the area in which the project will be developed. [Ord. 4678 § 5, 2014; Ord. 4488 § 4, 2007.]

Section 5. Chapter 2.30.060 of Ellensburg City Code, as last amended by Ordinance 4678, is hereby amended to read as follows:

2.30.060 Application review and issuance of conditional certificate.

The director may certify as eligible an application which is determined to comply with the requirements of this chapter. A decision to approve or deny an application shall be made within 90 days of receipt of a complete application.

A. **Approval.** The director may approve the application if they find that:

1. A minimum of four new units are being constructed or in the case of occupied rehabilitation or conversion within 12 months of occupancy, a minimum of four additional multifamily units are being developed.
2. The proposed project either is, or will be at the time of completion, in conformance with all applicable local plans and regulations that apply at the time the application is approved.

3. The owner has complied with all standards and guidelines adopted by the city under this chapter.
4. The site is located within the central commercial zone as defined by Chapter 15.300 ECC (official zoning map) and ECC ~~15.300.050(E)~~ 15.300.060(B)(2).

B. If an application is approved, the applicant shall enter into a contract with the city, subject to approval by resolution of the city council, regarding the terms and conditions of the project. Upon council approval of the contract, the director shall issue a conditional certificate of acceptance of tax exemption which shall contain a statement by the director that the property has complied with ECC 2.30.050 and 2.30.060. The conditional certificate expires three years from the date of approval.

C. Denial. The director shall state in writing the reasons for denial and shall send notice to the applicant at the applicant's last known address within 10 days of the denial. An applicant may appeal a denial to the city council within 30 days of receipt of notice. The appeal before city council will be based on the record made before the director. On appeal, the director's decision will be upheld unless the applicant can show that there is no substantial evidence on the record to support the director's decision. The city council's decision on appeal will be final. [Ord. 4678 § 6, 2014; Ord. 4488 § 4, 2007.]

Section 6. Chapter 14.04.030 of Ellensburg City Code, as last amended by Ordinance 4808, is hereby amended to read as follows:

14.040.030 Definitions.

“Applicant” means a person, individual, or organization seeking permission to develop land within the city of Ellensburg by applying for a building permit.

“Central commercial district” means the established commercial area of the city of Ellensburg which has historically supported intensive urban usage and is zoned for C-C.

Commercial. For the purposes of this chapter, “commercial shall be defined as those activities allowable within the following zones as defined in ECC Title 13: commercial neighborhood zone (C-N), ~~commercial tourist zone (C-T)~~, commercial highway zone (C-H), master site plans for regional retail commercial projects, central commercial zone (C-C), central commercial II zone (C-C II), neighborhood center mixed use zone (NCMU), regional center mixed use zone (RCMU).

“Duplex” means a building that is entirely surrounded by open space on the same lot and contains two dwelling units or two dwelling units that are physically separated but on the same lot.

“Dwelling unit” means one or more rooms designed for or occupied by one family for living or sleeping purposes and containing kitchen, sleeping, and sanitary facilities for use solely by one family.

“Encumber” means to transfer traffic impact fee dollars from the traffic impact fee fund to a fund for a particular system improvement that is fully funded in the current year's budget. Funds may only be encumbered by an action of the city council. The fund encumbering the traffic impact fee dollars shall bear the name of the system improvement financed with such money.

“Gross floor area” means the total square footage of livable area of any dwelling unit and the gross leasable square footage area of any nonresidential building, structure, or use, including accessory uses.

Industrial. For the purposes of this chapter, “industrial” shall be defined as those activities allowable within the following zones as defined in ECC Title 15: light industrial zone (I-L) and heavy industrial zone (I-H).

“Interest” means the interest earned by the account during the period the fees were retained.

“Low-income housing” means housing with a monthly housing expense that is no greater than 30 percent of 80 percent of the median family income adjusted for family size for Kittitas County, as reported by the United States Department of Housing and Urban Development. In addition, the developer and/or owner shall have entered into a binding, irrevocable programmatic commitment with one or more federal, state, or local governmental agencies and/or nonprofit agencies qualified as 501(c)(3) under the Internal Revenue Service Code. Development activity that is comprised of a mix of affordable and market rate housing and/or affordable housing and commercial space shall be defined as low-income housing only for those specific units that are set aside as low-income housing with the aforementioned income limits. Programs that may otherwise be defined elsewhere as “low-income housing” and/or “affordable housing,” but have income eligibility limits above those described above or no income limits, shall not be defined as low-income housing.

“Multifamily dwelling unit” means one lot that contains three or more dwelling units. “Multifamily” may include duplexes located on contiguous lots.

“New development” means any land use action which culminates in the issuance of a building permit for new construction and/or expansion of existing gross floor area.

“Peak hour” means the consecutive 60-minute period during the 4:00 p.m. and 6:00 p.m. peak period during which the highest volume occurs.

“Project improvements” means site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in the city’s transportation facilities plan or transportation improvement plan approved by the city council shall be considered a project improvement.

“System improvements” means transportation facilities that are included in the city’s six-year transportation facilities plan, and are designed to provide service to the community at large, in contrast to project improvements.

“Traffic impact fee” means payment of money imposed by the city of Ellensburg upon development activity pursuant to this chapter as a condition of granting development approval and/or a building permit for new development in order to pay for the public facilities needed to serve the new development. Traffic impact fees do not include permit fees, an application fee, the administrative fee for collecting and handling traffic impact fees, the cost of reviewing independent fee calculations or the administrative fee required for an appeal.

“Traffic impact fee fund” means the fund established for the public facilities for which traffic impact fees are collected, pursuant to ECC 14.04.070 and in compliance with the requirements of RCW 82.02.060.

“Traffic impact fee rate study update” means the study which determined the traffic impact fee updated July 2018.

“Traffic impact fee schedule” means that schedule adopted by ECC 14.04.170, or as amended by city council. Trip generation rates in the schedule shall be those rates derived from the “9th Edition Trip Generation” manual published by the Institute of Transportation Engineers, or subsequent editions. [Ord. 4808 § 2, 2018; Ord. 4675 § 1, 2014; Ord. 4646 § 1, 2013; Ord. 4534 § 1, 2009.]

Section 7. Chapter 15.130.020 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4803, is hereby amended to read as follows:

15.130.020 B definitions

“Boarding houses, lodging houses, ~~sororities, fraternities~~” means an establishment with lodging for five or more persons on a weekly or longer basis with a central kitchen and dining area maintained exclusively for residents and their guests.

Section 8. Chapter 15.130.070 of the Land Development Code of the Ellensburg City Code, as last amended

15.130.070 G definitions

“Gateway Corridor” is a principal arterial street that serves to access the downtown area. Gateways have unique street standards (ECC 15.510.070) and permitted land uses adjacent to street corridors that create an attractive environment and destination for commerce, employment, living, interaction, dining, and entertainment for the residents, workers, and visitors of the City of Ellensburg.

“General service establishment” refers to a category of uses whose primary activity is the provision of assistance, as opposed to products, to individuals, businesses, industry, government, and other enterprises. Specific uses in this category include but are not limited to postal and courier services, equipment rentals, repair shops, laundries, automobile fueling, and other services.

Section 9. Chapter 15.130.080 of the Land Development Code of the Ellensburg City Code, as last amended

15.130.080 H definitions

“Heavy service” includes service activities that may have regular exterior service, or storage areas. This use category includes, but is not limited to, ~~contractors~~, heating fuels, truck stops, breweries, heavy equipment storage, repair shops, equipment rentals, and warehousing. Heavy service uses are limited to buildings no larger than 50,000 gross square feet in area.

“**Hotel**” means any building or portion thereof in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a boarding, ~~or lodging, sorority or fraternity house.~~
[Ord. 4807 § 7, 2018; Ord. 4769 §§ 2 – 4, 2017; Ord. 4725 § 1, 2016; Ord. 4696 § 1, 2015; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 10. Chapter 15.130.120 of the Land Development Code of the Ellensburg City Code, as last amended

15.130.130.120 L definitions

“**Light industry**” refers to a category of uses that accommodate limited intensity levels of manufacturing and assembly activities, storage, warehousing, services, associated offices and similar uses. This use category includes, but is not limited to, contractors, call centers, textiles, wood products, printing, pharmaceuticals, machinery manufacturing, research and development, regional distribution, and crematories.

“Light manufacturing” means a light industrial business where all processing, fabricating, assembly, or disassembly of items takes place wholly within an enclosed building and does not involve the use or production of flammable, explosive, or other hazardous materials. May include an ancillary restaurant, or retail use through which goods produced on site are sold or served to the public on-site or distributed wholesale to off-site users or resellers.

Section 11. Chapter 15.130.130 of the Land Development Code of the Ellensburg City Code, as last amended

15.130.130.130 M definitions

“Mixed-use” means any combination of permitted land uses either within one development or within one zoning district.

“Museum” means an institution, open to the public, devoted to the procurement, conservation, study, and display of objects of historical, scientific, artistic, or cultural interest, for the purposes of education, study and enjoyment.

Section 12. Chapter 15.130.150 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:

15.130.150 O definitions

“Office, Business or Professional”. ~~“Business or professional office”~~ means an office to be used for the purpose of providing professional, administrative, or business-related services.~~an office wherein business, technical or scientific services are rendered involving labor, skill, education and special knowledge for certain compensation or profit, but such labor, skill, education and special knowledge being predominantly mental or intellectual, rather than physical, manual or mercantile in nature.~~ Examples of such uses would include, but not be limited to, the offices of lawyers, accountants, brokers, ~~and insurance agents,~~ graphic design, courier and messenger services, technology services, and photocopying and printing services.

~~“Outlet center” means a shopping center which does not contain an anchor retail store and which at least 51 percent of the retail tenants are manufacturer outlet retailers offering manufacturer branded goods. The minimum size of an outlet center shall be 150,000 gross square feet and the maximum size of any single retail tenant shall not exceed 15,000 gross square feet of floor area.~~

Section 13. Chapter 15.130.160 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4804, is hereby amended to read as follows:

15.130.160 P definitions

~~“Personal service” means services rendered to individuals for their personal physical appearance and conditioning needs.~~ a use that provides a service that is nonmedical as a primary use and may include accessory retail sales of products related to the services. Examples would include but not be limited to ~~the following types of services:~~ barber, beautician, masseur, tailors, clothing rental, shoe repair shops, and steam and sauna baths.

Section 14. Chapter 15.130.180 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4803, is hereby amended to read as follows:

15.130.180 R definitions

“Recreation – small scale indoor commercial studios” means a commercial recreation land use conducted entirely within a building, limited to a floor area of no more than 2,000 square feet, including but not limited to, dance, yoga, aerobics, martial arts, and spin classes.

Section 15. Chapter 15.280.040 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4656, is hereby amended to read as follows:

15.280.040 Members, qualifications and terms.

A. The Ellensburg landmarks and design commission shall consist of seven members appointed by a majority of the Ellensburg city council. A majority of members so appointed shall be residents of the city of Ellensburg.

- B. All members of the commission shall have demonstrated an active interest in historic preservation and design review.
- C. The commission shall include at least two owners of property from within the downtown and First Railroad Addition historic districts, as defined in ECC ~~15.300.060(B)~~ 15.300.070(B) and (C) or a property individually listed on the Ellensburg landmarks register. One member shall be a member of the Ellensburg Downtown Association (EDA) for a term of four years. One member shall be a general at-large position. The commission shall include at least three professionals (active or retired) who work or worked among the related fields of history, architecture, construction, landscape design, historic preservation, planning, anthropology, archaeology, cultural geography, American studies, land use law, or real estate.
- D. A commission action that would otherwise be valid shall not be rendered invalid by the temporary vacancy of one or all of the professional positions, unless the commission action is related to meeting certified local government (CLG) responsibilities cited in the certification agreement between the Ellensburg city council and the State Historic Preservation Officer.
- E. Appointment of new members to the commission shall be for a period of four years. Vacancies shall be filled by the Ellensburg city council for any unexpired term in the same manner as the original appointment. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 16. Chapter 15.280.080 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:

15.280.080 Ellensburg landmarks register.

There is hereby created an Ellensburg landmarks register.

A. Criteria for Eligibility to the Register. Any building, structure, site, object, or district may be designated for listing in the Ellensburg landmarks register if it is significantly associated with the settlement, development, architecture, politics, economy, social history, archaeology, or cultural heritage of the community; retains integrity of location, setting, design, materials, workmanship, feeling, and association; is at least 50 years old; and if it meets at least one of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of local, state, or national history;
2. Is closely linked with the life of a person important in the history of the city, state, or nation;
3. Embodies the distinctive visual characteristics of an architectural type, period, style, or method of construction;
4. Is an outstanding work of a designer, builder, or architect;
5. Has yielded, or may be likely to yield, important archaeological information related to history or prehistory; and/or
6. Because of prominent spatial location, contrasts of siting, age, or scale, it is an easily identifiable visual feature of its neighborhood and contributes to the distinctive identity of that neighborhood.

B. Process for Designating Properties to the Landmarks Register (a Type II Review Process Exception).

1. Any person may nominate a building, structure, site, object, or district for inclusion in the Ellensburg landmarks register. Members of the landmarks and design commission or the landmarks and design commission as a whole may generate nominations. In its designation program, the landmarks and design

commission shall consider the Ellensburg historic resource inventory and the Ellensburg comprehensive plan. Owner(s') consent is required before the landmarks and design commission shall consider the nomination.

2. Nominations shall be made on forms provided by the landmarks and design commission. Completed nominations received by the commission will be scheduled for review within 15 working days of receipt.
3. The landmarks and design commission shall consider the merits of the nomination at a public hearing, in accordance with the criteria for eligibility set forth in subsection (A) of this section, and according to the nomination review standards established in rules.
4. Adequate notice shall be given to the general public, the property owner(s), the author of the nomination, and lessees, if any, prior to the public hearing. Such notice shall include publication in a newspaper of general circulation in Ellensburg.
5. Within 10 days of holding the public hearing, the landmarks and design commission shall render a decision on whether a nominated property meets the criteria set forth in subsection (A) of this section. If the finding is that the nominated property meets the criteria set forth in subsection (A) of this section, the property shall be officially listed as a landmark, landmark site, or landmark district or part thereof. Notice of the decision shall be sent to the property owner(s), the author of the nomination, any occupants of the building, the preservation planner, and the Ellensburg city council. If the listed property is adjacent to the boundary of an existing landmark district, said boundary shall be amended accordingly. If the listed property will create a new landmark district, then the listed area shall be designated on the official zoning map with the notation "LR" to indicate the district is on the landmarks register. An isolated property shall be designated on the official zoning map with the notation "LR" to indicate the property is on the landmarks register.
6. For individual landmark designations, the landmarks and design commission shall include in its designation the applicable criteria on which the listing is based, a legal description of the property, and a list of all significant features that contribute to its historic character.
7. For landmark district designations, the landmarks and design commission shall include in its designation recommendation the applicable criteria, a description of the boundaries of the district, and a list of all buildings, structures, sites, and objects which contribute to its historic character.
8. Whenever the landmarks and design commission rejects the nomination of all or any part of a property, the commission shall, within 10 working days, issue a written decision including reasons supporting the determination that the criteria set forth in subsection (A) of this section have not been met. Notice of the decision shall be sent to the property owner(s), author of the nomination, any lessees, the preservation planner, and the Ellensburg city council.
9. The commission's decision on a COA may be appealed to the city council in a closed record appeal hearing.
10. Properties listed in the Ellensburg landmarks register shall be recorded on official zoning records with an "LR" (for landmarks register). This designation shall not change or modify the underlying zone classification.

C. Downtown and Residential Historic Districts.

1. The existing downtown historic district, defined in ECC ~~15.300.060(B)~~ 15.300.070(B) and hereafter known as the "downtown historic district," and the existing residential historic district, defined in ECC ~~15.300.060(C)~~ 15.300.070(C) and hereafter known as the "First Railroad Addition historic district," are hereby designated as Ellensburg landmark districts. The geographic area encompassed by each district is identified on the map attached to the ordinance codified in this chapter and made a part of this chapter by reference.
2. The commission shall compile existing historical data and property records, prepare Ellensburg landmarks register nomination forms, and create complete landmark files for each of the landmark districts.

3. The provisions of ECC 15.280.090 and 15.280.100 shall hereafter apply to the downtown historic district and the First Railroad Addition historic district.

D. Removal of Properties from the Register. In the event that any designated landmark property is no longer deemed eligible for inclusion in the register owing to loss of historic integrity, the landmarks and design commission may initiate removal of such designation by the same procedure as provided for in establishing the designation in subsection (B) of this section. [Ord. 4807 § 40, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 17. Chapter 15.300 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4656, is hereby amended to read as follows:

CHAPTER 15.300 ZONES MAPS AND DESIGNATIONS

Sections:

15.300.010 Purpose.

15.300.020 Zoning map and boundaries.

15.300.030 Zone and map designation purpose.

15.300.040 Residential zones and map designations.

15.300.050 ~~Nonresidential and mixed-use~~ Commercial and Industrial zones.

15.300.060 ~~Special districts.~~ Mixed use zones.

15.300.070 Special districts.

Section 18. Chapter 15.300.040 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:

15.300.040 Residential zones and map designations.

A. Residential Suburban Zone (R-S). The R-S zone is intended to provide for a mix of predominantly single-family detached dwelling units in a walkable neighborhood setting. These purposes are accomplished by:

1. Allowing detached single-family dwellings as the predominant use, with options to integrate accessory dwelling units, duplexes, townhomes, and other compatible housing types in a relatively low urban density;
2. Providing standards and guidelines that reinforce Ellensburg's established pattern of attractive and walkable residential neighborhoods;
3. Providing standards and guidelines that promote the integration of usable open space for residential uses;
4. Providing standards and guidelines that encourage parks, trails, open spaces, and natural features to be integrated with the design of new development;
- ~~5. Providing for a minimum density standard to avoid large scale low density sprawl;~~
- ~~5. 6.~~ Providing an opportunity to integrate compatible small-scaled retail and service uses in strategic locations that serve the surrounding neighborhood;
- ~~6. 7.~~ Providing a flexible system of bonus incentives (see ECC 15.330.020) that allows for an increase in density in exchange for:
 - a. Energy efficient building and site design;
 - b. Mix of housing types;
 - c. Off-street trails;

- d. Purchase of transferable development rights (subject to the city adopting a TDR program) that help to preserve valuable resource lands outside of the city;
- e. Preservation of historic buildings; and/or
- f. Affordable housing; and

~~7.8-~~ Use of this zone is appropriate for any of the following or combinations thereof:

- a. Areas designated residential neighborhood in the comprehensive plan; and
- b. Areas characterized predominantly by single-family dwellings.

B. Residential Low Density Zone (R-L). The R-L zone is intended to protect and enhance the character of existing low density residential neighborhoods while allowing for compatible infill development. These purposes are accomplished by:

- 1. Allowing detached single-family dwellings as the predominant use, with options to integrate accessory dwelling units, ~~and duplexes~~, townhomes, and cottage housing ~~on larger lots~~;
- 2. Providing standards and guidelines that reinforce Ellensburg's established pattern of attractive and walkable residential neighborhoods;
- 3. Providing standards and guidelines that promote the integration of usable open space for residential uses;
- 4. Providing standards and guidelines that encourage parks, trails, open spaces, and natural features to be integrated with the design of new development;
- 5. Providing a minimum density standard to avoid large scale low density sprawl;
- 6. Providing a flexible system of bonus incentives (see ECC 15.330.020) that allows for an increase in density in exchange for:
 - a. Energy efficient building and site design;
 - b. Mix of housing types;
 - c. Off-street trails;
 - d. Purchase of transferable development rights (subject to the city adopting a TDR program) that help to preserve valuable resource lands outside of the city;
 - e. Preservation of historic buildings; and/or
 - f. Affordable housing; and
- 7. Use of this zone is appropriate for any of the following, or combinations thereof:
 - a. Areas designated residential in the comprehensive plan;
 - b. Areas characterized by, or immediately adjacent to, areas which are predominantly single-family in character.

C. Residential Medium Density Zone (R-M). The R-M zone is intended to provide for a mixture of housing types in a walkable neighborhood setting. These purposes are accomplished by:

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

2. Providing standards and guidelines to help ensure that new infill development will be compatible in scale and character with existing development;
3. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets within the zone;
4. Providing standards and guidelines that promote the integration of usable open space for residential uses;
5. Providing standards and guidelines that encourage parks, trails, open spaces, and natural features to be integrated with the design of new development on large sites;
6. Providing a minimum density standard to avoid large scale low density sprawl; and
7. Use of this zone is appropriate for any of the following, or combinations thereof:
 - a. Areas designated residential, neighborhood mixed use, or community mixed use in the comprehensive plan;
 - b. Areas characterized by a mix of single- and multifamily buildings;
 - c. Areas located along designated arterial streets;
 - d. Areas adjacent to commercial zoned property;
 - e. Areas located along corridors served by transit.

D. **Residential High Density Zone (R-H).** The R-H zone is intended to comprise areas for high density multifamily residential development in areas served by transit and within walking distance from commercial services. These purposes are accomplished by:

1. Allowing multifamily dwellings and providing a minimum density limit;
2. Providing standards and guidelines that promote compact and walkable development patterns that are well integrated with surrounding multifamily developments;
3. Providing standards and guidelines that promote the integration of usable open space for residential uses; and
4. Use of this zone is appropriate for any of the following, or combinations thereof:
 - a. Areas designated blended residential neighborhood, urban neighborhood, or community mixed use in the comprehensive plan;
 - b. Areas characterized by multifamily buildings;
 - c. Areas adjacent to commercial zoned property;
 - d. Areas located along corridors served by transit.

E. **Manufactured Home Park Zone (MHP).** The MHP zone comprises areas developed or suitable for development for placement and occupancy of manufactured homes for residential purposes on rented or leased sites in manufactured home parks. These purposes are accomplished by:

1. Establishing regulations to establish, stabilize, and protect the residential character of the zone and to prohibit all incompatible activities;
2. Establishing provisions for common open space; and

3. Establishing standards for a safe and connected circulation system. [Ord. 4807 § 42, 2018; Ord. 4798 § 1, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 19. Chapter 15.300.050 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:

15.300.050 Commercial and Industrial ~~Nonresidential and Mixed-use~~ zones

A. Commercial Neighborhood Zone (C-N). The C-N zone is intended to provide small scale shopping areas to serve the residential neighborhoods in outlying areas of the city. These are intended to be pedestrian-oriented areas in convenient locations and designed compatible with the surrounding neighborhood. These purposes are accomplished by:

1. Allowing small scale retail, personal services and other compatible uses that serve the surrounding residential neighborhood;
2. Providing a minimum separation of neighborhood commercial zones of 2,000 feet to minimize their overuse, while providing the opportunity for such uses to be within reasonable walking distance of all residential uses;
3. Providing a maximum size of five acres for neighborhood commercial zones to maintain a small scale and compact, pedestrian-oriented design;
4. Allowing townhouses and multifamily uses as a secondary use due to their complementary nature and ability to enhance the walkability of these zones;
5. Providing standards and guidelines that enhance the appearance and function of neighborhood center uses and their compatibility with surrounding residential uses; and
6. Use of this zone is appropriate for any of the following, or combination thereof:
 - a. Areas designated residential neighborhood, blended residential neighborhood, or urban neighborhood in the comprehensive plan;
 - b. Areas located adjacent to a collector or arterial roadway;
 - c. Areas centralized to serve existing and/or planned residential neighborhoods within one-quarter mile of the site.

~~B. Commercial Tourist Zone (C-T). The C-T zone is intended to encourage suitable areas for commercial lodging, service stations, eating and amusement places, and other establishments primarily servicing Interstate 90 and U.S. Highway 97 travelers. In addition, specific areas of the C-T zone which are in the regional retail overlay may have regional retail commercial uses if special development criteria in Chapter 15.390 ECC are met. These purposes are accomplished by:~~

- ~~1. Allowing commercial uses that serve the traveling public;~~
- ~~2. Providing the opportunity for regional retail uses in specific areas deemed appropriate for such uses; and~~
- ~~3. Providing standards and guidelines that enhance the appearance and function of commercial tourist uses and their compatibility with surrounding uses;~~

~~4. Use of this zone is appropriate for areas that meet both of the following criteria:~~

~~a. Areas designated general commercial services and community mixed use in the comprehensive plan; and~~

~~b. Areas located within one-half mile radius of the center of Interstate 90 interchange.~~

BC. Commercial Highway Zone (C-H). The C-H zone is intended to accommodate diversified commercial establishments and multifamily residential as a conditional use. In addition, specific areas of the C-H zone which are in the regional retail overlay may have regional retail commercial uses if special development criteria in Chapter 15.390 ECC are met. These purposes are accomplished by:

1. Allowing a broad range of commercial uses that serve the community including retail, personal and general services, and office uses;

2. Allowing small to large scale retail uses, but excluding super scale retail (over 60,000 square feet of floor area) unless associated with a regional retail commercial project meeting the provisions of Chapter 15.390 ECC; and

3. Allowing multifamily residential as a conditional use; and

34. Providing standards and guidelines that enhance the appearance and function of commercial highway uses and their compatibility with surrounding uses;

45. Use of this zone is appropriate for any of the following, or combinations thereof:

a. Areas designated neighborhood commercial, general commercial and services, or community mixed use in the comprehensive plan;

b. Areas adjacent to, or with good access to, arterial streets and highways.

~~D. Residential Office Zone (R-O). The R-O zone is intended to serve as a transition zone separating more intensive uses from single-family residential districts. These purposes are accomplished by:~~

~~1. Allowing a variety of housing types including detached single-family dwellings, cottage housing, townhouses, and multifamily;~~

~~2. Providing for office uses that are compatible in scale and character with permitted residential uses;~~

~~3. Providing for limited small-scale nonresidential uses on street corner sites provided they are integrated with residential or office uses in a mixed-use building;~~

~~4. Providing standards and guidelines to help ensure that new infill development will be compatible in scale and character with existing development;~~

~~5. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets within the zone;~~

~~6. Providing a minimum density standard to avoid large-scale low-density sprawl;~~

~~7. Encouraging historic preservation and adaptive reuse of historic properties; and~~

~~8. Use of this zone is appropriate for:~~

- a. ~~Areas designated blended residential neighborhood, urban neighborhood, and neighborhood mixed use in the comprehensive plan as well as;~~
- b. ~~Areas characterized by a mix of single and multifamily buildings and office uses; and/or~~
- c. ~~Areas located generally between commercial and single family residential zones.~~

~~E. Central Commercial Zone (C-C). The C-C zone is intended to encourage and accommodate the development and redevelopment of a viable central business district serving a broad trade area. The intended physical form of the district is an intensive concentration of compatible business, professional and commercial activities. These purposes are accomplished by:~~

- ~~1. Allowing a range of commercial uses that serve the broad trade area;~~
- ~~2. Promoting office uses, which provide for local employment and complement other commercial uses in the zone;~~
- ~~3. Promoting residential as a secondary use in the zone, including upper floors on storefront dominated streets;~~
- ~~4. Providing standards and guidelines that preserve and/or enhance the historic character and scale of buildings within the zone; and~~
- ~~5. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets within the zone;~~
- ~~6. Use of this zone is appropriate for areas designated urban center in the comprehensive plan.~~

~~F. Central Commercial II Zone (C-C II). The C-C II zone is intended to provide for orderly expansion of the downtown commercial core. The zone is not to be used to allow strip commercial development or C-C II zones physically separate from the downtown commercial core. These purposes are accomplished by:~~

- ~~1. Allowing a range of commercial uses that serve the broad trade area;~~
- ~~2. Promoting office uses, which provide for local employment and complement other commercial uses in the zone;~~
- ~~3. Promoting residential as a secondary use in the zone;~~
- ~~4. Providing standards and guidelines that preserve and/or enhance the historic character and scale of buildings within the zone;~~
- ~~5. Providing standards and guidelines that promote compatibility between uses;~~
- ~~6. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets within the zone; and~~
- ~~7. Use of this zone is appropriate for areas designated urban center in the comprehensive plan.~~

C.G. Light Industrial Zone (I-L). The I-L zone is intended to accommodate certain industrial structures and uses having physical and operational characteristics which might adversely affect the economic welfare of adjoining residential and commercial uses. These purposes are accomplished by:

1. Allowing a range of general service and light industrial uses which can be operated in a relatively clean, quiet and safe manner compatible with adjoining industrial uses and without serious effect, danger or hazard to nearby residential uses;
2. Providing for eating and drinking establishments that serve other permitted uses in the zone;
3. Providing for offices as an accessory use, except where owners have purchased development rights from county properties within defined sending areas (subject to the city's adoption of a TDR program);
4. Providing design standards and guidelines that enhance the appearance and function of uses in the zone and their compatibility with surrounding uses;
5. Promoting mixed-use residential as a secondary use in areas identified as industrial residential in the comprehensive plan; and
6. Use of this zone is appropriate for areas designated light industrial or industrial residential in the comprehensive plan.

D.H. Heavy Industrial Zone (I-H). The I-H zone is intended to accommodate certain industrial structures and uses including large scale or very specialized industrial operations which might have external physical effects of an offensive or hazardous nature. These purposes are accomplished by:

1. Allowing the processing of raw materials and the manufacturing, processing, storing, and compounding of semi-finished or finished durable or nondurable products; and
2. Providing design standards and guidelines that provide for flexibility in the layout of buildings and site features, yet enhance the appearance of I-H zone uses and their compatibility with surrounding uses;
3. Use of this zone is appropriate for areas designated heavy industrial in the comprehensive plan. [Ord. 4807 § 43, 2018; Ord. 4798 § 2, 2018; Ord. 4769 § 12, 2017; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 20. Chapter 15.300.060 of the Land Development Code of the Ellensburg City Code is hereby added as a new Chapter as follows:

15.300.060 ~~Special districts~~ Mixed use zones

A. The general purposes of the mixed use zones are as follows:

1. Fostering a development pattern offering direct, convenient pedestrian, bicycle, and vehicular access between residences and businesses, in order to facilitate pedestrian and bicycle travel and reduce the number and length of automobile trips;
2. Encouraging new development that supports the safe and efficient movement of goods and people;
3. Providing for a compatible mix of multifamily housing and neighborhood commercial businesses and services, with an emphasis on promoting multistory structures with commercial uses on the ground floor and multifamily housing on upper floors;
4. Promoting a compact growth pattern to efficiently use the developable land, and to enable cost-effective extension of utilities, services, and streets; frequent transit service; and to help sustain neighborhood businesses;
5. Fostering the development of mixed use areas that are arranged, scaled, and designed to be compatible with surrounding land uses and which provide transitions between significantly different land use;

6. Ensuring that buildings and other development components are arranged, designed, and oriented to facilitate pedestrian access.

B. The purpose of the specific mixed use zones are as follows:

1. The **Residential-Office (R-O) Zone** is intended to serve as a transition zone separating more intensive uses from single-family residential districts. This purpose is accomplished by:

- a. Avoiding large scale low density sprawl;
- b. Allowing a variety of housing types;
- c. Providing for nonresidential uses that are compatible in scale and character with residential uses;
- d. Reinforcing the character and walkability of streets within the zone;
- e. Encouraging historic preservation and adaptive reuse of historic properties; and
- f. Reinforcing the character and walkability of streets.
- e. Use of this zone is appropriate for:
 - i. Areas designated as residential neighborhood, urban neighborhood, and neighborhood mixed use as well as;
 - ii. Areas characterized by a mix of single- and multifamily and office uses; and/or
 - iii. Areas located generally between commercial and single-family residential zones.

2. The **Central-Commercial (C-C) Zone** is intended to encourage and accommodate the development and redevelopment of a viable central business district serving a broad trade area. The intended physical form of the district is an intensive concentration of compatible business, professional, and commercial, and high density residential activities. This purpose is accomplished by:

- a. Allowing a range of commercial uses that serve the broad trade area;
- b. Promoting office uses, which provide for local employment and complement other commercial uses;
- c. Promoting residential as a secondary use, including upper floors on storefront dominated streets;
- d. Providing standards and guidelines that preserve and/or enhance the historic character and scale of buildings; and
- e. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets.
- f. Use of this zone is appropriate for areas designated urban center in the comprehensive plan.

3. The **Central-Commercial II (C-C II) Zone** is intended to provide for orderly expansion of the downtown commercial core. The zone is not to be used to allow strip commercial development or C-C II zones physically separate from the downtown commercial core. These purposes are accomplished by:

- a. Allowing a range of commercial uses that serve the broad trade area;
- b. Promoting office uses, which provide for local employment and complement other commercial uses;
- c. Promoting residential as a secondary use;

- d. Providing standards and guidelines that preserve and/or enhance the historic character and scale of buildings;
 - e. Providing standards and guidelines that promote compatibility between uses;
 - f. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets; and
 - g. Use of this zone is appropriate for areas designated urban center in the comprehensive plan.
4. The **Neighborhood Center Mixed-Use Zone** provides for a compatible mix of neighborhood-scaled commercial and employment uses and medium density multifamily housing. These purposes are accomplished by:
- a. Promoting neighborhood identity; and
 - b. Providing a range of commercial, retail, and service opportunities.
 - c. Use of this zone is appropriate for areas designated Community Mixed Use in the Comprehensive Plan.
5. The **Regional Center Mixed-Use Zone** is intended to provide a broad mix of uses that offer a variety of commercial and employment opportunities and medium to high density multifamily housing. These purposes are accomplished by:
- a. Promoting neighborhood identity; and
 - b. Providing a range of commercial, retail, and service opportunities.
 - c. Use of this zone is appropriate for areas designated Community Mixed Use in the Comprehensive Plan and within a half mile radius of the center of Interstate 90 interchange.

Section 21. Chapter 15.300.060 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4798, is hereby amended to read as follows:

15.300.0670 Special districts.

A. Public Reserve Zone (P-R). The P-R zone is a special use classification established to provide existing and future areas where public uses, such as, but not limited to, governmental, educational, recreational, cultural, and other public uses operated by a public entity may be allowed to develop. It is anticipated that the uses allowed may be unique and may involve a combination of uses not permitted outright in any other zoning districts. These purposes are accomplished by:

- 1. Allowing a full range of public uses including parks, schools, community centers, and governmental facilities;
- 2. Providing viable options for the adaptive reuse of surplus public facilities provided new uses can be integrated with the surrounding communities in a compatible manner; and
- 3. Use of this zone is appropriate for:
 - a. Areas designated public institutional or parks and open space in the comprehensive plan; and
 - b. Other sites planned to accommodate public uses allowed in the zone.

B. Downtown Historic District.

1. Designated. The geographic area identified in Figure 15.300.0670(B) is designated an Ellensburg landmark district, hereafter to be known as the downtown historic district. The requirements of this chapter and Chapter 15.280 ECC shall apply to all existing structures or structures hereafter constructed within this district; and
2. No person, firm or corporation shall construct any new, or reconstruct, alter, remodel, paint, repair or demolish any existing structure within the downtown historic district prior to completing the review process required by the city landmarks and design ordinance (Chapter 15.280 ECC).

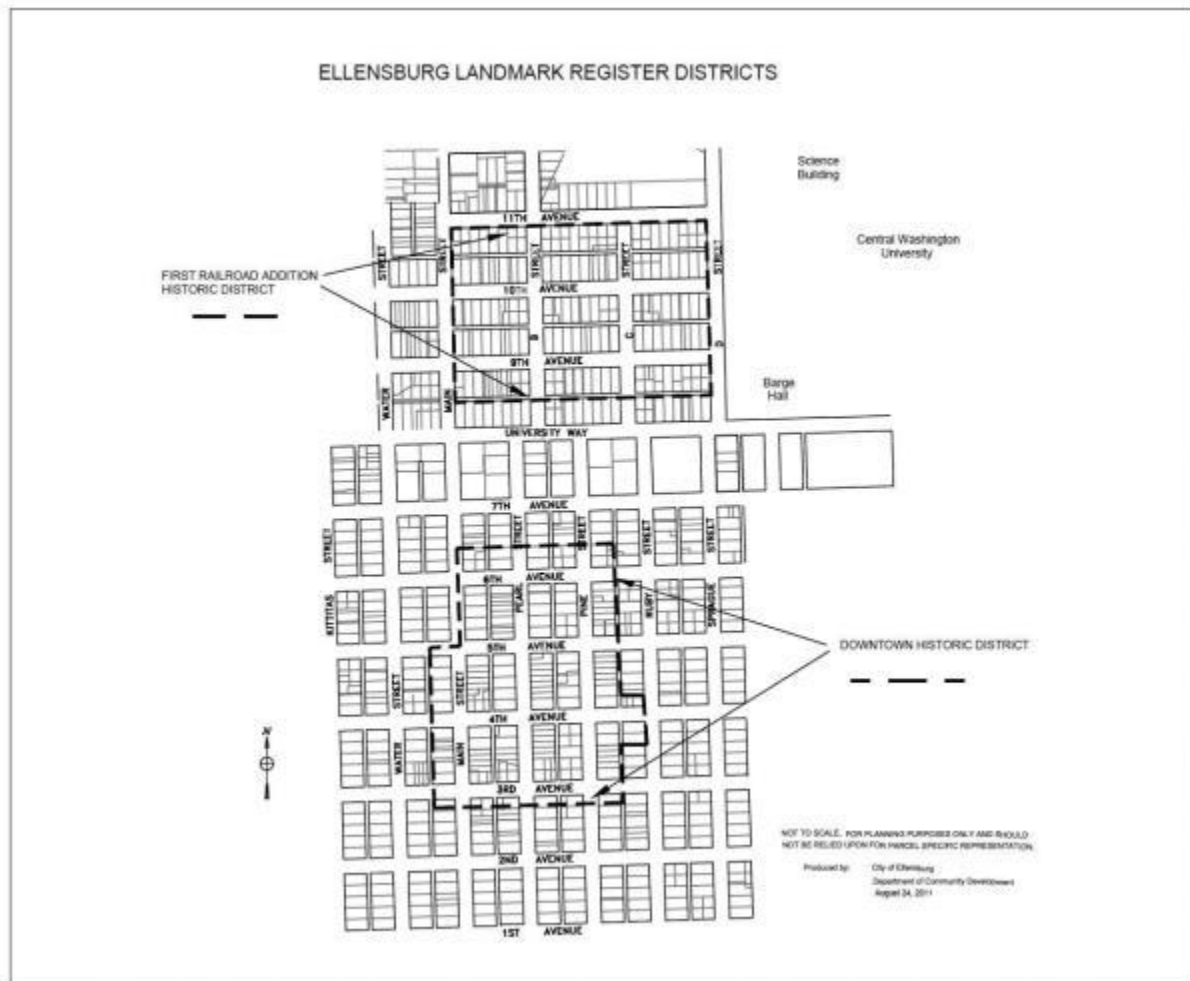


Figure 15.300.0670(B). Downtown and First Railroad Addition historic district boundaries.

C. First Railroad Addition Historic District.

1. Designated. The geographic area identified in Figure 15.300.0670(B) is designated as an Ellensburg landmark district, hereafter to be known as the First Railroad Addition historic district. The requirements of this chapter and Chapter 15.280 ECC shall apply to all existing structures or structures hereafter constructed within this district; and
2. No person, firm or corporation shall construct any new, or reconstruct, alter, remodel, paint, repair or demolish any existing structure within the First Railroad Addition historic district prior to completing the review process required by the city landmarks and design ordinance (Chapter 15.280 ECC).

D. Airport Overlay Zone (A-O). The airport overlay (A-O) zone encompasses properties located on, adjacent to, and in the vicinity of Bowers Field, in order to protect the health, welfare, safety, and quality of life of the general public, property owners, airport operators, and aviation community. The intent is also to ensure compatible land uses in the vicinity of the affected environments of the airport overlay zone.

Properties within the A-O overlay zone (see Figure 15.300.0670(D)) are subject to the standards in Chapter 15.350 ECC, Airport Overlay Zone (A-O) Standards, in addition to the provisions of the underlying zoning district. Where there is a conflict between the provisions of the A-O overlay zone and the underlying zoning district, the provisions of the A-O overlay zone shall apply.

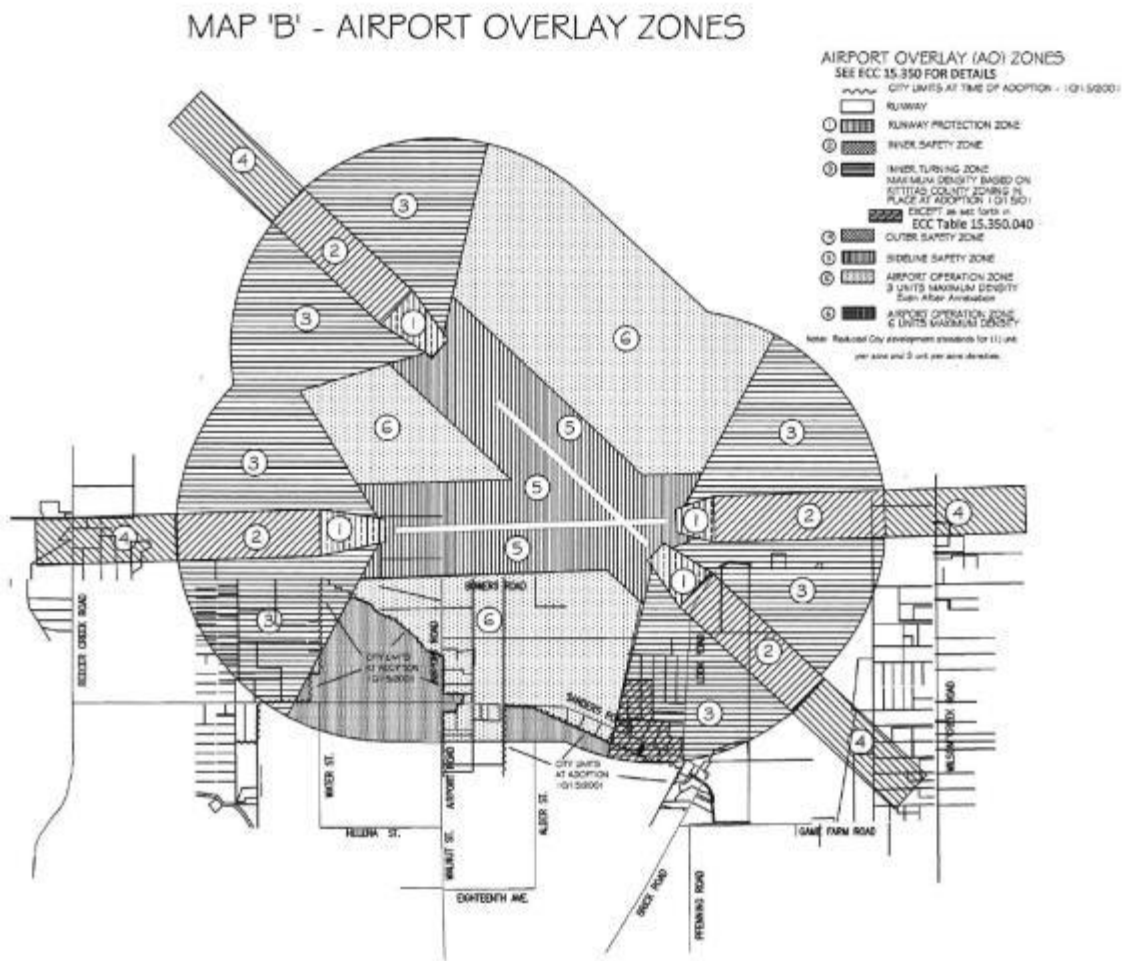


Figure 15.300.0670(D). Airport overlay zone and applicable airport safety zones as described in Chapter 15.350 ECC.

[Ord. 4798 § 3, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 22. Chapter 15.310.040 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:

15.310.040 Use Tables

Table 15.310.040 Residential-based uses

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-T	C-H	C-C	C-C II	I-L	<u>NC-MU</u>	<u>RC-MU</u>	I-H	P-R	MHP
RESIDENTIAL, GENERAL																
Dwelling, single-family* (ECC 15.540.020)	P	P	P		P											P
Dwelling, cottage* (ECC 15.540.050)	P	P	P		P										A ⁶	
Dwelling, duplex* (ECC 15.540.030)	P ^{1,2}	P ^{1,2}	P		P				P ⁷	P ⁷					A ⁶	
Dwelling, townhouse* (ECC 15.540.060)	P ^{1,5,2}	P ^{1,2}	P	P	P	P ³			P ⁷	P ⁷		<u>P</u>	<u>P</u>		A ⁶	
Dwelling, multifamily* (Division V of this title)	P ^{1,5}	<u>P^{1,5}</u>	P	P	P	P ³		<u>C</u>	P ⁷	P ⁷		<u>P</u>	<u>P</u>		A ⁶	
Dwelling, live-work*	P ^{1,4}	<u>P⁴</u>	P ⁴	P ⁴	P ⁴	P			P ⁷	P ⁷		<u>P</u>	<u>P</u>			
Manufactured home park* (ECC 15.340.040)	<u>C</u>	<u>C</u>	C	P	C										A ⁶	P
GROUP RESIDENCES																
Boarding houses, lodging houses, sororities, fraternities * (ECC 15.340.010)		C	P	P	C				P ⁷	P ⁷		<u>P</u>	<u>P</u>		A ⁶	
Adult family home*	P	P	P	P	P	P			P ⁷	P ⁷		<u>P</u>	<u>P</u>		A ⁶	
Community residential facility*			C	C	C	C			P ⁷	P ⁷		<u>P</u>	<u>P</u>		P/A ⁶	
Senior citizen assisted housing*			P	P	P	P			P ⁷	P ⁷		<u>P</u>	<u>P</u>		A ⁶	
RESIDENTIAL ACCESSORY USES																
Accessory dwelling unit* (ECC 15.540.040)	P	P	P	P	P				P ⁷	P ⁷						
Home occupations* (ECC 15.340.020)	P	P	P	P	P	P	P	P	P ⁷	P ⁷	P	<u>P</u>	<u>P</u>	P	P ⁶	P
Yard sale use	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸
TEMPORARY LODGING																
Bed and breakfast (ECC 15.340.010)	<u>P</u>	<u>P</u>	P	P	P				P ⁷	P ⁷		<u>P</u>	<u>P</u>			

Development conditions:

- Subject use may be permitted subject to density bonus incentives set forth in Table 15.320.030 and Chapter 15.330 ECC.
- Regardless of maximum density in Table 15.320.030, duplexes and townhomes are permitted in the R-L and R-S zones on lots that have been recorded as of December 31, 2020, per the following conditions:
 - ~~Lots at least 10,890 square feet in area; or~~
 - ~~Corner lots where building entries are provided on separate streets.~~
- Residential uses are permitted in the C-N zone provided nonresidential uses occupy the ground floor of all buildings fronting on the street. For example, residential uses could be on upper levels of buildings fronting on the street or, for deep lots, subject residential uses may occupy any buildings away from the street and behind the buildings that front onto the street.
- Nonresidential uses may be permitted within live-work dwellings subject to the permitted uses in the underlying zoning district, use provisions for the applicable zoning district in Table 15.310.040 below.

5. ~~Townhouses and multifamily~~ Multifamily dwelling units shall not be located adjacent to existing single-family dwellings, except where such uses were approved on an individual plat.
6. All uses permitted in the P-R zone must be either outright permitted and operated as a public use or must be an accessory use to the primary public use (see ECC 15.310.050).
7. Except for lobbies or similar entrances, all permitted residential uses in the C-C and C-C II zones are prohibited within 30 feet of the sidewalk on the ground floor of properties fronting on storefront streets per ECC 15.510.050(E).
8. Yard sales are permitted as an accessory use to a dwelling; provided, that the following conditions are met:
- Only two yard/garage sales per dwelling unit not exceeding three consecutive days in duration are allowed per year;
 - The occupant or tenant of the dwelling unit shall supervise and be responsible for the yard/garage sale activities including ensuring that there is no impediment to the passage of traffic on public roads and sidewalks adjacent to the sale;
 - No goods are to be displayed in public rights-of-way without first obtaining a right-of-way use permit from the public works and utilities department; and
 - Signs advertising the sale shall not be attached to any public structure, sign, sign or utility pole or traffic control devices and shall be removed within 24 hours of the sale completion.

Table 15.310.040 Nonresidential uses

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-T	C-H	C-C	C-C II	NC-MU	RC-MU	I-L	I-H	P-R
RETAIL															
Auto sales, new and used							P ¹	P	P ²	P		P			
Automobile fueling						P		P	P	P		P	P		
Automobile, electric vehicle battery charging station						P		P	P	P	P	P	P	P	P
Farmers' markets*						P			P	P	P	P			
Fruit stands*	P	P	P	P	P	P	P	P	P	P			P		
Heavy retail (ECC 15.130.080)							P	P ¹⁰	P ²	P		P	P	P	
Heavy service (ECC 15.130.080)								P ¹⁰	P ²	P			P	P	
Nurseries and greenhouses that are ancillary to a retail use*	P						P	P	P ²	P	P	P	P	P	
Restaurants, bars, and brewpubs*	P	P	P ³	P ³	P ³	P	P	P	P	P	P	P	P ¹¹		A ⁹⁶
Bars and brewpubs*						P	P	P	P	P	P	P	P		A ⁶
Coffee house, espresso bar	P ⁸⁵	P ⁵	P ³	P ³	P ³	P	P	P	P	P	P	P	P ¹¹		A ⁹⁶
Retail, small scale (<2,000 sf floor area)	P ⁸⁵	P ⁵	P ³	P ³	P ³	P	P	P	P	P	P	P			A ⁹⁶
Retail, medium scale (2,000 – 20,000 sf floor area)						P	P	P	P	P	P	P			A ⁹⁶
Retail, large scale (20,001 – 60,000 sf floor area)						P ⁴³	P	P	P	P	P	P			

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-T	C-H	C-C	C-C II	NC-MU	RC-MU	I-L	I-H	P-R
Retail, super scale (>60,000 sf floor area)							P	P	C	C		P			
Outlet center								P							
Regional retail commercial projects* (subject to the requirements in Chapter 15.390 ECC)	P ¹³⁸	P ¹³⁸	P ¹³⁸	P ¹³⁸	P ¹³⁸	P ¹³⁸	P ¹³	P ¹³⁸			P ⁸	P ⁸	P ¹³⁸		
Marijuana retailer*						P ¹⁴⁹	P ¹⁴	P ¹⁴⁹	P ¹⁴⁹	P ¹⁴⁹	P ⁹	P ⁹			
PERSONAL AND GENERAL SERVICE															
Day care I facilities*	P	P	P	P	P	P		P	P	P	P	P	P		A ⁹⁶
Day care II facilities*	C	C	C	C	P	P		P	P	P	P	P			A ⁹⁶
General service establishments (ECC 15.130.070)						P ⁵	P ⁶	P	P ²	P			P		
Heavy services (see Heavy retail and services definition in ECC 15.130.080)*							P	P ¹⁰	P ²	P		P	P	P	
Hotels/motels*							P	P	P	P	P	P			
Hospitals*	C	C	C		P		C		C	P		C			A ⁹⁶
Offices, medical*	P ⁸				P	P	P	P	P	P	P	P			P/ A ⁹⁶
Kennels*							P	P		P			P		
Nursing homes*	C	C	C	P	P				P	P					P/ A ⁹⁶
Marijuana cooperative*	P ¹⁵¹⁰	P ¹⁵¹⁰	P ¹⁵¹⁰	P ¹⁵¹⁰	P ¹⁵¹⁰	P ¹⁵¹⁰	P ¹⁵	P ¹⁵¹⁰	P ¹⁵¹⁰	P ¹⁵¹⁰	P ¹⁰	P ¹⁰	P ¹⁵¹⁰	P ¹⁵¹⁰	P ¹⁵¹⁰
Personal service establishments*	P ⁸⁵	P ⁵	P ³	P ³	P ³	P	P	P	P	P	P	P			A ⁹⁶
Laundromats and dry cleaners			P	P	P	P		P	P	P	P	P	P		
Places of assembly*	C	C	C	C	P	P	C	P	P	P	C	C	C		A ⁹⁶
Radio station (commercial)		C					P	C			P	P	C	C	A ⁹⁶
Veterinary clinic					C	C	P	P	P	P	P	P	C		
BUSINESS SERVICE															
Conference center*							P	P	P	P	P	P			A ⁹⁶
Offices, business or professional*, small scale (<2,000 sf floor area)	P ⁸⁵	P ⁵			P	P	P	P	P	P	P	P	P ⁷⁴		P/ A ⁹⁶
Offices, business or professional*, medium scale (2,000 – 20,000 sf floor area)	P ⁸⁵	P ⁵					P	P	P	P	P	P	P		P/ A ⁹⁶

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-T	C-H	C-C	C-C II	<u>NC-MU</u>	<u>RC-MU</u>	I-L	I-H	P-R
Offices, business or professional*, large scale (20,001 – 60,000 sf floor area)							<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P/A</u> ⁹⁶
Miniwarehouse facility*			<u>C</u>					<u>C</u>					<u>PC</u>	<u>PC</u>	
INDUSTRIAL															
<u>Light manufacturing*</u>								<u>P</u>	<u>P²</u>	<u>P²</u>	<u>P²</u>	<u>P²</u>	<u>P</u>	<u>P</u>	
Light industry (ECC 15.130.120)									<u>P^{2,117}</u>	<u>P^{2,117}</u>	<u>P^{2,7}</u>	<u>P^{2,7}</u>	<u>P</u>	<u>P</u>	
Hazardous waste treatment (off-site) (see definition of “off-site” in ECC 15.130.150)													<u>C</u>	<u>C</u>	
Hazardous waste treatment (on-site) (see definition of “on-site” in ECC 15.130.150)							<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>			<u>C</u>	<u>C</u>	<u>A</u> ⁹⁶
Heavy industry (ECC 15.130.080)														<u>C</u>	
Marijuana processor*													<u>P¹⁴</u>	<u>P¹⁴</u>	
Marijuana producer*													<u>P¹⁴</u>	<u>P¹⁴</u>	
Tow vehicle storage area*													<u>P</u>	<u>P</u>	
Vehicle wrecking yard*														<u>C</u>	

Development conditions:

1. Sales of used vehicles in this zone are limited to uses that include sales of new vehicles as the primary use.
2. Use must be enclosed entirely within a building.
- ~~3. Use is permitted if located adjacent to a street corner and within a mixed-use building or within a live-work dwelling. Such uses shall be subject to secondary street frontage standards as set forth in ECC 15.510.060.~~
- ~~34. Grocery stores shall be the only retail uses permitted with more than 20,000 square feet of gross floor area.~~
- ~~5. Except for gas service stations, the use must be enclosed entirely within a building.~~
- ~~6. Includes gas service stations with truck stop facilities only. No other general service uses are permitted.~~
- ~~4.7. Except for office uses that are accessory to a permitted use, office uses may be permitted through the purchase of transferable development rights, subject to the adoption of a TDR program by the city.~~
- ~~5.8. Subject nonresidential uses may be permitted in the R-S and R-L zones if the planned uses are at least 1,200 feet from an existing C-N zone or commercial use, subject to the following conditions:~~
 - ~~a. The location for planned nonresidential uses shall be designated on the plat.~~
 - ~~b. Nonresidential uses may be integrated into subdivisions provided the subdivision encompasses at least five acres in gross land area and the planned uses are at least 1,200 feet from an existing C-N zone or commercial use.~~
 - ~~c. Nonresidential uses shall not be located adjacent to existing single family dwellings, except where such uses were approved on an individual plat.~~
 - ~~d. For the purpose of identifying appropriate site orientation standards for future nonresidential development, the plat shall indicate the street frontage type designation for streets fronting planned nonresidential uses as either storefront, secondary, or landscaped street (see Chapter 15.510 ECC).~~

~~6.9.~~ All uses permitted in the P-R zone must be either outright permitted and operated as a primary public use or must be an accessory use to that primary public use. See ECC 15.310.050.

~~10.~~ Heavy retail and service uses are limited to buildings no larger than 50,000 gross square feet in area.

~~7.11.~~ Includes light industrial activities that result in the production of goods placed for on-site retail sale. Special restrictions:

- a. No power tools or equipment are allowed which by their decibel, frequency, and/or other feature of their operation would negatively impact the surrounding area by reason of decibel levels, light (see Chapter 15.580 ECC for standards), dust or other physical effect; and
- b. Production or manufacturing activity shall not occur between the hours of 10:00 p.m. and 6:00 a.m.

~~12.~~ Subject use is permitted in the district only when accessory to a permitted use (see accessory use definition in ECC 15.130.010).

~~8.13.~~ Regional retail is administered as an overlay zone pursuant to Chapters 15.390 and 15.390A ECC, and only permitted within the designated boundaries identified in ECC Figure 15.390.040(A), the south interchange area, and Figure 15.390.040(B), the west interchange area. Permitted uses and use restrictions within a regional retail commercial project are described in ECC 15.390.030. Design criteria for regional retail is governed by Chapter 15.390A ECC.

~~9.14.~~ All marijuana retail, production and processing facilities are subject to the requirements of Chapter 15.370 ECC.

~~10.15.~~ All marijuana cooperatives are subject to the requirements of ECC 15.370.030, Chapter 314-55 WAC and Chapter 69.51A RCW.

Table 15.310.040 Special uses

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-T	C-H	C-C	C-C II	NC-MU	RC-MU	I-L	I-H	P-R
PARK, OPEN SPACE AND RECREATIONAL															
Cemeteries, columbarium or mausoleums	P	P													
Golf course	P														P ¹¹
Golf driving range (not associated with a golf course)	C						C	C							P ¹¹
Recreation – outdoor (commercial)*							P	P			P	P	C		A
Recreation – indoor (commercial)*							P	P	P	P	P	P	C		A
Recreation – small-scale indoor studios (commercial)*	P	P	P	P	P	P	P	P	P	P	P	P	C		
Recreational vehicle parks (ECC 15.340.050)							P	P							
Parks, playgrounds (public or private)	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹		P ¹	P ¹	P ¹	P ¹	P ¹	P ¹		P
CULTURAL AND ENTERTAINMENT															
Adult entertainment establishment*							P ²	P ²							
Art, performing arts, and recording studios	C	C	C	C	P	P	P	P	P	P	P	P	P		P/A ⁷
Museums	C ¹²	C ¹²	C ¹²	C ¹²	P	P	P	P	P	P	P	P	P		P/A ⁷
Theaters					P	P	C	P	P	P	P	P	C		
EDUCATIONAL															
Schools	C	C	C	C	C			C	C	C					P ⁵
GOVERNMENTAL															

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-T	C-H	C-C	C-C II	<u>NC-MU</u>	<u>RC-MU</u>	I-L	I-H	P-R
Court								P	P	P					P
Fire facility								P				<u>P</u>			P
Police facility						P ³		P	P ³	P		<u>P</u>	P		P
Public agency or utility office*						P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	P/A
Public agency or utility yard	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P		P	C ⁴	P			P	P	P/A
Utility facility* ⁸	P	P	P		P	P	P	P	P	P			P	P	P
Fairgrounds															P
Public transportation passenger terminals							P	P	P	P		<u>P</u>	<u>P</u>	<u>P</u>	P
RESOURCE															
Gardening or fruit raising (accessory use or noncommercial)	P	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	P/A ⁷
Agriculture*	P ⁹														
Small wind energy systems (ECC 15.340.060)	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	<u>P¹⁰</u>	<u>P¹⁰</u>	P ¹⁰	P ¹⁰	P ¹⁰ /A ⁷
REGIONAL															
Airport															PC ⁶

Development conditions:

- Lighting for structures and fields shall be directed away from residential areas through the use of exterior full cut-off shields or through optics within the fixture.
- Adult entertainment is regulated pursuant to Chapter 6.72 ECC. Zoning locational standards within the ~~C-T~~C-H zone for adult entertainment establishments are:
 - All such establishments must be at least 1,000 feet from any residential zone, parks, schools, historic district, any dwelling, freeway, highway, interstate, or major arterial (see map on file in the city clerk's office).
- Limited to "storefront" police offices. Such offices shall not have:
 - Holding cells;
 - Suspect interview rooms (except in the C-N zone); or
 - Long-term storage of stolen properties.
- Public agency or utility yard conditions:
 - Utility yards only on sites with utility district offices; or
 - Public agency yards are limited to material storage, vehicle maintenance, and equipment storage for road maintenance, facility maintenance, and parks facilities.
- Excluding private or nonprofit commercial schools, for which the principal course work is business, vocational, or technical.
- A conditional use permit is required for the following uses:
 - Facilities to sell, service and store airplanes, service airport patrons, and those ordinarily incidental and essential to operation of a municipal airport; and
 - Airport landing areas.
- All uses permitted in the P-R zone must be either outright permitted and operated as a public use or must be an accessory use to the primary public use; see ECC 15.310.050. Subject uses must be managed by a public agency.

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

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

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

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

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

12. Museums within the R-S, R-L, R-M and R-H zoning districts are permissible within existing buildings, or if for new construction only if the building is 2,000 sq ft or less, and for both options through approval of a conditional use permit. [Ord. 4807 § 44, 2018; Ord. 4804 § 3, 2018; Ord. 4769 § 13, 2017; Ord. 4728 § 4, 2016; Ord. 4724 § 4, 2016; Ord. 4696 § 3, 2015; Ord. 4669 § 3, 2014; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 23. Chapter 15.320 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:

Chapter 15.320

BUILDING SETBACK AND INTENSITY STANDARDS

Sections:

15.320.010 Purpose.

15.320.020 Interpretation of tables.

15.320.030 Building setback and intensity standards table – Residential zones.

15.320.040 Building setback and intensity standards – ~~Nonresidential~~ Commercial, Industrial, and Public Reserve zones.

15.320.045 Building setback and intensity standards – Mixed use zones

15.320.050 Density calculations.

15.320.060 Height exceptions.

15.320.070 Setback measurements.

15.320.080 Permitted projections into yards.

15.320.090 Setbacks from alleys.

15.320.100 Setback modifications.

15.320.110 Lot or site divided by zone boundary.

15.320.120 Fences, walls, and hedges.

Section 24. Chapter 15.320.030 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:

15.320.030 Building setback and intensity standards table – Residential zones.

Table 15.320.030. Building setback and intensity standards table – Residential zones.

Topic	R-S	R-L	R-M	R-H	R-O
DEVELOPMENT INTENSITY AND CONFIGURATION					
Minimum lot area	None ¹	None ¹	None ¹	None ¹	None ¹
Minimum frontage	None ^{1,2}	None ^{1,2}	None ^{1,2}	None ^{1,2}	None ^{1,2}
Density, minimum (ECC 15.320.050)		6 du/acre ³	8 du/acre ³	15 du/acre	8 du/acre³

Topic	R-S	R-L	R-M	R-H	R-O
Density, maximum (base) ⁸ (ECC 15.320.050)	6 du/acre	8 du/acre	No limit	No limit	No limit
Density, maximum with bonus (see Chapter 15.330 ECC)	12 du/acre ⁴	16 du/acre ⁴	No limit	No limit	No limit
Maximum building height	35 ft	35 ft	35 ft ⁵	45 ft ⁵	35 ft⁵
BUILDING SETBACK (see ECC 15.320.070 through 15.320.130)					
Minimum front yard setback ^{6, 7}	15 ft	15 ft	15 ft	15 ft	15 ft
Garage front yard setback	22 ft	22 ft	22 ft	22 ft	22 ft
Minimum rear yard setback	20 ft	20 ft	20 ft	20 ft	20 ft
Minimum rear yard setback, accessory buildings (including garages)	5 ft ¹⁰	5 ft ¹⁰	5 ft ¹⁰	5 ft ¹⁰	5 ft¹⁰
Minimum rear yard setback, detached accessory dwelling unit (see ECC 15.540.040)	5 ft ¹⁰	5 ft ¹⁰	5 ft ¹⁰	5 ft ¹⁰	5 ft¹⁰
Minimum side yard setback (includes corner lot interior lot line) ⁹	5 ft/10 ft ¹¹	5 ft/10 ft ¹¹	5 ft/10 ft ¹¹	5 ft/10 ft ¹¹	5 ft/10 ft¹¹
Minimum side yard setback (corner lot exterior lot line)	10 ft	10 ft	10 ft	10 ft	10 ft
Minimum garage side yard setback (corner lot exterior lot line)	22 ft	22 ft	22 ft	22 ft	22 ft

Development conditions:

1. Lot sizes may be variable provided they are sized and shaped sufficient to accommodate permitted uses and conform to applicable design and density standards.
2. New lots shall have access directly to a public right-of-way or may obtain access from a courtyard access (ECC 15.420.050(C)) or shared driveway (ECC 15.420.060(A)(2)).
3. The density minimum shall apply only to new subdivisions greater than one acre in size.
4. Exception: Projects complying with Net Zero Energy provisions may exceed the maximum density limits as set forth in ECC 15.330.020(A).
5. For buildings, or portions thereof, with pitched roofs, the maximum height may be increased by five feet. Applicable roof slopes must be at least 4:12 to qualify for this additional height.
6. Porches and covered entries may project up to six feet into the front yard.
7. No front yard is required for buildings adjacent to designated “storefront streets.”
8. Base maximum density refers to the maximum density allowed without utilizing density bonuses. Per Section 15.310.040, regardless of maximum density duplexes and townhomes are permitted in R-S and R-L zones that have been recorded as of December 31, 2020.
9. Townhouses and zero lot line homes are exempt from side yard standards internal to a development. However, such uses shall meet applicable side yard standards for adjacent lots outside of the development.
10. Accessory buildings or accessory dwelling units, where built on top of an existing garage, may be built to a property line abutting an alley, provided sufficient turning movement and emergency vehicle access is provided within the alley.
11. For lots 6,000 square feet or less, the minimum side yard shall be five feet on each side. [Ord. 4807 § 46, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 25. Chapter 15.320.040 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows:
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15.320.040 Building setback and intensity standards – ~~Nonresidential~~ Commercial, Industrial, and Public Reserve zones

Table 15.320.040. Building setback and intensity standards – ~~Nonresidential~~ Commercial, Industrial, and Public Reserve zones.

Standard	C-N	C-T	C-H	C-G	C-G II	I-L	I-H	P-R
DEVELOPMENT INTENSITY AND CONFIGURATION								
Minimum lot area	None ¹	None¹	None ¹	None¹	None¹	None ¹	None ¹	None ¹
Density, minimum (ECC 15.320.050)	NA	NA	NA	NA	NA	NA	NA	NA
Density, maximum (ECC 15.320.050)	None	None	None	None	None	NA	NA	NA
Maximum building height (see ECC 15.320.060 for height exceptions)	35 ft	35 ft	35 ft	45 ft	70 feet	35 feet ³	None	None ³
BUILDING PLACEMENT (see ECC 15.320.070 through 15.320.130)								
Minimum front yard	10 ft ²	10 ft²	10 ft ²	None²	None³	10 ft ²	10 ft	10 ft ⁴
Garage front yard setback	22 ft	22 ft	22 ft	22 ft	22 ft	22 ft	22 ft	22 ft
Minimum rear yard (see ECC 15.520.020 for supplemental standards)	None ⁵	None⁵	None ⁵	None⁵	None⁵	None ⁵	None ⁵	None ⁴
Minimum side yard (see ECC 15.520.020 for supplemental standards)	None ⁵	None⁵	None ⁵	None⁵	None⁵	None ⁵	None ⁵	None ⁴

Development conditions:

1. Lot sizes may be variable provided they are sized and shaped sufficient to accommodate permitted uses and conform to applicable design and density standards.
2. For exceptions and detailed standards, see Chapter 15.510 ECC, Site Orientation.
3. For areas within 100 feet of a residential zone, the maximum building height shall be 35 feet, except where provided for in ECC 15.310.050(B).
4. For P-R zoned sites adjacent to residential zones, setback standards shall be the same as the adjacent residential zone. Where more than one zone borders the applicable site, setback standards shall be the same as the zone closest to the proposed structures. Where a nonresidential zone is closest to the applicable structure, then there are no side or rear setback requirements.
5. Where the subject property borders a residential zone, the minimum side or rear setbacks shall be the same as the adjacent residential zone.
6. ~~See ECC 15.330.030 for FAR bonus provisions.~~ [Ord. 4807 § 46, 2018; Ord. 4769 § 14, 2017; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 26. Chapter 15.320.045 of the Land Development Code of the Ellensburg City Code is hereby added as a new Chapter to read as follows:

15.320.045 Building setback and intensity standards – Mixed Use Zones

Table 15.320.045. Building setback and intensity standards table – Mixed Use Zones

<u>Standard</u>	<u>R-O</u>	<u>C-C</u>	<u>C-C II</u>	<u>NC-MU</u>	<u>RC-MU</u>
DEVELOPMENT INTENSITY AND CONFIGURATION					
<u>Minimum lot area</u>	<u>None¹</u>	<u>None¹</u>	<u>None¹</u>	<u>None¹</u>	<u>None¹</u>

<u>Standard</u>	<u>R-O</u>	<u>C-C</u>	<u>C-C II</u>	<u>NC-MU</u>	<u>RC-MU</u>
<u>Minimum frontage</u>	<u>None^{1,2}</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>Density, minimum (ECC 15.320.050)</u>	<u>8 du/acre³</u>	<u>NA</u>	<u>NA</u>	<u>8 du/acre¹²</u>	<u>15 du/acre¹²</u>
<u>Density, maximum (ECC 15.320.050)</u>		<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>Maximum building height (see ECC 15.320.060 for height exceptions)</u>	<u>35ft⁴</u>	<u>60ft^{7, 11}</u>	<u>60 ft⁷</u>	<u>60 ft⁷</u>	<u>60 ft⁷</u>
<u>BUILDING PLACEMENT (see ECC 15.320.070 through 15.320.130)</u>					
<u>Maximum front yard setback</u>				<u>10 ft¹³</u>	<u>10 ft¹³</u>
<u>Minimum front yard</u>	<u>15 ft</u>	<u>None⁵</u>	<u>None⁵</u>	<u>None⁵</u>	<u>None⁵</u>
<u>Minimum garage front yard setback</u>	<u>22 ft</u>	<u>22 ft</u>	<u>22 ft</u>	<u>22 ft</u>	<u>22 ft</u>
<u>Minimum rear yard (see ECC 15.520.020 for supplemental standards)</u>	<u>20 ft</u>	<u>None⁶</u>	<u>None⁶</u>	<u>None⁶</u>	<u>None⁶</u>
<u>Minimum rear yard setback, accessory buildings (including garages)</u>	<u>5 ft⁸</u>				
<u>Minimum rear yard setback, detached accessory dwelling unit (see ECC 15.540.040)</u>	<u>5 ft⁸</u>				
<u>Minimum side yard, includes corner lot interior lot line (see ECC 15.520.020 for supplemental standards)¹⁰</u>	<u>5 ft/10 ft⁹</u>	<u>None⁶</u>	<u>None⁶</u>	<u>None⁶</u>	<u>None⁶</u>
<u>Minimum side yard setback (corner lot exterior lot line)¹⁰</u>	<u>10 ft⁹</u>				
<u>Minimum garage side yard setback (corner lot exterior lot line)</u>	<u>22 ft</u>				

Development conditions:

1. Lot sizes may be variable provided they are sized and shaped sufficient to accommodate permitted uses and conform to applicable design and density standards.
2. New lots shall have access directly to a public right-of-way or may obtain access from a courtyard access (ECC 15.420.050(C)) or shared driveway (ECC 15.420.060(A)(2)).
3. The density minimum shall apply only to new subdivisions greater than one acre in size.
4. For buildings, or portions thereof, with pitched roofs, the maximum height may be increased by five feet. Applicable roof slopes must be at least 4:12 to qualify for this additional height.
5. For exceptions and detailed standards, see Chapter 15.510 ECC, Site Orientation.
6. Where the subject property shares any portion of a border with a residential zone, the minimum side or rear setbacks shall be the same as the adjacent residential zone.
7. Where subject property shares any portion of a border with a residential zone, or lies within 700 feet of the boundaries of the downtown historic district, the maximum building height is 45 feet. see subsection (B)(3) of this section for building height step-backs.
8. Accessory buildings or accessory dwelling units, where built on top of an existing garage, may be built to a property line abutting an alley, provided sufficient turning movement and emergency vehicle access is provided within the alley.
9. For lots 6,000 square feet or less, the minimum side yard shall be five feet on each side.
10. Townhouses and zero lot line homes are exempt from side yard standards internal to a development. However, such uses shall meet applicable side yard standards for adjacent lots outside of the development.
11. The maximum building height in the downtown historic ellensburg local andmark district is 45 feet.

12. There is no minimum residential density for vertical mixed use. Minimum residential density applies to any portion(s) of the development where ground-floor residential uses are proposed with the following standards:

a. The area used to calculate residential density includes all area dedicated to parking and landscaping required for the ground-floor residential uses.

b. Where ground-floor residential uses are part of a mixed use development, area used to calculate the residential density does not include land dedicated to right-of-way.

13. The secondary street standards in ECC 15.510.060 shall apply to all new streets in the Neighborhood-Center and Regional Center Mixed-Use Zones. [Ord. 4807 § 46, 2018; Ord. 4769 § 14, 2017; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 27. Chapter 15.320.060 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to read as follows

15.320.060 Height exceptions.

The following structures may be erected above the height limits set forth in ECC 15.320.030, ~~and~~ 15.320.040 and 15.320.045:

- A. An additional two feet in height is allowed for structures with green roofs occupying at least 50 percent of the area of the roof;
- B. Roof structures housing or screening elevators, stairways, tanks, rooftop wind generators, ventilating fans or similar equipment required for building operation and maintenance may exceed the height limit by up to 10 feet in the C-C and C-C II zones. Such structures constructed for nonresidential or multifamily uses are subject to screening standards in ECC 15.520.060;
- C. Fire or parapet walls may exceed the height limit by up to 10 feet in the C-C and C-C II zones; and
- D. Skylights, flagpoles, chimneys, church steeples, crosses, spires, communication transmission and receiving structures, and similar structures. [Ord. 4807 § 46, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 28. Chapter 15.350.030 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4656, is hereby amended to read as follows:

15.350.030 Airport overlay zone.

In order to carry out the purpose of this chapter there is hereby created an airport overlay zone (A-O) that is composed of the following surface and safety zones. The zones cover a geographic area that is affected by airport activities and are defined on the basis of factors including, but not limited to, aircraft noise, aircraft flight patterns, airport safety zones, local circulation patterns and area development patterns. The boundaries of the airport surface and safety zones are shown on airport overlay zone (A-O) Map “B,” “Safety Zones” (see Figure ~~15.300.060(D)~~ 15.300.070(D)) which shall be on file and open for inspection in the Kittitas County public works department, Kittitas County planning department and city of Ellensburg community development department. The surface and safety zones are overlaid on top of the existing underlying zoning that remains in full force and effect. Where the requirements imposed by the surface and safety zones conflict with the requirements of the underlying zoning, the more restrictive requirement shall be enforced.

A. Surface Zones. In order to carry out the provisions of this chapter, there are created and established certain surface zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Kittitas County Airport (Bowers Field). Such zones are shown on Kittitas County Airport (Bowers Field) Overlay Zone Map “A,” “Part 77,” as amended, which is on file and open for inspection in the Kittitas County public works department. Within each of the surface zones there are hereby established certain height restrictions for structures and trees. The surface zones are established and defined as follows:

1. Runways 07, 25, and 11 – Larger Than Utility with a Visibility Minimum Greater Than Three-Fourths-Mile Non-Precision Instrument Approach Zone. The 500-foot inner edge coincides with the width of the primary surface and slopes 34 feet outward for each one foot upward beginning at the end of and at the same elevation as the primary surface and expands to a horizontal distance of 3,500 feet at a horizontal distance of 10,000 feet along the extended runway centerline. Its centerline is the continuation of the runway centerline as depicted on Map “A.” Height restrictions: no object shall penetrate the imaginary line created by a slope 34 feet outward for each one foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

2. Runway 29 – Larger Than Utility with a Visibility Minimum Lower Than Three-Fourths-Mile Precision Instrument Approach Zone. The 1,000-foot inner edge of this approach zone coincides with the width of the primary surface. The approach zone expands uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway as depicted on Map “A.” Height restrictions: no object shall penetrate the imaginary line created by a slope 50 feet outward for each one foot upward for the first 10,000 feet of this zone and 40 feet outward for each one foot upward for the remaining 40,000 feet of this zone.

3. Transitional Zones. This zone is defined by a slope seven feet outward for each one foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 139 feet above mean sea level, as depicted on Map “A.” Height restrictions: no object shall penetrate the imaginary line created by a slope seven feet outward for each one foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Further, where the precision instrument runway approach zone projects beyond the conical zone, no object shall penetrate the imaginary line created by a slope seven feet outward for each one foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.

4. Horizontal Zone. This zone is established at 150 feet above the airport elevation or at a height of 1,916 feet above mean sea level by swinging arcs of 5,000 feet radial for all runways designated utility or visual and 10,000 feet for all other runways from the centers of the primary surface of each runway and connecting adjacent arcs by drawing lines tangent to those arcs, as depicted on Map “A.” The horizontal zone does not include the approach and transitional zones. Height restrictions: no object shall penetrate the imaginary horizontal line created at 150 feet above the airport elevation or at a height above the airport of 1,916 feet above mean sea level.

5. Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there for a horizontal distance of 4,000 feet as depicted in Map “A.” Height restrictions: no object shall penetrate the imaginary line created by a slope 20 feet outward for each one foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height up to 3,500 feet above the surface of the land.

B. Safety Zones. In order to carry out the provisions of this chapter and to promote land use compatibility on lands within and adjacent to and in the vicinity of the Kittitas County Airport (Bowers Field), there are created and established certain safety zones. Such safety zones are shown on Kittitas County Airport (Bowers Field) overlay zone Map “B,” “Safety Zones,” as amended and shall also be identified on the city of Ellensburg official zoning map by inclusion of the prefix “Airport” attached to the corresponding underlying zone name. Within each of the safety zones certain land use limitations are hereby established and certain development standards are hereby imposed in addition to the land uses and development standards of the underlying zoning district. Where the requirements imposed by these safety zones conflict with the requirements of the underlying zoning, the more restrictive requirement shall be enforced. The safety zones are established and defined as follows:

1. Runway Protection Zone 1. An area extending beyond the centerlines of Runways 11, 29, 07 and 25 as depicted on Map “B” (shaded area No. 1). This zone begins from the outer boundaries of the primary surface, 200 feet from the ends of the runways and extends out 1,700 feet to its widest point, which measures 1,010 feet across, 505 feet on either side of the runway centerline.
2. Inner Safety Zone 2. An area extending beyond the centerlines of Runways 11, 29, 07 and 25 as depicted in Map “B” (shaded area No. 2). This zone begins at the end of the runway protection zone 1 and extends out 2,800 feet. The zone measures 1,010 feet across, 505 feet on either side of the runway centerline.
3. Inner Turning Zone 3. A fan-shaped area extending beyond the centerlines of Runways 11, 29, 07 and 25 as depicted on Map “B” (shaded area No. 3). This zone begins at the primary surface, 200 feet from the end of the runway centerline and extends out with a 60-foot radius arc on either side of the runway centerline to 4,500 feet and connects to the centerline of the inner safety zone with sweeping arcs.
4. Outer Safety Zone 4. An area extending beyond the centerlines of Runways 11, 29, 07 and 25 as depicted on Map “B” (shaded area No. 4). This zone begins at the end of the inner safety zone and extends out 3,000 feet. The zone measures 1,000 feet across, 500 feet on either side of the runway centerline.
5. Sideline Zone 5. An area adjacent to Runways 11, 29, 07, and 25 as depicted on Map “B” (shaded area No. 5). This zone begins from the outer boundaries of the primary surface, and extends out 1,000 feet perpendicular to the primary surface and connects to the 60-degree sector of the inner turning zone.
6. Airport Operations Zone 6. This zone is depicted on Map “B” (shaded area No. 6) and begins from the outer boundaries of the sideline zone and extends out 5,000 feet perpendicular to the primary surface and connects to the 60-degree sector of the inner turning zone. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 29. Chapter 15.390.030 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4656, is hereby amended to read as follows:

15.390.030 Uses, exceptions and limitations.

A. Uses within a regional retail commercial project must be consistent with its definition in ECC 15.130.180 and with the purpose statement of ECC 15.390.010. Permitted uses include those within the ~~nonresidential~~ commercial and industrial use table (ECC 15.310.040) that fall within the categories of “retail,” “personal and general services,” and “business services.” Under the category of “business services” the use “office, business or professional” (of any size), as defined in ECC 15.130.150, is permitted within regional retail only if the business owner can demonstrate a direct relationship between the services being offered and an on-site retail component ancillary to the services. An example might be an optometrist’s office that not only offers medical services, but also offers a retail component by selling eyeglasses on site.

B. Notwithstanding the foregoing, the following uses within the ~~nonresidential~~ commercial and industrial use table (ECC 15.310.040) are not permitted within a regional retail commercial project: auto sales, farmers’ markets, heavy services, marijuana retailers, hospitals, kennels, nursing homes, places of assembly, and mini warehouse facilities, along with all uses in the category of “industrial.”

C. The maximum height limit for buildings located within an approved regional retail commercial master site plan is 50 feet. [Ord. 4769 § 15, 2017.]

Section 30. Chapter 15.510.060 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4656, is hereby amended to read as follows:

15.510.060 Secondary street standards.

For all designated secondary streets, development frontages may either be storefronts (see subsection (B) of this section), landscaped frontages (see subsection (C) of this section), or a combination of both.

A. Applicability. The standards herein shall apply to all nonresidential and multifamily development on designated secondary streets per ECC 15.510.040.

B. Storefront Standards. All storefront buildings along designated secondary streets shall comply with all building-related storefront street standards set forth in ECC 15.510.050.

C. Landscaped Frontage Standards for Secondary Streets.

1. Building Setbacks. Ten feet minimum or consistent with minimum requirements of the applicable zoning district (see ECC 15.320.030, ~~and~~ 15.320.040, ~~and~~ 15.320.045), whichever is greater. Covered entries and other weather protection features may extend into this setback by up to six feet.

2. Building Entry. At least one building entry shall be visible from the sidewalk.

3. Weather Protection. Weather protection at least three feet deep shall be provided over all primary entries.

4. Transparency. Transparent window area shall be provided along at least 15 percent of the facade of the building (all vertical surfaces of the facade). Departures will be considered pursuant to ECC 15.210.060 and 15.510.120.

5. Landscaping. All areas between the sidewalk and the building shall be landscaped, except for walkways, porches, decks, and other areas meeting the definition of pedestrian-oriented space.

D. Parking Location. No more than 50 percent of the street frontage can be occupied by off-street parking and driveways (see Figure 15.510.060(B)). Departures will be considered pursuant to ECC 15.210.060 and 15.510.120.

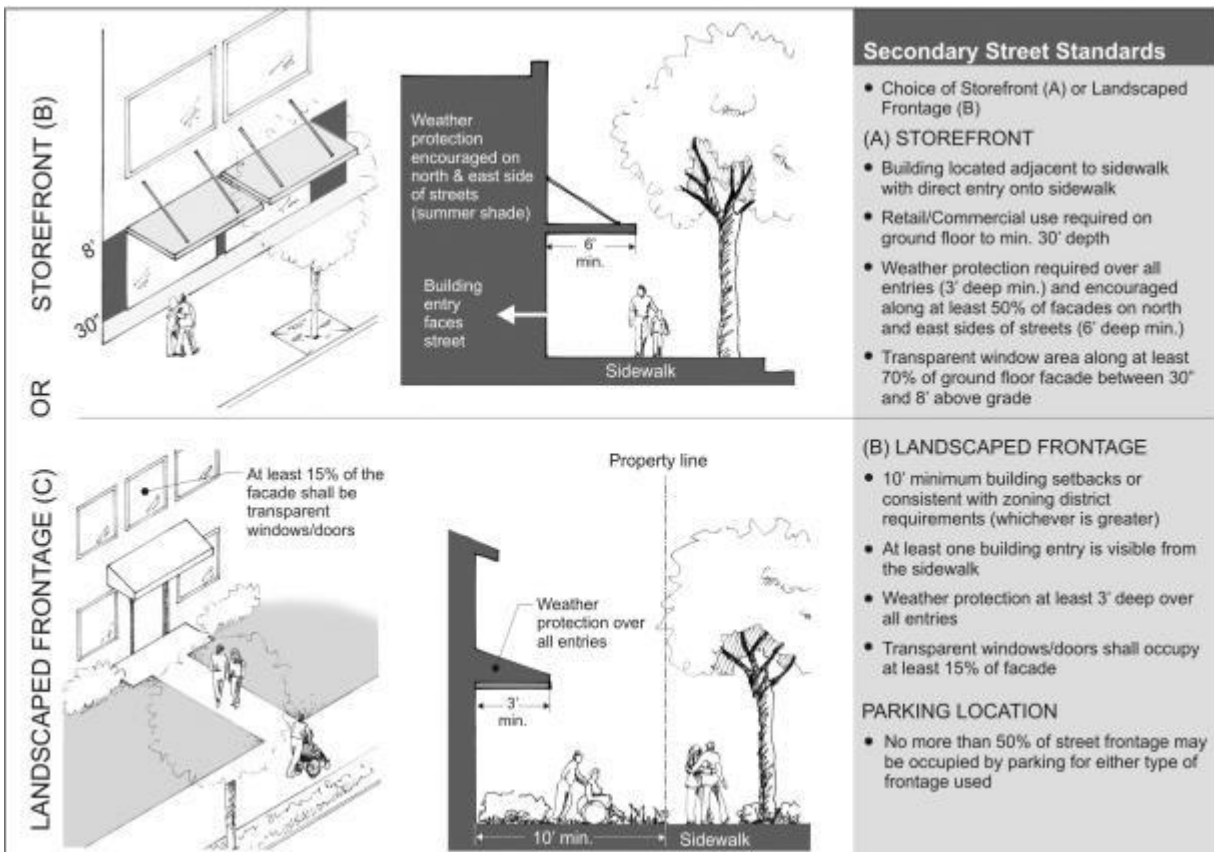


Figure 15.510.060(A). Summary of key secondary street standards.

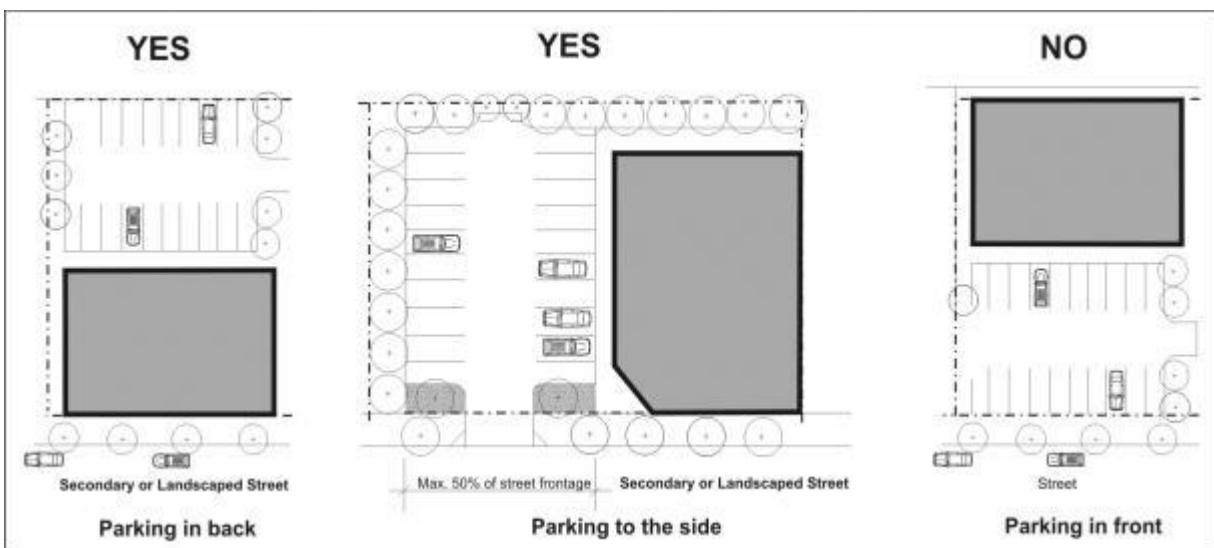


Figure 15.510.060(B). Parking location standards for designated secondary streets.

[Ord. 4656 § 1 (Exh. O2), 2013.]

Section 31. Chapter 15.510.070 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4656, is hereby amended to read as follows:

15.510.070 Gateway street standards.

A. Applicability. The standards herein shall apply to all designated gateway streets per ECC 15.510.040.

- B. **Building Setbacks.** Fifteen feet minimum, or consistent with minimum requirements of the applicable zoning district (see ECC 15.320.040 and 15.320.045), whichever is greater.
- C. **Building Entry.** At least one building entry shall be visible from the sidewalk.
- D. **Weather Protection.** Weather protection at least three feet deep shall be provided over all primary entries.
- E. **Transparency.** Transparent window area shall be provided along at least 15 percent of the facade of the building (all vertical surfaces of the facade). Departures will be considered pursuant to ECC 15.210.060 and 15.510.120.
- F. **Landscaping.** All areas between the sidewalk and the building shall be landscaped, except for walkways, porches, decks, and other areas meeting the definition of pedestrian-oriented space.
- G. **Parking Location.** Parking and driveways shall be located to the side or rear of buildings. Drive-through lanes between the sidewalk and the building are prohibited. Departures will be considered pursuant to ECC 15.210.060 and 15.510.120.

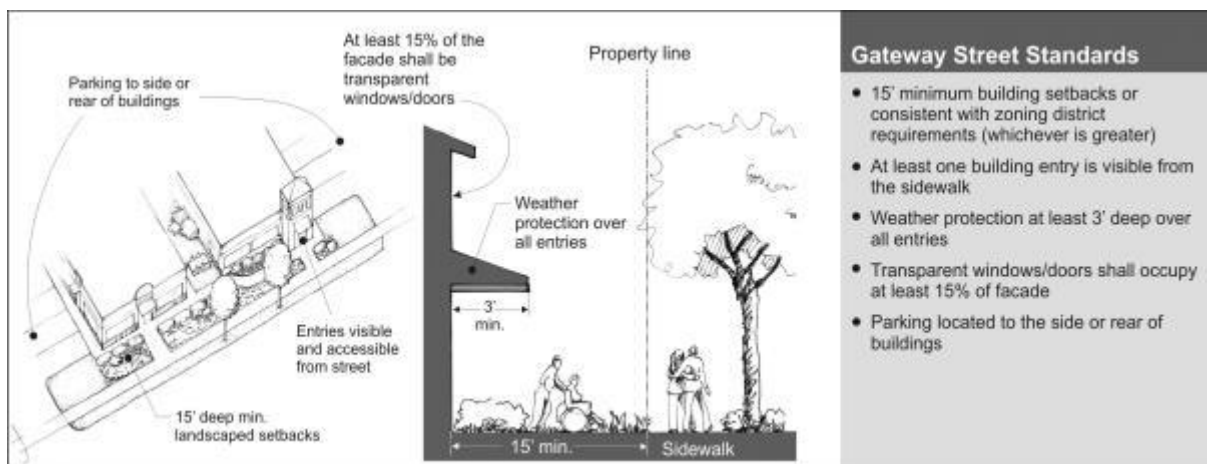


Figure 15.510.070. Summary of key gateway street standards.

[Ord. 4656 § 1 (Exh. O2), 2013.]

Section 32. Chapter 15.510.080 of the Land Development Code of the Ellensburg City Code as last amended by Ordinance 4656, is hereby amended to read as follows:

15.510.080 Landscaped street standards.

- A. **Applicability.** The standards herein shall apply to all nonresidential and multifamily development on designated landscaped streets per ECC 15.510.040.
- B. **Building Setbacks.** Fifteen feet minimum, or consistent with minimum requirements of the applicable zoning district (see ECC 15.320.030, ~~and~~ 15.320.040, and 15.320.045), whichever is greater.
- C. **Building Entry.** At least one building entry shall be visible from the sidewalk.
- D. **Weather Protection.** Weather protection at least three feet deep shall be provided over all primary entries.
- E. **Transparency.** Transparent window area shall be provided along at least 15 percent of the facade of the building (all vertical surfaces of the facade). Departures for nonresidential uses will be considered pursuant to ECC 15.210.060 and 15.510.120.

F. Landscaping. All areas between the sidewalk and the building shall be landscaped, except for walkways, porches, decks, and other areas meeting the definition of pedestrian-oriented space.

G. Parking Location. No more than 50 percent of the street frontage can be occupied by off-street parking and driveways. Departures will be considered pursuant to ECC 15.210.060 and 15.510.120.

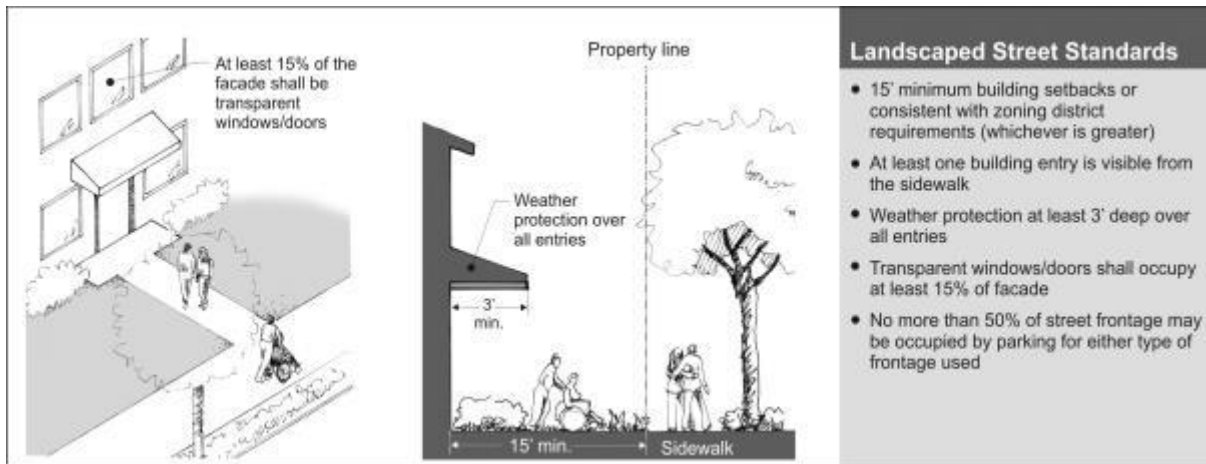


Figure 15.510.080. Summary of key landscaped street standards.

[Ord. 4656 § 1 (Exh. O2), 2013.]

Section 33. Chapter 15.530.040 of the Land Development Code of the Ellensburg City Code, as last amended by Ordinance 4656, is hereby amended to read as follows:

15.530.040 Building elements and details.

A. Purpose. To encourage the incorporation of design details and small-scale elements into building facades that are attractive at a pedestrian scale.

B. Applicability. All nonresidential and mixed-use buildings shall comply with the building elements and details standards herein unless otherwise noted.

C. Facade Details Toolbox. All nonresidential and mixed-use buildings shall be enhanced with appropriate details. All new buildings and additions and buildings associated with Level II and III improvements must employ at least one detail element from each of the three categories below for each facade facing a street, featuring a customer entry, or featuring the primary residential entry for each facade articulation interval (see ECC 15.530.030). For example, a building with 120 feet of street frontage with a facade articulated at 40-foot intervals will need to meet the standards for each of the three facade segments below.

1. Window and/or Entry Treatment.

- a. Display windows divided into a grid of multiple panes;
- b. Transom windows;
- c. Roll-up windows/doors;
- d. Other distinctive window treatment that meets the purpose of the standards;
- e. Recessed entry;
- f. Decorative door;
- g. Arcade;

- h. Landscaped trellises or other decorative element that incorporates landscaping near the building entry; or
- i. Other decorative or specially designed entry treatment that meets the purpose of the standards.

2. Building Elements and Facade Details.

- a. Custom-designed weather protection element such as a steel canopy, cloth awning, or retractable awning;
- b. Decorative, custom hanging sign(s);
- c. Decorative building-mounted light fixtures;
- d. Bay windows, trellises, towers, and similar elements; or
- e. Other details or elements that meet the purpose of these standards.

3. Building Materials and Other Facade Elements.

- a. Use of decorative building materials/use of building materials. Examples include decorative use of brick, tile, or stonework;
- b. Artwork on building (such as a mural) or bas-relief sculpture;
- c. Decorative kick-plate, pier, beltcourse, or other similar feature;
- d. Hand-crafted material, such as special wrought iron or carved wood; or
- e. Other details that meet the purpose of the standards.

“Custom,” “decorative,” or “hand-crafted” elements referenced above must be distinctive or “one-of-a-kind” elements or unusual designs that require a high level of craftsmanship.

Departures to the standards above will be considered pursuant to ECC 15.210.060 provided the number, quality, and mix of details meet the purpose of the standards in this section.



Figure 15.530.040(C). Facade details examples. The building on the left uses decorative windows and doors, decorative roofline and columns, and decorative materials (brick and wood). The center image uses a decorative entry feature (metal feature over entry), decorative weather protection and lighting, and decorative use of brickwork. The right image uses decorative wood beams over the entry, decorative windows and doors, and stonework.

D. High Visibility Street Corner Buildings. Buildings located at designated high visibility street corners (see subsection (D)(1) of this section) shall provide one or more of the elements listed in subsection (D)(2) of this

section on the building corner. All corner building design elements must be sized to be proportional to the building and the size of the applicable intersection (for example, larger intersections warrant more substantial design treatments).

1. Designated high visibility street corners include all street corners within the downtown historic district (see Figure ~~15.300.060~~15.300.070) and other street corners illustrated in Figure 15.530.040(D)(2).
2. Street Corner Design Element Options.
 - a. A cropped building corner with corner pedestrian entry;
 - b. A bay window or turret;
 - c. A clock or bell tower;
 - d. Balconies above the ground floor;
 - e. Sculpture or artwork element; must be a one-of-a-kind design element;
 - f. Distinctive use of facade materials; and/or
 - g. Other special or unique corner building treatment, other than the use of fabric or vinyl awnings, for pedestrian weather protection at the corner of the building.



Figure 15.530.040(D)(1). Desirable building corner examples.



Figure 15.530.040(D)(2). Designated high visibility street corners. All street corners within the downtown historic district are considered a high visibility street corner.



Figure 15.530.040(D)(2). Designated high visibility street corners (continued).

E. Window Design. Buildings shall employ techniques to recess or project individual windows above the ground floor at least two inches from the facade or incorporate window trim at least four inches in width that features color that contrasts with the base building color. Buildings in the I-H zone and facades of buildings in the I-L zone that do not face a street or contain a customer entrance are exempt from this standard. Departures will be considered pursuant to ECC 15.210.060 where buildings employ other distinctive window or facade treatment that adds a sense of depth to the facade and/or visual interest to the building.



Figure 15.530.040(E). Acceptable and unacceptable (far right image) window design on upper floors. Note that the windows in the brick building on the left are recessed from the facade. The windows in the middle images include trim. The image on the right includes no trim or recess/projection, and thus would not be permitted.

F. Year of Construction Plaque. All new commercial and mixed-use buildings may note the year of construction of the building by the installation of a plaque attached to the building near the main entrance. Numbers etched into stone, brick, or concrete may be used in lieu of a plaque. The year of construction is to be noted by numbers not less than six inches high nor more than 12 inches high. Other information associated with the building that may be of public interest may be included. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 34. Chapter 15.50.040 of the Land Development Code of the Ellensburg City Code as last amended by Ordinance 4810, is hereby amended to read as follows:

15.550.040 Computation of required off-street parking spaces.

A. Spaces Required. Except as modified in subsections below, off-street parking areas shall contain at a minimum the number of parking spaces as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square feet means the usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include but are not limited to building maintenance areas, storage areas, closets or restrooms. If the formula for determining the number of off-street parking spaces results in a fraction, the number

of off-street parking spaces shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

Table 15.550.040(A). Computation of required off-street parking spaces.

Category of Land Use ¹	Minimum Parking Spaces Required
RESIDENTIAL/LODGING	
Dwelling, single-family	2.0 per dwelling unit; for structures containing more than 4 bedrooms, 1 additional space for each bedroom in excess of 4 shall be provided. NOTE: Tandem parking to accommodate 2-car garages is permitted for single-family units.
Accessory dwelling unit	None required
Apartment:	
Duplex	2.0 per dwelling unit; for structures containing more than 4 bedrooms, 1 additional space for each bedroom in excess of 4 shall be provided. NOTE: Tandem parking to accommodate 2-car garages is permitted for duplex dwelling units.
Townhouse	2.0 per dwelling unit; for structures containing more than 4 bedrooms, 1 additional space for each bedroom in excess of 4 shall be provided.
Studio units	1.2 per dwelling unit
Studio and 1-bedroom units in C-C zone outside of the downtown historic district	0.7 per dwelling unit
1-bedroom units	1.5 per dwelling unit
2-bedroom residential units and larger in C-C zone outside of the downtown historic district	0.7 per bedroom
2-bedroom units or larger	1.0 per bedroom
Cottage housing	1.5 per dwelling unit
Senior housing	1.0 per dwelling unit (this may be reduced based on the characteristics of the use)
Adult family home	2.0 per dwelling unit; for structures containing more than 4 bedrooms, 1 additional space for each bedroom in excess of 4 shall be provided. NOTE: Tandem parking to accommodate 2-car garages is permitted.
Senior citizen assisted housing	1.0 per 2 dwelling or sleeping units
Community residential facilities	1.0 per 2 bedrooms
Boarding houses, lodging houses, sororities, fraternities	1.0 per bedroom
Hotel/motels (where restaurants and conference facilities are included, see standards for applicable use)	1.0 per guest room
Bed and breakfast guesthouse	1.0 per guest room, plus 2.0 per facility
GENERAL RETAIL AND SERVICE	
Offices, banks, medical clinics, supermarkets, retail shops, department stores, or similar uses	1.0 per 300 square feet of gross floor area

Category of Land Use ¹	Minimum Parking Spaces Required
General retail or service use with drive-in facility	Same parking for retail and service as provided herein, plus sufficient off-street drive-through stacking area to accommodate 3 vehicles without negatively impacting other required parking areas, ingress and egress into such parking areas, or traffic on public streets
Day care facility	1.0 per employee plus 1.0 temporary loading parking per each 8 full-day equivalent children
FOOD AND BEVERAGE	
Restaurant, taverns, or similar uses where patrons sit down for service	1.0 per 200 square feet of gross floor area for sit-down facilities with a minimum number of 5 spaces required
Drive-in restaurant	Same parking as restaurant plus sufficient off-street drive-through stacking area to accommodate 6 vehicles without negatively impacting other required parking areas, ingress and egress into such parking areas, or traffic on public streets
Drive-in coffee stand	2.0 per facility plus sufficient off-street drive-through stacking area to accommodate 6 vehicles without negatively impacting other required parking areas, ingress and egress into such parking areas, or traffic on public streets
PLACES OF ASSEMBLY	
Churches, funeral homes, mortuaries, clubs, lodges, museums, auditoriums, theaters, conference facilities, public or commercial recreational facilities, or similar uses	0.25 per person of maximum occupancy as established by the fire marshal with a minimum of 5 spaces required
INDUSTRIAL AND LAND CONSUMPTIVE USES	
Wholesale trade, warehousing (including miniwarehouse facilities), processing and manufacturing facilities, heavy equipment repair, lumber yard, car sales, or similar land consumptive but low traffic generation uses	1.0 per 1,500 square feet of gross floor area for structures up to 20,000 square feet in gross size with a minimum of 5 spaces required OR 1.0 per 2,000 square feet of gross floor area for structures greater than 20,000 square feet in gross size. NOTE: For vehicle sales lots, the sales area is not considered to be a parking facility and does not have to comply with the requirements of this chapter. However, all required parking must be designed and reserved for customer parking only.
PUBLIC AND QUASI-PUBLIC USES	
Hospital	1.5 per each 5 beds with a minimum of 5 spaces required
Elementary and junior high schools	1.0 per classroom, plus 1 per 50 students
High schools, college or university, trade school, or business school	1.0 per classroom, plus 1 per 10 students
Governmental office	1.0 per 350 square feet of gross floor area

Notes:

1. In those situations where a particular use is not specifically mentioned in this table, the requirements for off-street parking shall be determined by the director and in accordance with the most comparable use listed.

B. Uses in the C-C Zone. There are no off-street parking requirements for any uses in the C-C zone, except residential uses located outside of the downtown historic district shall provide at least 0.7 parking spaces per bedroom (studio apartments shall be considered a one-bedroom apartment).

C. Shell Building Permit Applications. When the city has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible uses results in different parking requirements, the director shall establish the amount of parking based on a likely range of uses.

For example, an applicant submits a permit for a 5,000-square-foot shell building in the C-H zone. The zone allows for a range of retail, personal, and general service retail uses. Most permitted uses in this zone fall in the category of general retail and service uses in Table 15.550.040(A) which requires one space per 300 square feet of gross floor area. Restaurants require more parking (one space per 200 square feet of gross floor area). While the director might find it unreasonable to require parking for the “worst case scenario” in terms of possible use types, he or she will typically choose a requirement that falls between the possible use scenarios. In this case, the odds are that most possible uses fall in the general retail and service use category with a lower parking requirement, though a slightly higher parking requirement would make sense given the possibility of a use such as a restaurant, which requires greater parking. Thus, a compromise standard, requiring a minimum of one space per 275 square feet of gross floor area, would be reasonable in this instance.

D. Other Provisions of Code. Where other provisions of this code stipulate reduced minimum parking requirements, those provisions shall apply.

E. Bicycle Parking. Multifamily and nonresidential developments shall provide for bicycle parking per the standards below:

1. Amount of Bicycle Parking.

Table 15.550.040(B). Computation of required off-street bicycle parking spaces.

Category of Land Use	Minimum Parking Spaces Required
Single-family dwelling	None
Multifamily dwelling	0.5 space per dwelling unit (units with private garages are exempt)
Hotel/motels	1.0 per 20 guest rooms
Offices, banks, medical clinics, supermarkets, retail shops, department stores, or similar uses	1.0 per 5,000 square feet of gross floor area for up to 50,000 square feet, then 1.0 per 10,000 square feet beyond 50,000
Restaurant, taverns, or similar uses where patrons sit down for service	1.0 per 800 square feet of gross floor area
All other uses	1.0 per 5 required vehicle parking spaces

2. Parking Location and Design – Nonresidential Uses. Bicycle facilities for patrons shall be located within 100 feet of the building entrance and located in safe, visible areas that do not impede pedestrian or vehicle traffic flow. Proper lighting of area is required per Chapter 15.580 ECC.

3. Parking Location and Design – Residential Uses. Bicycle facilities for residents shall be located within 100 feet of all building or individual unit entrances and located on the ground level in safe, visible areas that do not impede pedestrian or vehicle traffic flow. Proper lighting of area is required per Chapter 15.580 ECC.

4. Bicycle parking hardware shall be installed according to its manufacturer’s instructions, allowing adequate clearance for bicycles and their riders.

5. Projects in the C-C zone may contribute to a bicycle parking fund (subject to establishment by the city) maintained by the city in lieu of required parking set forth in Table 15.550.040(B). Calculation of the required fund contributions will be based on the cost to purchase, install, and maintain bicycle parking and associated improvements. The cost will be adjusted annually by the city. The fund will be used by the city to provide bicycle parking in the C-C zone and in other locations within the city.

F. Primary Use. The minimum number of parking spaces shall be computed based on the primary uses on the property, except as stated in subsection (G) of this section that addresses accessory uses. When there are two or more separate primary uses on a property, the required off-street parking for the property is the sum of the required parking for the individual primary uses.

G. Accessory Use. When more than 20 percent of the gross floor area on a property is in an accessory use, the required off-street parking shall be calculated separately for the accessory use and for the primary use and then added together for the total required off-street parking. When 20 percent or less of the gross floor area on a property is in an accessory use, the required off-street parking shall be calculated on the gross floor area of the building as if it were all under the primary use.

Examples:

1. A 40,000-square-foot building containing a 30,000-square-foot warehouse space (75 percent of total) and a 10,000-square-foot accessory office space (25 percent of total). The minimum parking requirement would be calculated separately for the office use and the warehouse use and then added together.
2. The same 40,000-square-foot building containing a 35,000-square-foot warehouse space (88 percent of total) and a 5,000-square-foot accessory office space (12 percent of total). The required parking would be based solely on the gross floor area of the building as if it were all the primary use (40,000).

H. On-Street Parking. On-street parking immediately adjacent to the property may be counted towards the parking requirement for nonresidential uses.

I. Off-Site Parking. Off-site parking is not permitted for residential uses outside of the C-C zone, except for guest parking provisions associated with local access streets per ECC 15.410.040(B)(2). For nonresidential uses, a maximum of 25 percent of the required off-street parking for a building or use may be located on a separate lot of record. Specifically:

1. The location of the off-site parking shall be within 600 feet of any property line of the property for which the off-site parking is provided;
2. Off-site parking facilities are subject to applicable design provisions in this division, including site orientation standards in Chapter 15.510 ECC, site planning and design elements in Chapter 15.520 ECC, and landscaping standards in Chapter 15.570 ECC;
3. There shall be sidewalks or paved pedestrian paths between the off-site parking site and the use for which the off-site parking is provided;
4. There shall be adequate lighting to provide safe walking between the off-site parking and the use for which the off-site parking is provided;
5. The owner of the off-site parking property shall execute a covenant in a form acceptable to the city attorney that shall clearly:
 - a. Identify the legal description of the property that is to benefit from the off-site parking lot and the legal description of the off-site property that is to be encumbered in whole or in part by the covenant;
 - b. Specify the terms and conditions of such encumbrance; and

c. Clearly state that the terms of the covenant cannot be modified or revoked without the written consent of the city council.

d. The covenant shall be recorded with the Kittitas County auditor's office to run as a deed restriction on both the benefited and encumbered properties as long as the business requiring these off-street parking spaces is in operation. A copy of the recorded covenant shall be provided to the community development department.

J. All required off-street parking must have direct and unobstructed access to ingress and egress from a public street, and stacked or tandem parking shall not be counted toward meeting the required off-street parking requirements in any zoning district except for single-family residential structures and duplex dwelling units as per Table 15.550.040(A).

K. Setback Areas.

1. Required off-street parking spaces are not allowed to extend within any required setback area or required open space area in the R-L, R-M, R-O, and R-H zoning districts, or in the front setback area in the C-T zoning district. Single-family residences located in any of the R-L, R-M, R-O, and R-H zoning districts are allowed to locate the minimum required two off-street parking spaces within the setback areas or required open space area. Any additional parking spaces must be located outside of the required open space and setback areas.

2. At locations where single-family residential parking is permitted within setback or required open space, provisions shall be made to prevent this parking from encroaching upon adjacent sidewalks. For the purposes of this requirement there shall be a minimum of 22 feet between adjacent structures and sidewalks to allow for parking clearance when required parking for single family residential development is sited on the required building setback(s) or open space.

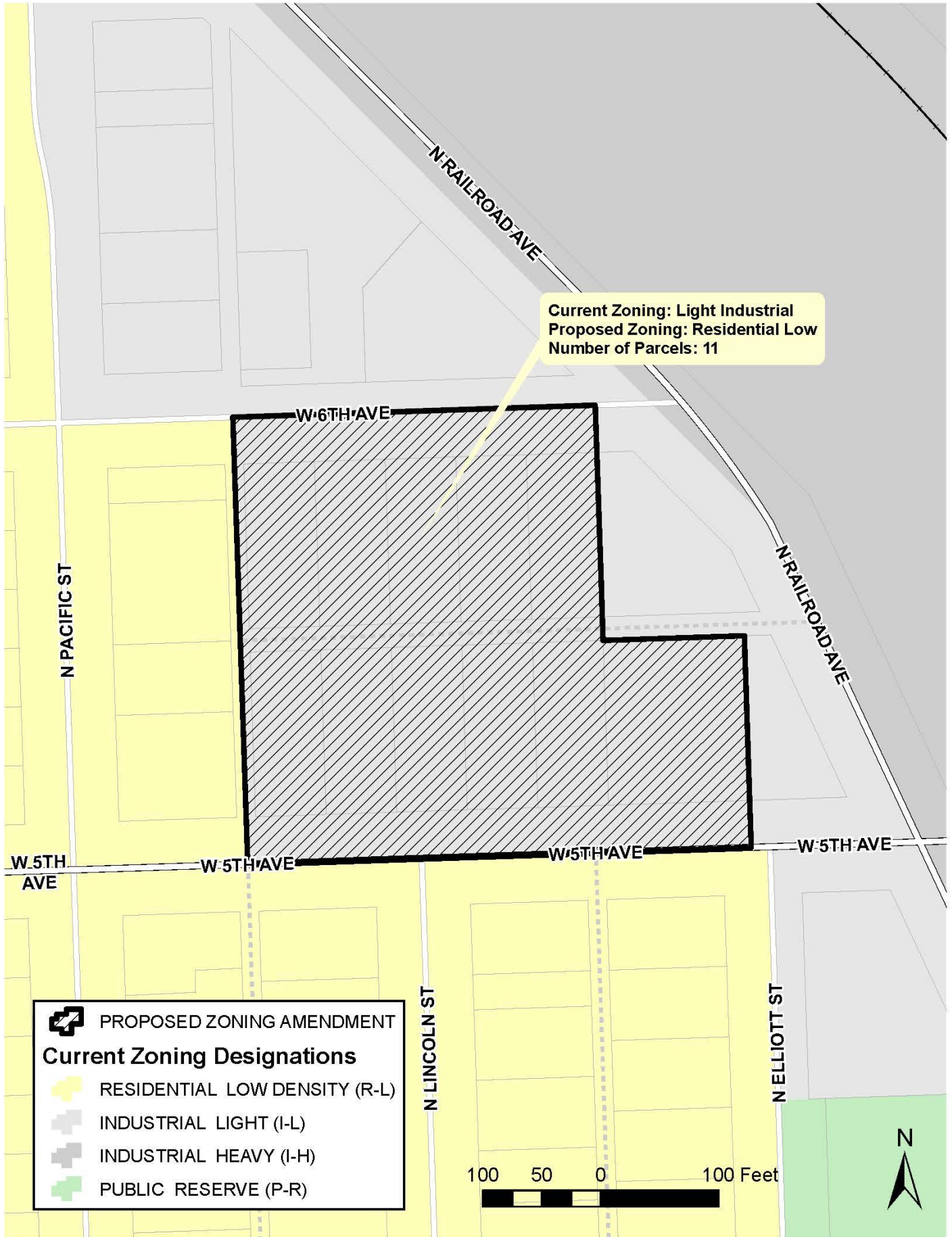
L. Garages. Required off-street parking that is provided in garages or carports shall be credited toward the required off-street parking spaces except that no stacked or tandem parking that blocks off those garages or carport parking spaces from direct or unobstructed access to ingress or egress to a public street shall be credited toward the required parking spaces except for single-family residential structures and duplex structures as set forth in Table 15.550.040(A).

M. Handicapped Parking. Off-street parking and access for the physically handicapped shall be provided in accordance with the Uniform Building Code.

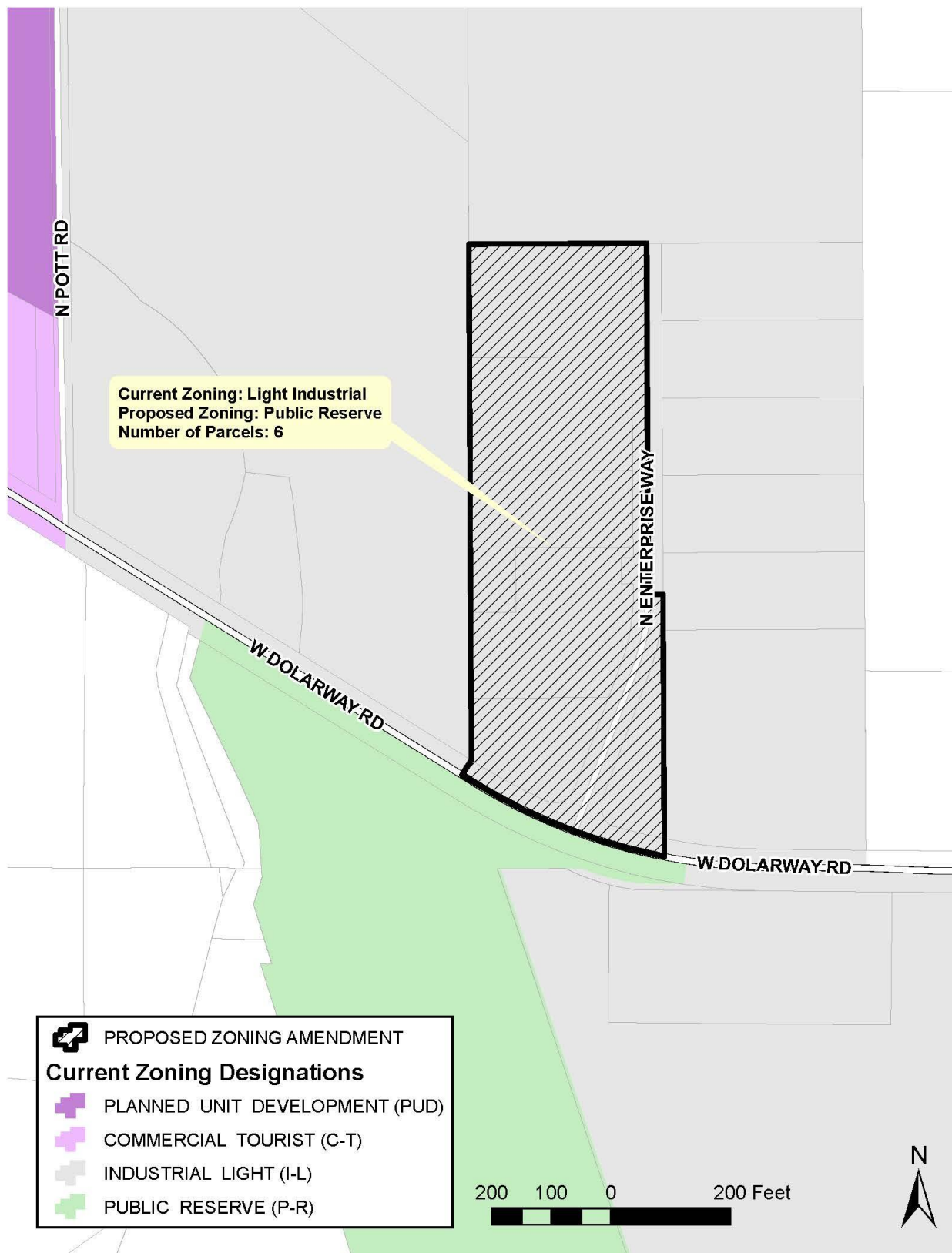
N. Fire Lane Standards. Fire lanes may be required by the fire codes and by Kittitas Valley Fire and Rescue within off-street parking facilities. Such fire lanes, including dimensions, width, location, etc., shall be installed as required by the fire code or Kittitas Valley Fire and Rescue and shall remain in effect throughout the life of the parking facility.

O. Changes in use to a different land use category shall provide the minimum off-street parking for the new general land use category. [Ord. 4810 § 2, 2018; Ord. 4807 § 59, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

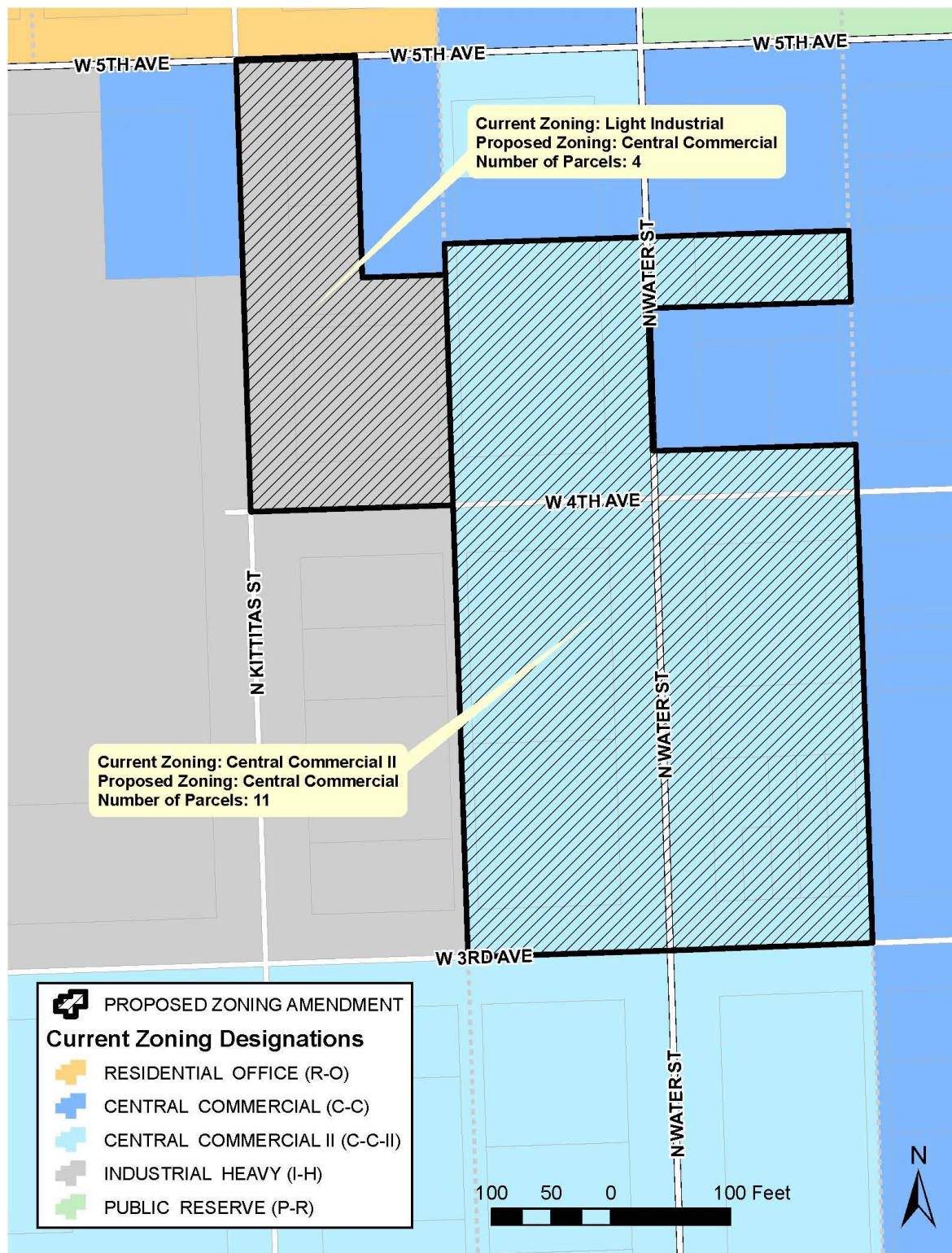
Section 35. The zoning district map of the Land Development Code of the Ellensburg City Code is hereby amended as follows to implement the Residential Neighborhood comprehensive plan future land use designation as confirmed through community outreach to sustain the existing residential neighborhood through expansion of the Residential-Low zone to include properties that are all developed as single family homes and limiting the Light Industrial zone to the properties immediately adjacent to North Railroad Avenue, a minor arterial street:



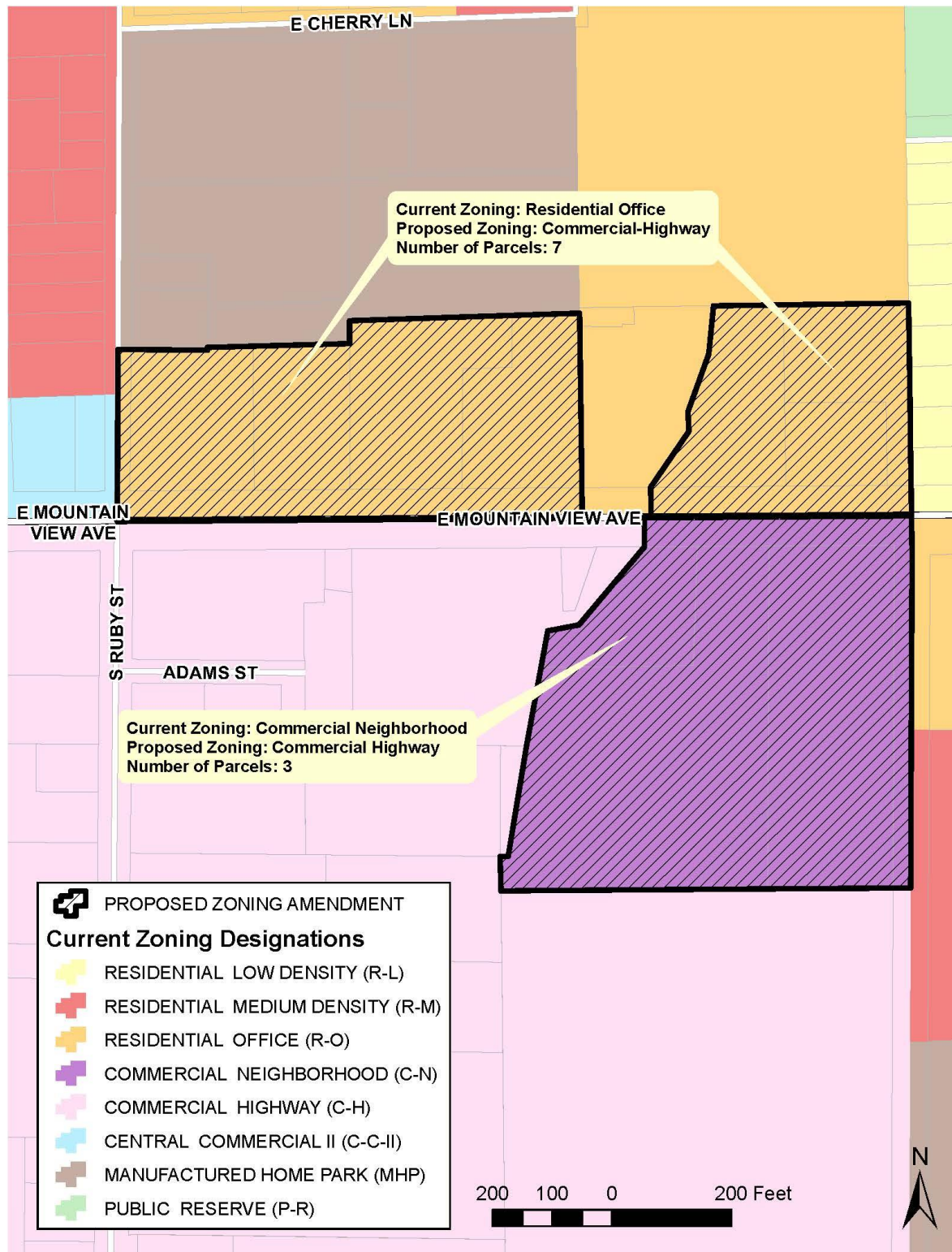
Section 36. The zoning district map of the Land Development Code of the Ellensburg City Code is hereby amended as follows to implement the Parks and Open Space comprehensive plan future land use designation consistent with future floodplain management projects:



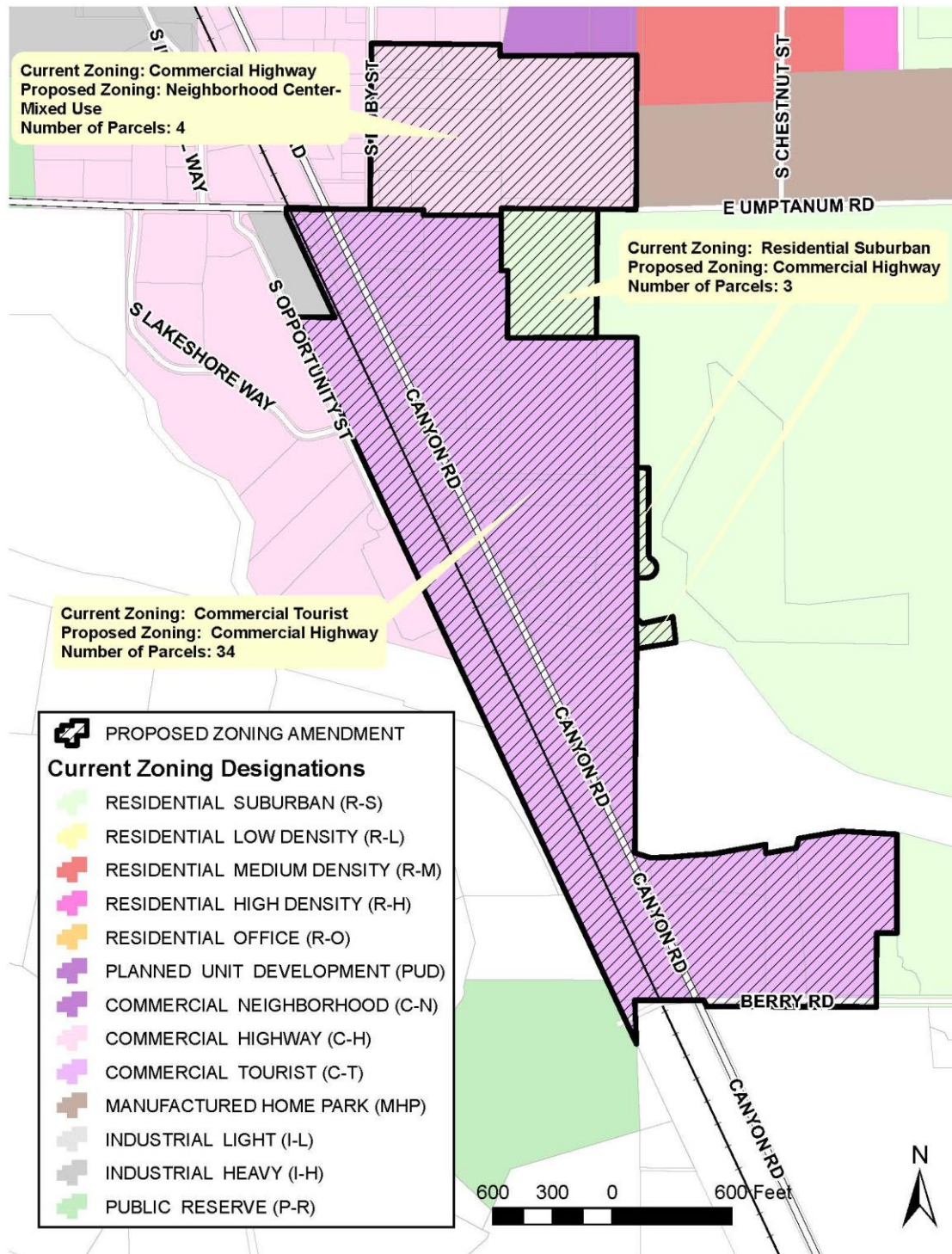
Section 37. The zoning district map of the Land Development Code of the Ellensburg City Code is hereby amended as follows to implement the Urban Center comprehensive plan future land use designation as confirmed through community outreach to provide for expansion of the downtown area that follows development patterns and expands opportunities for multifamily and mixed use development through reduced parking requirements and expansion of the multifamily tax exemption program which implements comprehensive plan goals for a walkable downtown with a diversity of residential and commercial uses:



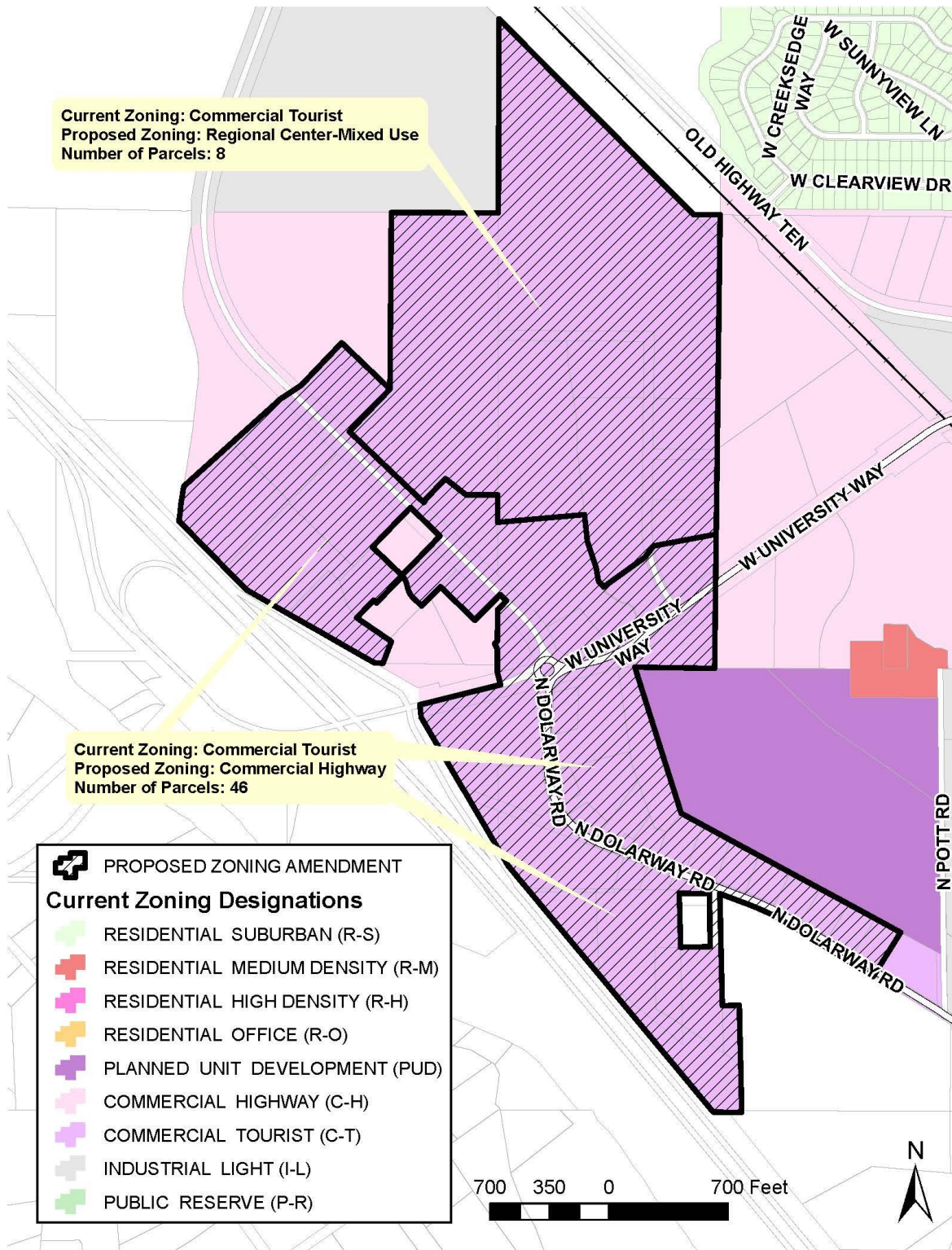
Section 38. The zoning district map of the Land Development Code of the Ellensburg City Code is hereby amended as follows to implement the Community Mixed Use comprehensive plan future land use designation as confirmed through community outreach to provide for more flexibility of commercial uses that follows development patterns of commercial uses on Mountain View Avenue, a minor arterial; implements the purpose of the Commercial Neighborhood zone; and implements comprehensive plan goals for a variety of shopping, entertainment, recreation, and employment uses that are accessible to neighborhoods:



Section 39. The zoning district map of the Land Development Code of the Ellensburg City Code is hereby amended as follows to implement amendments to the Land Development Code provided herein to eliminate the Commercial Tourist zoning district and implement the Community Mixed Use comprehensive plan future land use designations, as confirmed through community outreach to provide for more flexibility of commercial uses that follows development patterns; and implements comprehensive plan goals to create a variety of shopping, entertainment, recreation, and employment uses accessible to residential areas, and support the development of compact, livable, and walkable mixed use centers:



Section 40. The zoning district map of the Land Development Code of the Ellensburg City Code is hereby amended as follows to implement amendments to the Land Development Code provided herein to eliminate the Commercial Tourist zoning district and implement the Community Mixed Use comprehensive plan future land use designations, as confirmed through community outreach to provide for more flexibility of commercial uses, and implement comprehensive plan goals to support development of compact, livable, and walkable mixed use centers:



Section 41. Corrections. Upon the approval of the City Attorney, the City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 42. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval, and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the ____ day of _____, 2021.

MAYOR

ATTEST:

City Clerk

Approved as to form:

CITY ATTORNEY

Publish:

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

BETH LEADER



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of City Council, Regular Meeting

November 1, 2021

7:00 PM

Council Chambers 501 N Anderson Street

Ellensburg, WA 98926

And remotely via Zoom

Pledge of Allegiance

Councilmember Lamb led the Pledge of Allegiance

1. Call to Order and Roll Call

Roll Call Present: Rich Elliott, Nancy Goodloe, Tristen Lamb, Nancy Lillquist, David Miller, Mary Morgan, Bruce Tabb

Others Present: City Manager Behrends Cerniwey; City Attorney Weiner, Deputy City Clerk Davison, Finance Director Pascoe, Public Works & Utilities Director Lyyski, Parks & Recreation Director Case, City Engineering Manager Mayo, Assistant City Attorney Reiman, Ellensburg School District Superintendent Haberer and approximately fifteen members of the public.

Present Remotely Via Zoom; Community Development Director Sackett, Planning Manager Ayling, Executive Assistant Gigstead, and approximately six members of the public.

2. Proclamations

2.A. National Native American Heritage Month
Allen Aronica read the proclamation.

Councilmember Rich Elliott moved to Approve the Mayor's signature on the proclamation. **Motion Approved 7-0.**

3. Awards and Recognitions

4. Approval of Agenda

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

5. Consent Agenda

5.A Approve Minutes of October 18, 2021 Regular Meeting

5.B Approve Minutes of October 18, 2021 Study Session

5.C Acknowledge Minutes of Boards and Commissions

5.D Official Newspaper Contract Bid Award

5.E Accept the Resignation of Megan West from the Landmarks and Design Commission.

5.F Extension of Council Funded Grant Program funds previously awarded to the Ellensburg Masonic Temple Association and to Gallery One, to be extended into 2022

5.G Approve November 1, 2021 Voucher Listing

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

6. Petitions, Protests, and Communications

6.A Ellensburg School District Construction Project Update
Superintendent Jinger Haberer presented an update on the Ellensburg School District's Capitol Improvement program.

6.B CenterFuse/Ellensburg Business Development Authority Board Applicant Confirmation
Bob Rapp introduced himself via Zoom.

Councilmember Rich Elliott moved to confirm CenterFuse/Ellensburg Business Development Authority's appointment of Bob Rapp to the Ellensburg Business Development Authority's board. **Motion Approved 6-1.**

6.C Board and Commission Applications.
Mayor Bruce Tabb moved to appoint Darren Reid to the Landmarks and Design Commission. **Motion Approved 7-0.**

6.D Letter of Support for HopeSource Federal Transportation Administration Grant for Buses and Bus Facilities - Washington State Department of Transportation for purchase of Historic Train Depot
Hopesource Transportation Director Lisa LaPorte presented information on Hopesource's grant request to the Federal Transportation Administration to purchase the historic train depot. Council asked questions regarding the 501C3 and discussed public access to the facility.

Councilmember Nancy Lillquist moved to approve the Mayor's signature on the letter of support for HopeSource's grant application to purchase the historic Ellensburg Depot. Councilmember Rich Elliott recused himself. **Motion Approved 5-1.**

7. Citizen Comment on Non-Agenda Issues

- Lee Kaspari, 1718 N Bluegrass Ln, spoke regarding the elementary schools and requested a traffic light be installed to replace the four way stop at 15th and Cora St.
- Mary Hubbard, 1717 N Bluegrass Ln, spoke regarding traffic to the elementary schools.
- Lee Bates, 1802 N Bluegrass Ln, spoke regarding traffic and access to the elementary schools.
- Karen Bates, 1802 N Bluegrass Ln, spoke regarding the construction debris located near the elementary schools.
- Nancy Kaspari, 1718 N Bluegrass Ln, spoke regarding traffic issues around the elementary schools.
- Pat Kelleher, 6530 Wilson Creek Rd, spoke regarding traffic flow at the elementary schools.

8. Business Requiring Public Hearings

8.A Proposed 2022 Property Tax Levy Ordinance (First Reading)

The Mayor opened the public hearing. Finance Director Pascoe presented information in the staff report.

There were no questions or comments from the public or Council.
The Mayor closed the public hearing.

Councilmember Rich Elliott moved to Approve conducting first reading of Ordinance 4880 Levying property taxes for the City of Ellensburg commencing January 1, 2022.
Motion Approved 7-0.

8.B Second reading of Ordinance 4877 approving petition for annexation P21-066 for parcels 916833, 708633, 698633 & 528633 located on the west side of Anderson Rd
The Mayor opened the public hearing. Jamey Ayling, Planning Manager, presented information in the staff report.

There were no questions or comments from the public or Council.
The Mayor closed the public hearing.

Councilmember Mary Morgan moved to Approve conducting second reading and adoption of Ordinance 4877. **Motion Approved 7-0.**

8.C Resolution to Approve Application for Preliminary Plat Approval (P21-088) Bill Sparks Rolling Meadows Plat Closed Record Hearing (quasi- judicial)
The Mayor opened the public hearing. Jamey Ayling, Planning Manager, presented information in the staff report.

Doug Stalder spoke in support of the staff recommendation.
Marte Fallshore, 2817 Pioneer Rd, asked about access to Pioneer Road.
The Mayor closed the public hearing.

Councilmember Lillquist moved to Approve Resolution 2021-33. **Motion Approved 7-0.**

9. Introduction and Adoption of Ordinances and Resolutions

9.A City Council Strategic Vision 2022-2027

City Manager Behrends Cerniwey presented information in the staff report.

Councilmember Rich Elliott moved to Approve Resolution 2021-34. **Motion Approved 7-0.**

10. Unfinished Business

11. New Business

11.A 2021 Third Quarter Financial Status and Investment Reports

Finance Director Pascoe presented information in the staff report.

Councilmember Rich Elliott moved to Accept the financial reports as presented. **Motion Approved 7-0.**

Council recessed at 9:03 pm. Council reconvened at 9:09 pm

11.B Draft Commissions & Boards Ordinance and Revised City Council Rules
City Attorney Weiner presented information in the staff report. Council discussed including language about the creation of subcommittees and potential term limitations of councilmembers serving on boards and commissions. Councilmember Rich Elliott requested that military deployment be added as an exemption to the residency requirements. Council requested a statement in Section 10 of the Council Rules regarding Council's commitment to diversify membership.

12. Miscellaneous

12.A Manager's Report

Councilmember Rich Elliott moved to Approve a public hearing set for November 15, 2021, to amend the 2021 Biennial Budget. **Motion Approved 7-0.**

12.B Councilmembers' Reports

- Councilmember Morgan stated that she would attend the November 15, 2021 Council meeting and no longer needed an excused absence.
- Councilmember Miller attended the County Homelessness and Affordable Housing meeting and mentioned an online climate resilience forum being offered by the Association of Washington Cities.
- Councilmember Lillquist attended the Utility Advisory Committee, the Yakima Basin Fish & Wildlife Recovery Board, and the Schaake Project celebration. She requested Council entertain an ordinance requiring residency for councilmembers and Council concurred with the request.

- Councilmember Goodloe attended the Law & Justice Committee and the Utility Advisory Committee.
- Councilmember Elliott will be attending remotely on the November 15, 2021 Council meeting, testified for the US House of Representatives Transportation subcommittee for wildland fire and attended the Opioid forum.
- Mayor Tabb participated in the tour of Unity Park and presented to the Senate Housing Committee. He advised that there will be a KCCOG meeting on November 4, 2021 regarding the TIP project.

13. Executive Session

13.A Per RCW 42.30.110(1)(c), to consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public.

Council recessed into Executive Session at 9:58 pm. Discussion was anticipated to last 10 minutes. Mayor Tabb returned at 10:09 pm to inform that Council required 5 more minutes.

Council reconvened at 10:15 pm

Adjournment

Meeting adjourned at 10:15 pm.

Mayor

ATTEST: _____
Deputy City Clerk



DIVERSITY, EQUITY & INCLUSION COMMISSION (DEI)
October 12, 2021 Regular Meeting
(3:00 to 4:30 p.m.) Remote Meeting via Zoom

Members Present: Tylene Carnell, Sara Omrani, Kandee Cleary, Landis Hanson, Daniel Amos, and Nancy Goodloe (chair)

Members Absent: Veronica Acevedo (excused)

Also present: Nicole Klauss, Public Information Officer (Recording Secretary); and 3 members of the public.

1. CALL TO ORDER / INTRODUCTIONS

Chair Nancy Goodloe called the meeting to order at 3:00 p.m.

Motion: Commissioner Landis Hanson moved to approve an excused absence for Commissioner Veronica Acevedo, and Commissioner Daniel Amos seconded. All in favor of the motion; motion passed.

2. APPROVAL OF MINUTES FROM September 28, 2021 MEETING

Motion: Commissioner Tylene Carnell sent corrections on the minutes to Klauss. Commissioner Carnell moved to approve the amended minutes from the September 28, 2021 DEI Commission Meeting, and Commissioner Sara Omrani seconded. All in favor of the motion; motion passed.

3. WORK PLAN DISCUSSION

Chair Nancy Goodloe kicked off the work plan discussion and Klauss screenshared Commissioner Carnell's action item document sorted by the red, yellow, green, which was sent out as prioritization homework.

Commissioner Carnell talked through her ranking system. Green items were items viewed as building the foundation. Yellow felt like it was the next step such as developing the liaison relationships, maybe working with Hal Holmes through the winter months, having space to provide conversations, speakers or films. Carnell added a couple more organizations to the partnership list. The red category is finishing the work and upgrades.

Commissioner Cleary said she liked the way Carnell laid it out, and there was only one difference in how she viewed it, and that was in the finishing work. Some of the items really address the structural nature of antiracism in looking at policies, procedures, and projects. Cleary sees that as providing Council with a toolkit they can use to see if policies, procedures, or projects are equitable.

Chair Goodloe said the list includes things we need to do to bring the community together and things we need to do to address the systems.

Commissioner Amos said he liked the way Commissioner Carnell laid it out developmentally.



Commissioner Carnell appreciated Commissioner Cleary's input and liked the way she laid it out as well. Carnell said it's a good example of looking at things from two different angles. Carnell was looking at building the community relationships and rolling this thing out into the community.

Chair Goodloe said some of the work of the systems piece could be going on at the same time. Goodloe foresees the commission having small groups working together on certain sections of it in parallel to each other. The commission can address some of the systems issues at the same time as they address some of the community partnerships and bringing the community together.

Chair Goodloe liked Carnell's idea of "speak with the DEI Commission at the farmer's market," and Commissioner Cleary agreed.

Chair Goodloe said she heard feedback about including voices in the listening tours that were left out of the initial round of listening tours. Klauss said the questions are also on BeHeardEburg.com for all to provide feedback.

Klauss said we've been doing Ask the Mayor once a month, and the City manager has been considering how it could be expanded to other Council members. Commissioner Carnell asked if there has been conversation about expanding that during the winter months at the library for one Saturday a month. Klauss said we haven't had those conversations yet, but can.

Klauss is working on a schedule for City staff to provide reports to the DEI Commission so the commission knows where the City is at and has a baseline understanding. One example is to have Josephine Camarillo from the Ellensburg Public Library come and bring a report about what they're doing around DEI and what opportunities there are for the commission to work with the library. Chair Goodloe said it could be expanded to include other people such as the new EDA Director or CWU's new Associate Dean of Equity and Opportunity. Commissioner Carnell said they could include nonprofit directors too, because they're often focused on serving underserved communities and population. Klauss said she would like to start with Camarillo because the library has been mentioned multiple times, and Klauss would like to collect questions ahead of time to prepare Camarillo. Goodloe said we need to resurface the partnership list.

DEI Commission Work Plan: Action Items for this Year

- **Develop community engagement plan for reaching out to community**
 - Develop liaison relationship with various cultural and underrepresented groups in our community
- **Explore avenues to encourage the creation of small community groups to read, meet, and discuss diversity issues, books, films, videos, etc**
 - Perhaps partner with library/Hal Holmes for monthly/quarterly movie nights/speakers/events
- **Complete the partnership list (organizations, people and contact info).**



- See EDA signs beginning to show up in downtown business windows, <https://pridefoundation.org/community-impact/initiatives/open-to-all/>, <https://www.seattle.gov/spd-safe-place/the-safe-place-program-and-spd>,
- Continue listening tours (ongoing)
 - Thinking also like the “Speak with the Mayor” opportunity at the farmer’s market, “Speak with the DEI Commission.”
- Continue writing proclamations to celebrate heritage months (ongoing)
- Develop DEI toolkit to propose for use by City for certain policies, procedures, or projects.
- Develop a matrix for City Leadership and Elected Officials to utilize when reviewing proposals and projects and making decisions.
- Actively recruit community participation in planning and implementing special DEI events
- Implement new events and celebrations that highlight the variety of cultural traditions within the community.
 - Natural next steps following developed liaison relationships working toward Hal Holmes events (through the winter months then possibly an outdoor venue like parks perhaps through summer months)
- Produce annual report for Council.

Building the foundation

Adding structure

Finishing work and upgrades

Commissioner Amos volunteered to focus on organizing and holding listening tours.

Commissioner Cleary volunteered to work on the systems piece because she has a lot of research on impacting systems. Commissioner Hanson and Chair Goodloe volunteered to help.

Commissioner Carnell volunteered to work on the partnership list and continuing to help with the listening tours. Carnell also expressed interest in learning more about the systems piece.

Commissioner Carnell, Commissioner Omrani, and Klauss volunteered to work on the community engagement items (developing the community engagement plan, completing the partnership list, and exploring avenues for the creation of small community groups). Goodloe assigned Acevedo (excused absence) to help.

Chair Goodloe suggested working this structure for the next couple of months and at the beginning of the new year, evaluate where we are. Subcommittees can report in every month. Klauss reminded the group that subcommittees can only be three commission members so they don’t violate open public meetings rules.

4. NATIVE AMERICAN HERITAGE MONTH PROCLAMATION



The commission reviewed the draft Native American Heritage Month Proclamation, and suggested a minor change to verb tense. The proclamation will be read at the November 1, 2021 City Council meeting. The commission suggested names for a reader of the proclamation. Commissioner Cleary will send contact information to Klauss.

Goodloe said the second Monday in October is historically known as Columbus Day, but Congress has officially named it Indigenous People's Day. Cleary said Biden did a proclamation. Goodloe said it would be appropriate for this group to ask Klauss to put a statement on the City's website honoring Indigenous Peoples next year instead of another proclamation. Klauss said that is possible, and that the commission can revisit the proclamation list to update it regularly.

5. LAND ACKNOWLEDGEMENT REVIEW AND DISCUSSION

Commissioner Cleary has sent the land acknowledgement to the Aronica family for review, but has not heard back yet. Klauss reviewed the deadlines to get the land acknowledgement on the November agenda.

Klauss said the commission should think about how they are recommending Council use the land acknowledgement, whether they want the land acknowledgement to be read at every meeting, go into the agenda packet, or be used in another way.

Commissioner Carnell asked if we could call a special meeting if needed to meet timelines. Klauss said yes.

Commissioner Cleary said we want to be careful to not make it performative so that it's not just checking a box. Think about what purpose does it serve to be read at that particular event and how it connects. Cleary talked about CWU's use of their land acknowledgement, which is read at significant events or gatherings.

Commissioner Carnell said that is an important point because when the commission first started discussion on the topic it was intended to be a statement read prior to City Council meetings, so it's valuable to have the conversation and set up difference, purpose, and intent.

Chair Goodloe said part of the staff report could be a section with recommendations for how the land acknowledgment is used.

Chair Goodloe thanked the subcommittee for the research they put into pulling the land acknowledgement together.

6. COMMISSIONER REPORTS

Commissioner Hanson said a few groups were on campus providing information that caused students to come out and counter-protest. Clubs and organizations have started meeting again, and CWU is starting to see a sense of community again.



Chair Goodloe heard the conversation about the multicultural center is back on the table, and they're looking at something called Center for Cultural Innovation, involving the Old Heat building. Commissioner Cleary said there will be an informational session for students about it.

Commissioner Amos and Commissioner Carnell will be doing a listening tour on Oct. 19 with Asian and Asian American high school students.

7. STAFF REPORT

Klauss provided an update about the Kittitas County Board of Health vacancy for a community representative. Klauss provided information about the Kittitas County Health Network's community health survey, offered in English and Spanish.

8. PUBLIC COMMENT

Chair Goodloe called for public comment; there was none.

The meeting adjourned at 4:28 p.m.

Respectfully Submitted by

Nicole Klauss

Recording Secretary

Drafted: 10/13/21

Approved:

LODGING TAX ADVISORY COMMITTEE

October 6, 2021 (2:03 p.m. to 2:45 p.m.)

Members Present: Mary Morgan, Jim Nale, Lacie Dawson, Marie Smith, Steve Townsend, and Monica Miller.

Members Absent: None.

Others Present: Laurie Gigstead, Executive Assistant, and Matt Anderson, Chamber of Commerce.

1. **Call to Order.** Mary Morgan called the meeting to order at 2:03 p.m.
2. **Minutes of the September 1, 2021 meeting.** Moved and seconded (Townsend/Monica) to approve minutes as written. Motion approved.
3. **Correspondence and Public Comment Period.** Matt Anderson announced he resigned from the City Lodging Tax Advisory Committee and has accepted the Director of Tourism position at the Kittitas County Chamber of Commerce.
4. **Unfinished Business.**
 - A. **Budget/Financials Review.** Laurie advised that the expenditures reflected Chamber billings through August and one event reimbursement was paid out. The September revenues were \$64,747, which is 71.77% over September 2020 and -3.53% over September 2019. Reviewed and acknowledged.
 - B. **Tourism Report.** Matt advised that since he started his position on October 4th, he did not have a typical data overview to present. He was available for questions or to discuss details of the consolidated process since the Chamber was not applying for any event funding this year. Monica asked if micro grants were still available and Matt confirmed that they were.
5. **New Business.**
 - A. **CLTAC Scoring Review Process.** Laurie advised she had sent out the 2020 and 2021 scoring grids for the members to review. The changes were briefly discussed. The group discussed which members would attend the consolidated meeting on November 19, 2021 on behalf of the City. Jim Nale and Lacie Dawson will represent the City Lodging Tax Advisory Committee. The committee was reminded that applications will be accessible to them for scoring before noon on Monday, October 11, 2021 and all scoring needed to be completed by October 24, 2021. The November 3, 2021 meeting will start at 1:00 pm and most likely last until 5:00 pm.

Next meeting will be **November 3, 2021 at 1:00 p.m.**

With no further business, the meeting was adjourned at 2:45 p.m.

Respectfully submitted,
Laurie Gigstead
Recording Secretary

Drafted: 10/07/2021

Approved: 11/03/2021



**COMMUNITY DEVELOPMENT DEPARTMENT
501 North Anderson Street, Ellensburg WA 98926**

MINUTES OF ELLENSBURG CITY PLANNING COMMISSION

Date and Time: Planning Commission Meeting of September 2, 2021 at 5:45 p.m.

Place of Meeting: Hybrid - In Person at City Hall, 501 N. Anderson Street, and Virtual Zoom Meeting

Present (in Person): Fred Padjen

Present (Virtual): George Bottcher, Sigrid Davison Ed Harrell, Sathy Rajendran, Beverly Heckart and Geraldine O'Mahony

Absent:

Others Present: Planning Manager Jamey Ayling; Community Development Director Kirsten Sackett; David Pearson, member of the public

1. CALL TO ORDER

Chair Padjen called the meeting to order at 5:46 pm.

2. APPROVAL OF AGENDA

Commissioner Heckart asked for approval of the agenda as submitted. Commissioner Harrell seconded. All in favor, motion passed.

3. APPROVAL OF MINUTES

- a. Minutes of August 5, 2021 Planning Commission Meeting. Commissioner Heckert moved to accept the minutes with the change previously submitted. Commissioner Rajendran seconded. All in favor, motion passed
- b. Minutes of August 26, 2021 Planning Commission Meeting. Commissioner Harrell moved to accept the minutes with the change previously submitted. Commissioner Rajendran seconded. All in favor, motion passed.

4. NEW BUSINESS

- a. Public Hearing (Legislative) on proposed amendments to the Ellensburg City Code, pertaining to Frequently Flooded Areas Regulations in Title 15 – Land Development Code, Chapters 15.130, 15.210.050, 15.250.050, 15.600, 15.610, and 15.630

Director Sackett gave the staff report regarding the proposed changes to the Frequently flooded Areas section of the Land Development Code. She explained that this ordinance came about as a result of FEMA updating the flood plain maps for Kittitas County. The adoption of new FIRM maps necessitated a requirement to adopt a compliant floodplain management ordinance, which for Ellensburg is located in Title 15, Division VI of the Ellensburg City Code (ECC). Once the Letter of Final BFE Determination was issued by FEMA the City was given months to adopt the necessary regulations, with a deadline of September 24, 2021. This is a requirement in order to remain in good standing with the NFIP (National Flood Insurance Program), and this is important because it helps keep the flood insurance rates low for community members when the City is in

compliance. Director Sackett explained that the majority of the changes to the code came directly from the required language from Washington State's Model Flood Development Ordinance and the Federal Code of Regulations. Director Sackett shared her screen to show the FEMA GIS Story Map with slider tool which shows the changes to the flood plains. She then displayed the ordinance and shared screen for the commission to follow along as she explained each of the changes in chronological order.

After providing a summary of all the proposed code changes, Director Sackett noted that the decision criteria that Council must consider for a land development code amendment are set forth in ECC 15.250.100(C) as follows:

1. The amendment is in accordance with the comprehensive plan; and
2. The amendment will not adversely affect the public health, safety or general welfare; and
3. The amendment is not contrary to the best interest of the citizens and property owners of the city. [Ord. 4656 § 1 (Exh. O2), 2013.]

Sackett said that staff finds the modifications to the floodplain regulations to be in accordance with the three decision criteria above. In addition, as stated previously, City Staff have worked with staff from both the State Department of Ecology and FEMA to ensure that the modifications to the City Code also conform with the Code of Federal Regulations and the State Model Ordinance. Adoption of these updated standards will keep the City in good standing with the NFIP, and reduced insurance rates will continue to be provided to residents of Ellensburg. She said that the recommended next steps include the following:

1. Hold a legislative public hearing; and
2. Forward a recommendation to City Council to adopt the proposed revisions to Ellensburg City Code as presented.

Chair Padjen read the script, no one was present from the public. There were no further comments from the Staff. Commissioner Padjen asked about the wording of the Livestock Sanctuary Areas and whether that policy should be a requirement rather than just a recommendation. Director Sackett will review the FEMA and the State requirements to get clarification. Commissioner Bottcher asked about finding out where the flood zone information can be found. He asked if that information is available to property owners on the Kittitas County Assessors page. Planner Manager Ayling said that he will look into that. Commissioner Bottcher also asked how significant it would be if the City wasn't in compliance with the NFIP program. Director Sackett noted that everyone in a FEMA-designated floodplain needs to have the insurance and if the City isn't in compliance then the rates would rise for everyone in the floodplain areas.

Chair Padjen closed the public hearing. Commissioner Heckart made a motion that the Planning Commission recommend to the City Council to adopt the proposed revisions to Ellensburg City Code with the understanding that before they vote that any unanswered questions be clarified. Commissioner Bottcher seconded the motion. All in Favor. Motion passed.

5. OLD BUSINESS

6. CITIZEN COMMENT

No members of the public in attendance.

7. STAFF UPDATE

a. Housing Action Plan Update

Discussion was held about the timing of the next commission meeting, so that the draft Housing Action Plan can be reviewed by the commission and provide a recommendation before it has to go to City Council. It was determined that August 23rd is best for the meeting date, as several commissioners will be available. Commissioner Heckart said she would like to see the qualitative results from the public survey and asked if it would be possible to see the full responses. Director Sackett said she would send the full survey report to the commissioners for their review. Director Sackett also shared her screen to display the current draft of Appendix C of the HAP. This appendix provides a summary of the answers to the visual preference survey with the different housing options with pictures. The commission suggested that the next survey should be sent out without a registration requirement, to hopefully get more feedback from more people. There could be a question to provide an email if the respondent wants to be informed in future.

8. ADJOURNMENT

Chair Padjen adjourned the meeting at 7:15 pm.



**COMMUNITY DEVELOPMENT DEPARTMENT
501 North Anderson Street, Ellensburg WA 98926**

MINUTES OF ELLENSBURG CITY PLANNING COMMISSION

Date and Time: Planning Commission Meeting of September 23, 2021 at 5:45 p.m.
Place of Meeting: Hybrid - In Person at City Hall, 501 N. Anderson Street, and Virtual Zoom Meeting
Present (in Person): Fred Padjen
Present (Virtual): Ed Harrell, Sathy Rajendran and Beverly Heckart
Absent: Sigrid Davison, Geraldine O'Mahony and George Bottcher
Others Present: Community Development Director Kirsten Sackett (in-person); Rich Elliott Council Liaison (in-person)

1. CALL TO ORDER

Chair Padjen called the meeting to order at 5:45 pm.

Commissioner Heckart made a motion to excuse Commissioners Davison and O'Mahony from the meeting. Commissioner Harrel seconded. All in favor, motion passed.

2. APPROVAL OF AGENDA

Commissioner Heckart asked for approval of the agenda as submitted. Commissioner Rajendran seconded. All in favor, motion passed.

3. APPROVAL OF MINUTES

- a. Minutes of September 2, 2021 Planning Commission Meeting. Commissioner Heckert moved to approve the minutes with an edit previously submitted to Staff. Commissioner Rajendran seconded. All in favor, motion passed

4. NEW BUSINESS

- a. Public Hearing (Legislative) for Consideration of Ellensburg Housing Action Plan

Director Sackett said that the purpose of the public hearing was to review the Housing Action Plan that has been developed over the past several months. She provided some background on the housing crisis experienced in the State with a severe undersupply of housing needed to keep up with population growth. She said during the 2019 legislative session, HB 1923 was passed which encouraged cities that are planning under the GMA to take actions to increase residential building capacity. HB 1923 also provided grant money to make this possible. The City applied for this funding to develop a Housing Action Plan (HAP), and because of our population size we were awarded \$50,000.00. The funds were used to hire Berk Consulting to work with staff in crafting the HAP. Some of the required elements of the HAP were to have a current Housing Needs Assessment, incorporate community and stakeholder engagement, review the City's housing policy framework, and the development of strategies that would promote new housing. Sackett stated that HAP is currently out for SEPA review, and comments received will be taken into

account before a final HAP is sent to Commerce. Director Sackett shared her screen to show the report that shows the steps that were taken to get to this point.

Chair Padjen called for public testimony but no one was present from the public. He then closed the public hearing.

Commissioner Heckart moved that the Planning Commission recommend that the City Council prioritize the following strategies listed on page 20 of the City Housing Action Plan, dated Sept. 9, 2021:

Strategies numbered: 6, 7, 8, 10, 11, 12, 13 and 14

Heckart also motioned that Strategy #4 should also be prioritized but re-worded to read "encourage the construction of multi-unit housing" rather than multi-plex. Rajendran seconded.

Commissioner Heckert explained the reasoning for her motion. She said she looked up the term multi-plex and it is complicated, and recommends that it be reworded to multi-unit.

Heckart explained that she wanted to prioritize rather than swallow the housing action plan whole. According to the report there are two demographics that are affected by the housing shortage - the elderly singles and students. The report also stresses again and again that we are missing the middle housing. She said that row houses are single-family residences, not the missing middle. What we need are duplexes and rental units, that are studios or one-bedroom units. The commission should ask the Council to prioritize the things we really need to target now and in the immediate future.

Commissioner Harrel said he didn't object to the motion. He understands that when Council adopts the HAP, there will be a lot of work that will continue to take place. He felt that what Heckart proposed won't preclude the other strategies; we just need to prioritize the ones in the motion and the others can be addressed at a later date. Implementation will come down to passing new development regulations. There is still a lot of discussion to be had before anything is set in concrete.

Chair Padjen called the motion. All in favor; motion passed

Commissioner Heckart moved that the Planning Commission recommends to the Council to pursue the construction of housing similar to the existing housing at Briarwood, Huntington Courts 1 and 2, and the Brookwood apartments or other similar developments. Rajendran seconded.

Commissioner Heckart explained that she made this motion because those housing types are useful and aesthetically pleasing, and are income restricted units for elderly singles. Commissioner Harrell asked how they are financed. Heckart did not know but she said they were income-restricted developments. She felt they were worthy of replicating. Chair Padjen said he isn't familiar enough with those development to support the motion. Harrell said he thinks those are federally funded and would encourage the City to continue looking for that kind of funding.

Chair Padjen called for the motion. One in favor was Commissioner Heckart. Those opposed included Commissioners Padjen, Harrell and Rajendran. Motion failed.

Commissioner Heckart made a motion that the Planning Commission recommend to the City Council to cooperate with Central Washington University to ensure that they provide housing that cost-burdened students will rent. Commissioner Rajendran seconded.

Commissioner Heckart said those impacted most by lack of missing middle housing are the students. Her fear is that the University is going to build more units that come with strings attached, or that they will build units that have rents the students cannot pay. She would like to see CWU make plans for future housing that will make it to where students actually want to rent from the university. She knows that students leave campus because they feel they can't afford university housing.

Commissioner Harrell said it is a good point to make and definitely something to pursue as we

implement the housing action plan as we go ahead.

Commissioner Heckart said that the whole nation is suffering from an affordable housing shortage and there is something wrong with the industry. They are not providing the necessary supply.

Motion Failed

Chair Padjen made a motion to recommend to City Council that they adopt the housing action plan with the consideration expressed regarding an emphasis on the points that Heckart emphasized.

Commissioner Rajendran seconded. All in favor except that Commissioner Heckart abstained.

Commissioner Harrell moved that the Planning Commission forward a recommendation to Council to adopt the Housing Action Plan, including in the motion the motion made by Beverly Heckart, Commissioner Rajendran seconded.

The motion was reworded to include all aspects of Heckart's previous motions:

The Planning Commission forward a recommendation to Council to adopt the Housing Action Plan, and also recommends that the City Council prioritize the strategies listed on page 20 of the City Housing Action Plan, dated Sept. 9, 2021 as follows:

Strategies numbered: 6, 7, 8, 10, 11, 12, 13 and 14

Strategy #4 should also be prioritized but re-worded to read "encourage the construction of multi-unit housing".

Commissioner Rajendran seconded. All in favor. Motion passed.

5. OLD BUSINESS

6. CITIZEN COMMENT

No members of the public in attendance.

7. STAFF UPDATE

a. Discussion on Housing Action Plan Implementation Grant

Director Sackett said the Department of Commerce has opened a new round of grants for communities to implement the strategies outlined in any adopted Housing Action Plans. There are many things the City could consider pursuing to use the money strategically.

Commissioner Heckart thinks what should be implemented right away is what is missing – one bedroom and studio housing. Commissioner Heckart fears that the money won't really get change done, and she fears that there will be a push to dumb down the development code.

Chair Padjen said he would like to see an emphasis on setting aside space for the growth of manufactured housing parks. MHP's are on the periphery of most towns in Central Washington. He wants to expand the opportunities for transients housing. He would also like to see room for transient housing – motor homes and trailers in a decent organized way for people to live in those.

Commissioner Harrell thinks it is worth discussing ideas to manage the idea but would hate to see a bunch of unkempt trailer parks in town. Chair Padjen would like to encourage the building of mobile home parks that would allow a quality project, rather than a junky trailer park or something that we want to get rid of. Director Sackett said the verbiage in the code for manufactured home parks could be improved.

Commissioner Heckart asked what Chair Padjen's definition of "transient" housing means. He said that would have to be determined through future discussions.

Commissioner Harrell would like to see some funding go towards code updates and zoning updates. Commissioner Heckart also thinks we will look at the density standards and changes to allow more duplex and multifamily in the different zones.

8. ADJOURNMENT

Chair Padjen adjourned the meeting at 6:35 pm.



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: November 15, 2021

Item Title/Agenda Subject: Reecer Creek Levee System Operation and Maintenance Plan (O&M Plan)

Submitted by: Jon Morrow Public Works & Utilities

Recommended Action or Motion: Approve the O&M Plan

Background/Summary: Council previously approved the Interlocal Agreement with the Kittitas County Flood Control Zone District to receive funds for the City's consultant, Aspect Engineering, to write a technical floodplain certification memorandum (not attached), which includes the O&M plan (attached) and a geotechnical report (not attached) for the proposed Reecer Creek Levee System. This report now goes to the County and their consultant to write a conditional letter of map revision (CLOMR) and then to the Federal Emergency Management Agency (FEMA) for review.

In order to get the existing levee and the new levee (not yet constructed) certified, FEMA will require more frequent inspections and maintenance. Certification removes citizens from the floodplain and no longer requires flood insurance. Therefore FEMA requires it go before a governing body for approval as part of the certification process.

Previous Council Action: As stated above.

Analysis: The O&M plan is the only part of the technical memorandum that needs Council approval as this is a FEMA requirement for certification. If the CLOMR is approved by FEMA, then next steps are to write a letter of map revision (LOMR) to get the new levee and existing levee certified so businesses and homeowners on the back side are no longer in the floodplain. O&M Plan is attached in the following link below.

https://g3coe-my.sharepoint.com/:f/g/personal/morrowj_ci_ellensburg_wa_us

e=AURW0h

Financial Impact:

None.



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: November 15, 2021

Item Title/Agenda Subject: Project Acceptance - RFQ #R21-18 - Currier Creek and Reecer Creek Primary Extension

Submitted by: Paul Meyer Public Works & Utilities

Recommended Action or Motion: Accept as complete RFQ #R21-18 - Currier Creek and Reecer Creek Primary Extension

Background/Summary: The City of Ellensburg installed a conduit and vault system from the corner of Hwy 10 and Clearview Dr. heading east to Reecer Creek Rd. then north to the North West Corner of the Reecer Creek Road and West Bender Road. This conduit and vault system was installed to serve future developments along Reecer Creek Road. The scope of this project was to install primary distribution cable and equipment to serve the Black Horse and other future developments, within the existing conduit and vault system. Staff issued this project to small works contractors on Friday May 21, 2021 with quotes due on Friday May 28. Staff received four quotes and awarded the project to Titan Electric Inc. Titan began work on July 29, 2021 and completed work on August 2, 2021. The City has received the final invoice and there are no outstanding issues.

Previous Council Action: Project awarded to Titan Electric Inc. June 7, 2021

Analysis: The project is complete with no outstanding issues. Staff has received the final invoice for the contract amount of \$54,041.70. There were no change orders for this project.

Financial Impact: The lowest quote was within the amount budgeted for the project in the Light Fund and was below the engineer's estimate. Staff has received the final invoice for the contract amount of \$54,041.70.



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: November 15, 2021

Item Title/Agenda Subject: Award Bid Call 2021-12 15kV Medium Voltage Underground Distribution Cable to Anixter Inc.

Submitted by: Paul Meyer Public Works & Utilities

Recommended Action or Motion: Staff recommends City Council award bid call 2021-12 to Anixter Inc., the lowest responsive and responsible bidder, for the bid price of \$112,740.30 including tax.

Background/Summary: The Public Works and Utilities – Light Division annually budgets and publishes a bid for Medium Voltage Underground Residential Distribution (URD) Cable. The cable is used for capital construction projects and to replenish inventory. Staff recommends City Council award the bid to Anixter, Inc., the lowest responsive and responsible bidder, for the 1/0 AWG cable. The bid was advertised and placed on the City website with staff receiving two bids. Due to timing, this item was brought directly to City Council, but staff will provide an update to the UAC at the November 18 meeting.

Previous Council Action: Award of previous bids for Underground Residential Distribution Cable
Bid 2020-29 awarded 9/21/2020
Bid 2019-20 awarded 6/17/2019
Bid 2018-21 awarded 10/15/2018

Analysis: A summary of the bids is shown below. Anixter Inc. was the lowest evaluated bid for the 30,000 lineal feet of 1/0 AWG.

Representative Type (Manufacturer) & Extended Cost (incl. tax)
Anixter Inc. (Okonite) - \$112,740.30
General Pacific Inc. (CME) - \$117,841.23

The bid submitted by Anixter is above the Engineers Estimate of \$88,700, approximately 21%. This increase is expected due to recent market conditions. These materials are essential to the operations of the Electrical Utility and must be purchased. Adequate budget exists to accommodate the additional cost.

Financial Impact:

Funds are available within the 2021 Light Division budget for purchase of the Medium Voltage URD Cable.



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: November 15, 2021

Item Title/Agenda Subject: Consolidated Communications Reimbursement Agreement for Osborn Consulting Gateway 1 Re-Design

Submitted by: Jon Morrow Public Works & Utilities

Recommended Action or Motion: Authorize the Public Work and Utilities Director to sign the Reimbursement Agreement with Consolidated Communications and Amendment #3 to Osborn's contract, and approve the necessary budget adjustments.

Background/Summary: The City has been working with Consolidated Communications on the Gateway 1 project regarding their utility's underground locations and design to go into the City's common utility trench. Working through the issues the past six months, it was discovered that Consolidated had seven underground vaults that are in the way of the stormwater treatment swales and cannot be moved. As a result, Consolidated has agreed to reimburse the City for additional design work and amendment of Osborn's contract (see attached Osborn's amendment and reimbursement agreement).

Previous Council Action: None

Analysis: Payment will be made to the City from Consolidated and the City will have Osborn Consulting begin re-designing the project.

Financial Impact: Osborn's contract will be amended to reflect the reimbursement from Consolidated to the City, and the necessary budget adjustment to pay Osborn to re-design the project for \$59,555.00.

Attachments:

[Reimbursement Agreement](#)
[City of Ellensburg Gateway - Amendment 3](#)

REIMBURSEMENT AGREEMENT

This **Reimbursement Agreement** (this “**Agreement**”) is made effective as of the latter signature date hereof (the “**Effective Date**”) by and among Consolidated Communications of Washington Company, LLC, a Washington Limited Liability Company (“**Consolidated**”), and the City of Ellensburg, a Washington municipal corporation (“**City**”). Consolidated and City are, collectively, sometimes referred to herein as the “**Parties**” and, individually, as a “**Party**.”

RECITALS

- A. Whereas, the City has undertaken a stormwater management project along University Way, between Wenas Street and Whiskey Creek, as part of the Gateway Improvements Project (“Project”); and
- B. Whereas, pursuant to RCW 35.99.060(1) and (3), the City has authority to require Consolidated to relocate its facilities in the way of the Project at Consolidated’s sole cost and expense; and
- C. Whereas, Consolidated has indicated it desires to reimburse the City for the City’s redesign costs associated with redesigning the Project around Consolidated’s underground facilities rather than relocating its facilities out of the way Project; and
- D. Whereas, the City desires to accept Consolidated’s proposal to reimburse the City for the City’s redesign costs in exchange for the City agreeing to not exercise its authority under RCW 35.99.060 to require Consolidated to relocate its facilities out of the way of the Project; and
- E. Whereas, the Parties therefore desire to enter into this Agreement in order to set forth the terms and conditions of Consolidated’s payment to the City for the City’s redesign costs in order to incorporate Consolidated’s facilities into the Project.

TERMS & CONDITIONS

In consideration of the terms, conditions, covenants, considerations, mutual promises, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound, the Parties agree as follows:

1. Recitals Incorporated

The above Recitals are incorporated herein and made part of this Agreement by this reference as if set forth in full.

2. Joint Utility Trench Agreement

City and Consolidated shall execute, by November 15, 2021, a Joint Utility Trench Agreement (the “JUT”) to relocate Consolidated’s aerial facilities into the City’s joint trench, in the form of the JUT agreement attached hereto as Exhibit A to this Agreement.

3. City’s Obligations

In consideration of Consolidated’s reimbursement of the City’s redesign costs for the Project to redesign the Project around Consolidated’s facility, as established in Section 4 below, as well as execution of the JUT agreement to incorporate Consolidated’s aerial facilities in the City’s joint utility trench, the

City will not exercise its right under RCW 35.99.060 to require Consolidated to relocate its facilities out of the way of the Project.

4. Consolidated's Obligations

(a) In consideration of the City not exercising its right under RCW 35.99.060 to require Consolidated to relocate its facilities at its sole expense, Consolidated shall, in addition to executing the JUT agreement, pay Fifty-Nine Thousand Five Hundred and Fifty-Five dollars and 00/100s (\$59,555.00) to the City for reimbursement of the City's costs related to redesigning the Project around Consolidated's underground facilities. Payment under this section shall be made in one lump sum payment within thirty (30) days of execution of this Agreement. If, upon Project completion, the City's redesign costs are less than \$59,555, any unused portion of the payment described in this paragraph will be refunded to Consolidated within sixty (60) days of completion of the project design by the City's design consultant.

(b) If Consolidated fails to fulfill its obligations as set forth in Sections 2, or 4, Consolidated shall be required to relocate all of its facilities out of the way of the Project, at its sole expense and cost, by March 31, 2022, or upon sixty (60) days' notice of the need to relocate, whichever is later.

(c) Should Consolidated be required to relocate its facilities under Subsection 4(b) due to no fault of its own, the City shall refund to Consolidated any unused portion of the payment described in Section 4(a) within sixty (60) days of completion of the project design by the City's design consultant.

5. Representations and Warranties

Each Party represents and warrants to the other that: (a) it is duly incorporated or organized, validly existing and in good standing under the laws of its state of formation; (b) it has formal power and actual authority to execute, deliver, and perform the provisions of this Agreement and all such action has been duly and validly authorized by all necessary proceedings on its part; (c) this Agreement has been duly and validly executed and constitutes a legal, valid, and binding obligation, enforceable in accordance with the terms of this Agreement; and (d) neither the execution and delivery of this Agreement nor the consummation of the transactions contemplated in this Agreement, nor the performance of or compliance with the terms and conditions of this Agreement, will violate any law or court order applicable to such Party.

6. Costs and Attorney Fees

The Parties shall bear their own costs, expenses and attorney fees in connection with the Agreement.

7. Enforcement

If any Party to this Agreement is forced to file an action to enforce this Agreement, the prevailing Party will be entitled to recover reasonable attorneys' fees and costs.

8. No Waiver

No failure or delay on the part of any Party in exercising any right, remedy, power, or privilege under this Agreement will operate as a waiver thereof or of any other right, remedy, power, or privilege of such Party under this Agreement; nor will any single or partial exercise of any right, remedy, power, or privilege under this Agreement operate as a waiver thereof or of any other right, remedy, power, or privilege of such Party under this Agreement, or preclude further exercise thereof or the exercise of any other right,

remedy, power, or privilege. The rights, remedies, powers, and privileges of the Parties under this Agreement are cumulative, and not exclusive, of any rights or remedies that they may otherwise have.

9. Counterparts

This Agreement may be executed in a number of counterparts and delivered by facsimile, each of which will be considered an original instrument, but all of which together will be considered but one and the same instrument. This Agreement is binding on all signatories even if executed in several counterparts.

10. Entire Agreement; Modification

This Agreement and the JUTs concurrently executed by the Parties constitute the entire agreement between the Parties and supersedes all prior understandings and agreements with respect to the matters addressed herein, whether written or oral. Any modifications or amendments of this Agreement will be in writing and signed by both Parties.

11. Voluntary Agreement

The Parties acknowledge they are fully aware of the terms contained in this Agreement and that each has voluntarily and without coercion or duress of any kind entered into this Agreement, having had a full and fair opportunity to seek the advice of counsel or such other professional advice as each may have deemed necessary.

12. Governing Law

This Agreement shall be interpreted, applied and enforced in accordance with the laws of the State of Washington.

13. Successors and Assigns

This Agreement will be binding upon and inure to the benefit of the Parties and their respective successors and permitted assigns.

14. Headings and Titles

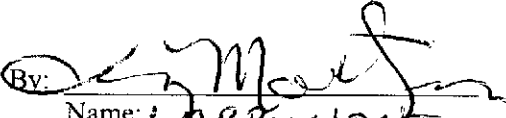
All the headings and titles, subheadings and subtitles herein are inserted as a matter of convenience and reference only. They in no way define, limit, extend or describe the scope or intent of this Agreement, and in no way affect this Agreement.

[SIGNATURES FOLLOW ON NEXT PAGE]

IN WITNESS WHEREOF, each Party has executed, or has caused its duly authorized representative to execute, as applicable, this Agreement as of the Effective Date.

CONSOLIDATED:

**Consolidated Communications of Washington
Company, LLC**

By: 
Name: LARRY MONTGOMERY
Title: SENIOR MGR
Date: 10/27/21

ACKNOWLEDGEMENT

State of _____

County of _____

On this ____ day of _____, 2021, before me, the undersigned Notary Public, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public
Print Name: _____
My commission expires: _____

[SEAL]

[SIGNATURES CONTINUE ON NEXT PAGE]

CITY:

The City of Ellensburg, a Washington municipal corporation

By: _____
Name: _____
Title: _____

Date: _____

ACKNOWLEDGEMENT

State of _____

County of _____

On this ____ day of _____, 2021, before me, the undersigned Notary Public, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

See Attached

Notary Public
Print Name: _____
My commission expires: _____

[SEAL]

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: Terry Weiner

EXHIBIT A

Joint Utility Trench Agreement

[attached]

CALIFORNIA CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Placer)

On 10/27/2021 before me, Daniel Hendrich Notary Public,
(here insert name and title of the officer)

personally appeared Larry Montgomery

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Daniel Hendrich



(Seal)

Optional Information

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Reimbursement Agreement

containing 16 pages, and dated 10/27/2021

The signer(s) capacity or authority is/are as:

☐ Individual(s)

☐ Attorney-in-Fact

☒ Corporate Officer(s)

Senior Manager

Title(s)

☐ Guardian/Conservator

☐ Partner - Limited/General

☐ Trustee(s)

☐ Other:

representing:

Name(s) of Person(s) or Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:

☐ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # _____ Entry # _____

Notary contact: _____

Other

☐ Additional Signer(s) ☐ Signer(s) Thumbprint(s)

☐

DATE August 23, 2021

TO Jon Morrow, Stormwater Manager, City of Ellensburg

FROM Aimee Navickis-Brasch, PhD, PE, Project Manager, OCI
Kaela Mansfield, PE, Deputy Project Manager, OCI

SUBJECT City of Ellensburg Gateway Stormwater Retrofit – Private Utilities Re-Design – Amendment 3

The original contract for consultant services for the above referenced agreement is amended to revise the scope with a budget increase (see Table 1), as follows:

The following is added to Task 1, Project Management:

- Coordination with the City related to private utility relocation status, design impacts, etc.
- Project management, administration and invoicing due to scope timeline extension (within the current contract with the City, expiring January 31, 2023, per Amendment 2) for the re-design work noted below.

Assumptions:

- This amendment assumes the duration of the additional work is up to two months, including review time by the City and Ecology for the Final Bid package deliverable.

A new task will be created, Task 8: Utility Coordination, and will include work as follows:

- Revisions to design plan sheets (including landscape design sheets and detail sheets), as necessary to accommodate utility conflicts to remain,
- Revisions to Cost Estimate to update quantities associated with re-design, and updates to currently available unit cost data,
- Revisions to Specifications and/or Special Provisions to meet current WSDOT and/or APWA, where appropriate, language,
- Revisions to Ecology Design Report, including modeling and/or calculations, as needed, where BMP sizes or curb cut inlet locations must change to accommodate utility conflicts to remain,
- Compilation and assembly of bid package documents and associated with the City's and private utility relocation design schedules.
- Coordination with private utility companies for up to two (2) one-hour virtual meetings as facilitated by the City

Assumptions:

- All items outlined in the original scope of work apply in their entirety and without limitation to this amendment.
- The City will initiate and conduct all correspondence required with the private utility franchisees and relay decisions and critical information to OCI, as needed.
- The private utility infrastructure to remain within the project footprint, requiring re-design to accommodate, includes six (6) communication vaults. All other conduit, duct bank, and other buried communication infrastructure will be relocated outside the project footprint designed by others, and will not require design revisions as part of this amendment.
- The most recent survey basemap provided by Erlandsen on July 27, 2021, and supplemental email notes from Jennifer Parsley (Consolidated Communications) dated August 10, 2021,

includes all known private utility information previously unmarked and not surveyed in earlier design stages. Additional utility information reported after the dates noted here will be considered to require additional design work and a new amendment.

- The re-design efforts described in this amendment (including plans, specifications, and cost estimate) does not include design of or restoration related to the utility relocation common trench outside the project footprint.
- The project is anticipated to be out to advertisement before March 2022 and all WSDOT Standard Specifications used or referenced in the project specifications will be from the currently available 2022 version of the WSDOT Standard Specifications.
- The previously submitted (March 24, 2021) 100%/Final Bid Package was not reviewed in full by the City prior to the private utility relocation issue identification and was not submitted to Ecology for review. This re-design effort will include two deliverables, as follows:
 1. **Final Bid Package** for concurrent review by the City and Ecology. The City and Ecology will have up to 15 calendar days (maximum per Ecology Design Deliverables Checklist) to provide comments to OCI.
 2. **Revised Final Bid Package** addressing comments from the City and Ecology, to receive a Final Bid Package Acceptance Letter from Ecology.
- The work described in this amendment will be considered complete with a Final Bid Package Acceptance Letter from Ecology and does not include any Bid period support or construction administration.
- This task includes additional work described in Exhibit A from Bernardo Wills, the landscape architect for the project. The fees for this work, including the labor markup consistent with this original project contract are included in Table 1.

A new task will be created, Task 9: Manager's Reserve/Contingency, and will include work as follows:

- Any additional work associated with and beyond the budget in Task 8

Assumptions:

- The objective of this work element is to provide budget for additional services, not included in this scope of work, identified by the project manager during the course of the project. This may include additional design coordination or minor changes to the scope of work due to unknown circumstances. Written direction from the City is required to proceed with this work element.

The above scope revisions allow for the addition of \$59,555 to the project budget:

Table 1 Budget Adjustments	
Original Contract Amount	\$ 313,030
Task 1 Scope and Budget Addition	\$ 4,038
Task 8 Scope and Budget Addition	\$ 45,517
Task 9 Manager's Reserve/Contingency	\$ 10,000
Amended Contract Amount (subtotal)	\$ 372,585

All other terms and conditions of the original agreement, as amended, remain in effect.

Please sign and date in the space below to acknowledge your agreement to amend the contract as noted above.

Client: City of Ellensburg

By _____
Signature Date Print or Type Name

Title

Consultant: Osborn Consulting, Inc.

By _____
Signature Date Print or Type Name

Title

VOUCHER APPROVAL

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


AUDITING OFFICER

11/22/2021
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 **22nd DAY OF NOVEMBER 2021**. 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	155177	TO	155322	\$ 1,067,655.65
EFT #'s	5137	TO	5160	\$ 497,158.51

Payroll Fund				Total Amounts
Check #'s	95401	TO	95407	\$ 4,180.64
Direct Deposits	64330	TO	64546	\$ 391,221.09

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

ATTEST: _____
CITY CLERK



CITY COUNCIL AGENDA REPORT

City Council Meeting Date:	November 15, 2021
Item Title/Agenda Subject:	Rotary Park Fieldhouse Presentation
Submitted by:	Heidi Behrends Cerniwey City Manager Department
Recommended Action or Motion:	This item for for information purposes only.
Background/Summary:	A group of Ellensburg residents associated with Rotary have proposed construction of an indoor sports Fieldhouse at Rotary Park to facilitate year-round sports activities and become an attraction for sports tournaments to boost tourism. This is a new concept and partnership proposal. The Fieldhouse is not currently included in the Rotary Park Master Plan.
Previous Council Action:	None.
Analysis:	Local business owner, Jeff Greear, will present a project concept at the meeting.
Financial Impact:	Evaluation of public-private partnership roles, cost analysis, and funding for design and construction would be required to determine public benefit and financial impact.



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: November 15, 2021

Item Title/Agenda Subject: Public Hearing and Consideration of First Reading of a Mid-Biennial Review Supplemental Budget Ordinance - Amending the 2021-2022 Biennial Budget

Submitted by: Keith Bassett Finance Department

Recommended Action or Motion: At the conclusion of the public hearing, staff recommends City Council proceed with first reading of the Mid-Biennial Review Supplemental Budget Ordinance.

Background/Summary: This public hearing and proposed ordinance meets statutory requirements for a Mid-Biennial Review process required of code cities which adopt a biennial budget, and adopts amendments to the 2021-2022 Biennial Budget to reflect changes in operational requirements and adjustments to capital project plans approved through prior Council action along with other modifications to the Biennial Budget as proposed by the City Manager.

Previous Council Action: Council adopted the 2021-2022 Biennial Budget via Ordinance 4864 on December 7, 2020, appropriating funds and providing expenditure authority for the two-year period beginning January 1, 2021. Council subsequently amended the 2021-2022 Biennial Budget via Ordinance 4875 on September 9, 2021. Council regularly reviews and approves additional budget adjustments as part of its ongoing review and approval of contracts and purchases.

Analysis: Since the prior supplemental budget was adopted, items have been approved by City Council that require a supplemental budget adjustment in order to be implemented. The anticipated budget impacts are presented as part of the City's standard agenda reports that accompany the initial request. The proposed ordinance will officially authorize expenditures in support of previously approved projects and program changes. Additional budget adjustments were identified as a result of a review of anticipated expenditures, expenditure trends, and current expenditure authority. These items provide the

necessary budget to maintain the programs and projects previously adopted by City Council, comply with external regulations, and update originally budgeted amounts to current forecasts. The budget amendments in the proposed ordinance include updated revenue forecasts and beginning fund balances as needed, and maintain anticipated 2021 and 2022 ending fund balances within required fund balance thresholds.

Items that have previously come before Council include the Pearl Street Promenade Study approved by Council on September 7 for \$15,000, refunding of the 2010 General Obligation Maintenance Bond in 2021 required supplemental expenditure authority, a cumulative increase of \$1,518,394 in expenditures to refund the bond and pay administrative costs, offset by refunding proceeds \$1,704,364, additional expenditure authority because the low bid for the annual tree trimming contract came in higher than budgeted, funding source adjustment for the Gateway II Grant project including additional funds from Sales Tax, and approval of the Teamster Crews Collective Bargaining Agreement.

Other items include funding pest abatement and remediation at the Ellensburg Racquet and Recreation Center of \$34,000 from the Risk Management Fund accumulated reserves, and accelerated relocation and replacement of the Walnut Street Rectifier and Anodes for natural gas system safety for \$80,000.

Transportation related items include purchase of de-icing material to maintain a safe travel way on main and secondary arterial streets. Due to the rising costs of materials, and the amount of material used during the 2020-2021 winter season, there is a need for \$25,000 additional expenditure authority for 2021. Central Transit received \$142,983 in federal funding directly through the American Rescue Plan Act which is recognized in the proposed ordinance.

The proposed ordinance adjusts revenues and expenditures to reflect updated projections for spending in the Health and Benefits Fund, including the impact of COVID-19 and transfer in of \$650,000 from the City's Coronavirus Local Fiscal Recovery Fund (CLFRF) federal allocation via the American

Rescue Plan Act (ARPA). The proposed supplemental budget ordinance includes adjustments to City self-insured employee medical insurance premium rates set for 2022, including a 16% increase for medical & vision portion of the insurance premiums.

The 2021 legislature implemented several police reform laws which will require significant resources and change to institute. This coupled with the July 25, 2021 implementation has created a situation where significant additional training will be required to reduce risk and mitigate employee liability. The proposed ordinance includes an additional \$14,500 for training and related travel. KITTCOM rates for 2022 require an \$82,229 increase for the Police Department. Other anticipated cost increases for the Police Department are included in the proposed ordinance.

The proposed supplemental budget funds additional Police positions in 2022 to address existing workload. One additional full-time permanent Detective position would augment the existing detectives unit. The current case load is significant in total cases and complexity of investigations. Violent crimes, gang activity and drug trafficking has increased dramatically, and these types of investigations are labor intensive. Beginning in May, the City has been pulling patrol officers off the road to assist detectives with case work to meet the needs of the investigations. There is a measured need to increase investigative resources while at the same time maintaining patrol staffing levels in order continue the level of service our community has come to expect.

One full-time permanent Administrative Sergeant position will be created, and funded beginning July 2022. The position would assist command staff and Chief with the overall operation of the department, including responsibility for direct supervision of the code enforcement division, management of the training programs, assisting with accreditation, and managing the vehicle fleet and technology components of the department. With the dramatic increase in legislative reform, mandatory training requirements, and increased public interest in police policies and practices, the need for managing the increased number of community events, programs, and

department technologies, has surpassed the EPD command staff's available time. Utilizing existing sergeants has helped keep this manageable in the past, but with the police reform legislation, the importance of field supervision has never been greater.

Both positions would be funded from the Criminal Justice Fund "three-tenths Criminal Justice sales tax" revenue.

The proposed budget includes additional funding to position the City to advance Council priorities, specifically, \$120,000 to develop a sustainability plan and energy strategy, \$10,000 to expand capacity for City communications including accessibility, translation and outreach, \$75,000 for Housing Action Plan implementation funded through a Department of Commerce grant program, resources to help the community garden relocate from the City parcels directed for affordable housing, and \$10,000 to support the mission of the Diversity, Equity, and Inclusion Commission.

The proposed supplemental budget reflects Council direction for Coronavirus Local Fiscal Recovery Fund (CLFRF) federal allocation via the American Rescue Plan Act (ARPA):

- \$650,000 transfer in 2021 to the Health & Benefits Fund for employee COVID-19 healthcare costs paid by the City's self-insurance plan.
- \$1.8 million for Unity Park/ Pearl Street Promenade design, construction, and artwork.
- \$400,000 for a limited duration Grant/Project Manager.
- \$400,000 toward Gateway Investments in the major entrances to the City.
- \$2.65 million for the Anderson Road Sewer project construction.

With the exception of the transfer for prior healthcare costs, implementation will occur across several years and some will cross in to next biennium. Amounts appropriated for multi-year projects will be carried forward as needed, and amounts planned for 2023-2024 will be included in the preliminary Biennial Budget.

On your agenda tonight is a requested increase of \$59,555 for additional engineering services on the Gateway 1 Project with

an offsetting reimbursement resulting in no impact to ending fund balance.

Figures for each item, by fund, are included in attached Table 1.

Financial Impact:

The proposed ordinance amends the Biennial Budget increasing budgeted 2021 expenditures by \$2,307,854 and revenue by \$2,177,548, and increasing budgeted 2022 expenditures by \$1,541,787 and revenue by \$16,628. The effect of these amendments on the budgeted 2022 ending fund balance is a decrease of \$1,655,465.

Attachments:

[Table 1 - Items by Fund](#)

[Tables 2 & 3 - Summary by Fund](#)

[Mid-Biennial Review 2021-2022 Supplemental Budget Ordinance- 1st reading](#)

[Exhibits A & B - 2021-2022 Budget by Fund](#)

Table 1 - 2021-2022 Mid-Biennial Review - Supplemental Budget Items by Fund (First Reading)

Fund / Item	2021				2022			
	Beg. Fund Balance	Revenues	Expenditures	Impact to Ending Fund Balance	Beg. Fund Balance	Revenues	Expenditures	Impact to Ending Fund Balance
General Fund								
Pearl Street Promenade Study		\$15,000	\$15,000	\$0	\$0			\$0
Jail Medical Costs Adjustments		\$0	\$45,000	-\$45,000	-\$45,000			-\$45,000
Police Professional Services & Utilities Costs				\$0	\$0	\$0	\$22,788	-\$22,788
KITTCOM Dispatching Services				\$0	\$0	\$0	\$82,229	-\$82,229
Investigative Unit Supplies, Tools, & Services				\$0	\$0	\$0	\$1,400	-\$1,400
Teamsters CBA Wages & Benefits Costs		\$0	\$15,472	-\$15,472	-\$15,472	\$0	\$31,362	-\$46,834
Housing Action Plan Implementation (Commerce Grant)				\$0	\$0	\$75,000	\$75,000	\$0
Community Gardens Relocation Support				\$0	\$0	\$0	\$10,000	-\$10,000
Sustainability Plan/Energy Strategy				\$0	\$0	\$0	\$120,000	-\$120,000
DEI Commission Program Support				\$0	\$0	\$0	\$10,000	-\$10,000
Accessibility, Translation, and Outreach				\$0	\$0	\$0	\$10,000	-\$10,000
2022 Employee Medical Insurance Premiums				\$0	\$0	\$0	\$93,646	-\$93,646
General Fund Total		\$15,000	\$75,472	-\$60,472	-\$60,472	\$75,000	\$456,425	-\$441,897
Street Fund								
Snow & Ice Control Supplies		\$0	\$25,000	-\$25,000	-\$25,000			-\$25,000
Teamsters CBA Wages & Benefits Costs		\$0	\$17,310	-\$17,310	-\$17,310	\$0	\$35,098	-\$52,408
2022 Employee Medical Insurance Premiums				\$0	\$0	\$0	\$203	-\$203
Street Fund Total		\$0	\$42,310	-\$42,310	-\$42,310	\$0	\$35,301	-\$77,611
Arterial Street Fund								
Gateway I- Reimbursed Reengineering Costs		\$59,555	\$59,555	\$0	\$0			\$0
Gateway II - Vantage Highway Grant Adjustment		-\$28,000	\$0	-\$28,000	-\$28,000	\$0	\$0	-\$28,000
Arterial Street Fund Total		\$31,555	\$59,555	-\$28,000	-\$28,000	\$0	\$0	-\$28,000
Public Transit Fund								
Transit ARPA Grant		\$142,983	\$0	\$142,983	\$142,983			\$142,983
2022 Employee Medical Insurance Premiums				\$0	\$0	\$0	\$1,214	-\$1,214
Public Transit Fund Total		\$142,983	\$0	\$142,983	\$142,983	\$0	\$1,214	\$141,769
Criminal Justice Fund								
Police Training and Training Travel				\$0	\$0	\$0	\$14,500	-\$14,500
Police Dept. Staffing- Detective- 1 FTE				\$0	\$0	\$0	\$139,018	-\$139,018
Police Dept. Staffing- Admin. Sergeant- 1 FTE (6 Mo. Phase-in)				\$0	\$0	\$0	\$74,996	-\$74,996
2022 Employee Medical Insurance Premiums				\$0	\$0	\$0	\$927	-\$927
Criminal Justice Fund Total				\$0	\$0	\$0	\$229,441	-\$229,441
Sales Tax Reserve Fund								
Pearl Street Promenade Study		\$0	\$15,000	-\$15,000	-\$15,000			-\$15,000
Gateway II - Vantage Highway Grant Adjustment				\$0	\$0	\$0	\$322,000	-\$322,000
Sales Tax Reserve Fund Total		\$0	\$15,000	-\$15,000	-\$15,000	\$0	\$322,000	-\$337,000

Table 1 Continued - 2021-2022 Mid-Biennial Review - Supplemental Budget Items by Fund (First Reading)

Fund / Item	2021			Impact to Ending Fund Balance	2022			Impact to Ending Fund Balance
	Beg. Fund Balance	Revenues	Expenditures		Beg. Fund Balance	Revenues	Expenditures	
2010 Debt Service Fund								
Refunding 2010 Maintenance Bond		\$1,704,364	\$1,518,394	\$185,970	\$185,970			\$185,970
2010 Debt Service Fund Total		\$1,704,364	\$1,518,394	\$185,970	\$185,970			\$185,970
Stormwater Utility Fund								
2022 Employee Medical Insurance Premiums				\$0	\$0	\$0	\$2,164	-\$2,164
Stormwater Utility Fund Total				\$0	\$0	\$0	\$2,164	-\$2,164
Telecom Utility Fund								
2022 Employee Medical Insurance Premiums				\$0	\$0	\$0	\$198	-\$198
Telecom Utility Fund Total				\$0	\$0	\$0	\$198	-\$198
Natural Gas Utility Fund								
Walnut St Rectifier/ Anode Replacement/ Relocation		\$0	\$80,000	-\$80,000	-\$80,000			-\$80,000
Teamsters CBA Wages & Benefits Costs		\$0	\$39,207	-\$39,207	-\$39,207	\$0	\$63,668	-\$102,875
2022 Employee Medical Insurance Premiums				\$0	\$0	\$0	\$3,317	-\$3,317
Natural Gas Utility Fund Total		\$0	\$119,207	-\$119,207	-\$119,207	\$0	\$66,985	-\$186,192
Electric Utility Fund								
Annual Tree Trimming Contract		\$0	\$27,745	-\$27,745	-\$27,745			-\$27,745
2022 Employee Medical Insurance Premiums				\$0	\$0	\$0	\$11,526	-\$11,526
Electric Utility Fund Total		\$0	\$27,745	-\$27,745	-\$27,745	\$0	\$11,526	-\$39,271
Water Utility Fund								
Teamsters CBA Wages & Benefits Costs		\$0	\$13,151	-\$13,151	-\$13,151	\$0	\$26,638	-\$39,789
2022 Employee Medical Insurance Premiums				\$0	\$0	\$0	\$780	-\$780
Water Utility Fund Total		\$0	\$13,151	-\$13,151	-\$13,151	\$0	\$27,418	-\$40,569
Wastewater Utility Fund								
Teamsters CBA Wages & Benefits Costs		\$0	\$68,002	-\$68,002	-\$68,002	\$0	\$95,636	-\$163,638
2022 Employee Medical Insurance Premiums				\$0	\$0	\$0	\$582	-\$582
Wastewater Utility Fund Total		\$0	\$68,002	-\$68,002	-\$68,002	\$0	\$96,218	-\$164,220
Shop & Warehouse Fund								
Teamsters CBA Wages & Benefits Costs		\$0	\$4,555	-\$4,555	-\$4,555	\$0	\$9,230	-\$13,785
2022 Employee Medical Insurance Premiums				\$0	\$0	\$0	\$979	-\$979
Shop & Warehouse Fund Total		\$0	\$4,555	-\$4,555	-\$4,555	\$0	\$10,209	-\$14,764
Health & Benefits Fund								
Self Insured Employee Medical Benefits Fund		\$283,646	\$375,463	-\$91,817	-\$91,817	-\$58,372	\$273,235	-\$423,424
Health & Benefits Fund Total		\$283,646	\$375,463	-\$91,817	-\$91,817	-\$58,372	\$273,235	-\$423,424
Risk Management Fund								
Pest Eradication and Abatement		\$0	\$34,000	-\$34,000	-\$34,000			-\$34,000
Risk Management Fund Total		\$0	\$34,000	-\$34,000	-\$34,000			-\$34,000
IT Service Fund								
2022 Employee Medical Insurance Premiums				\$0	\$0	\$0	\$4,453	-\$4,453
IT Service Fund Total				\$0	\$0	\$0	\$4,453	-\$4,453
Grand Total		\$2,177,548	\$2,352,854	-\$175,306	-\$175,306	\$16,628	\$1,536,787	-\$1,695,465

Table 2
City of Ellensburg
2021 Summary of Budget Adjustments

Fund/Department	Budgeted Beg Fund Balance	2021 Revenues	2021 Expenditures	Budgeted Ending Fund Balance
Total General Fund	0	15,000	30,472	-15,472
Budgeted General Sub-Funds				
Sales Tax	0	0	15,000	-15,000
Economic Development	0	0	0	0
CARES/ARPA Grants	0	0	0	0
Art Acquisitions	0	0	0	0
Total Budgeted General Sub-Funds	0	0	15,000	-15,000
Special Revenue Funds:				
Street	0	0	42,310	-42,310
Arterial Street	0	31,555	59,555	-28,000
Traffic Impact Fee	0	0	0	0
Ellensburg Public Transit	0	142,983	0	142,983
Criminal Justice	0	0	0	0
Drug	0	0	0	0
CATV Ops. and & Maint.	0	0	0	0
Park Acquisitions	0	0	0	0
Lodging Tax	0	0	0	0
Housing & Related Services	0	0	0	0
Total Special Revenue Funds	0	174,538	101,865	72,673
Debt Service Funds				
Capital Imprv. Debt	0	0	0	0
2010 Maintenance Bond	0	1,704,364	1,518,394	185,970
Library Bond Debt	0	0	0	0
LID Guarantee Fund	0	0	0	0
Total Debt Service Funds	0	1,704,364	1,518,394	185,970
Capital Project Funds				
Capital Imprv. Bond Projects	0	0	0	0
Sidewalk Improvements	0	0	0	0
Total Capital Project Funds	0	0	0	0
Trust & Agency Funds				
Library Trust	0	0	0	0
Hal Holmes Trust	0	0	0	0
Fire Relief & Pension Trust	0	0	0	0
Total Trust & Agency Funds	0	0	0	0
Enterprise Funds				
Stormwater	0	0	0	0
Stormwater Bond	0	0	0	0
Telecommunications	0	0	0	0
Gas	0	0	119,207	-119,207
Light	0	0	27,745	-27,745
Water	0	0	13,151	-13,151
Water Construction	0	0	0	0
Sewer	0	0	68,002	-68,002
Total Enterprise Funds	0	0	228,105	-228,105
Internal Service Funds				
Shop & Equipment	0	0	4,555	-4,555
Health Insurance	0	283,646	375,463	-91,817
Risk Management	0	0	34,000	-34,000
IT Fund	0	0	0	0
Total Internal Service Funds	0	283,646	414,018	-130,372
Grand Total	\$0	\$2,177,548	\$2,307,854	-\$130,306

Table 3
City of Ellensburg
2022 Summary of Budget Adjustments

Fund/Department	Budgeted Beg Fund Balance	2022 Revenues	2022 Expenditures	Budgeted Ending Fund Balance
Total General Fund	-15,472	75,000	461,425	-401,897
Budgeted General Sub-Funds				
Sales Tax	-15,000	0	322,000	-337,000
Economic Development	0	0	0	0
CARES/ARPA Grants	0	0	0	0
Police Equipment Reserve	0	0	0	0
Art Acquisitions	0	0	0	0
Total Budgeted General Sub-Funds	-15,000	0	322,000	-337,000
Special Revenue Funds:				
Street	-42,310	0	35,301	-77,611
Arterial Street	-28,000	0	0	-28,000
Traffic Impact Fee	0	0	0	0
Ellensburg Public Transit	142,983	0	1,214	141,769
Criminal Justice	0	0	229,441	-229,441
Drug	0	0	0	0
CATV Ops. and & Maint.	0	0	0	0
Park Acquisitions	0	0	0	0
Lodging Tax	0	0	0	0
Housing & Related Services	0	0	0	0
Total Special Revenue Funds	72,673	0	265,956	-193,283
Debt Service Funds				
Capital Imprv. Debt	0	0	0	0
2010 Maintenance Bond	185,970	0	0	185,970
Library Bond Debt	0	0	0	0
LID Guarantee Fund	0	0	0	0
Total Debt Service Funds	185,970	0	0	185,970
Capital Project Funds				
Capital Imprv. Bond Projects	0	0	0	0
Sidewalk Improvements	0	0	0	0
Total Capital Project Funds	0	0	0	0
Trust & Agency Funds				
Library Trust	0	0	0	0
Hal Holmes Trust	0	0	0	0
Fire Relief & Pension Trust	0	0	0	0
Total Trust & Agency Funds	0	0	0	0
Enterprise Funds				
Stormwater	0	0	2,164	-2,164
Stormwater Bond	0	0	0	0
Telecommunications	0	0	198	-198
Gas	-119,207	0	66,985	-186,192
Light	-27,745	0	11,526	-39,271
Water	-13,151	0	27,418	-40,569
Water Construction	0	0	0	0
Sewer	-68,002	0	96,218	-164,220
Total Enterprise Funds	-228,105	0	204,508	-432,613
Internal Service Funds				
Shop & Equipment	-4,555	0	10,209	-14,764
Health Insurance	-91,817	-58,372	273,235	-423,424
Risk Management	-34,000	0	0	-34,000
IT Fund	0	0	4,453	-4,453
Total Internal Service Funds	-130,372	-58,372	287,897	-476,641
Grand Total	-\$130,306	\$16,628	\$1,541,787	-\$1,655,465

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE 2021-2022 BIENNIAL BUDGET OF THE CITY OF ELLENSBURG AS SET FORTH IN ORDINANCE NO. 4864 AND PREVIOUSLY AMENDED AS SET FORTH IN ORDINANCE NO. 4875 TO ADJUST APPROPRIATIONS IN THE CITY'S FUNDS.

WHEREAS, the City Council approved Ordinance No. 4864, which adopted a biennial budget for fiscal years 2021-2022; and

WHEREAS, Ch. 35A.34 RCW provides procedures for adopting, managing, and amending a biennial budget; and

WHEREAS, the City Manager has identified the need to make certain revisions to the 2021-2022 biennial budget; and

WHEREAS, the City Council has conducted a public hearing on 2022 proposed revenue sources at its October 4, 2021 regular meeting; and

WHEREAS, the City Council has conducted a public hearing regarding the Mid-Biennial Review and 2021-2021 Supplemental Budget at its November 15, 2021 regular meeting;

WHEREAS, the City Council has reviewed the proposed adjustments to the budget and has determined that they should be made;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. **2021-2022 Supplemental Budget.** The 2021-2022 biennial budget for the City of Ellensburg for the period January 1, 2021 through December 31, 2022, as authorized in Ordinance 4864 and previously amended in Ordinance 4875 is hereby amended as revised in attached Exhibits A and B, and are hereby appropriated for expenditure at the fund level during the 2021-2022 biennium.

Section 2. **Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. **Corrections.** Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance

numbering, section/subsection numbers and any references thereto.

Section 4. **Effective Date.** This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of the ordinance or a summary thereof consisting of the title.

The foregoing ordinance was passed and adopted at regular meeting of the City Council on this 6th day of December, 2021.

Mayor

Attest:

City Clerk

Approved as to form:

CITY ATTORNEY

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

Beth Leader, City Clerk

Ordinance ____ - Exhibit A (Supplemental Budget Ordinance)

City of Ellensburg

2021 Budget Table - All Funds as Amended

Fund/Department	Budgeted Beg Fund Balance	2021 Revenues	2021 Expenditures	Budgeted Ending Fund Balance
Total General Fund	4,178,154	15,762,197	17,052,901	2,887,450
Budgeted General Sub-Funds				
Sales Tax	2,449,720	4,855,497	4,730,073	2,575,144
Economic Development	0	706,814	4,000	702,814
CARES/ARPA Grants	296,806	2,946,546	3,243,352	0
Art Acquisitions	26,994	80,703	92,134	15,563
Total Budgeted General Sub-Funds	2,773,520	8,589,560	8,069,558	3,293,522
Special Revenue Funds:				
Street	1,894,258	2,330,028	2,985,173	1,239,113
Arterial Street	1,448,872	10,038,645	10,976,282	511,235
Traffic Impact Fee	793,183	386,618	609,376	570,426
Ellensburg Public Transit	2,392,579	2,569,855	1,933,995	3,028,438
Criminal Justice	2,241,725	1,170,118	1,392,147	2,019,696
Drug	31,899	3,100	15,000	19,999
CATV Ops. and & Maint.	115,277	80,420	104,171	91,526
Park Acquisitions	461,566	546,711	175,000	833,277
Lodging Tax	310,751	361,000	302,351	369,400
Housing & Related Services	1,571,051	568,547	1,722,500	417,098
Total Special Revenue Funds	11,261,162	18,055,041	20,215,995	9,100,208
Debt Service Funds				
Capital Imprv. Debt	362,378	203,184	203,184	362,378
2010 Maintenance Bond	39,772	1,922,064	1,736,094	225,742
Library Bond Debt	95,848	175,000	181,100	89,748
LID Guarantee Fund	138,523	0	0	138,523
Total Debt Service Funds	636,522	2,300,248	2,120,378	816,392
Capital Project Funds				
Capital Imprv. Bond Projects	536,090	0	536,090	0
Sidewalk Improvements	736,926	306,000	430,101	612,825
Total Capital Project Funds	1,273,017	306,000	966,192	612,825
Trust & Agency Funds				
Library Trust	320,865	6,900	8,800	318,965
Hal Holmes Trust	107,052	10,000	10,000	107,052
Fire Relief & Pension Trust	588,075	165,169	147,944	605,300
Total Trust & Agency Funds	1,015,992	182,069	166,744	1,031,317
Enterprise Funds				
Stormwater	1,143,393	1,701,629	2,035,265	809,757
Stormwater Bond	119,433	1,283,612	1,400,000	3,045
Telecommunications	247,248	401,083	399,397	248,934
Gas	2,536,896	10,366,317	8,935,306	3,967,908
Light	10,197,773	19,395,762	21,089,317	8,504,217
Water	6,503,314	11,045,312	11,804,219	5,744,407
Water Construction	0	3,200,000	3,200,000	0
Sewer	3,598,477	8,796,404	9,895,667	2,499,214
Total Enterprise Funds	24,346,534	56,190,118	58,759,170	21,777,482
Internal Service Funds				
Shop & Equipment	8,312,481	2,378,390	3,172,638	7,518,233
Health Insurance	997,240	3,082,926	3,053,071	1,027,095
Risk Management	1,201,903	686,902	740,261	1,148,544
IT Fund	1,227,608	1,948,438	1,958,948	1,217,098
Total Internal Service Funds	11,739,232	8,096,656	8,924,918	10,910,970
Grand Total	\$57,224,132	\$109,481,890	\$116,275,856	\$50,430,166

Ordinance ____ - Exhibit B (Supplemental Budget Ordinance)

City of Ellensburg

2022 Budget Table - All Funds as Amended

Fund/Department	Budgeted Beg Fund Balance	2022 Revenues	2022 Expenditures	Budgeted Ending Fund Balance
Total General Fund	2,887,450	15,126,877	17,379,092	635,235
Budgeted General Sub-Funds				
Sales Tax	2,575,144	4,855,497	5,108,871	2,321,770
Economic Development	702,814	0	0	702,814
CARES/ARPA Grants	0	2,946,546	2,946,546	0
Police Equipment Reserve	0	0	0	0
Art Acquisitions	15,563	51,000	63,000	3,563
Total Budgeted General Sub-Funds	3,293,522	7,853,043	8,118,417	3,028,148
Special Revenue Funds:				
Street	1,239,113	2,642,558	2,852,512	1,029,159
Arterial Street	511,235	6,373,825	6,690,000	195,060
Traffic Impact Fee	570,426	386,618	510,272	446,772
Ellensburg Public Transit	3,028,438	1,234,427	1,899,160	2,363,706
Criminal Justice	2,019,723	1,170,118	1,527,765	1,662,077
Drug	19,999	3,100	11,699	11,400
CATV Ops. and & Maint.	91,526	80,421	101,340	70,607
Park Acquisitions	833,277	267,261	0	1,100,538
Lodging Tax	369,400	401,000	320,313	450,087
Housing & Related Services	417,098	653,547	682,500	388,145
Total Special Revenue Funds	9,100,235	13,212,875	14,595,560	7,717,550
Debt Service Funds				
Capital Imprv. Debt	362,378	562,327	562,327	362,378
2010 Maintenance Bond	225,742	212,800	212,800	225,742
Library Bond Debt	89,748	175,000	186,000	78,748
LID Guarantee Fund	138,523	0	0	138,523
Total Debt Service Funds	816,392	950,127	961,127	805,392
Capital Project Funds				
Capital Imprv. Bond Projects	0	0	0	0
Sidewalk Improvements	612,825	306,000	273,000	645,825
Total Capital Project Funds	612,825	306,000	273,000	645,825
Trust & Agency Funds				
Library Trust	318,965	7,500	8,800	317,665
Hal Holmes Trust	107,052	10,000	10,000	107,052
Fire Relief & Pension Trust	605,300	165,169	132,622	637,847
Total Trust & Agency Funds	1,031,317	182,669	151,422	1,062,564
Enterprise Funds				
Stormwater	809,757	1,520,790	1,894,716	435,831
Stormwater Bond	3,045	0	0	3,045
Telecommunications	248,934	355,901	347,358	257,478
Gas	3,967,908	7,048,904	7,683,691	3,333,121
Light	8,504,217	19,226,770	21,085,847	6,645,140
Water	5,794,407	6,147,505	6,058,925	5,882,987
Water Construction	0	0	0	0
Sewer	2,499,214	5,443,404	5,775,191	2,167,427
Total Enterprise Funds	21,827,482	39,743,273	42,845,727	18,725,028
Internal Service Funds				
Shop & Equipment	7,518,233	2,413,910	2,224,856	7,707,287
Health Insurance	1,027,095	2,551,069	2,650,843	927,321
Risk Management	1,148,544	686,902	670,107	1,165,339
IT Fund	1,217,098	1,539,046	1,542,259	1,213,885
Total Internal Service Funds	10,910,970	7,190,927	7,088,065	11,013,832
Grand Total	\$50,480,193	\$84,565,792	\$91,412,411	\$43,633,574



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: November 15, 2021

Item Title/Agenda Subject: Second Reading of Ordinance 4880 for 2022 Property Tax Levy

Submitted by: Jerica Pascoe Finance Department

Recommended Action or Motion: Conduct second reading and adoption of Ordinance 4880 establishing the Ad Valorem Property Tax Levy for 2022

Background/Summary: Ordinance 4880 reflects the 2022 levy for property taxes to be collected in 2022 for municipal purposes. The ordinance establishes the 2022 regular property tax levy, the 2022 excess property tax levy, and certifies the 2022 property tax levy to the Kittitas County Commissioners.

RCW 84.55.005 limits the increase in property taxes to the lower of one percent over the prior year levy rate or the Implicit Price Deflator (IPD). The IPD inflation rate for setting 2022 property tax was 3.86%; therefore, the City was limited to 101%.

Tax revenue funds are approximately 60% of the General Fund budget, of which property tax alone accounts for 15.6%. Because Council has very limited control over revenue/funding sources that support general government activities, without increases in General Fund revenues such as property tax, the City cannot fund the necessary overhead increases without further reducing fund balance. In order for delivery of service to remain consistent from year to year, funding of these services must also remain consistent and thus rise as expenses rise.

The increase in IPD does reflect the overall rate of inflation that we are seeing locally. For example, EMS services are scheduled to increase \$8,828 (11.25%) over the 2021 actual cost, and we have been notified of Kittcom dispatch and cost center user fee increases of \$75,558 (15.17%) over 2021 for the General Fund. In addition, labor contract increases including \$75,582 (3.4%) for Teamster Police salaries including anticipated class promotions, and 3% for OPEIU resulting in

increased General Fund salaries and wages of \$60,759, and a 5.83% increase in minimum wage are just a few of the General Fund increases in 2022.

Previous Council Action: Council held a public hearing on revenue sources, including property tax, on October 4, 2021. Council gave first reading to Ordinance 4880 at the November 1, 2021 meeting.

Analysis: Property tax collections for the City of Ellensburg are estimated to be \$3,416,197, equaling the highest lawful levy limit for the tax year. This is an increase of \$49,276 over the 2021 levy. This reflects a one percent (1.00%) increase of \$33,669, an increase of \$36,0906 attributed to new construction, improvements, wind turbines, solar, biomass, and geothermal facilities, \$0 for an increase in the value of state-assessed property, \$1,324 from annexations, and a decrease of (\$21,807) due to a prior year refund levy. This decrease (reduction) happens when, in the tax collection process, there are more cancellations than supplements in a prior year and the taxing district requests a refund levy to be included within the current year's levy. The 2021 refund levy is not included in the highest lawful levy amount calculation for 2022. These numbers may change slightly as updated numbers are provided by the county.

Financial Impact: Adoption of Ordinance 4880 at 1.00% will increase the property tax revenue by \$33,669. The proposed 2022 budget includes the 1.00% increase.

Attachments:
[Ordinance 4880 2022 Property Tax Levy](#)

ORDINANCE NO. 4880

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, LEVYING PROPERTY TAXES FOR THE CITY OF ELLENSBURG FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2022, ON ALL PROPERTY IN SAID CITY WHICH IS SUBJECT TO TAXATION FOR THE PURPOSE OF PAYING SUFFICIENT REVENUE TO CARRY ON GENERAL OPERATIONS, RECOGNIZE VOTER APPROVED LEVIES AND PAY DEBT SERVICE OBLIGATIONS OF SAID CITY AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Ellensburg adopted Ordinance 4592 in 2011 establishing a two-year fiscal biennial budget process as provided in Chapter 35A.34 RCW; and

WHEREAS, the City Council of the City of Ellensburg held a duly advertised public hearing on October 4, 2021 to consider proposed 2022 revenue sources, including property taxes; and

WHEREAS, the City Council of the City of Ellensburg has met and considered its budget for 2021-2022 biennial budget pursuant to RCW 84.55.120; and

WHEREAS, pursuant to RCW 84.55.120, the City Council of the City of Ellensburg held a duly advertised public hearing on November 1, 2021, to consider possible increases in property tax revenue for the calendar year 2022; and

WHEREAS, the City's actual levy amount from previous year was \$3,366,920.96; and

WHEREAS, the population of the city is more than 10,000,

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

Section 1. General Tax Levy for 2022. An increase in the regular property tax levy is hereby authorized for the levy to be collected in the 2022 tax year. The dollar amount of the increase over the actual levy amount from previous year shall be \$33,669.21, which is a percentage increase of 1% from previous year. This increase is exclusive of additional revenue resulting from new construction, improvements to property, newly constructed wind turbines, solar, biomass, and geothermal facilities, and any increase in the value of the state assessed property, any annexations that have occurred and refunds made.

Section 2. Excess Tax Levy for 2022. In addition to the above levies for the ensuing fiscal year of 2022, there shall be and are hereby levied current taxes of \$175,000, the purpose of which is to retire the outstanding obligation incurred by the City for general obligation bonds that have been issued after an affirmative vote of the citizens in favor thereof.

Section 3. Majority Approval. This ordinance was passed by a majority of the entire Council.

Section 4. Transmittal to Auditor. A certified copy of this Ordinance shall be transmitted to the Kittitas County Assessor's Office and to the Clerk of the Kittitas County Commissioners, and such other governmental agencies as provided by law.

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 portion(s) 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, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of the ordinance or a summary thereof consisting of the title.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 15th day of November, 2021.

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. 4880 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4880 was published as required by law.

BETH LEADER



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: November 15, 2021

Item Title/Agenda Subject: Resolution to Approve Fiscal Year 2021 Bad Debt Write-Offs

Submitted by: Jerica Pascoe Finance Department

Recommended Action or Motion: Consider adoption of the proposed resolution writing off uncollectible delinquent accounts totaling \$68,972.21

Background/Summary: The proposed resolution authorizes the write-off of uncollectible utility accounts, miscellaneous invoices, parking citations, and library accounts for fiscal year 2021. Annually, City Council considers the write-off of accounts deemed uncollectible.

The City contracts with Merchants Credit Association (MCA) for collection services. MCA has determined that the accounts included (except for the Library accounts under \$100) are uncollectible due to the statute of limitations or bankruptcy.

The Library uses Unique as their collection agency. The Library considers accounts with outstanding amounts under \$100 uncollectible for patrons who have not been responsive to Unique's collection attempts and have not used their library card in the past two (2) years. In 2017, the Library began sending any amounts over \$100 to MCA prior to writing them off. Therefore, the write-off amounts for the Library accounts with balances over \$100 have been deemed uncollectible by MCA.

Previous Council Action: None

Analysis: The amounts to be considered for 2021 are as follows;

- utility accounts - \$59,040.59
- miscellaneous invoices - \$1,785.68
- parking citations \$2,165.00
 - citations \$1,140.00
 - related penalties \$1,025.00
- library accounts (under \$100) - \$3,504.39
 - lost items \$639.71

- fines/fees \$2,864.68
- library accounts (over \$100) - \$2,476.55

The following table shows the utility write-off history for the current year and previous six years:

	2015	2016	2017	2018	2019	2020	2021
Utility Accounts	\$71,927.46	\$41,630.12	\$49,029.43	\$41,046.44	\$41,145.30	\$60,376.36	\$59,040.59
Business License Fees	595.00	170.00	80.00	80.00	2102.78	0	0
Miscellaneous Invoices	0	539.10	0	0	0	1,702.83	1,785.68
Parking Citations							
Citations	4,600.00	745.00	575.00	575.00	1,475.00	1,585.00	1,140.00
Penalties	3,810.00	820.00	680.00	475.00	1,901.39	1,020.47	1,025.00
Library Accounts	13,978.46	11,510.39	5,286.23	7,391.60	4,881.03	2,746.70	5,980.94
Total Write-offs	\$94,910.92	\$55,414.61	\$55,650.66	\$49,568.04	\$51,505.50	\$47,431.36	\$68,972.21

Financial Impact:

These accounts have been deemed uncollectible. The 2018 change to Cash Basis accounting does not impact this process. Therefore, writing off the uncollectible balances will reduce revenues not yet recorded by \$68,972.21. The City continues to maintain accounts receivable data, monitor delinquent accounts, and follow City policy for collection of past due amounts.

Attachments:

[Resolution 2021 Write Offs](#)

RESOLUTION NO. 2021-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG,
WASHINGTON PROVIDING FOR THE WRITE-OFF OF 2021 UTILITY BILLINGS,
BUSINESS LICENSE FEES, PARKING CITATIONS, AND LIBRARY ACCOUNTS.**

WHEREAS, utility, miscellaneous invoices, parking citations, and library account billings are presently outstanding; and

WHEREAS, these outstanding billings are deemed to be uncollectible and need to be removed from the City's accounts receivable files;

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, AS FOLLOWS

Section 1. The utility receivable amounts are as follows and are hereby written off:

Gas	\$5,572.56
Electric	\$38,232.08
Water	\$6,104.13
Sewer	\$5,905.07
Stormwater	\$3,226.75
Total	\$59,040.59

Section 2. Miscellaneous invoices in the amount of \$1,785.68 are hereby written off.

Section 3. Parking citations and related penalties in the amount of \$2,165.00 are hereby written off.

Section 4. Library accounts in the amount of \$5,980.94 are hereby written off.

ADOPTED by the City Council of the City of Ellensburg this 15th day of November, 2021.

Mayor

Attest:

City Clerk



CITY COUNCIL AGENDA REPORT

City Council Meeting Date:	November 15, 2021
Item Title/Agenda Subject:	Council Funded Grant Program - 2022 Grant Awards
Submitted by:	Laurie Gigstead City Manager Department
Recommended Action or Motion:	Consider the award recommendations and authorize the 2022 grant funding distributions in the amount of \$41,234 for the Community Grants, Water Quality Grants, and Historic Preservation Grants.
Background/Summary:	The City Council Subcommittee, Parks and Recreation Commission, Environmental Commission and Landmarks and Design Commission solicited and received grant applications to each of their respective programs by the August 31 advertised deadline. Each commission reviewed the project requests against the eligibility requirements and have recommended awards for Council's consideration. By resolution, Council set funding limits for each program as follows: Council Community Grants - .3% of annual sales tax revenue (April 2020-March 2021) - \$15,617.39 Parks Partnership Program - .3% of annual sales tax revenue (April 2020-March 2021) - \$15,617.39 Historic Preservation - .3% of annual sales tax revenue (April 2020-March 2021) - \$15,617.39 Water Quality Grant Program - annual stormwater revenue - \$10,000
Previous Council Action:	The Parks Partnership awards for 2022 were approved at the October 4, 2021 Council meeting in the amount of \$15,617.39.
Analysis:	Attached is a spreadsheet showing the recommendations for the four programs. The recommendations from the Council Subcommittee (\$15,617), Environmental Commission (\$10,000) and Landmarks and Design Commission (\$15,617) total \$41,234.
Financial Impact:	The 2022 budget includes \$56,852.17 for the four grant

programs.

Attachments:

[2022 Council Funded Grant Recommendations](#)

2022 COUNCIL FUNDED GRANT PROGRAMS

COMMUNITY GRANTS

Applicant	Request	Award
CASA	\$5,000.00	\$4,500.00
Ellensburg Glass Recycling Cooperative	\$9,974.25	\$4,000.00
Kittitas Co. Early Learning Coalition	\$3,000.00	\$1,500.00
Kittitas Co. Friends of Animals	\$2,700.00	\$2,500.00
Youth Services of Kittitas County	\$10,000.00	\$3,117.00
West Ellensburg Interchange Economic Development/Watershed Planning Coop.	\$6,000.00	\$0.00
	\$36,674.25	\$15,617.00

HISTORIC PRESERVATION

Applicant	Request	Award
Monica Miller - Gallery One	\$15,617.00	\$3,548.75
Jodi Polak/MJSS LLC - Geddis Bldg.	\$15,617.00	\$3,548.75
Kristine Miller - Otto Klug House	\$5,000.00	\$3,548.75
Mollie Edson - 420 N. Pearl	\$1,422.49	\$1,422.00
Darren Reid - The Ames House LLC	\$9,000.00	\$3,548.75
John Graf - 109 E. 10th Avenue	\$7,500.00	\$0.00
Andrew Van Den Hoek - United Methodist Church	\$3,700.00	\$0.00
	\$57,856.49	\$15,617.00

PARK PARTNERSHIPS

Applicant	Request	Award
Reecer Creek Floodplain Interpretive Signs	\$2,250.00	\$2,250.00
West Ellensburg Park Fairpoint Field	\$15,000.00	\$10,000.00
Ellensburg Explorers - KEEN	\$10,000.00	\$3,367.39
	\$27,250.00	\$15,617.39

WATER QUALITY

Applicant	Request	Award
Mid Columbia Fisheries	\$10,000.00	\$5,000.00
Ellensburg Glass Recycling Cooperative	\$10,000.00	\$5,000.00
	\$20,000.00	\$10,000.00



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: November 15, 2021

Item Title/Agenda Subject: Update from Northwest Open Access Network (NoaNet) on Broadband Feasibility Study

Submitted by: Ben Faubion Information Technology

Recommended Action or Motion: No action required; presentation is for discussion and feedback purposes only.

Background/Summary: NoaNet is a mutual non-profit corporation created by Public Utility Districts in rural Washington State, and provides additional support for the City Telecom's fiber optic network. They also provide broadband consulting services, including strategic and feasibility planning. The City has contracted with NoaNet to develop a feasibility study for the City to identify served and underserved areas within the City, and barriers to broadband in the community. The work to date has included a surveying demand aggregation (survey, marketing with social media outreach, mapping existing infrastructure and demand aggregation results).

Previous Council Action: N/A.

Analysis: The presentation will focus on broadband and business case planning, sharing results of the survey, tasks list and a path forward for a long-term strategic plan in advance of bringing a plan back to Council in early 2022 for consideration.

Financial Impact: None at this time.

Attachments:
[Ellensburg Broadband Planning Update Nov 2021](#)

City of Ellensburg Broadband Development

Chris Walker
Senior Executive Director, Infrastructure Strategy
Northwest Open Access Network, NoaNet
cwalker@noanet.net

Broadband Planning

OBJECTIVES

1. Expand upon the objectives of the original build out 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*

Business Case Planning

Open Access

1. Expand broadband to further support residential and business subscribers
2. Partner with existing and future Internet Service Providers to supply end user services
3. Manage the infrastructure and electronics, ISP's manager end user support and customer connections

Excess Capacity and Business Class Services

1. Expand upon infrastructure currently supplying city services
2. Utilize excess capacity in the system to operate individual case base solutions
3. Continue the current model

Public Private Partnerships

1. Expand broadband to further support residential and business subscribers
2. Partner with one existing Internet Service Providers to supply end user services
3. Manage the infrastructure and electronics, ISP's manager end user support and customer connections

Retail

1. Expand broadband to further support residential and business subscribers
2. Directly compete with local providers by supplying broadband directly to consumers
3. Build fiber, electronics, and service drops to citizens

Broadband Feasibility Study Task List

IDENTIFY AREAS OF CONCERN/NEED

Task 1 – Complete heat maps of underserved and unserved areas.

Task 2 – Identify areas with future build plans by either public or private investment.

Task 3 – Incorporate the Interactive Map into the beheardeburg.com

[Interactive Map](#)

SHOVEL READY DESIGN

Task 1 – Work to develop shovel ready designs that serve a general community or area(s) or need. These zones are created across all areas of the city.

Task 2 – Categorize / Prioritize list of the various zones by need, grant eligibility, logical network deployment.

OPERATING MODEL

Task 1 – Outline the operating model of an open access broadband network.

Task 2 – Outline the operating model with the city serving as the Internet Service Provider to publicly invested networks.

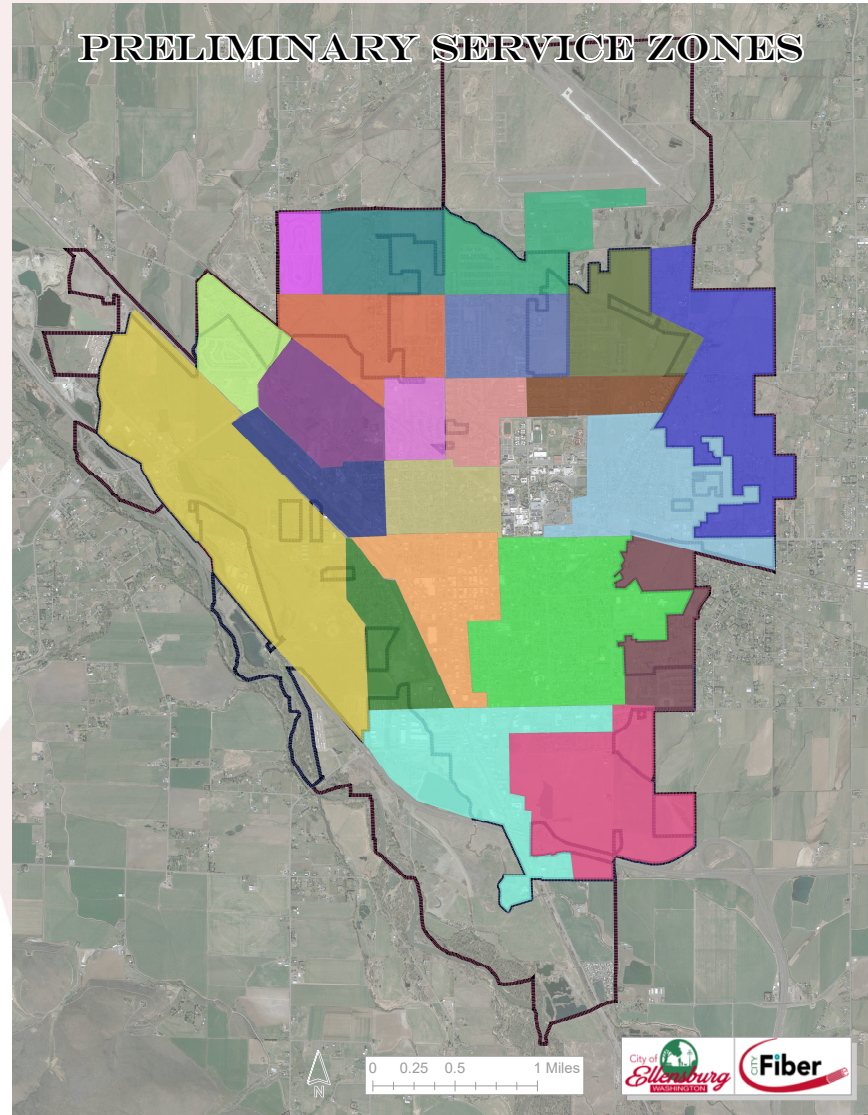
Task 3 – Interview retail ISPs that would potentially serve on an open access network

Task 3.1 – Identify service providers role and contribution to the open access delivery model, operationally, customer connections and customer acquisition.

Long Term Strategic Plan

Path Forward

1. Build Plan
2. Revenue Expectations
3. Operating and Expense Model during expansion and growth
4. Organizational and staffing structure
5. Go / No-Go considerations
6. Risk Profile



Thank you!

Chris Walker
Senior Executive Director, Infrastructure Strategy
Northwest Open Access Network, NoaNet
cwalker@noanet.net



MANAGER'S REPORT

DATE: November 15, 2021

TO: Ellensburg City Council

FROM: Heidi Behrends Cerniwey, City Manager

1. Waste Management Collection on Thanksgiving Day.

Waste Management will provide regularly scheduled curbside collection service on Thanksgiving Day, November 25, 2021. The Kittitas County Transfer Station will remain closed to the public in observance of the Thanksgiving holiday.

2. Notice of Natural Gas Purchases.

Staff is notifying City Council, as required by Chapter 9.80 of the Ellensburg City Code, of two recent natural gas purchase commitments to Shell Energy North America. The first purchase commitment is for 500 MMBtu/day at \$4.61/MMBtu for the months of November 2022 through March 2023. The total value of the contract purchase is \$348,055. The second purchase commitment is for 500 MMBtu/day at \$4.89/MMBtu for the months of November 2022 through March 2023 as well. The total value of the second contract purchase is \$369,195. The total combined value of the two contract purchases is \$717,250.

3. Ellensburg Awarded Housing Action Plan Implementation Grant.

Community Development staff applied for a Department of Commerce Housing Action Plan Implementation grant on October 7, 2021, based on the Housing Action Plan adopted by the City Council on October 4, 2021. The City was recently awarded \$75,000 through this program to begin implementation of priority strategies identified in the plan.