

COUNCIL AGENDA

Monday, December 20, 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_WMh2o7X_RBCecGywfYXGmA

There will be a reception to recognize service for Councilmembers Lamb and Morgan beginning at 5:30 p.m.

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_WMh2o7X_RBCecGywfyXGmA. 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 Via Zoom
Monday, December 20, 2021
5:30 PM - Reception
6:00 PM – Study Session
7:00 PM - Regular Meeting**

Study Session

1. [Proposed Land Development Code Amendments](#)
[DRAFT Land Development Code Ordinance 12-20-21](#) 8
 2. **City of Ellensburg 2022 Legislative Priorities**
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Pledge of Allegiance

1. **Call to Order and Roll Call**
2. **Proclamations**
3. **Awards and Recognitions**
4. **Approval of Agenda**
5. **Consent Agenda**

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

- 5.A Approve Minutes of the December 6, 2021 Regular Meeting 65
[12-6-21 Council Minutes](#)
- 5.B Acknowledge Minutes of Boards and Commissions 71
[EBDA Minutes 11-10-21](#)
[Lodging Tax Advisory Committee Minutes 11-3-21](#)

5.C	Project Acceptance - Bid Call 2021-10 Tree Pruning Contract with Basin Tree Services & Pest Control, Inc.	74
5.D	Addendum to Jail Agreement with City of Sunnyside Sunnyside Jail-EPD ILA Addendum	75
5.E	Interlocal Jail Agreement with Kittitas County for 2022-24 KCSO-EPD INMATE HOUSING 2022 Interlocal Agreement	78
5.F	Amendment #2 Memorandum Of Understanding (MOU) between City of Ellensburg, Bureau of Reclamation and Twin City Foods MOU Amendment #2	91
5.G	Interlocal Cooperation Agreement with NoaNet Interlocal Agreement with NoaNet December 2021	95
5.H	Consideration of Approving the Service of Alcohol at the Ellensburg Winterhop Brewfest	117
5.I	Bid Call 2020-35, Helena Avenue Complete Streets Improvements Project	118
5.J	Bid Award Bid Call 2021-13 Illinois Well Facility RH2 Recommendation to Award	120
5.K	2022 Interlocal Cooperation Payment Agreement with Kittitas County Emergency Medical Services and Trauma Care Council Memo from Cheryl Burrows 2022 Payment Agreement Kittitas County EMS Proposed 2022 Budget Plan	125
5.L	Approve Voucher Listing for December 20, 2021 12-20-21 Voucher Listing	129

6. Petitions, Protests, and Communications

6.A	Board and Commission Appointments. B and C Agenda Report Chart 12-20-21 12-20-21 Applications for Appointment	130
6.B	Surplus Park Property Discussion - Catherine Park and Whitfield Triangle Parcels Whitfield Triangle History Memo Resolution 1963-17 (Whitfield Triangle) Letter from Bill Meyer re: Whitfield Triangle Park Additional Residents Supporting Whitfield Triangle Park Annette Schrag Letter re: Whitfield Park Catherine Park History Memo	136

Catherine Park Information

7. Citizen Comment on Non-agenda Issues

8. Business Requiring Public Hearings

9. Introduction and Adoption of Ordinances and Resolutions

- 9.A Second Reading and Adoption of Ordinance 4882 amending the Ellensburg Comprehensive Plan 155
Ordinance 4882 Comp Plan 2nd Reading
Exhibit A 2021 Capital Improvement Plans
Exhibit B 2021 Comp Plan Updates
- 9.B Ordinances (first reading) to amend City Code provisions related to City Commissions, Boards and Committees, and Hearing Examiner 242
Boards and Commissions Ordinance (first reading)
Hearing Examiner Ch. 1.70A Ordinance (first reading)
- 9.C Resolution to adopt amended City Council Rules of Procedure 276
Resolution - Council Rules and Procedures 2021 update
Resolution - Council Rules and Procedures 2021 update(Legislative Version)
- 9.D Resolution Extending Temporary Streateries 332
Resolution to Extend Streateries
- 9.E Resolution for Allocation of 2022 Lodging Tax Funds 336
2022 COE LTAC Funding Resolution
- 9.F Resolution notifying the public of the intent to designate the Central Commercial and Central Commercial II zoning districts as the residential targeted area for the purpose of expanding the Multifamily Property Tax Exemption Program and setting the required public hearing. 340
Resolution expanding MFTE to CC-II

10. Unfinished Business

11. New Business

- 11.A Interlocal Agreement between the City of Ellensburg and Kittitas County for Annexation and Development within the Urban Growth Area 345
City-County ILA re: UGA

12. Miscellaneous

12.A Manager's Report

400

[12-20-21 Managers Report](#)

12.B Councilmembers' Reports

13. Executive Session

14. Adjournment

Next Ord. 4883

Next Res. 2021-39



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 20, 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 which also allow 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 who 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 and the Planning Commission have 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 shares 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 study sessions 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. Staff would further advise Council to review the draft ordinance that is attached to this report, as a few corrections have been made to the use table since it was last reviewed.

This discussion will include a review of the use that is labeled “Retail, super scale (>60,000 sq feet)”, as found on page 23 of the ordinance. The attached ordinance depicts this use a “Permitted” use in the C-H and RC-MU zones. Rather than being a carryover from the C-T zone as previously indicated by staff, this is actually a recommendation forwarded by the Planning Commission following their 2018-19 study sessions. At this point in time, staff recommends that Council hold a 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:

N/A

Attachments:

DRAFT Land Development Code Ordinance 12-20-21

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).

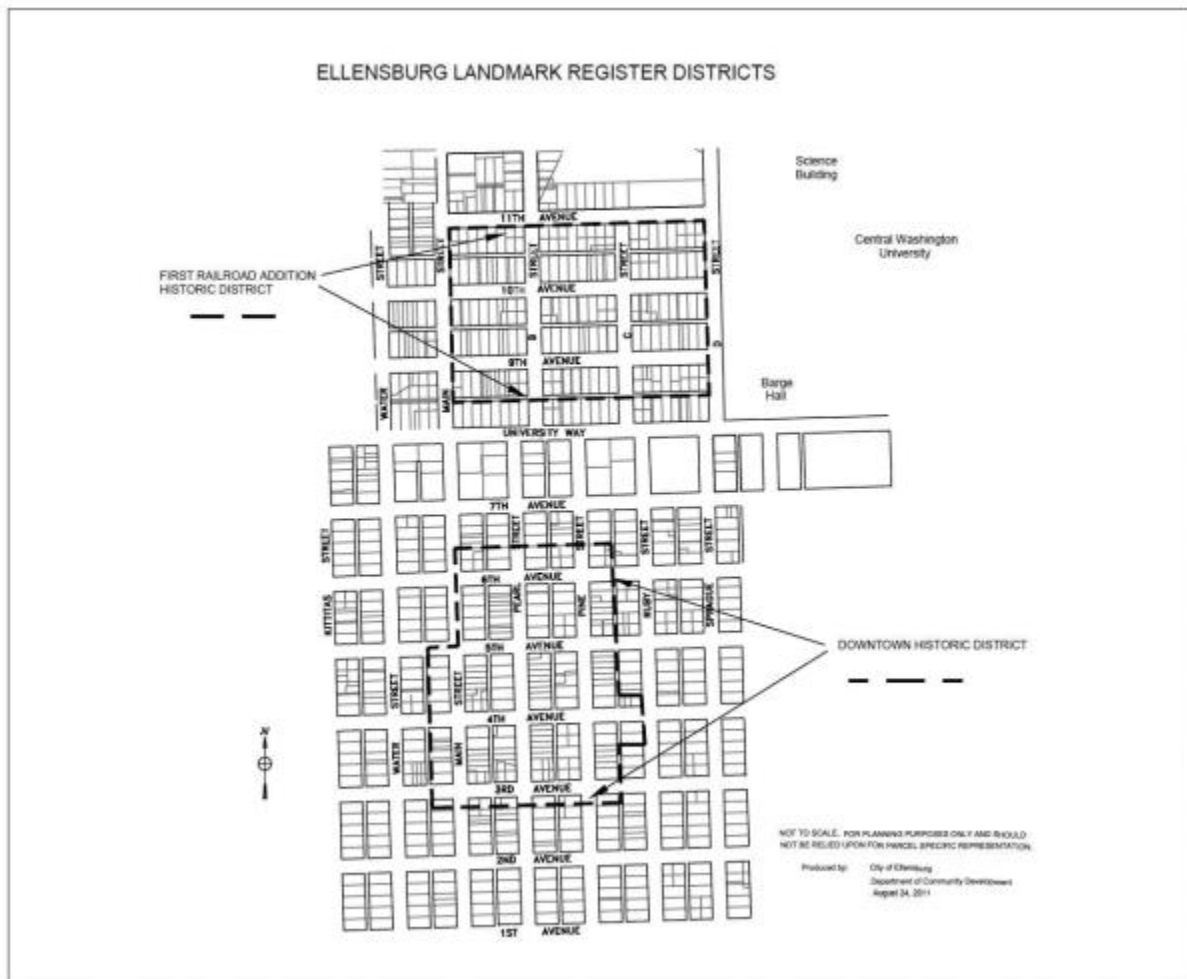


Figure 15.300.0670(B). Downtown and First Railroad Addition historic district boundaries.

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.

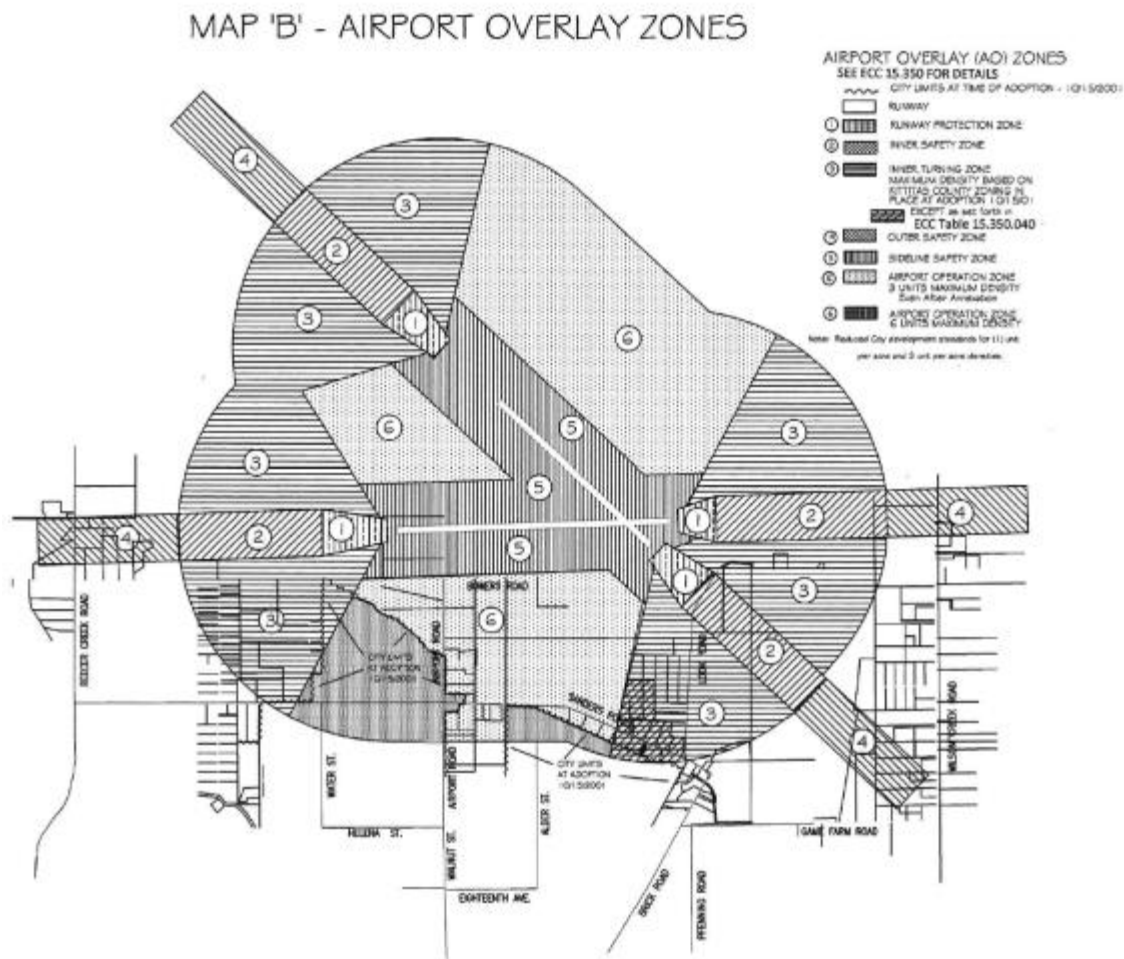


Figure 15.300.0670(D). Airport overlay zone and applicable airport safety zones as described in Chapter 15.350 ECC.

[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 ^{4,2}	P ^{4,2}	P		P				P ⁷	P ⁷					A ⁶	
Dwelling, townhouse* (ECC 15.540.060)	P ^{4,5,2}	P ^{4,2}	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 ^{4,4}	<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, seminaries, fraternities * fraternities*		C	P	P	C				P ⁷	P ⁷		<u>P</u>	<u>P</u>		A ⁶	
Adult family home*	P	P	P	P	P	P			P ⁷	P ⁷		<u>P</u>	<u>P</u>		A ⁶	
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	<u>P</u>	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:
 - a. Only two yard/garage sales per dwelling unit not exceeding three consecutive days in duration are allowed per year;
 - b. The occupant or tenant of the dwelling unit shall supervise and be responsible for the yard/garage sale activities including ensuring that there is no impediment to the passage of traffic on public roads and sidewalks adjacent to the sale;
 - c. No goods are to be displayed in public rights-of-way without first obtaining a right-of-way use permit from the public works and utilities department; and
 - d. Signs advertising the sale shall not be attached to any public structure, sign, sign or utility pole or traffic control devices and shall be removed within 24 hours of the sale completion.

Table 15.310.040 Nonresidential uses

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

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	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 ¹⁰	P ²	P		P	P	P	
Hotels/motels*							P	P	P	P	P	P			
Hospitals*	C	C	C		P				C	P		C			A ⁹⁶
Offices, medical*	P ⁸				P	P	P	P	P	P	P	P			P/ A ⁹⁶
Kennels*								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		P	P	P	C	C	C		A ⁹⁶
Radio station (commercial)		C						GP			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)								P	P	P	<u>P</u>	<u>P</u>	P		P/ A ⁹⁶
Miniwarehouse facility*			C					<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)									P ^{2,44Z}	P ^{2,44Z}	<u>P^{2,7}</u>	<u>P^{2,7}</u>	P	P	
Hazardous waste treatment (off-site) (see definition of “off-site” in ECC 15.130.150)													C	C	
Hazardous waste treatment (on-site) (see definition of “on-site” in ECC 15.130.150)							<u>C</u>	C	C	C			C	C	A ⁹⁶
Heavy industry (ECC 15.130.080)														C	
Marijuana processor*													P ¹⁴	P ¹⁴	
Marijuana producer*													P ¹⁴	P ¹⁴	
Tow vehicle storage area*													P	P	
Vehicle wrecking yard*														C	

Development conditions:

1. Sales of used vehicles in this zone are limited to uses that include sales of new vehicles as the primary use.
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.

~~7.14-~~ 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	None¹
Minimum frontage	None ^{1,2}	None ^{1,2}	None ^{1,2}	None ^{1,2}	None^{1,2}
Density, minimum (ECC 15.320.050)		6 du/acre ³	8 du/acre ³	15 du/acre	8 du/acre³

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:
Ord. **** - Title 15 Land Development Code ECC - Page **28** of **53** (xx-xx-21)

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>

Ord. **** - Title 15 Land Development Code ECC - Page 29 of 53 (xx-xx-21)

<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 and mark 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.

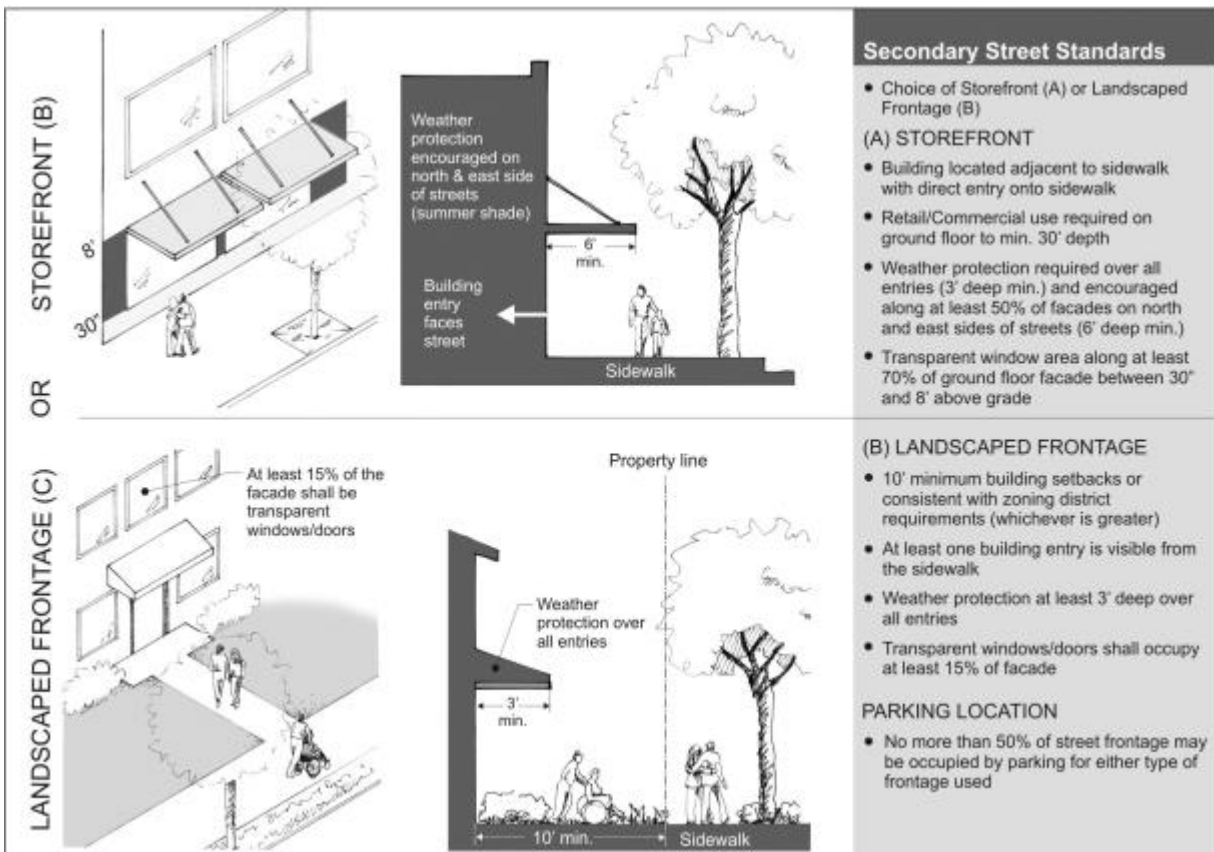


Figure 15.510.060(A). Summary of key secondary street standards.

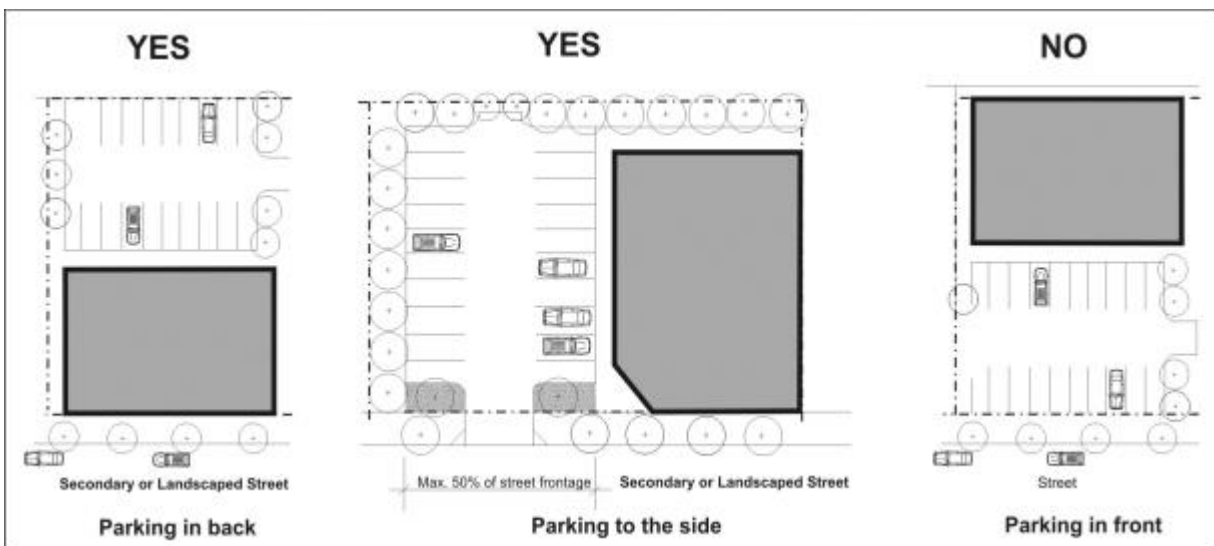


Figure 15.510.060(B). Parking location standards for designated secondary streets.

[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.

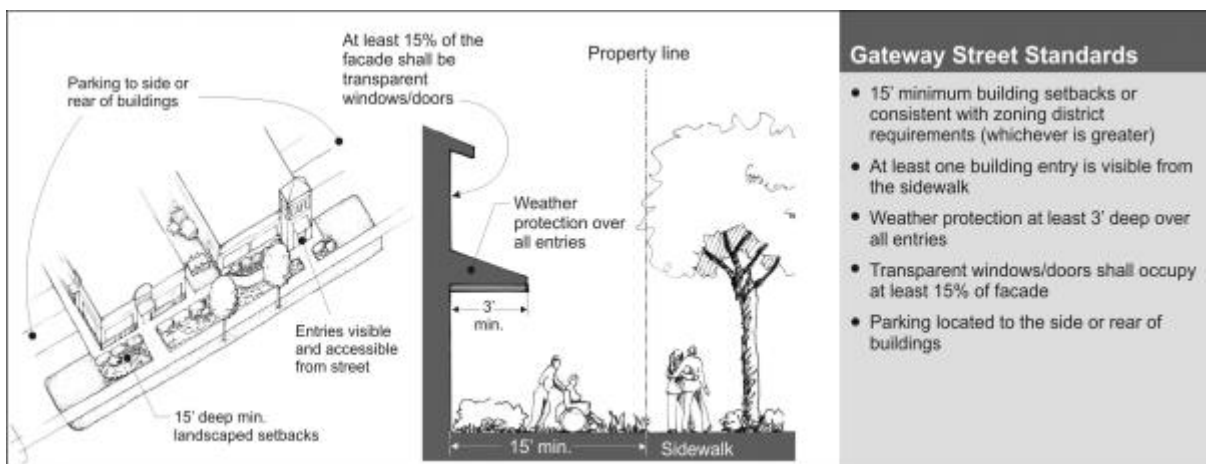


Figure 15.510.070. Summary of key gateway street standards.

[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.

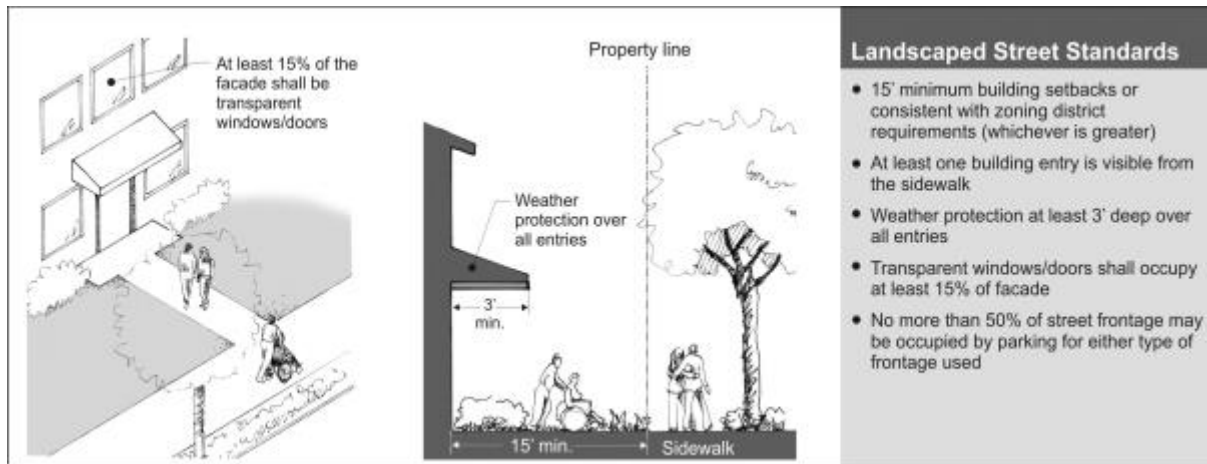


Figure 15.510.080. Summary of key landscaped street standards.

[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 foot 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, seminaries, 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.

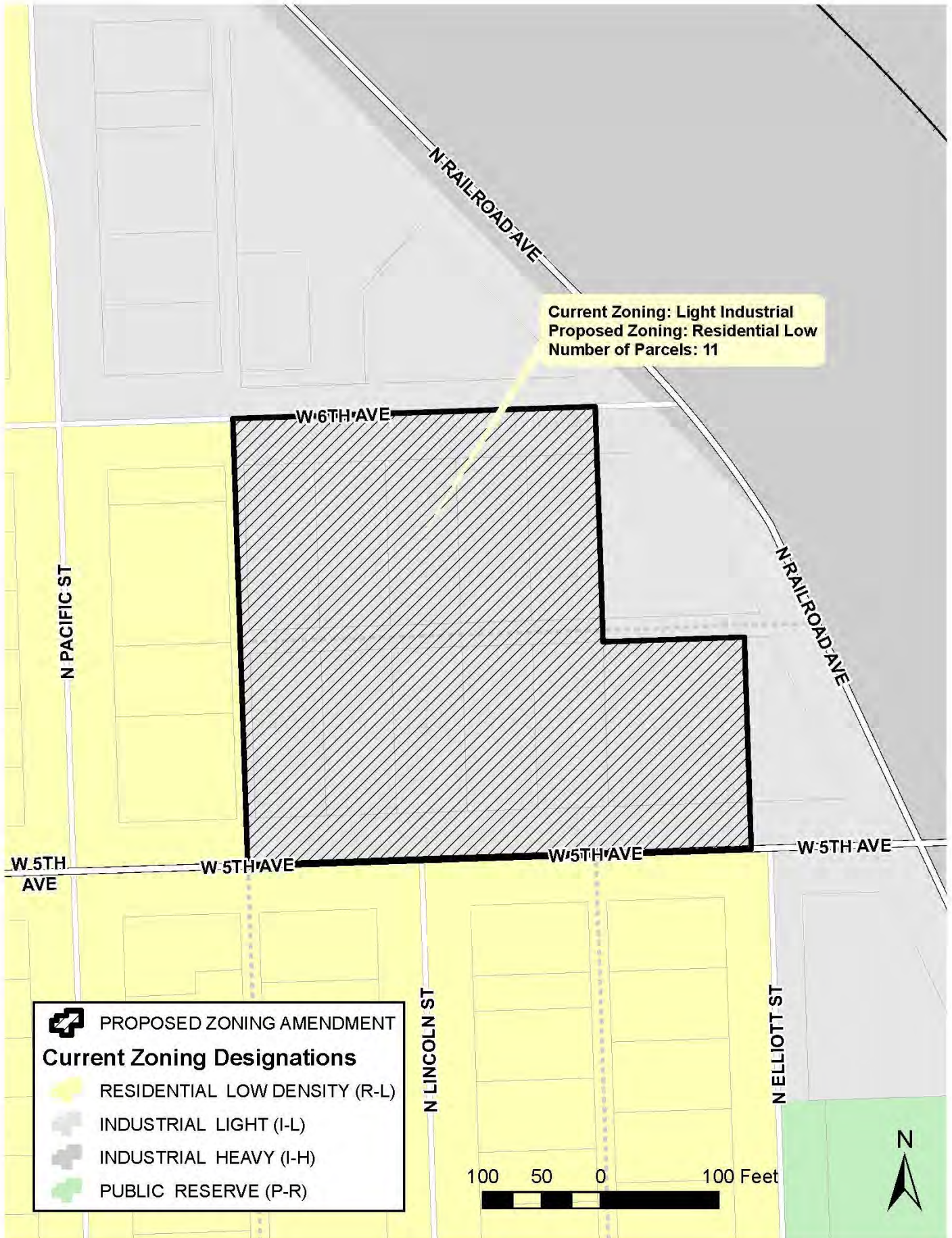
L. Garages. Required off-street parking that is provided in garages or carports shall be credited toward the required off-street parking spaces except that no stacked or tandem parking that blocks off those garages or carport parking spaces from direct or unobstructed access to ingress or egress to a 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.]

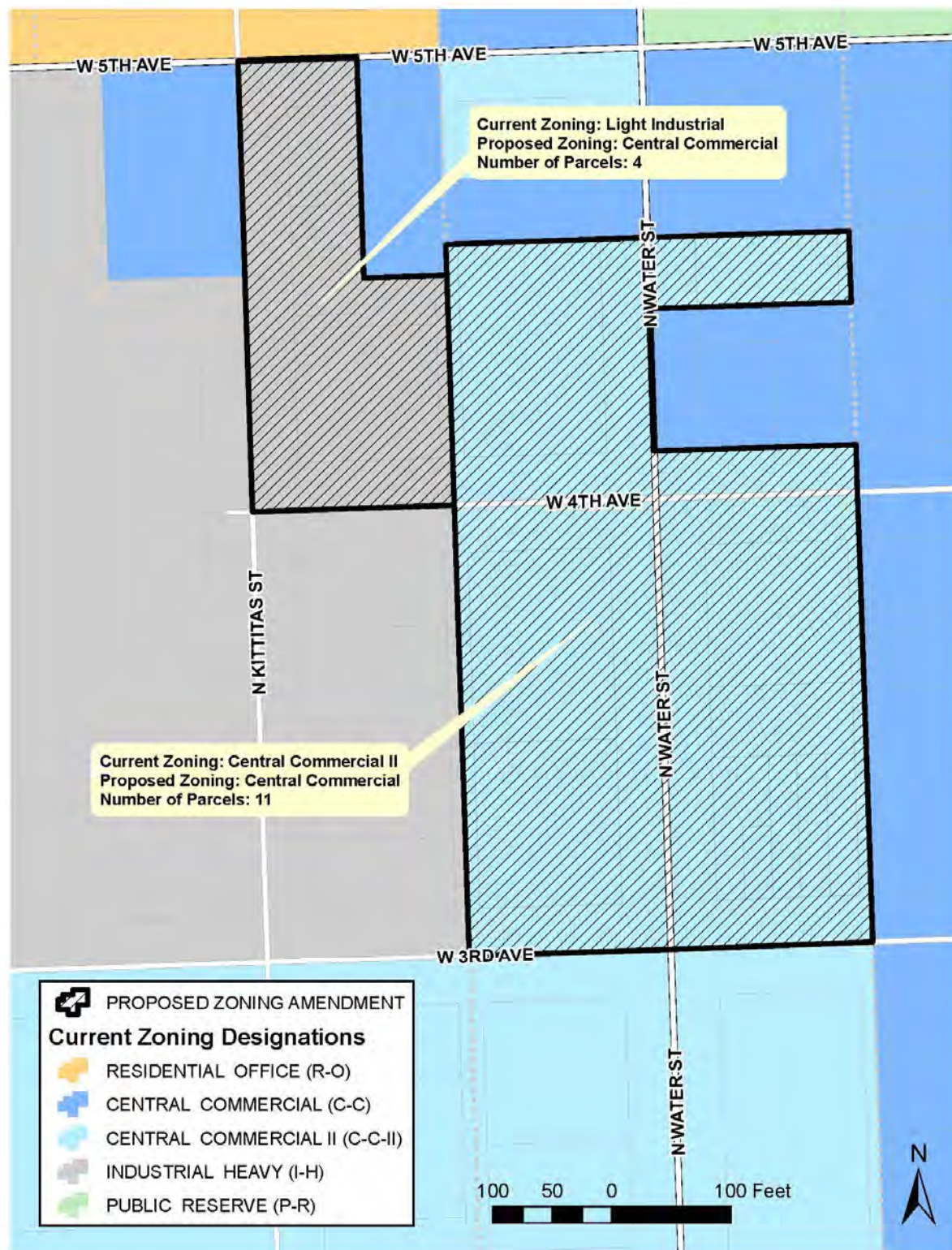
Section 35. The zoning district map of the Land Development Code of the Ellensburg City Code is hereby amended as follows to implement the Residential Neighborhood comprehensive plan future land use designation as confirmed through community outreach to sustain the existing residential neighborhood through 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:



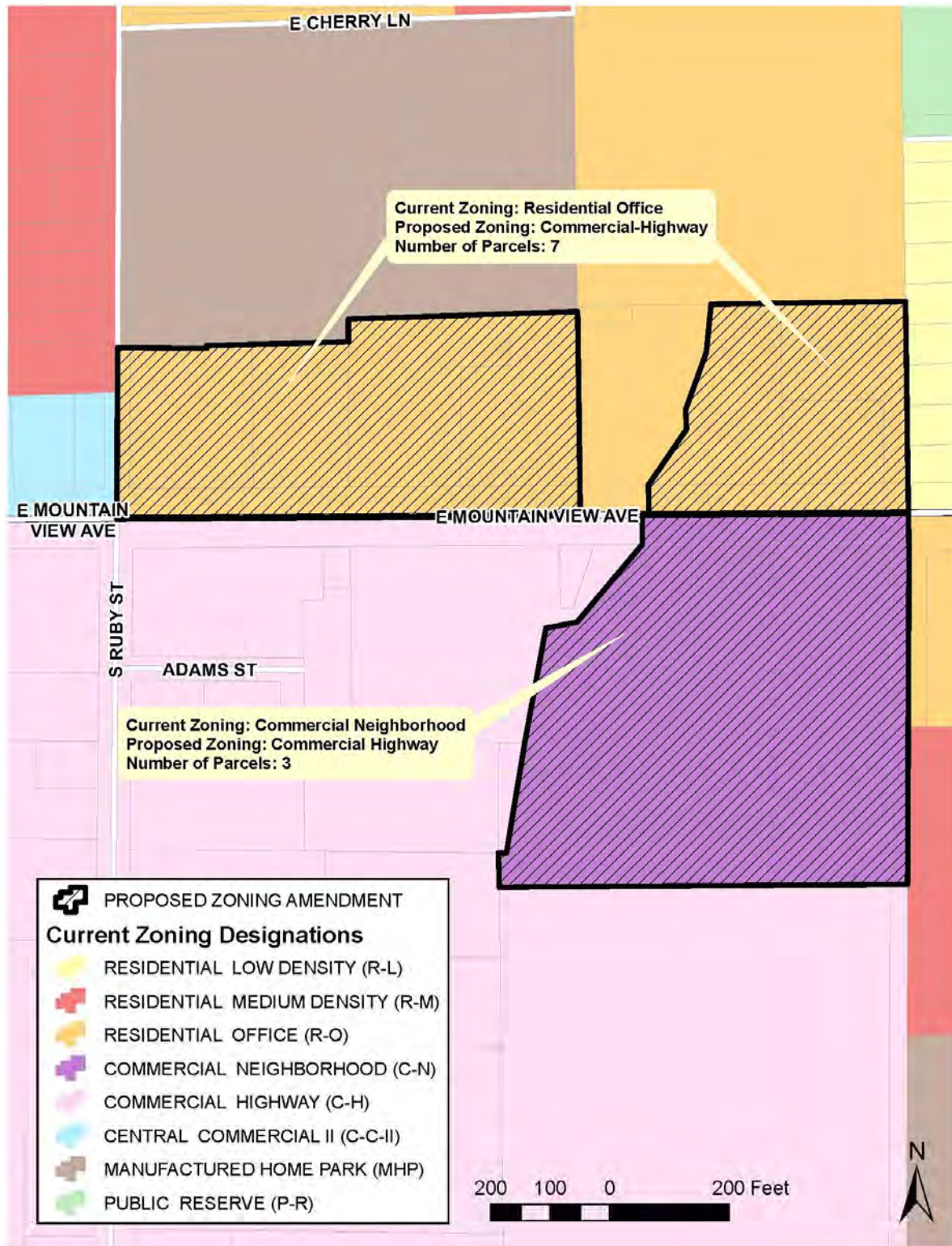
Section 36. The zoning district map of the Land Development Code of the Ellensburg City Code is hereby amended as follows to implement the Parks and Open Space comprehensive plan future land use designation consistent with future floodplain management projects:



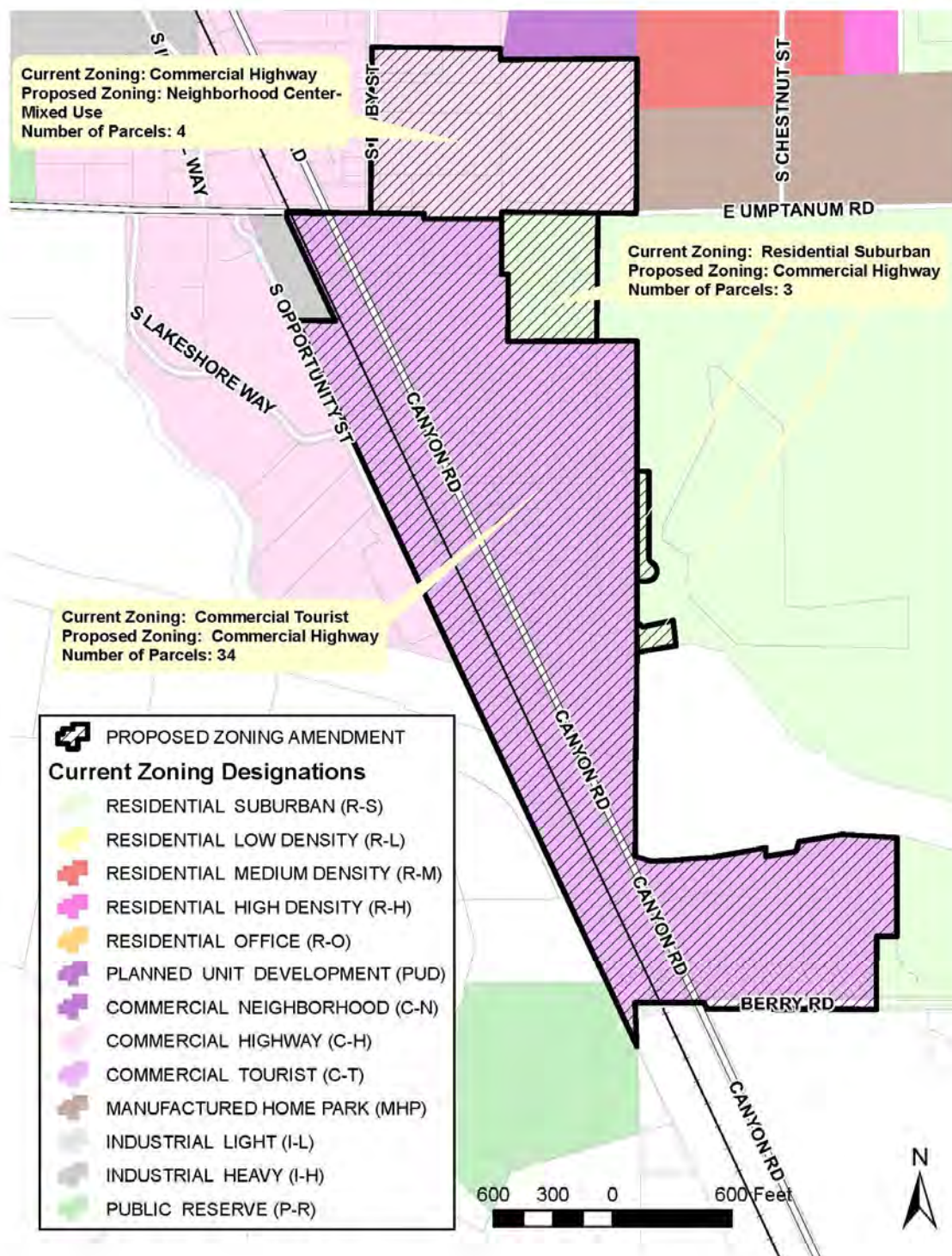
Section 37. The zoning district map of the Land Development Code of the Ellensburg City Code is hereby amended as follows to implement the Urban Center comprehensive plan future land use designation as confirmed through community outreach to provide for expansion of the downtown area that follows development 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:



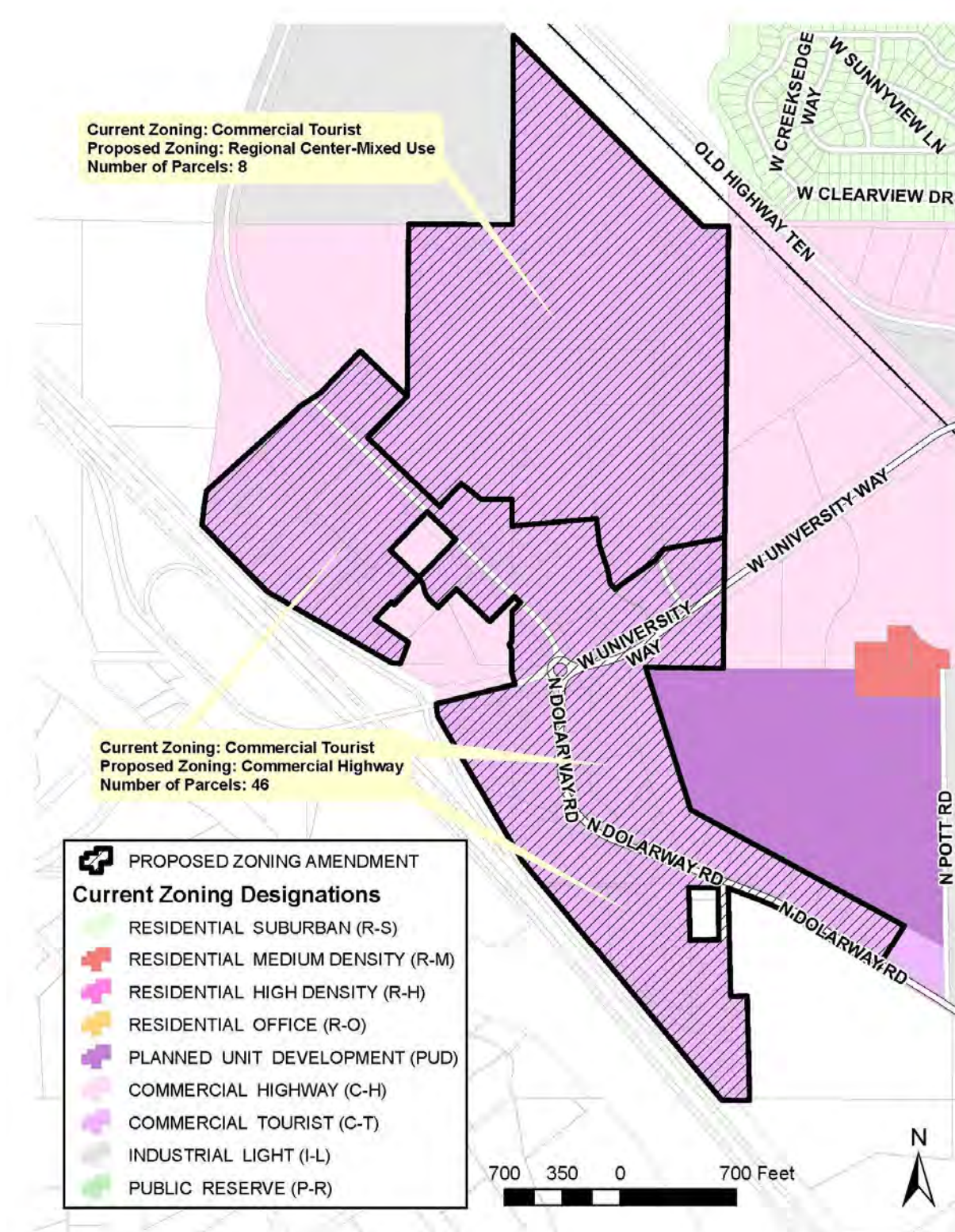
Section 38. The zoning district map of the Land Development Code of the Ellensburg City Code is hereby amended as follows to implement the Community Mixed Use comprehensive plan future land use designation as confirmed through community outreach to provide for more flexibility of commercial uses that 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

December 6, 2021

7:00 PM

Council Chambers 501 North Anderson Street

Ellensburg, WA 98926

and remotely via Zoom

Pledge of Allegiance

The Pledge of Allegiance was led by Councilmember Lillquist

1. Call to Order and Roll Call

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

Absent: Mary Morgan

Councilmember Lamb attended remotely via Zoom

Councilmember Elliott moved to Approve excused absence for councilmember Morgan.

Motion Approved 6-0.

Also present in person: City Manager Behrends Cerniwey, City Attorney Weiner, Executive Assistant Gigstead, Community Development Director Sackett, HR Director Young, Finance Director Pascoe, Power & Gas Manager Stanavich, Public Works & Utilities Director Lyyski, Engineering Manager Mayo, Councilmember Elect Winn and approximately ten members of the public

Also present remotely via Zoom: Planning Manager Ayling, Senior Planner Henderson and approximately two members of the public

2. Proclamations

2.A. Environmental Rights Awareness Day

Councilmember Lillquist read the proclamation

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

Motion Approved 6-0.

3. Awards and Recognitions

4. Approval of Agenda

Councilmember Elliott moved to Approve the Agenda as presented. **Motion Approved 6-0.**

5. Consent Agenda

- 5.A. Approve Minutes of the November 15, 2021 Regular Meeting
- 5.B. Approve Minutes of the November 15, 2021 Study Session
- 5.C. Acknowledge Minutes of Boards and Commissions
- 5.D. Accept the Resignation of Veronica Acevedo from the Diversity, Equity and Inclusion Commission
- 5.E. Approval of Ellensburg Arts Commission 2022 Grant Awards
- 5.F. Approve Voucher Listing for December 6, 2021

Councilmember Elliott moved to Approve the Consent Agenda as presented. **Motion Approved 6-0.**

6. Petitions, Protests, and Communications

6.A. Board and Commission Applications and Requests for Reappointment
Jordan Ruhle introduced himself and spoke on his interest in the Affordable Housing Commission.

Raven Harlin introduced herself and spoke on her interest in the Environmental Commission.

Councilmember Miller moved to Approve reappointing the three individuals requesting reappointment to the respective commissions. **Motion Approved 6-0.**

Councilmember Elliott moved to Approve accepting the recommendation from EBDA for the two member reappointments. **Motion Approved 6-0.**

7. Citizen Comment on Non-agenda Issues

Lee Bates - 1802 N Bluegrass Lane, thanked the State Park Ranger for his assistance with clearing of the trail and spoke regarding the traffic report from Fehr & Peers

Pat Kelleher - 6530 Wilson Creek Rd, spoke regarding traffic on Cora Street

Christopher Hobbs - 1391 Reecer Creek Rd, expressed concern regarding access to meetings

8. Business Requiring Public Hearings

- 8.A. Public Hearing (Legislative) and First Reading of an Ordinance amending the Ellensburg Comprehensive Plan

The Mayor opened the public hearing. Community Development Director, Kirsten Sackett, presented information in the staff report. She entered another document into the record as Exhibit 24 - SEPA Final Determination

She reviewed proposal 21-06 and City Attorney Weiner explained the options Council had for that docket item. Director Sackett then reviewed the other proposals including the new DEI section of the Plan.

She reviewed the Planning Commission review process and recommendations.

Jackie Brunson - 1585 Tjossem Rd, owner of the parcel included in Docket 21-11 spoke in support of the docketed item.

Fabian Kuchin – 1404 Dry Creek Rd, spoke regarding his request for future land use designation change included in Docket 21-10

Christopher Hobbs - 1391 Reecer Creek Rd, spoke regarding the DEI Section of the Comp Plan, Docket 21-02.

There were questions from Council regarding Dockets 21-04, 21-10 and the Economic Development Chapter, Docket 21-06.

The Mayor closed the public hearing.

Councilmember Lillquist moved to Approve proposal 21-10 with proposed staff modifications as presented. **Motion Approved 6-0.**

Councilmember Elliott moved to Approve proposal 21-11 with proposed staff modifications as presented the hearing. **Motion Approved 6-0.**

Councilmember Lillquist moved to Approve proposal 21-01 with modifications to amend the Parks & Recreation capital improvements schedule. **Motion Approved 6-0.**

Councilmember Lillquist moved to Approve proposal 21-02 as presented. **Motion Approved 6-0.**

Councilmember Lillquist moved to Approve proposal 21-03 as presented. **Motion Approved 6-0.**

Councilmember Lillquist moved to Approve referring proposal 21-04 to next year's annual amendment process. **Motion Approved 6-0.**

Councilmember Elliott moved to Approve proposal 21-05 as presented. **Motion Approved 6-0.**

Councilmember Lillquist moved to Deny proposal 21-06. After discussion, Councilmember Lillquist withdrew the motion.

Councilmember Lillquist moved to Approve referring proposal 21-06 to the 2022 annual amendment process. **Motion Approved 6-0.**

Councilmember Elliott moved to Approve conduct first reading of Ordinance 4882 with Dockets 21-01, 21-02, 21-03, 21-05 all as presented, Dockets 21-10 and 21-11 as modified and Dockets 21-04 and 21-06 referred to the 2022 process. **Motion Approved 6-0.**

9. Introduction and Adoption of Ordinances and Resolutions

9.A. Ordinance 4881 - Mid-Biennial Review Supplemental Budget Ordinance
Finance Director, Jerica Pascoe, presented information in the staff report and reviewed changes incorporated in second reading of the ordinance.

Councilmember Elliott moved to Approve second reading and adoption of Ordinance 4881. **Motion Approved 6-0.**

9.B. Pay Plan Resolution for 2022
Human Resources Director, Lisa Young, presented information in the staff report.

Councilmember Elliott moved to Approve Resolution 2021-36 for the 2022 Pay Plan. **Motion Approved 6-0.**

9.C. Resolution approving Multifamily Housing Limited Property Tax Exemption Agreement with Stalder Holdings LLC for 1st and Pine Studios
Planning Manager, Jamey Ayling, presented information in the staff report.

Councilmember Goodloe moved to Approve Resolution 2021-37 for MFPTE Agreement. **Motion Approved 6-0.**

9.D. Resolution to approve Affordable Housing Agreement with Habitat for Humanity
City Attorney, Terry Weiner, presented information in the staff report.

Councilmember Elliott moved to Approve Resolution 2021-38 for the Affordable Housing Agreement with Habitat with Humanity. **Motion Approved 6-0.**

10. Unfinished Business

11. New Business

11.A. Clean Energy Transformation Act (CETA) – Clean Energy Implementation Plan (CEIP)
Power & Gas Manager, Buddy Stanavich, reviewed information in the staff report and presented background information for requirements of the plan.

Councilmember Lillquist requested inclusion of information regarding the gas utility and how that affects the electric utility.

Councilmember Elliott moved to Approve the CETA plan.

Councilmember Lillquist moved to Approve amending the language on page 366 to include a discussion regarding the CCA and the effects on the electric utility. **Motion Approved 6-0.**

Councilmember Elliott moved to Approve the CETA plan as amended. **Motion Approved 6-0.**

11.B. Appointment Process for Council Position No. 7

City Manager Behrends Cerniwey, presented information concerning advertisement and acceptance of applications for open position 7.

Councilmembers discussed the closing date. Council concurred that January 7, 2022 should be the closing date.

12. Miscellaneous

12.A. Manager's Report

The City Manager reviewed the report.

Councilmember Miller moved to Approve council scheduled study sessions on the second council meeting of the month through 2022. **Motion Approved 6-0.**

12.B. Councilmembers' Reports

- Councilmember Elliott reported on the County Commissioners public hearing for 1/10 of one percent for mental health, met regarding Covid effects on the healthcare system, and attended a meeting for the infrastructure bill
- Councilmember Goodloe attended the Law & Justice Committee and the Utility Advisory Committee
- Councilmember Lillquist attended the Utility Advisory Committee, Environmental Commission
- Councilmember Miller attended the KCCOG meeting
- Mayor Tabb participated in TIP kickoff meeting, and the Affordable Housing Commission

13. Executive Session

13.A. Per RCW 42.30.110(1)(i)(iii) litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency. Two items were to be discussed.

Council recessed into Executive Session and began discussion at 9:26 pm. It was anticipated to last 10 minutes and no action would be taken.

Council reconvened at 9:36 pm

14. Adjournment

Meeting adjourned at 9:36 pm

Mayor

ATTEST: _____
City Clerk



Centerfuse

Ellensburg Business Development Authority BOARD OF DIRECTORS MEETING MINUTES

Regular meeting held synchronously in-person and virtually
Wednesday, November 10, 2021
4:00-5:30 PM

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

Others present: Margaret Reich, Executive Director

Absent: Rich Elliott, Ellensburg City Council liaison

1. Meeting Called To Order

Meeting was called to order at 4:03 PM

2. Approval of Agenda

Motion to approve the meeting's agenda by Grant Clark, second by John Perrie. Motion approved by unanimous vote.

3. Approval of Minutes

Motion to approve October 2021 regular meeting minutes with addition of 'resolution 5 notification to Chair and Treasurer' by Garrett Poshusta, second by Grant Clark. Motion approved by unanimous vote.

4. Board Business

- a. The board received two applications for reappointment: John Perrie and Garrett Poshusta. The board asked the Executive Director to develop a procedure for reappointment, annual board review and self-evaluation for board members making application for reappointment for future use.

Motion to approve the reappointment of John Perrie and Garrett Poshusta to the board by Del Bankston, second by Grant Clark. Motion approved by unanimous vote.

- b. Financial Reports
Treasurer, Grant Clark, presented financial reports.



c. Executive Director report

Executive Director Margaret Reich presented matters for board consideration and questions to the board including board confirmation of budget and marketing plan to continue implementation for website work, and a request for contribution of \$5,000 for Creative District planning.

Motion to approve \$5,000 contribution to the Creative District planning process by Linda Schactler, second by Bob Rapp. Review of draft strategic plan

d. Review of draft strategic plan

A sub-committee of the board comprised of Linda Schactler, Andreas Bohman, Del Bankston, and Garrett Poshusta met for one month to develop a 2022 strategic workplan. The draft workplan was discussed and reviewed by the full board.

Motion to make final and approve the 2022 strategic workplan by Linda Schactler, second by Bob Rapp. Motion approved by unanimous vote with edits: Add to community SWOT scan weakness: Cumbersome process to become a business. Include 'relevance' in goal 2 and replace the word 'articulate' with 'reflect' in goal 3.

5. **Items for Future Consideration**

The board Chair and Vice-Chair will meet with the Executive Director for her annual review. Nominations for the 2022 board roster will be discussed at the December 2021 meeting, as will the draft 2022 budget. The review of Bylaws and Charter is still pending.

6. **Adjournment** – time 5:23 Motion to adjourn by Del Bankston.

Drafted: 11/16/2021

Approved:



Submitted by: Margaret Reich

LODGING TAX ADVISORY COMMITTEE

November 3, 2021 (1:00 p.m. to 3:40 p.m.)

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

Members Absent: Steve Townsend (excused).

Others Present: Laurie Gigstead, Executive Assistant.

1. **Call to Order.** Mary Morgan called the meeting to order at 1:00 p.m.
2. **Minutes of the October 6, 2021 meeting.** Moved and seconded (Lacie/Jim) to approve minutes as written. Motion approved.
3. **Correspondence and Public Comment Period.** Laurie advised she had received an email from Steve Townsend stating he would be willing to serve as vice chair if others were not interested.
4. **Unfinished Business.**
 - A. **Budget/Financials Review.** Laurie advised that the expenditures reflected Chamber billings through August. The October revenues were \$67,762, which is 69.54% over October 2020 and -6.27% over October 2019. Reviewed and acknowledged.
 - B. **Review and Rating of Consolidated Lodging Tax Grant Applications for 2022 Funding Recommendations.** The members discussed suggesting to the Consolidated group allocating funding in two categories – non-profit and for profit (private enterprise). They also felt applicants that submit multiple applications should be combined or funded for only one event.

Consensus was to fund an applicant a maximum of \$20,000 (potentially combining recommendation over more than one application). Funding was recommended for scores over 60. Scores 90 and above would receive full funding, 80-89 could receive an amount up to \$20,000, 70-79 could receive an amount up to \$15,000, and 60-69 could receive an amount up to \$10,000.

The members recommended funding for 22 applications in the amount of \$242,160.
5. **New Business.**
 - A. **Vice Chair Appointment.** Moved and seconded (Jim/Lacie) to appoint Steve Townsend as Vice Chair. Motion approved.
 - B. **Discuss December Meeting Schedule.** Laurie requested that the December meeting be moved from December 1 to December 8, 2021. The group agreed that the next meeting would be on Wednesday, December 8, 2021 at 2:00 pm.

With no further business, the meeting was adjourned at 3:40 p.m.

Respectfully submitted,
Laurie Gigstead
Recording Secretary

Drafted: 11/04/2021

Approved: 12/8/2021



CITY COUNCIL AGENDA REPORT

City Council Meeting Date:	December 20, 2021
Item Title/Agenda Subject:	Project Acceptance - Bid Call 2021-10 Tree Pruning Contract with Basin Tree Services & Pest Control, Inc.
Submitted by:	Josh Mathews Public Works & Utilities
Recommended Action or Motion:	Staff is recommending Council accept Bid Call 2021-10 as complete.
Background/Summary:	All work for tree pruning services for 2021 has been satisfactorily completed by Basin Tree Services & Pest Control, Inc., and the contract is ready to be accepted as complete. Bid Call 2021-10 for tree trimming services was published through the City's small works roster process and after being evaluated by staff, was awarded to Basin Tree Services & Pest Control, Inc. by City Council on August 16, 2021. The contract was for an estimated 360 hours of work at \$363.18 per crew hour for a total cost of \$130,744.80.
Previous Council Action:	City Council, at its August 16, 2021 meeting, awarded Bid Call 2021-10 to Basin Tree Services & Pest Control, Inc. as the lowest responsive and responsible bidder.
Analysis:	The tree trimming work performed by Basin Tree Services & Pest Control, Inc. was completed in November of 2021. Basin Tree Services & Pest Control, Inc. completed 360 crew hours and invoices totaled \$130,744.80 under this contract at the agreed upon hourly crew rate of \$363.18. Council is now being requested to accept project as complete.
Financial Impact:	There were no change orders and the total cost of the work performed was within the contract amount.



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 20, 2021

Item Title/Agenda Subject: Addendum to Jail Agreement with City of Sunnyside

Submitted by: Dan Hansberry Police

Recommended Action or Motion: Authorize the Mayor to sign the addendum to the Interlocal Agreement for Inmate Housing with the City of Sunnyside.

Background/Summary: Attached is a proposed addendum to the Interlocal Agreement with the City of Sunnyside that would continue to provide a secondary option for jail services for the City of Ellensburg. The City of Ellensburg plans to continue a Jail Services Agreement with Kittitas County.

Currently the City of Ellensburg contracts with Kittitas County and the City of Sunnyside for jail services. The Kittitas County bed day rate is \$66.50 through 2021, with a pending three-year renewal with a 5% increase each year.

The current City of Sunnyside Jail services agreement, effective October 26, 2018, allowed for a continuation of the agreement into 2020 with the bed rate of \$50.00, an increase from 2019 bed day rate of \$45.00. An addendum for 2021 increased the bed day rate to \$53.00. The City of Sunnyside Jail is presenting a new jail services agreement addendum for 2022 increasing the bed day rate to \$55.00. This is the only item in the addendum to the current agreement which is renewed automatically.

We conduct a thorough weekly review of all inmates housed at the Kittitas County Jail to determine which inmates qualify for immediate transfer to the Sunnyside Jail. During the COVID-19 pandemic we have not been sending inmates to the Sunnyside Jail. We plan on resuming these transfers in 2022.

Previous Council Action: The City Council originally approved this interlocal agreement, which was executed on October 26, 2018.

Analysis: This proposed agreement maintains the opportunity for

immediate savings for jail services to the City of Ellensburg. The City of Sunnyside will provide the City of Ellensburg with an itemized bill listing of all inmates who are housed, the number of days housed and dollar amount due for each inmate on a month to month basis.

Financial Impact:

This addendum reflects a jail services bed day increase for 2022 of \$2.00. This increase was anticipated and is reflected in the Department's Jail Services budget for 2022.

Attachments:

[Sunnyside Jail-EPD ILA Addendum](#)

INTERLOCAL AGREEMENT BETWEEN THE CITY OF SUNNYSIDE, WASHINGTON
AND THE CITY OF ELLENSBURG, WASHINGTON, FOR THE HOUSING OF INMATES

ADDENDUM IV

THIS ADDENDUM TO OUR INTERLOCAL AGREEMENT (hereinafter referred to as "Agreement") dated October 26, 2018 is made and entered into by and between the City of Sunnyside, Washington and the City of Ellensburg, Washington;

WHEREAS, the City of Sunnyside and the City of Ellensburg already have an Agreement for the housing of inmates;

WHEREAS, the City of Sunnyside desires to modify this Agreement;

NOW THEREFORE, in consideration of the mutual covenants, condition and promises contained herein, the parties hereto mutually agree as follows:

SECTION 6(a) COMPENSATION shall be repealed and replaced with:

(a) Rates. Sunnyside agrees to accept and house City of Ellensburg inmates for compensation per inmate at the rate of **\$55.00** per day. The date of booking into the Sunnyside Jail of any City of Ellensburg inmate shall be charged a minimum of a full daily rate per inmate regardless of the time of booking within a 24 hour period. The date of release from the Sunnyside Jail and/or returned to City of Ellensburg, regardless of the time frame within a 24 hour day shall not constitute a charge by the City of Sunnyside against City of Ellensburg.

This Agreement shall be effective from January 1, 2022 or once fully endorsed by both parties, whichever is latter.

The remainder of the original Agreement remains unchanged.

CITY OF SUNNYSIDE

City of Ellensburg

City Manager

DATE: _____

ATTEST:

City Clerk

DATE: _____

City Clerk



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 20, 2021

Item Title/Agenda Subject: Interlocal Jail Agreement with Kittitas County for 2022-24

Submitted by: Dan Hansberry Police

Recommended Action or Motion: Authorize the Mayor to sign the Interlocal Agreement with Kittitas County

Background/Summary: Attached is a proposed Interlocal Agreement with Kittitas County that would continue to provide jail services for the City of Ellensburg. Currently the City of Ellensburg contracts with Kittitas County and City of Sunnyside for jail services. The current bed day rate is \$66.50 through 2021. This agreement includes bed day rate increases to \$69.83 per day for 2022, 73.32 per day for 2023, and \$76.99 per day for 2024, roughly a 5% increase annually.

Aside from these daily bed day rate increases, the County is seeking to add a fee structure layer for those City inmates requiring additional, or specialized conditions of incarceration to the extent that they must be placed alone in a single cell that is designed for double occupancy. In these instances the daily bed day rate would double. The County will promptly notify the Police Department if an inmate has been designated for specialized housing that will trigger the increased bed day rate.

Upon request the County was unable to provide historical incarceration data of specialized inmate housing needs other than to indicate it has only occurred a few times over the past several years. It was also requested that the County include definitions of these specialized needs which they have included in the Interlocal Agreement. At this time we are unable to predict or estimate the potential cost of this increase. In researching other jail services this appears to be an industry standard to charge additional fees for inmates that require specialized care.

Previous Council Action: The City Council previously approved an Interlocal Agreement for jail services with Kittitas County on February 16, 2021.

Analysis:

This agreement reflects increases for normal bed day rates through 2024. The agreement includes additional bed day rates (double) for those inmates identified as requiring specialized care. This agreement will be in conjunction with the Sunnyside Jail agreement. Staff will determine which agreement will better suit the City on a per inmate analysis of sentencing and pending court dates. Staff will also monitor the frequency of the specialized incarceration needs of City inmates to determine if future budget adjustments will be needed.

Financial Impact:

This agreement reflects a 5% bed day rate increase each year through 2024. This increase was anticipated and reflected in the Department's jail services budget for 2022. The specialized incarceration bed day rate was not communicated to the Department prior to the presentation of this agreement therefore it was not taken into consideration for the 2022 budget.

Attachments:

[KCSO-EPD INMATE HOUSING 2022 Interlocal Agreement](#)

**INTERLOCAL AGREEMENT BETWEEN
THE CITY OF ELLENSBURG, WASHINGTON
AND KITTITAS COUNTY, WASHINGTON,
FOR THE HOUSING OF INMATES FOR 2022-2024**

THIS INTERLOCAL AGREEMENT is made and entered into on this ____ day of _____, 2021 by and between Kittitas County, Washington, a Washington municipal corporation, hereinafter referred to as “County”, and the City of Ellensburg, Washington, hereinafter referred to as the “City”, each party having been duly organized and now existing under the laws of the State of Washington. Both entities may be referred to in this Agreement collectively as “Parties” or individually as “Party”.

WITNESSETH:

WHEREAS, Kittitas County owns and operates the Kittitas County Jail, located in Ellensburg, Washington; and

WHEREAS, the City, whose law enforcement officers from time to time arrest persons for misdemeanors, gross misdemeanors or felonies, which may result in jailing of the person arrested; and

WHEREAS, the City does not own or operate its own jail and seeks to contract for jail facilities and services from the County for confinement of City prisoners; and

WHEREAS, the County has expressed a willingness to provide jail facilities and services to the City; and

WHEREAS, the Interlocal Cooperation Act (Chapter 39.34 RCW) and the City and County Jails Act (Chapter 70.48 RCW), authorizes contracts for jail services made between a county and a city; and

WHEREAS, the governing bodies of each of the parties hereto have determined to enter into this Interlocal Agreement for the Housing of Inmates by action taken at a regular meeting; and

NOW, THEREFORE, in consideration of the above and foregoing recitals, the payments to be made, the mutual promises and covenants herein contained, and for other good and valuable consideration, the parties hereto agree as follows:

I. Governing Law

The parties hereto agree that, except where expressly otherwise provided, the laws and administrative rules and regulations of the State of Washington shall govern in any matter relating to an inmate(s) confined pursuant to this Agreement.

II. Term

This Agreement shall be effective January 1, 2022 and shall extend for a period of three years until midnight, December 31, 2024, subject to earlier termination as provided herein.

III. Notice

All notices, reports, and correspondence to the respective parties of this Agreement shall be sent to the following:

To the City: **Ellensburg Police Department**
100 North Pearl Street
Ellensburg WA, 98926

Primary Contact: **Operations Captain**
Secondary Contact: **Administrative Captain**

To the County of Kittitas: **Kittitas County Jail**
205 W 5th Ave, Ste 1
Ellensburg WA 98926

Primary Contact: **Superintendent Steve Panattoni**

IV. Definitions

The Parties hereby agree that the following terms shall have the specified meanings unless indicated otherwise herein:

- A. Day. A twenty-four hour-long unit of time commencing at 00:00:01 a.m., and ending at 23:59:59 p.m.
- B. Inmate Classifications shall be pursuant to the Kittitas County Jail Objective Jail Inmate Classification which is modeled after the National Institute of Corrections Jail Classification.
 - i) “Minimum” classification shall apply to those inmates who present a low risk to staff and the community.

- ii) “Medium” classification shall apply to those inmates who present a moderate risk to staff and the community.
 - iii) “Maximum” classification shall apply to those inmates who present a substantial risk to staff and the community.
- C. City Prisoner means a person arrested by a Police Officer of the City or another law enforcement agency on behalf of the City and booked into the Kittitas County Jail (KCJ) or housed by KCJ for a misdemeanor or gross misdemeanor offense that allegedly occurred within the City. Any felony arrests which result in misdemeanor or gross misdemeanor convictions are deemed City prisoners for the purpose of bed days.

V. Criteria for Determining Prisoner Status

For the purposes of this agreement:

- A. City Prisoners being booked into the Kittitas County Jail shall remain the responsibility of the Police Officer of the City and shall not be deemed an inmate of that facility until the City Prisoner is accepted by Jail staff at the time of booking.
- B. Individuals who are arrested by a Police Officer of the City on behalf of another law enforcement agency (outside warrants or agency assists) and no criminal charges are filed for alleged criminal offenses within the City, shall not be deemed a City Prisoner.
- C. Individuals who are arrested by an outside agency on behalf of the City and housed in the Kittitas County Jail solely on charges resulting from an alleged criminal offense having occurred within the City shall be deemed a City Prisoner.

VI. Jail and Medical Services

- A. Inmates deemed City Prisoners for medical purposes shall mean any person arrested by a Police Officer of the City or another law enforcement agency on behalf of the City and booked into the Kittitas County Jail (KCJ) or housed by KCJ for a misdemeanor, gross misdemeanor or felony offense that allegedly occurred within the City. These prisoners shall receive such medical, psychiatric and dental treatment when emergent and necessary to safeguard their health while housed in the Kittitas County Jail. The County will provide or arrange for providing of such medical, psychiatric and dental services. The County will attempt good faith efforts in seeking reimbursement from the City Prisoner. However, except for routine minor medical services provided by the County within the Kittitas County Jail, the City shall ultimately be responsible and pay directly or reimburse the County for any and all costs associated with the delivery of any emergency or necessary medical service provided to City Prisoners. The City shall be responsible for any and all emergent or necessary medical, dental and psychiatric treatment provided outside of the Kittitas County Jail and shall be billed thereafter.

- B. Medical and mental health services are being enhanced in KCJ, which will help offset many costs for the City in terms of medical bills by reducing the need for outside treatment. These investments should keep outside medical costs lower. We have introduced a full-time mental health counselor and are starting a grant funded medically assisted drug treatment program.
- C. If the County becomes aware that a City Prisoner is in need of medical health care requiring the assistance of a medical health care services provider outside of the Kittitas County Jail, then the County shall make reasonable effort to notify the City prior to obtaining said service. If the City is contacted and does not authorize the County to obtain the service, then the City shall, within four (4) hours, pick up the inmate from the County to transport to medical care. Provided, in the case of emergency, the County may notify the City after the service has been provided.
- D. An adequate record of all such services shall be kept by the County for the City's review at its request, to the extent consistent with confidentiality regulations. Any medical or dental services of major consequence shall be reported to the City as soon as time permits.
- E. Should medical, psychiatric or dental services require hospitalization, the City agrees to compensate the County dollar for dollar any amount expended or cost incurred in providing the same; provided that, except in emergencies, the City will be notified by contacting the duty supervisor at the City prior to the prisoner's transfer to a hospital, if and when circumstances allow, or as soon afterward as practicable.
- F. In the event a City Prisoner is being held on additional charges from one of the following local jurisdictions, Kittitas County Sheriff's Office, Washington State Patrol, Cle Elum PD, South Cle Elum, Roslyn PD, Kittitas PD, Central Washington University PD, the City's responsibility for medical costs attributable to that prisoner shall be no greater than that of the other jurisdiction(s).
- G. Upon payment to the County by the City for a City Prisoner's health care expense, the County will assign to the City, if requested by the City, any and all right to reimbursement for medical expenses authorized under RCW 70.48.130.
- H. The City agrees to pay directly or reimburse the County for any and all medical expenses, as defined in Section VI.A, incurred for City Prisoners and persons arrested by or on behalf of the City, which are not performed by medical staff on contract with the County within the Kittitas County Jail, or paid by the Department of Social and Health Services, including medical, psychiatric, and dental bills as well as prescription medication expenses. City responsibility for such medical expenses incurred for persons convicted of felonies will terminate upon that conviction.

VII. Transportation

The County shall be responsible for the transportation of all prisoners outside the courthouse, unless agreed upon otherwise by the parties in a specific instance. The City and County agree to equally support the transportation of female City Prisoners for female specific medical purposes where no female corrections officer is available, and where the City has a female officer available on duty.

VIII. Compensation

- A. The County agrees to accept and house City Prisoners for compensation per prisoner at the rate of \$69.83 for the year 2022, \$73.32 for the year 2023, and \$76.99 for the year 2024 (5% increase each year) except as provided below. This rate includes minimum, medium and maximum classification inmates. The parties agree that the County will not charge the City a separate booking fee in addition to such rate. The date of booking into, and the date of release from, the Kittitas County Jail of the City Prisoners, no matter how little time of a twenty-four hour day it constitutes, shall count as one day and shall be billed to the City as a day of custody in the County. In the event a City Prisoner is being held on additional charges from one of the following local jurisdictions: Kittitas County Sheriff's Office, Washington State Patrol, Cle Elum PD, South Cle Elum, Roslyn PD, Kittitas PD, Central Washington University PD, the City's cost for those shared bed days shall be no greater than that of the other jurisdictions.
- B. The rate of compensation for any inmate requiring additional or specialized conditions of incarceration to the extent that they must be placed alone in a single cell designed for double occupancy shall be double the daily rate per day (\$139.66 for the year 2022, \$146.64 for the year 2023, and \$153.98 for the year 2024). KCJ will promptly notify Ellensburg Police Department if an offender is placed alone in such a cell, unless that housing is incidental to moving the offender or for short term disciplinary separation.
- a. Inmates who pose a heightened risk to themselves or others require special management, including frequent interaction and increased supervision by staff. The safety and security of this facility is dependent on a classification system that identifies inmates who pose a risk to themselves or others. Inmate who pose such a risk must be promptly and appropriately segregated from the general inmate population until such time that they no longer pose a risk. Staff have the ability to promptly segregate these inmates pending further review by supervisors, classification, and medical or mental health staff. Below are the most frequent.
 - i. **Administrative Segregation**- someone who repeatedly harasses or is prone to assault staff or other inmates (non-punitive). The classification team reviews this status every 15 business days to determine if whether their status in administrative segregation is still warranted.
 - ii. **Protective Custody**- a level of custody either requested or required for an inmates protection from others or one who is mentally deficient. Initial requests are immediately granted, however the classification team will

review circumstances to determine threat level and if protective custody status is warranted.

- iii. **Medical Segregation**- Physical separation of an inmate in need of medical isolation determined by medical staff or policy. (scabies, lice, illness, injury, etc) Medical staff determine the length of isolation.
- iv. **Intensive Management Segregation (IMS)**- Separation from the general population as a result of disciplinary action in which the inmate has been found to have committed a rule violation. Does not require single cell housing and is determined based on numerous factors such as degree of rule violation, attitude and demeanor, classification status, and available housing space.

IX. Billing and Billing Dispute Resolution Procedures

- A. The County shall transmit billings to the Chief of Police of the City on the following dates: April 15th, July 15th, October 15th, and January 15th. Within forty-five (45) days after receipt, the City shall pay the full amount billed or withhold any portion thereof related to disputed medical costs and provide the County written notice specifying the amount withheld and the grounds for withholding such amount, together with payment of the remainder of the amount billed.
- B. Interest on unpaid balances not paid within 45 days of billing shall be computed at 1% of the unpaid balance per month.
- C. Withholding of any amount billed shall constitute a dispute to be resolved as follows:
 - i) The Sheriff, County Prosecuting Attorney, Police Chief and City Attorney or their designees shall attempt to resolve the dispute by negotiation. Negotiation meetings may be conducted once per quarter meeting in the months of January, April, July, and October if requested. If negotiations are unsuccessful, the dispute shall be referred to the City Mayor and the Chair of the Board of County Commissioners for settlement. If not resolved by them within thirty (30) days of referral, the City Mayor and Chair of the Board of County Commissioners may by mutual written consent apply to the Superior Court Judge for appointment of an arbitrator whose decision shall be final and binding on both parties. If mutual written consent to apply for the appointment of an arbitrator is not reached, either party may seek court action to decide the disputed contract provision.
 - ii) Any amount withheld from a billing, plus interest thereon as set forth in Sec IX (B) determined owed to the County pursuant to the billing dispute resolution procedure described above shall be paid by the City within thirty (30) days of the negotiated resolution, arbitrator's decision or court finding.
- D. Each party may examine the other's books and records to verify charges. If an

examination reveals an improper charge, the amount shall be applied to the next quarter and subsequent quarter's payments until the credit has been exhausted. Any unused credit, which exists at the termination of this agreement, shall be refunded within thirty (30) days of the date of termination.

- E. Billing Statements. The County shall provide a billing statement each quarter in accordance with section IX (A).
- F. Unpaid balances over 60 days in arrears may result in cancellation of access to the Jail for booking of non-felony prisoners.
- G. Upon cancellation of this agreement, the City would be responsible for making its own arrangements for the booking of all City misdemeanors, gross misdemeanor, and court committed prisoners. The City would be responsible for all transportation, housing, medical and supervision costs for such prisoners.

X. Termination

- A. Termination for Material Breach. In the event either party believes the other party has materially breached any obligations under this agreement, such party shall so notify the breaching party in writing, stating the basis upon which breach is claimed and the specific provisions of this agreement claimed to have been violated. The breaching party shall have thirty (30) days from the receipt of such notice to cure the alleged breach and to notify the non-breaching party in writing that cure has been effected. If the breach is not cured within the thirty (30) days, the non-breaching party shall have the right to terminate this agreement by providing ninety (90) days prior written notice to the other party and to Washington State Office of Financial Management, as provided in RCW 70.48.090. The ninety-day notice shall state the grounds for termination and the specific plan for accommodating the affected jail population.
- B. Termination by Mutual Agreement. This Agreement may be terminated by written notice from either party to the other party and to Washington State Office of Financial Management, as provided in RCW 70.48.090, stating the grounds for said termination and specifying plans for accommodating the affected inmates. The notice must be delivered by regular mail to the contact persons identified in Section IV herein. Termination shall become effective ninety (90) working days after receipt of such notice.
- C. Removal of Inmates Following Notice of Termination. Within the ninety (90) day notice period set forth in subsection A or B above, or within such other period of time as may be agreed upon in writing by the parties, the City agrees to remove its inmate(s) from Kittitas County Jail. In the event of termination of this agreement, the City shall compensate the County for prisoners housed by the County after notice of such termination until the City retakes its inmates in the same manner and at the same rates as if this agreement had not been terminated. Upon termination of this agreement, the

City would be responsible for making its own arrangements for the booking of all City misdemeanors, gross misdemeanors, and court committed prisoners. The City would be responsible for all transportation, housing, medical and supervision costs for such prisoners.

XI. Responsibility for Offender's Custody

It shall be the responsibility of the County to confine the inmate or inmates; to provide treatment, including the furnishing of subsistence and all necessary medical and hospital services and supplies; to provide for the prisoners' physical needs; to make available to them programs and/or treatment consistent with the individual needs; to retain them in said custody; to supervise them; to maintain proper discipline and control; to make certain that they receive no special privileges and that the sentence and orders of the committing court in the State are faithfully executed; provided that nothing herein contained shall be construed to require the County, or any of its agents, to provide service, treatment, facilities or programs for any inmates confined pursuant to this Agreement, which it does not provide for similar inmates not confined pursuant to this Agreement. Nothing herein shall be construed as to require the County to provide services, treatment, facilities or programs to the City's Prisoners above, beyond or in addition to that which is required by applicable law.

XII. Right of Refusal

The County shall have the right to refuse to accept any prisoner from the City who, in the judgment of the County, has a current medical condition which may adversely affect the safety of the individual or the safe operations of the Kittitas County Jail or the reasonable operational capacity limits will be reached or exceeded.

XIII. Indemnification

- A. The County shall defend, indemnify, and hold harmless the City, its agents, employees and officers from any and all liability arising out of the performance of this agreement, whether by act or omission of the County, its agents, employees or officers. Such liability shall include but not be limited to, intentional acts, negligence, and violations of prisoner's constitutional rights.
- B. The City shall defend, indemnify and hold harmless the County, its agents, employees and officers from any and all liability arising out of the performance of this agreement, whether by act or omission of the City, its agents, employees, or officers. Such liability shall include, but is not limited to, false arrest and false imprisonment.
- C. The Parties' obligations to indemnify, defend and hold harmless shall not extend to injuries, sickness, death or damage caused by or resulting from the sole willful misconduct or negligence of the other Party, its agents, officers, employees or sub-

consultants.

- D. The Parties' obligations to indemnify, defend and hold harmless for injuries, sickness, death or damage caused by or resulting from the concurrent negligence or willful misconduct of the Parties or of the Parties and a third party other than an officer, agent or employee of the Parties, shall apply only to the extent of the negligence or willful misconduct of each Party.

XIV. Entire Contract

This agreement represents the entire understanding of the parties and supersedes any oral representations that are inconsistent with or modify its terms and conditions.

XV. Modification

This agreement may be modified and amended only in writing and signed by the parties hereto.

XVI. Independent Contractor

In providing services under this Interlocal Agreement, Kittitas County is an independent contractor and neither it nor its officers, agents or employees are employees of the City for any purpose, including but not limited to, responsibility for any federal or state tax, industrial insurance or Social Security liability. Neither shall the provision of services under this Interlocal Agreement give rise to any claim of career service or civil service rights, which may accrue to an employee of the City under any applicable law, rule or regulation.

XVII. General Provisions:

- A. Purpose. The purpose of this Interlocal Agreement is to permit the joint use of the Kittitas County Jail for confinement of prisoners of the parties to the Interlocal Agreement, thereby promoting maximum use and efficiency of the Kittitas County Jail.
- B. Administrator. Pursuant to RCW 39.34.030(4)(a), the administrator for this agreement shall be the Superintendent of the Kittitas County Jail.
- C. Property. Unless otherwise specifically agreed by the parties in writing, all property, personal and real, utilized by the parties hereto in the execution of this Agreement shall remain the property of that party initially owning it.
- D. Venue. Venue for any lawsuit shall be in the Kittitas County Superior Court.

- E. Filing. This Agreement shall be filed with the Kittitas County Auditor's Office or, alternatively, listed by subject on each or either party's web site or other electronically retrievable public source pursuant to RCW 39.34.040.
- F. Severability. In the event any provisions of this Agreement shall be determined to be unenforceable or otherwise invalid for any reason, such provisions shall be enforced and valid to the extent permitted by law. All provisions of this Agreement are severable, and the unenforceability or invalidity of a single provision herein shall not affect the remaining provisions.
- G. Waiver of Breach. The waiver by either party of the breach of any provision of this Agreement by the other party must be in writing and shall not operate nor be construed as a waiver of any subsequent breach by such other party.
- H. Savings Clause. Nothing in this Agreement shall be construed so as to require the commission of any act contrary to law, and wherever there is any conflict between any provisions of this Agreement and any statute, law, public regulation or ordinance, the latter shall prevail, but in such event, the provisions of this Agreement affected shall be curtailed and limited only the extent necessary to bring it within legal requirements.
- I. Interpretation. This Agreement has been submitted to the scrutiny of all parties and their counsel, if desired, and it shall be given a fair and reasonable interpretation in accordance with its words, without consideration or weight given to its being drafted by any party or its counsel. All words used in the singular shall include the plural; the present tense shall include the future tense; and the masculine gender shall include the feminine and neuter gender.
- J. Access to Records. The parties hereby agree that authorized representatives of the parties shall have access to any books, documents, paper and record of the other party which are pertinent to this Agreement for the purposes of making audits, examinations, excerpts and transcriptions. All such records and all other records pertinent to this Agreement and work undertaken pursuant to this Agreement shall be retained by the parties for a period of six years after the final expiration date of this Agreement or any amendments hereto, unless a longer period is required to resolve audit, findings or litigation. In such cases, the parties may expressly agree by an amendment or separate agreement for such longer period for record retention.

IN WITNESS WHEREOF, the above and foregoing Interlocal Agreement has been executed in duplicate by the Parties hereto and made effective on the day and year first above written:

CITY OF ELLENSBURG

Operations Captain Date

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

**COUNTY OF KITTITAS
BOARD OF COUNTY
COMMISSIONERS**

Brett Wachsmith, Chairman

Laura Osiadacz, Vice-Chairman

Cory Wright, Commissioner

**COUNTY OF KITTITAS
SHERIFF'S OFFICE**

Clay Myers, Sheriff

ATTEST:

☐ Clerk of the Board - Julie Kjorsvik

☐ Deputy Clerk of the Board - Mandy
Buchholz

APPROVED AS TO FORM:

Douglas R. Mitchell,
Deputy Prosecuting Attorney



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 20, 2021

Item Title/Agenda Subject: Amendment #2 Memorandum Of Understanding (MOU) between City of Ellensburg, Bureau of Reclamation and Twin City Foods

Submitted by: Ryan Lyyski Public Works & Utilities

Recommended Action or Motion: Authorize Public Works and Utilities Director to execute Amendment #2 to MOU between City of Ellensburg, Bureau of Reclamation and Twin City Foods

Background/Summary: The City of Ellensburg, United States Bureau of Reclamation and Twin City Foods have been cooperating and working within the bounds of an MOU facilitating the exchange of lands owned by the City of Ellensburg's Sewer Utility for lands owned by the Bureau of Reclamation (former Schaaque property). Exhibits A, B, C, D, E and F were previously included in MOU and Amendment #1 and are still part of this agreement (not included in packet).

Previous Council Action: Original MOU signed July 3, 2018. Amendment #1 to MOU signed July 7, 2020.

Analysis: The City and Bureau of Reclamation are close to being able to complete the land exchange; however, the MOU completion date needs to be extended. The Bureau of Reclamation is completing final paperwork and is hopeful that land exchange can take place early in 2022. The attached MOU extends date to December 31, 2022. The Utility Advisory Committee forwarded a favorable recommendation to Council to authorize the Public Works and Utilities Director to execute Amendment #2 to MOU.

Financial Impact: None

Attachments:
[MOU Amendment #2](#)

AMENDMENT 002

**To
MEMORANDUM OF UNDERSTANDING
Between**

**Twin City Foods, Inc.
And**

**City of Ellensburg
And**

**Bureau of Reclamation
Columbia-Pacific Northwest Region
Columbia-Cascades Area Office**

**For
Schaake Habitat Improvement Project Land Exchange and Relocation**

The following amendment to Memorandum of Understanding (MOU) R18MU13708 is entered into by the United States of America (United States) by and through Department of the Interior, Bureau of Reclamation, Columbia-Pacific Northwest Region, Columbia-Cascades Area Office (Reclamation), Twin City Foods, Inc. (TCF) and the City of Ellensburg (City), to define their respective roles related to the Schaake Habitat Improvement Project Land Exchange and Relocation.

The following amendments to MOU R18MU13708 are agreed to by the City, TCF and Reclamation to complete the land exchange:

1. The original MOU was signed on July 03, 2018 with a term ending December 31, 2021. Amendment 001 to this MOU was signed on July 07, 2020 which updated the milestones. Reclamation requests that this MOU be extended through December 31, 2022.
2. It is hereby understood that TCF maintains and continues all operations on existing fields within parcels 258733, 228733 and 028733 as shown on the attached Schaake Land Exchange Map (Exhibit A), until the following have been completed:
 - a) Schaake Land Exchange Agreement (Exhibit B) and the Confirmation Deed (Exhibit C) are fully executed by the City and Reclamation. (complete).

- b) Relocation eligibility under the Uniform Act is established upon the full execution of the land exchange agreement by the City and Reclamation. (complete)
 - c) Reclamation and contracted Relocation Specialist administer all Relocation Assistance necessary to support the move as mandated by the Uniform Relocation Act, 49 CFR part 24. See attached Exhibit D - Relocation Entitlement Letter. (*Note: additional relocation assistance, by regulatory definition, will continue to be administered subsequent to the move.*)
 - d) Relocation activities are completed including:
 - I. TCF submits permit application to Washington State Department of Ecology (Ecology) within 3 months of the date of this amendment.
 - II. TCF installs necessary monitoring wells per guidance from Ecology and begins monitoring these wells within 3-6 months of the date of this amendment.
 - e) Reclamation issues Right of Entry for TCF to continue to use all fields included in the exchange until new fields are adequately established for use under the Ecology permit. (To be issued at closing of land exchange 2022)
 - f) Field preparation is completed by TCF (2021/2022)
 - g) TCF begins operations on new fields (Anticipated Fall, 2022 provided crop is fully established)
3. Supporting documentation:
- Exhibit A: Schaaque Land Exchange Map
 - Exhibit B: Schaaque Land Exchange Agreement
 - Exhibit C: Confirmation Deed
 - Exhibit D: Relocation Entitlement Letter
 - Exhibit E: Irrigation Equipment Relocation Estimate
 - Exhibit F: Irrigation Equipment Relocation Map
 - Exhibit G: Irrigation Equipment Request for Proposals
4. Except as specifically set forth herein, all other provisions of MOU R18MU13708 shall remain in effect.

IN WITNESS WHEREOF, the Parties hereto have executed this modification as of the last date written below.

**TALMADGE
OXFORD**

Digitally signed by
TALMADGE OXFORD
Date: 2021.12.01 09:33:14
-08'00'

Talmadge Oxford
Columbia-Cascades Area Manager
Bureau of Reclamation

(Date included in digital signature)

Date

Ryan Lyyski
Public Works Director
City of Ellensburg

Date

Grant Craig
Ellensburg Division Manager
TCF, Inc.

Date

~~ End of Document ~~



CITY COUNCIL AGENDA REPORT

City Council Meeting Date:	December 20, 2021
Item Title/Agenda Subject:	Interlocal Cooperation Agreement with NoaNet
Submitted by:	Ben Faubion Information Technology
Recommended Action or Motion:	Authorize the Mayor to sign the Interlocal Cooperation Agreement with NoaNet.
Background/Summary:	On June 15, 2015 the City and NoaNet entered into a Master Services Agreement for wholesale telecommunications services. On December 4, 2017 the City entered into a Interlocal Cooperation Agreement with NoaNet for cooperative services to support telecommunications services. November 18, 2018 the City exercised its right to extend the Interlocal Cooperation Agreement for Cooperative Services to support Telecommunications services. April 6, 2020 the City approved Amendment 1 to the Interlocal Cooperation Agreement to support the City's Pilot Project. In July 2021 the City signed a Scope and Proposal with NoaNet for Broadband Feasibility Services consisting of Broadband mapping to identify served, underserved, and barriers to broadband access. The current Interlocal Agreement expires December 31, 2021.
Previous Council Action:	Approval of the current Interlocal Agreement and amendments as indicated above.
Analysis:	Attached is a proposed Interlocal Agreement with NoaNet allowing them to continue providing assistance with broadband planning, network operations, network planning, construction management, network engineering, and any other services of need that NoaNet provides described in the scopes of work outlined in the attachment Exhibits A, B, and C. The Agreement is for a two-year term expiring December 31, 2023.
Financial Impact:	The Interlocal Cooperation Agreement with NoaNet is intended to stay within existing budget and previously approved costs. No fiscal increase or impact is expected at this time.
Attachments:	

INTERLOCAL COOPERATION AGREEMENT

This Interlocal Cooperation Agreement ("Agreement") is made and entered into effective the ____ day of _____, 2021 between the City of Ellensburg ("City") and Northwest Open Access Network ("NOANET"). The City and NOANET are sometimes referred to herein collectively as "Parties".

RECITALS

WHEREAS, the Washington Interlocal Cooperation Act, Chapter 39.34 of the Revised Code of Washington ("RCW"), permits public entities to cooperate with one another on the basis of mutual advantage to make the most efficient use of their powers, thereby providing services and facilities in a manner that accords best with geographic, economic, population, and other factors influencing the needs and development of local communities, and allows public agencies to enter into agreements with one another for joint cooperative action; and

WHEREAS, NOANET is a Washington nonprofit mutual cooperation formed by Public Utility Districts in the State of Washington with the mission to bring high-speed telecommunications services to unserved and underserved communities; and

WHEREAS, the City has the authority to construct, purchase, acquire, develop, finance, lease, license, handle, provide, add to, contract for, interconnect, alter, improve, repair, operate, and maintain any telecommunications facilities within or without the City's limits; and

WHEREAS, the City wishes to obtain the services of NOANET for Broadband Planning, Network Operations Services, ; and

WHEREAS, NOANET desires to assist the City with all programs possible to support the city's telecommunications efforts.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the Parties hereby agree as follows:

1. **Purpose and Scope.** The purpose and scope of this Agreement is to provide for NOANET's assistance with broadband planning, network operations, network planning, construction management, network engineering and any other services of need that NOANET provides and the City deems needed as more fully described in the attached Scopes of Work (the "Services"), attached hereto and incorporated herein as Exhibits A, B and C, as well as establishing the related obligations of the Parties.

2. **Services.** NOANET shall provide the City with the services described in the Scope of Work Tasks (the "Services"). The City shall cooperate with and provide such information as may be necessary to aid NOANET's performance of the Services.

3. **Period of Performance.** Performance of the Services shall commence upon mutual execution of this Agreement by the Parties, and the Services shall be completed on or before December 31, 2023, unless terminated sooner or extended, as provided herein.

4. **Compensation.** The City shall pay NOANET for the Services on a time and materials basis according to the fee schedule identified in the Scope of Work with a not to exceed amount described therein.

5. **Billing and Payment Procedures.** NOANET shall submit monthly invoices to the City during the term of the agreement and upon acceptance by the City of all the Services. Each invoice will indicate the time and materials that are the basis for the charge(s) on the invoice. The City shall pay the amount invoiced and due within thirty (30) days after billing.

6. **Property Ownership and Disposition.** The Parties shall retain their respective ownership of all of their respective properties. This Agreement does not contemplate joint ownership of property and, therefore, does not contain provisions regarding disposition of property owned by either Party.

7. **Indemnity.** Subject to the limitation of liability provisions set forth in Section 8 below, each Party shall, at its sole expense, indemnify, defend, save, and hold harmless the other Party, its officers, agents, members, and employees from all actual or potential claims or losses, including attorneys' fees and costs, and damages or claims for damages to property or persons, suffered by anyone whomsoever to the extent caused by any negligent or willful act of or omission of the indemnifying Party, its officers, agents, employees, or subcontractors, excluding damages caused by the negligence of the indemnified Party, its officers, agents, employees, or subcontractors.

This indemnification includes, without limitation, any liability for injury to the person or property of either Party, its agents, officers, employees, or invitees. Both Parties specifically waive any immunity provided by Title 51 RCW, Washington's Industrial Insurance Act. THIS WAIVER HAS BEEN MUTUALLY NEGOTIATED BY THE PARTIES.

8. **Limitation on Liability.** Notwithstanding any other provision of this Agreement, neither Party shall be liable to the other Party for any consequential, incidental, indirect, liquidated, or special damages or lost revenue or lost profits arising out of this Agreement or the performance or nonperformance of any provision of this Agreement.

9. **Relationship of the Parties.** This Agreement shall not be interpreted or construed to create an association, joint venture, or partnership between the Parties, or to impose any partnership obligation or liability upon either Party. No agent, employee, or representative of a Party shall be deemed to be an agent, employee, or representative of the other Party.

10. **Party Representatives and Notices.** The representative for each Party shall be responsible for and shall be the contact person for all communications relating to the performance of this Agreement. All notices, requests, demands and other communications given by one Party to the other Party in connection with this Agreement will be in writing and will

be deemed to have been duly given (a) on the date of successful transmission of the entire notice in the case of e-mail transmission; (b) when delivered personally or delivered by a recognized courier service that provides a receipt of delivery; or (c) three (3) days after being deposited as certified or registered mail, postage prepaid, into the United States mail, to the Party representative at the addresses or email addresses identified below

The City's representative under this Agreement shall be:

Ben Faubion, IT & Telecom Manager
501 N. Anderson St., Ellensburg, WA 98926
Telephone: 509-899-5841
Email: faubionb@ci.ellensburg.wa.us

NOANET's representative under this Agreement shall be:

Chris Walker, Senior Executive Director, Infrastructure Strategy
422 W Riverside, Ave. Suite 408, Spokane, WA 99201
Telephone: 208.699.1031
Email: cwalker@noanet.net

11. **Termination.** Except as otherwise provided in this Agreement, either Party may terminate this Agreement upon thirty (30) days written notice. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

12. **Confidentiality.** If the receiving Party receives a request from a third party for materials provided by the other Party that are marked Confidential, the receiving Party shall promptly notify the disclosing Party in writing of such request, and if the receiving Party in good faith believes it is obligated to disclose the requested Confidential Information, the disclosing Party shall be given prompt opportunity to seek judicial protection of such Confidential Information. If, in the absence of receiving notice of a protective order or waiver within ten (10) business days of the date of sending the notice of the request, the receiving Party is required to disclose any Confidential Information after applying all relevant exemptions from disclosure allowed under law, the receiving Party may make such disclosure.

13. **Governing Law and Venue.** This Agreement shall be governed by the laws of the State of Washington. Each Party hereto, in its performance of this Agreement, agrees to comply with all applicable local, state, and federal laws and ordinances. The Kittitas County Superior Court shall be the sole proper venue for any and all suits brought to enforce or interpret the provisions of this Agreement.

14. **Assignment and No Third Party Rights.** Neither Party may assign its rights or delegate its duties under this Agreement. This Agreement shall not be construed to create rights in or grant remedies to any third party as a beneficiary of this Agreement.

15. **Entire Agreement; Amendments.** This Agreement constitutes the entire Agreement between the Parties with respect to the subject matter hereof and supersedes all prior agreements or understandings among the Parties with respect thereto. This Agreement may be amended only by an agreement in writing signed by the Parties.

16. **Mutual Negotiation and Construction.** This Agreement and each of the terms and provisions hereof are deemed to have been explicitly negotiated between, and mutually drafted by, the Parties, and the language in all parts of this Agreement shall, in all cases, be construed according to its fair meaning and not strictly construed for or against either Party.

17. **Headings.** The captions and section headings hereof are inserted for convenience purposes only and shall not be deemed to limit or expand the meaning of any section.

18. **Severability.** Should any part, term, or provision of this Agreement be determined to be invalid, the remainder of this Agreement shall not be affected, and the same shall continue in full force and effect.

19. **Survivability.** All provisions of this Agreement regarding indemnification, representations, warranties, confidentiality, and any other provisions that by their nature are intended to survive termination of this Agreement shall survive after its termination or expiration.

20. **Authorization.** Each Party hereby represents and warrants to the other that it is duly authorized to enter into and carry out the terms of this Agreement.

21. **Counterparts.** This Agreement may be executed in counterparts, which together shall constitute a single agreement.

22. **Filing.** This Agreement shall be filed with the Kittitas County Auditor, or, alternatively, listed by subject on each or either party's web site or other electronically retrievable public source pursuant to RCW 39.34.040.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed as of the date first written above.

By: _____
Mayor, City of Ellensburg

By: _____
Craig Nelsen
Chief Executive Officer, NoaNet

Attest: _____
City Clerk

EXHIBIT “A” SCOPE OF WORK BROADBAND FEASIBILITY STUDY

Approach and Proposed Schedule

Broadband access to local communities is an incredible investment and a significant initiative that requires long- term commitment and capital contribution. NoaNet’s Community Broadband Solutions program is well positioned to help the City of Ellensburg evaluate the feasibility and build upon the work already being done by the city with their downtown pilot and the CenterFuse study to formulate a strategic direction of broadband network expansion effort.

Through conducting a demand aggregation study to determine areas that are served and unserved, documenting existing services, affordability of existing services, and where there is high demand and need for additional investment, as well as infrastructure gaps that could potentially be bridged through strategic deployment efforts.

Following the determination of overall need and demand, in coordination with other area stakeholders, private ISPs and public organizations, current and planned efforts will be mapped and any additional areas of need will be identified.

Demand Aggregation and Current Broadband Landscape:

- Lead a team of stakeholders in a collaborative manner to understand the current broadband landscape and efforts underway,
- document the current broadband demand, affordability, and where gaps exist through the Demand Aggregation platform,
- identify service and market conditions, including infrastructure already deployed in the community
- evaluate gaps in backbone and potential areas to develop into shovel ready project(s) for future grant funding,
- explore ways to support digital literacy improvements,
- and impacts on commercial, healthcare, work-from home and education sectors, as well as how population movement will impact the UGA.
- Explore potential partnerships that could benefit broadband access in the area.

Through every step of this process, NoaNet will remain engaged with city leadership to ensure smooth communication, understanding and support for the project. In addition to a comprehensive understanding of the current landscape of broadband services and mapping all known planned deployments, NoaNet will also work with the city on developing an ongoing vision for future network expansion with all available collaborators.

The relationships NoaNet have formed in every county in Washington State over the past 20 years position us to share two decades broadband experience and trust with publicly owned wholesale broadband districts; sharing best practices, lessons learned, and business operations strategies to help the city form a viable strategic plan.

The Road to Broadband is a challenging one but partnering with NoaNet will provide you more than a reference study. We will remain an engaged and viable partner for executing on the data found. This is a significant strength and differentiator that NoaNet brings to the table to work with your team

to address not only your broadband planning efforts but can remain a key partner in your continued deployment. We are not primarily a consulting firm that pumps out long documents without real-life experience- we are a public benefit broadband network provider in your state and in your community, who leverages our knowledge to help our neighbors plan for broadband deployments that will help their community thrive.



The Survey

The COS service Zones platform comes with built-in survey functionality, but also uses IP address lookup to determine what providers the survey takers are using today. The survey will give information on what they are currently paying, what advertised speeds they are subscribing to and how satisfied they are with the speed, reliability and price of their current connections.

In the survey the responder will be presented with several proposed broadband service packages with pricing, tailored for their customer type (e.g. residential or business). The customer is then asked to choose the offer they would be most likely to sign up to and also how likely they would be to sign up.

The respondents' choice of service package and their likeliness to sign up, paired with what they are currently paying for their service and how they feel about their provider will be used to identify the correct price point for highest likelihood to success. Up-take statistics from other COS Service Zones projects across the US will also be used as an indication on what could be expected at specific price levels. This is important because when we survey the residents and businesses in the State of Washington we need to know if they are served or not, but we also need to understand their appetite for service levels and what costs are appropriate for the area.

The survey also gives the opportunity for everyone to speak their mind on what they would be looking for in a broadband a network build-out and if they would be willing to support the effort by signing up as a neighborhood "Champion". This will be an effective mechanism to build Broadband Action

Committees and garner community support.

The Speed Test

COS System has a speed testing system that is incorporated into the survey. Respondents are automatically asked to take the speed test after completing the survey. This data will then be tied to the geographical location which enables the COS platform to build heatmaps of where speeds are high or low. It will also highlight where the FCC broadband definition of 25/3 Mbit/s is met or not. It can also overlay the results of the test by census block group id. The key features of the COS Speed Test Platform compared to other commercially available offerings is that it is trying to simulate the speed at actual use.

In the COS Speed test local neutral test nodes will be placed in the network close to where the speed test takers are. Often speed test are designed to feel where the customer is coming from and then sends them to a test node that will present a favorable result. In the example below a person subscribing to an "up to" 250 Mbit plan with Xfinity (Comcast) in Blacksburg, VA will by speedtest.net (provided by Ookla) will be testing against a Comcast server in Richmond, VA and not the closest server. In other cases, the speed test server could be placed in a totally wrong location, even another country, which could present a result that is worse than the actual case.

In addition to using neutral local test nodes, the COS Speed Test is based on the transfer of actual data to perform the test. The customer's client is actually performing the work online that includes receiving and sending data, trying to simulate a real use case. This will give the most accurate description on the experienced speed for the end user. To make a comparison, some speed tests are designed to show good results in the test scenario, just like Volkswagen, in the well-known "Diesel gate" scandal had custom built software controlling engine settings when it could feel the car was in a lab testing environment to show better results than during real life use.

The Reasoning Behind this Approach:

NoaNet feels there are some recognizable and identifiable issues that have prevented broadband deployment in many areas of the Kittitas County. Although the following analysis may not be all inclusive, with further discussion and review, we feel if the city works with NoaNet as its strategic partner we can work together to identify and resolve many of these challenges through our innovative Road to Broadband approach to community broadband studies.

A major issue that plagues rural broadband development nationwide is lack of funding, and a major reason for lack of funding are the FCC mapping conclusions in rural areas. This program has created an unfair and unclear representation of unserved and underserved areas within our local communities, including your area. We feel it is imperative that we utilize consumer-focused studies to analyze the broadband landscape within the proposed service area to determine if the needs for residential and commercial use of broadband are being met adequately and affordably with feedback from the end-users, not the national telecom companies.

NoaNet will implement a demand aggregation tool to map data of unserved and underserved households and businesses, the speeds they are receiving per provider, as well as develop an understanding of current network capacities through end-user speed-test data. This tool is customizable, and we can tailor the questions asked to specifically meet the needs of broadband funding opportunities. This tool will help the city understand what the consumer values from their provider, cost of services thresholds the market will support, and gain invaluable feedback directly from the community as to what they are experiencing with their home and business Internet services.

In order to spread the word about this demand aggregation effort- we utilize Broadband Champions, the local engaged stakeholders, to help encourage folks to participate. We have found that it is much more effective for friends to ask friends and colleagues to take the survey than an outsider consultant. This collaborative study and operationalization of data collected will give the city the data necessary to offset the inaccurate data claiming areas are served and support the locally known fact that there are service needs. We have had funding opportunities challenged, and the data collected through this tool was able to refute claims and secure funding because it was from the customer and on a house-by-house level. Mapping and operationalizing this data will allow the area leadership to identify areas most in need and apply for federal and state funding to support broadband infrastructure deployment.

Second, broadband deployment is expensive and currently the financial capital necessary to construct infrastructure necessary to deliver. NoaNet staff will work with area stakeholders to identify existing infrastructure, map needed GIS data to identify areas that would benefit from additional infrastructure investment based on the demand aggregation results, and data obtained from public and private entities on current and planned development.

Third, utilizing the information obtained through the demand aggregation study, local market analysis, and the information collected by CenterFuse's previously completed study, we will create visualizations of the end-user reported use data, speed test data, opinions of current services available, and even reported cost-of-services thresholds and desired Internet-based services reported by the community. We will also map the current broadband infrastructure in the project area, current ISP service territories, backhaul routes and other data deemed necessary to execute on a successful broadband deployment project. This will prepare the city to not only execute on this defined

deployment area but prepare for continued expansion as needed in the future.

Each of these requirements will be studied as part of our proposed scope of work. We will deliver a report on best practices to accomplish each important activity of broadband deployment that will include examples of other communities who have successfully deployed a community broadband network, and the feasibility of the city taking each approach. Our goal is not for the city have a document that lets them know that they need broadband infrastructure investment, that's a waste of time and money. We will create a Road to Broadband that will help this partnership determine a path forward for how to solve the gaps that exist and make the decisions needed to bring those plans to fruition to benefit the public of Kittitas County.

Project Team

This project will require coordinated efforts from staff from NoaNet's Community Outreach, Construction (Outside Plant), GIS and Engineering teams who will all work in coordination with stakeholders. There will be no sub-contractors utilized for this scope of work.

Below is a brief description of the team's role within NoaNet, and the associated staff therein, and a brief description of their previous experience and educational background to highlight what unique skills that will be leveraged to serve the scope of your project.

Project Management

Your project's main point of contact at NoaNet is your project manager. This person will oversee every aspect of the project, ensuring seamless communications, timely deliverables, budget management, and will give you a single point of contact if anyone in your organization has a question or request. Chris Walker will be the designated project manager for this proposed scope.

Associated Staff:

Chris Walker, Telecommunications Director



Chris has been with NoaNet since 2001 and after years managing our Network Operations Center and Network Engineering teams, he currently serves as the Telecommunications Director chartered to oversee network growth and expansion, strategic planning, capital development of outside plants, GIS, community outreach, professional services and competitive procurement. He was the executive director for the NoaNet Broadband Technology Opportunity Program (BTOP) construction buildout and sets the architectural direction of the network facilities throughout the state. Chris's vision for the State of Washington is to encourage public and private partnerships and investment to establish connected communities throughout all of our rural and tribal areas. Chris and his team focus their efforts entirely in Washington State, ensuring our public benefit activities are focused and efficient to benefit our communities with broadband access.

Demand Aggregation, Marketing and Community Outreach

The NoaNet Community Outreach and Demand Aggregation team works in coordination with our Network Coordinated Services platform and combines years of experience in assisting public agencies, local governments, municipal networks, and future network operators in the development of world class telecommunications and broadband service delivery solutions to support economic development in our local communities. We develop broadband planning studies through the evaluation of the local economic conditions to ensure a viable broadband business solution is developed before the agency begins any further development of infrastructure.

Associated Staff:

Claire Ward, Marketing and Communications Manager



Claire has been with NoaNet since 2015 in community outreach, communications development, and marketing strategy capacities. She has been instrumental in outreach strategy development, community engagement and municipal network marketing support services, as well as launching and managing our Demand Aggregation platform. Prior to NoaNet, Claire worked for various coffee franchises at management levels to develop training and marketing sales strategies as well as facilitate general operations. She holds a Bachelor of Science from Washington State University, a Master of Arts in

Counseling Psychology from The Seattle School and has continued her education in Marketing Strategy at the University of Washington.

Outside Plant, Construction and GIS

NoaNet's Outside Plant team is structured through internal, prime and sub-contracting relationships to create innovative solutions, practical designs, and expert implementations with precise project coordination. This includes the capabilities to evaluate and provide insight into existing facilities, to design and implement a new network, and know current and future technology trends to plan for today's and tomorrow's subscriber needs. For this project proposal, NoaNet will leverage our internal staff only.

NoaNet's Engineering, Operations, OSP and GIS/CAD are intertwined in many projects for new fiber build outs. NoaNet has completed over a thousand miles of underground and overhead EF&I fiber installations, over 300 FTTP and statewide /regional fiber network builds for various projects including both entirely new fiber networks and new fiber builds to connect existing fiber segments to form new fiber networks. These deployments have incorporated many services from voice, high-speed data, LTE, and RF or IPTV video.

Associated Staff:

Rob Goede, OSP Manager

Rob joined the NoaNet team in 2020 as their Outside Plant Manager based in Spokane, WA. Rob manages all areas of outside plant design and engineering standards along with quality control and all outside plant operations throughout the company. Rob has 20+ years' experience in telecommunications starting his career with Lucent technologies, Grande Communications then moving to Qwest

/CenturyLink Communications for the past 15 years. Rob has many years' experience in outside plant construction, splicing and engineering,

design layout both aerial and underground along with operations to include easements, joint use, permitting, right of way for both state and local entities. Rob has detailed knowledge with fiber builds to include cell, MDU, SFH and fiber to the business. Rob previously served in the United States Marine Corps.

Stephanie Austin, OSP Project Manager

Stephanie joined the NoaNet team in August 2011 with 10+ years in the telecommunication industry as a Network Planning and Traffic Engineer. As an Outside Plant Project Manager, Stephanie ensures projects are delivered with the highest quality, within budget by organizing, managing and utilizing all available resources for the project, and tracking project tasks against the detailed project plan and providing detailed progress reports. Stephanie also possesses experience with Contract Management and Compliance. She takes pride in ensuring all work is done in compliance with the contract requirements and the Washington State RCWs.

Nick Ulrich, GIS Administrator

Nick joined NoaNet in 2016 as a GIS Technician. Nick was hired on to maintain the OSP Insight fiber optic data management for NoaNet, along with handling of any other GIS or mapping related requirements. He is a trained FTTx design technician and helps with fiber construction plans, automated GPS pole data gathering, and rights of way permitting. Prior to NoaNet, he graduated from Eastern Washington University and has experience working in the utility/construction field.

Network Engineering

The NoaNet Network Engineering team, in coordination with our Network Coordinated Services platform, combines industry leaders and managers in Engineering and Consulting who have produced, designed and engineered hundreds of telecommunications facilities, long haul, middle mile, local loop, and lateral extension projects and networks in the state of Washington. This highly capable team delivers robust facility and engineering solutions to further deploy wholesale telecommunications needs across the state.

Associated Staff:

John Smith, Chief Technology Officer

John brings with him over 25 years of experience in telecommunications and business management. Prior to joining NoaNet, John led one of the largest publicly owned Fiber-To-The- Premises (FTTP) buildouts in the country. The FTTP network included the delivery of Internet, Video and Phone services to primarily rural communities. He has worked in a diversity of areas including network engineering, outside plant engineering, application planning and development, regulatory compliance, IT, SCADA and business process management. John received his B.S. in Electrical Engineering from Florida State University.

David Black, Senior Network and Optical Engineer

David has been with NoaNet since incorporation in 2000 and worked on the network design before NoaNet incorporated. David has been involved with the design, implementation, turn up, and operations of almost every technology used on the network. Currently David is responsible for the maintenance, reliability, upgrades, and customer experience on all services both external and internal customers on the DWDM and other optical platforms. David also looks at how new technologies will impact and improve NoaNet's network services. Prior to NoaNet David worked for two engineering consulting companies, US West (now Century Link) and served in the US Marine Corps in various management and leadership roles working in Air Traffic Control communications. He has a Bachelor of Science Degree in Electrical Engineering.

Greg Berry, Senior Network Engineer

Greg has been with NoaNet since 2013 and his responsibilities at NoaNet include project management, MPLS network architecture, microwave systems design, and network automation. Prior to NoaNet, Greg worked in Alaska on public safety communication networks where he integrated technologies to create a statewide highly available mission critical two- way radio system. Greg has a bachelor's degree in Electrical Engineering from University of Alaska Fairbanks and has over 10 years of telecommunications experience.

City of Ellensburg Broadband Strategic Planning Project Timeline

Task	Notes	Initiate	Complete	Hours allotted
Project Kickoff Meeting with Stakeholders (On Site)	Review Strategic Plan Objectives Assign Roles and Responsibilities Develop Workplan and Timeline	8/2021	8/2021	COM- 12 PD-8
Champion Development	Discovery Kickoff Champion Session (Virtual) Develop Demand Aggregation Portal Backend/Survey	8/2021	9/2021	COM-5
Demand Aggregation Go Live (Budgeted at 2 months)	Launch Marketing Campaign Develop Mailers/Other Outreach Strategy Social Media Outreach Phone/Email/Social support as needed Host monthly virtual group sessions with champions and community leaders Min. Once a week update with City staff (virtual)	9/2021	11/2021	COM-40 PD-3
Perform Local Market Analysis	Review Existing Infrastructure and Map data collected Identify GAP areas that could benefit from backbone investment	9/2021	10/2021	PD-3 GIS-8
Analyze Demand Aggregation Data and Formulate Conclusions	Identify areas of high need	12/2021	12/2021	GIS-5 PD-5 COM-5
Model Broadband Infrastructure Expansion Projects in Pilot Area	Physical Plant and Network Evaluation on site Fiber Optic Buildout to support DA Data Business Case Evaluation and Planning *If DA Supports these steps	2/2022	3/2022	No Time Allotted No Time Allotted
Recommend Action Plan	Analyze and Interpret Survey Data Project Findings Analysis Paper Presentation of Conclusions Draft Presentation Final Presentation- On site	1/2022	1/2022	COM-25 PD-16
Facilitate Adoption of Metrics and Follow-up	Review Strategic Plan Objectives for further Broadband Development Keep up to date on current funding opportunities aligned with project objectives	Ongoing	Ongoing	COM PD

Anticipated Costs

Rates	Hourly	Allotted	Total
Community Outreach Manager (COM)	\$130		87 \$11,310
Engineering & GIS (GIS)	\$160		13 \$2,080
Project Director (PD)	\$195		35 \$6,825

Total Staff: \$20,215

Other Costs	Rate	Allotted
Monthly Portal	\$2,000	\$4,000
Portal Setup	\$5,000.00	\$5,000
Airfare	at cost	\$0
Car Rental	at cost	\$0
Per Diem	\$82	\$492
Hotel	at cost	\$800
Misc. Shipping, Consumables, etc.	at cost	\$2,000

Total Reimburables: \$12,292

TOTAL: \$32,507

EXHIBIT "B"
SCOPE OF WORK
NETWORK DEVELOPMENT SERVICES

1. **Purpose and Scope.** The purpose and scope of this Exhibit B is to permit the City to use the contract executed between NoaNet and a Contractor for design and construction of fiber optic facilities and to specify the terms and conditions under which the City and NoaNet will undertake any network extension within the city limits and UGA.

2. **City Obligations.** During the term of this Amendment, the City agrees to continue to provide NoaNet the services set forth in the original Interlocal Cooperative Agreement effective December 4, 2017 and those items outlined in the Scope of Work Exhibit A to that Agreement. The City agrees to provide NoaNet a monthly report on subscribers of the Project Area.

3. **NoaNet Obligations.** During the term of this Amendment, NoaNet agrees to provide the City the services set forth in the original Agreement, and further agrees to provide planning and design services for fiber optic network development.

In order to support the Passive Optical Network (PON) system will provide the following network management systems and project management services in exchange for the compensation schedule listed to be paid for by the City:

1. PON Engineering, Furnish, and Install: NoaNet will provide the Engineering, Furnish, and Install of the PON Access Management System. This system provides a complete element management solution for configuration, maintenance, and troubleshooting of core, distribution and optical network terminals. This system will be managed by NoaNet, and configuration maintenance and upkeep by Network Operations Center (NOC) Analysts.

2. PON Server Support Service: Access Management System: NoaNet will provide two redundant virtual servers to support the PON Access Management System, and operation and maintain the OS required for installation and all subsequent licenses and software subscription.

4. **Compensation.** As compensation for the services provided City and NoaNet agree to compensate each other for any and all expenses associated with Exhibit B . Any changes in compensation set forth in Exhibit B shall be mutually agreed to in writing.

Role	Cost Per Hour
Community Outreach / Project Manager	\$135
OSP, GIS, Engineer Tech	\$160
Director	\$205
Travel	\$0.85/mile
Per Diem	\$92
Airfare/Hotel/Car Rental	At cost

Any work requested by the City in addition of this SOW or any additional work resulting from factors outside the control of NoaNet will be documented and approved by the City in a written amendment to this scope of work.

5. **Termination Due to Change in Facilities or Funding.** If the facilities or funds upon which either Party relied to establish this Scope of Work are withdrawn, reduced, or limited, or if additional or modified conditions are placed on such facilities or funding, either Party may terminate this Scope of Work by providing at least thirty (30) calendar days' written notice to the other Party. The termination shall be effective on the date specified in the notice of termination.

Either party may terminate this Scope of Work for any reason by providing sixty (60) calendar days' written notice to the other Party. If either Party fails to comply with the terms and conditions of this Scope of Work, the other Party may pursue such remedies as are legally available, including, but not limited to, the immediate termination of this Scope of Work.

EXHIBIT "C"
SCOPE OF WORK
NETWORK OPERATIONS SERVICES

1. **Purpose and Scope.** The purpose and scope of this Exhibit C is to permit the City to use NoaNet its selected Contractor for Network Operations Management of fiber optic facilities and to specify the terms and conditions under which the City and NoaNet will undertake any network operations extensions within the city limits and UGA.

2. **City Obligations.** During the term of this Amendment, the City agrees to continue to provide NoaNet the services set forth in the original Interlocal Cooperative Agreement. The City agrees to provide NoaNet a monthly report on subscribers of the Pilot Project Area.

3. **NoaNet Obligations.** During the term of this Amendment, NoaNet agrees to provide the City the services set forth in the original Agreement, and further agrees to provide network operations support services.

In order to support the Passive Optical Network (PON) system and management of the Pilot Project NoaNet will provide the following network management systems and project management services in exchange for the compensation schedule listed to be paid for by the City:

1. PON Engineering, Furnish, and Install: NoaNet will provide the Engineering, Furnish, and Install of the PON Access Management System. This system provides a complete element management solution for configuration, maintenance, and troubleshooting of core, distribution and optical network terminals. This system will be managed by NoaNet, and configuration maintenance and upkeep by Network Operations Center (NOC) Analysts.

2. PON Server Support Service: Access Management System: NoaNet will provide two redundant virtual servers to support the PON Access Management System, and operation and maintain the OS required for installation and all subsequent licenses and software subscription.

NoaNet will provide to the City Network Coordinated Services (NCS) Support for Next Business Day Services as outlined below:

- Live call taking 7x24x365 with access through a toll-free number;
- Supply and operate technical support tools to perform network management;
- Manage and maintain network and system software products;
- Quality test and implement network support software;

- Backup and restore operational systems;
- Supply trained operations staff to provide and maintain operations standards and procedures;
- Trouble ticket access for network problem reporting, ticket status and shared information;
- Provisioning support for new subscribers.

3. **Smart Hands Support.** The NoaNet Field Operations, Engineering, and Outside Plant teams provide for technician and engineering dispatch services for emergency and scheduled infrastructure and equipment repairs, testing, and installation. A dispatch service allows for a technician to attend to an issue or perform a task that relates to any equipment, cable, or facilities directly related to the services associated with the Network Operations Center and Engineering Services solution.

4. **Compensation.** As compensation for the services provided pursuant to paragraph 2 and 3, the City and NoaNet agree to compensate each other for any and all expenses associated with Exhibit A to Amendment 1. Any changes in compensation set forth in Exhibit A to Amendment 1 shall be mutually agreed to in writing.

City will provide to NoaNet \$25.00 monthly for every subscriber of the Fiber Internet Product. Any additional devices the City requires included in the NCS Support System will be invoiced per the following Schedule:

	Set-up	Monthly
Network Operations and Maintenance		
Management Fee		\$1,500
Core/Distribution Node		\$76
Carrier Edge		\$30
Business Gateway		\$6
Residential Gateway		\$2.50

Any work requested by the City in addition of this SOW or any additional work resulting from factors outside the control of NoaNet will be documented and approved by the City in a written amendment to this scope of work.

At the time of this SOW, the quantities of devices are as follows:

Title	Type	Qty
Core Node	Nokia PON (1) Juniper Router (1) Cisco Aggregation Switch (1)	3
Carrier Edge		0
Business Gateway	Calix ONT (5) Nokia ONT (13)	18
Residential Gateway		

Title	Notes	Price
Next Business Day (NBD) Dispatch	Includes first two hours, additional hours at \$90.00	\$270.00
4-hour Response Dispatch	Includes first two hours, additional hours at \$90.00	\$375.00
4-hour Response Dispatch, After Hours, Unit	Includes first two hours, additional hours at \$150.00	\$560.00

6. **Termination Due to Change in Facilities or Funding.** If the facilities or funds upon which either Party relied to establish this Scope of Work are withdrawn, reduced, or limited, or if additional or modified conditions are placed on such facilities or funding, either Party may terminate this Scope of Work by providing at least thirty (30) calendar days' written notice to the other Party. The termination shall be effective on the date specified in the notice of termination.

Either party may terminate this Scope of Work by providing sixty (60) calendar days' written notice to the other Party. If either Party fails to comply with the terms and conditions of this Scope of Work, the other Party may pursue such remedies as are legally available, including, but not limited to, the immediate termination of this Scope of Work.



CITY COUNCIL AGENDA REPORT

City Council Meeting Date:	December 20, 2021
Item Title/Agenda Subject:	Consideration of Approving the Service of Alcohol at the Ellensburg Winterhop Brewfest
Submitted by:	Brad Case Parks and Recreation
Recommended Action or Motion:	Approve the service of alcohol at Unity Park for the Kittitas County Chamber of Commerce Ellensburg Winterhop Brewfest scheduled for January 15, 2022 from 11:30am-5:00pm.
Background/Summary:	Council is being requested to approve the service of alcohol during the Ellensburg Winterhop Brewfest, an event sponsored by the Kittitas County Chamber of Commerce, which is scheduled to take place January 15, 2022 at Unity Park. Event organizers have submitted a special event permit application as well as the necessary insurance.
Previous Council Action:	None.
Analysis:	Section of 6.64.260 of the Ellensburg City Code requires Council approval for any special event at which alcoholic beverages are served, subject to compliance with all the other requirements set forth in the Special Event chapter.
Financial Impact:	There is no fiscal impact associated with this request.



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 20, 2021

Item Title/Agenda Subject: Bid Call 2020-35, Helena Avenue Complete Streets Improvements Project

Submitted by: Josh Mattson Public Works & Utilities

Recommended Action or Motion: Award bid call 2020-35 to Pro Grade Enterprises, Inc., in the amount of \$1,004,033.63, the lowest responsive and responsible bidder.

Background/Summary: Bids were received on Thursday, December 2, 2021 for the above-mentioned project. Pro Grade Enterprises, Inc. was the lowest responsive and responsible bidder in the amount of \$1,004,033.63. Council is being requested to award the bid to Pro Grade Enterprises, Inc.

The project includes the completion of sidewalk gaps and an asphalt overlay on Helena Avenue from Water Street to Airport Road. Three new fire hydrants and a new bus shelter will also be installed. The project will also include new traffic lane lines, pavement markings and sign revisions to add a bicycle lane on Helena Avenue from Water Street east to the end of the street.

The City of Ellensburg was successful in securing funding for the sidewalk portion of the Helena Avenue Complete Streets Improvements Project through a 2019 Complete Streets Award from the Washington State Transportation Improvement Board (TIB).

The project was bid with two bid schedules:

- Schedule "A": Helena Avenue frontage and street improvements including curb/gutter, pedestrian crossing improvements, sidewalk, stormwater improvements, transit improvements, tree plantings, buffer strip, asphalt surface grinding, asphalt paving, pavement markings, and signage.
- Schedule "B": Water Utility Improvements including installation of three new fire hydrants.

City staff designed, prepared bid specifications, and will provide construction contract administration for this project, Bid Call #2020-35.

Previous Council Action:

- April 15, 2019 Regular Council Meeting - Council authorized the City Manager to execute the TIB Grant Agreement and authorized the Finance Director to execute the necessary budget amendments.
- June 17, 2019 Regular Council Meeting - Council approved resolution 2019-15 to adopt the City of Ellensburg's Six-Year Transportation Improvement plan for the years 2020-2025 which included the secured 2019 TIB Complete Streets Award funds for the Helena Avenue Improvements project.

Analysis:

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

Pro Grade Enterprises, Inc.:	\$1,004,033.63
Belsaas and Smith Construction:	\$1,068,669.49
LaRiviere, Inc.:	\$1,525,646.35
<i>Engineer's Estimate:</i>	<i>\$1,040,072.17</i>

The low bid submitted by Pro Grade Enterprises, Inc. is below the engineer's estimate.

Financial Impact:

The total project is estimated to cost \$1,004,033.63. Costs for both schedules are included in the 2021/2022 Biennial Budget. Schedule "A" for the project is estimated to cost \$906,718.50. Schedule "A" will be funded with approximately \$358,000 through the TIB Complete Streets award, \$142,000 through the Sidewalk Fund, \$19,240 from the Transit Fund, and the remaining \$387,478.50 through the Arterial Street Fund.

Water utility improvements in Schedule "B" are estimated to cost \$97,315.13. This portion of the project will be funded through the Water Fund.



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 20, 2021

Item Title/Agenda Subject: Bid Award – Bid Call 2021-13 Illinois Well Facility

Submitted by: Hunter Slyfield Public Works & Utilities

Recommended Action or Motion: Award bid call 2021-13, to Pacific Civil & Infrastructure Inc. in the amount of \$3,822,988.59, the lowest responsive and responsible bidder, and approve the necessary budget adjustments.

Background/Summary: Bids were received on Tuesday December 7, 2021 for the above-mentioned project. Pacific Civil & Infrastructure Inc. was the lowest responsive and responsible bidder in the amount of \$3,822,988.59.

The Utility Advisory Committee has forwarded a favorable recommendation to Council to award Bid Call 2021-13 to Pacific Civil & Infrastructure Inc.

The previous drilling of the Illinois Well was completed in December of 2019. This project will construct the Illinois Wellhouse, outfit the newly constructed municipal water well and install a water main to tie into the existing water distribution system. The project also includes construction of natural gas main and future signal conduit.

The project was bid with four bid schedules:

Schedule "A": Illinois Well Facility. This schedule includes the construction of a new wellhouse and outfitting of the recently constructed Illinois Well. Work will include the installation of a vertical turbine well pump with variable frequency drive (VFD) and electric motor and associated discharge piping; a chlorine gas water treatment system; a fluoridation water treatment system; electrical and control systems including motor control center and control panel; and a permanent electric generator for backup power supply.

Schedule "B": Helena Avenue Water Main Extension. This

schedule includes the construction of approximately 2,050 linear feet of 16-inch ductile iron water main including service installation, tie-in to existing water mains and services, abandonment of existing water mains, and surface restoration.

Schedule “C”: Helena Avenue Natural Gas. This schedule includes the construction of approximately 600 lineal feet of 4 inch HDPE natural gas distribution main including tie-in to existing gas main and surface restoration.

Schedule “D”: Signal Conduit. This schedule includes the construction of approximately 50 lineal feet of PVC signal conduits with surface restoration.

RH2 Engineering designed and prepared bid specifications for this project, Bid Call #2021-13. RH2 Engineering has provided the attached recommendation to award the bid to the lowest responsive and responsible bidder. City staff will provide administration for the above schedules of work associated with this bid call.

Previous Council Action:

September 16, 2019 Regular Council Meeting - Council authorized the City Manager to execute a Professional Services Agreement with RH2 Engineering in the amount of \$349,803.00 to perform the 2020 Water System Plan Update and design of the Illinois Well Outfitting.

December 16, 2019 Regular Council Meeting – Council Accepted Bid Call 2018-39 Illinois Well Development as complete.

December 7, 2020 Regular Council Meeting - Council authorized the City Manager to execute Contract Amendment 1 to the Professional Services Agreement with RH2 Engineering in the amount of \$127,450.00 to perform additional professional engineering design services for the improvements.

Analysis:

The project was advertised and bids were received as follows:

Pacific Civil & Infrastructure Inc.: \$3,822,988.59

Belsaas & Smith Construction Inc.: \$3,865,711.74

POW Contracting:	\$4,079,899.15
Strider Construction Co. Inc.:	\$4,797,963.38
<i>Engineer's Estimate:</i>	<i>\$3,987,878.18</i>

The low bid submitted by Pacific Civil & Infrastructure Inc. is below the engineer's estimate. The low bid price was increased by \$43.32 to account for a minor math discrepancy in the totaling of unit prices. A bidding error was also discovered with Belsaas & Smith's Bid Item A16 requiring the bid item amount to be increased from \$5,500 to the required minimum of \$10,000. These two changes had no impact on the overall outcome of the bids.

Financial Impact:

The total project is estimated to cost \$3,822,988.59 based on the low bid. All funds were budgeted for 2021 and will need to be carried forward to 2022. Schedule "A" is estimated to cost \$3,141,328.14 and will be funded with the Water Utility bond while Schedule "B" is estimated to cost \$620,559.00 and will be funded through the Water Fund. Schedule "C" is estimated to cost \$46,731.45 and will be funded through the Gas Fund. Schedule "D" is estimated to cost \$14,370.00 and will be funded through the Arterial Street Fund.

Attachments:

[RH2 Recommendation to Award](#)



RH2 ENGINEERING
East Wenatchee

300 Simon Street SE, Suite 5
East Wenatchee, WA 98802
1.800.720.8052 / rh2.com

December 8, 2021

City of Ellensburg Public Works & Utilities
Attn: Derek Mayo
501 N. Anderson St.
Ellensburg, WA 98926

Sent via: Email

Subject: Evaluation of Bids and Recommendation for Award for the Illinois Well Facility Project

Dear Mr. Mayo:

This letter presents our recommendation of award and summarizes our review of the four (4) proposals received on December 7, 2021, for the Illinois Well Facility Project.

The proposals for the Illinois Well Facility project were received by the City of Ellensburg (City) and opened as advertised on Tuesday, December 7, 2021, at 3:00 PM, at City Hall. Of the four proposals received, Pacific Civil & Infrastructure (PCI) submitted the low bid at \$3,822,988.59. A summary of the bid totals is provided below:

1. Pacific Civil & Infrastructure	\$3,822,988.59
2. Belsaas & Smith Construction, Inc.	\$3,865,711.74
Engineer's Estimate	\$3,987,878.18
3. POW Contracting	\$4,079,899.15
4. Strider Construction Co. Inc.	\$4,797,963.38

In the City's review of the lowest proposal, a minor math discrepancy in the totaling of extended unit costs was found, which resulted in a minor total bid increase of \$43.32. The corrected total bid is listed above, and the discrepancy did not substantially affect the bid result.

A detailed bid tabulation prepared by the City is attached for your reference. A review of the bid results shows that PCI's low bid was approximately 4.1 percent lower than the engineer's estimate of \$3,987,878.18. The second lowest bid, from Belsaas & Smith Construction, Inc., was approximately 3.1 percent lower than the engineer's estimate. The average of the bids received was approximately \$4,141,640.

RH2 Engineering Inc. (RH2) has focused our review of the bid submissions of the two lowest bids, specifically the bidder's experience requirements. The low bidder, PCI, was found to be in compliance with these reviewed requirements. Additionally, RH2 has spoken with two references provided by PCI in their submittal of qualifications and only positive feedback was received. RH2 also internally checked with two additional clients who also used the contractor recently and found their experiences also to be positive. Based on our review, we recommend that the City award the contract to Pacific Civil & Infrastructure.

If you have any questions or would like to discuss anything further regarding this recommendation or the bid results, please contact me at (509) 886-6762 or dpopoff@rh2.com. Thank you for the opportunity to assist you with this project.

Sincerely,

A handwritten signature in black ink that reads "Donald G. Popoff".

Don Popoff, P.E.

Project Manager

DGP/jrb

Enclosures or Attachments:

Illinois Well Facility Bid Tabulation



Signed: 12/08/2021



CITY COUNCIL AGENDA REPORT

City Council Meeting Date:	December 20, 2021
Item Title/Agenda Subject:	2022 Interlocal Cooperation Payment Agreement with Kittitas County Emergency Medical Services and Trauma Care Council
Submitted by:	Laurie Gigstead City Manager Department
Recommended Action or Motion:	Authorize the City Manager to execute the 2022 Interlocal Cooperation Payment Agreement with Kittitas County EMS and Trauma Care Council
Background/Summary:	In accordance with the Interlocal Cooperation Agreement for the operation of the Kittitas County EMS Division originally signed in 1995, the attached 2022 Payment Agreement has been submitted to the City of Ellensburg for approval.
Previous Council Action:	Each year the Council approves the proposed payment agreement.
Analysis:	Individual jurisdictions within Kittitas County are charged a percentage of the EMS Division budget based on a population distribution which is derived from the Office of Financial Management. Attached to this agenda report is a Memo from Cheryl Burrows, EMS Coordinator, the Payment Agreement for 2022 and the Proposed 2022 Kittitas County EMS Division Budget Plan.
Financial Impact:	The City Council approved \$87,312.75 in funding for this agreement for 2022 through the recent 2021/2022 budget process. The proposed Payment Agreement is in the amount of \$86,430, based on the Proposed 2022 Kittitas County EMS Division Office Budget Plan.
Attachments:	Memo from Cheryl Burrows 2022 Payment Agreement Kittitas County EMS Proposed 2022 Budget Plan



**KITTITAS COUNTY
EMERGENCY MEDICAL SERVICES DIVISION**

MEDICAL PROGRAM DIRECTOR	Office of the: EMS COORDINATOR	EMS & TRAUMA CARE COUNCIL
---------------------------------	---	--------------------------------------

December 7, 2021

TO: Heidi Behrends Cerniwey, City Manager
City of Ellensburg

FR: Cheryl L. Burrows
EMS Coordinator

RE: 2022 Payment Agreement

RECEIVED
DEC 10 2021
CITY MANAGER'S OFFICE
ELLENSBURG, WA

Please find enclosed two original 2022 Kittitas County Emergency Medical Services (EMS) & Trauma Care Council Payment Agreements (attachment "C" to the Interlocal Cooperation Agreement with the Kittitas County EMS & Trauma Care Council). The Payment Agreement reflects the *Proposed 2022 Budget Plan* recommended by the Kittitas County EMS & Trauma Care Council on June 10, 2021, for the operation of the Kittitas County EMS Division.

The *Proposed 2022 Budget Plan* was sent out to all Participating Jurisdictions in July and presented at the November 17, 2021, KCCOG meeting. The KCCOG members in attendance reviewed and approved to recommend the *Proposed 2022 Budget Plan* as presented, pending the Office of Financial Management (OFM) 2020 Census Population Distribution updates for April 1, 2021, posted November 30, 2021. The EMS Council approved the revised OFM Population Distribution adjustments reflected in the attached 2022 Budget Plan on 12-2-21. How this effected each participating jurisdiction balance is reflected in the Jurisdiction Contribution section.

Upon approval, please return one signed copy of the agreement to this office.

If you have any questions or would like me to attend a future meeting, please contact me at 509-929-3247.

Thank you for your continued support and Happy Holidays!

Enclosed:

- 2022 Payment Agreement (2 signed copies – please return 1)
- Recommended 2022 Budget Plan for Kittitas County EMS Division (12-2-21 - Revised to reflect the 11/30/21 OFM 2020 Census Population Distribution updates)

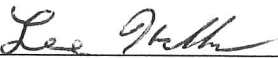
“C”
Kittitas County
Emergency Medical Services and Trauma Care Council
and
Interlocal Cooperation Agreement Participating Jurisdictions

PAYMENT AGREEMENT

1. Term. The term of this agreement will be from January 1, 2022 until December 31, 2022.
2. Compensation. The named Participating Jurisdiction, City of Ellensburg, shall pay the Kittitas County EMS & Trauma Care Council (Council) a total of \$86,430.00 or less, depending on actual expenses; to be paid in quarterly payments to the Council of \$21,607.50, for their 43.2% of the daily operations of the Kittitas County EMS Division office in accordance with the Interlocal Cooperation Agreement. Actual expenses shall be documented by the Council to the Participating Jurisdiction in the form of a quarterly report to include a quarterly billing statement. Quarterly payments will be made at the beginning of each quarter. Revenue not expended will be credited to the Participating Jurisdiction for the following year or reimbursed at the close of the operating year.

Agreed to and dated this _____ day of _____, 20__.

Kittitas County EMS & Trauma Care Council:



Lee Hadden, Chair
Joshua DeHerrera, Vice Chair

City of Ellensburg

Heidi Behrends Cerniwey, City Manager

Approved as to form:

Attorney (optional)

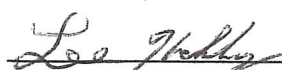
Kittitas County Emergency Medical Services Division

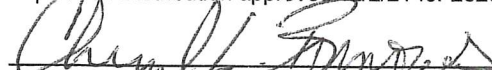
Proposed 2022 - Office Budget Plan

Description Projected Expenditures	Actual 2020	Budget 2021	DRAFT 2022	Notes
Salary - Coordinator (1 FTE):	80,016.00	80,816.00	82,432.00	2.0% COLA/MERIT
EMS Assistant (Program Support)	20,925.89	48,500.00	49,470.00	2.0% COLA/MERIT
Benefits/Emp. Taxes - Coordinator:/Asst	30,205.30	45,261.00	46,166.00	35% of salary
Professional Support (Acct. / Legal)	614.50	2,000.00	2,000.00	As needed
County Administrative Fee	600.00	600.00	600.00	\$50 per month
Rent & Utilities (new lease 9/21)	16,277.41	16,560.00	15,500.00	\$1,000 & Utilities = \$1333 (new)
Phone/Fax/Internet/Hotspot/Cells:	2,999.47	3,300.00	2,800.00	(drop fax/hotspot + cell phone)
Postage:	282.19	200.00	200.00	
Office Supplies:	771.61	500.00	500.00	
Photocopies/Printing:	4,239.22	4,500.00	4,500.00	copier lease & other printing
Computer Serv./Software/Website:	3,062.79	4,000.00	4,000.00	
Travel/Gas/License/Other	919.81	2,000.00	2,000.00	Vehicle: Gas/Travel/Maint
Training/Conferences (Best Practices)	0.00	800.00	800.00	
Insurance	4,662.00	4,400.00	4,400.00	-vehicle insurance from User Fee
Office Equipment (replacement)	427.71	600.00	600.00	
Miscellaneous	434.16	300.00	300.00	
Vehicle/Special (user fee)	4,579.62	800.00	800.00	insurance/maintenance
TOTAL EXPENDITURES:	\$171,017.68	\$215,137.00	\$217,068.00	
Salary Credit Carryover:	\$29,998.00	\$30,000.00	\$17,000.00	carry over offset Wage Survey
Jurisdiction Projected Contribution	\$136,440.06	\$184,337.00	\$200,068.00	2020 Revised Census 11/30/21)
Kittitas County: 45.4 %	84,656.00	85,786.00	90,831.00	decrease
City of Ellensburg: 43.2%	77,452.00	78,485.00	86,430.00	increase
City of Cle Elum: 4.9%	7,205.00	7,301.00	9,803.00	increase
City of Kittitas: 3.2%	5,404.00	5,476.00	6,402.00	same
City of Roslyn: 2.1 %	3,602.00	3,651.00	4,201.00	increase
Town of S. Cle Elum: 1.2%	1,801.00	1,825.00	2,401.00	same
TOTAL PJ REVENUE:	\$180,120.00	\$182,524.00	\$200,068.00	
Annual PJ Budget Increase:	8.5%	1.0%	8.0%	
User Fee=Vehicle Replace (10 yr plan)	\$12,850.00	\$6,500.00	\$6,500.00	Fee based on #/type providers
Reserve/Accrual Fund				
Wage Survey Adjust Balance	29,997.96	43,475.11	17,000.00	2021 estimate for 2022
ASHI Training Site	6,468.92	4,732.07		
Public Education (ASHI courses)	1,309.46	2,021.99		
Benefit Accrual Fund	9,000.00	9,000.00		
Office Equip Accrual Fund	1,836.51	2,008.80		
Professional Support (Acct. / Legal)	1,478.00	1,463.50		
User Fee (Capt Equip/ Special Proj.)	9,622.12	17,742.50		
Total Annual Budget:	\$252,682.97	\$269,467.97		
Participating Jurisdiction Credit:	0.00	0.00		

Population percentages derived from the Office of Financial Management, Forecasting Division for April 1, 2021 (verified 11/30/21-2020 Census)

The 2022 (1/1-12/31/2022) Office Budget Plan Resolution #6-10-21-A was approved for recommendation to the KCCOG by the Kittitas County EMS & Trauma Care Council on 6/10/21. Revised Population Distribution approved 12/2/21 for 2020 Census Res. #12-2-21-A


Lee Hadden, Chairman / J. DeHerrera, Vice Chair


Prepared by: Cheryl Burrows, EMS Coordinator

12-2-21
Date:

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

12/14/2021
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 **20th DAY OF DECEMBER 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	155539	TO	155753	\$ 608,665.31
EFT #'s	5197	TO	5220	\$ 637,546.99

Payroll Fund				Total Amounts
Check #'s	95417	TO	95421	\$ 6,443.49
Direct Deposits	64784	TO	65004	\$ 402,596.89

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

ATTEST: _____
CITY CLERK



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 20, 2021

Item Title/Agenda Subject: Board and Commission Appointments.

Submitted by: Laurie Gigstead City Manager Department

Recommended Action or Motion: Consider board and commission appointments.

Background/Summary: Two people have recently applied to serve on various boards and commissions. As directed by Council, applications are presented to Council for consideration. The attached chart shows current and upcoming vacancies and applicants. Copies of the Applications for Appointment are included with the agenda report.

Previous Council Action: Jordan Ruhle and Raven Harlin introduced themselves at the December 6, 2021 Council meeting.

Analysis: There is currently one vacancy on the Affordable Housing Commission and two vacancies on the Environmental Commission.

Financial Impact: None.

Attachments:

[B and C Agenda Report Chart 12-20-21](#)
[12-20-21 Applications for Appointment](#)

Boards and Commissions	Affordable Housing Commission	Arts Commission	Building Appeals Board	Civil Service Commission	Diversity, Equity & Inclusion Commission	Ellensburg Business Development Authority Board	Environmental Commission	Landmarks and Design Commission	Library Board	Lodging Tax Advisory Committee	Parks and Recreation Commission	Planning Commission	Public Transit Advisory Committee	Senior Citizens Advisory Commission	Utility Advisory Committee
MEMBERS	7	7	5	3	7	9	7	7	7	7	7	7	7	7	7
Residency Requirements	Y	N	N	Y	Y	N	Y	Y	Y	N	Y	Y	N	N	Y
Current Members within City Limits	5	2	0	3	5	4	5	6	5	3	5	7	7	3	7
Current Members Outside City Limits	1	5	3	0	1	4	0	1	2	3	2	0	0	3	0
Current Members Outside but in UGA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VACANCIES	1	0	2	0	1	1	2	0	0	1	0	0	0	1	0
APPLICANTS															
Jordan Ruhle	1 st					2 nd					3 rd				
Raven Harlin	3 rd						1 st				2 nd				

Laurie Gigstead

From: noreply@civicplus.com
Sent: Thursday, October 21, 2021 11:02 AM
To: Laurie Gigstead
Subject: [Ext] Online Form Submittal: Application for Appointment

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

Application for Appointment

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

Boards & Commissions Affordable Housing Commission

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

Name of Applicant: Jordan Ruhle

Address

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

City Ellensburg

State WA

Zip 98926

Email Address

Phone Number

Length of Residence in Ellensburg 7 years 4 months

Do you live within the city limits? Yes

If applying for the Sr. Citizens' Advisory Board, are *Field not completed.*

you at least 55 years of age?

Occupation Status and Background:	Employed as a licensed Loan Officer at Academy Mortgage Corporation
-----------------------------------	---

Organization Affiliations:	None
----------------------------	------

Why are you seeking appointment?	I want to be involved in our community and represent the residents of Ellensburg by helping fill the gaps in affordable housing.
----------------------------------	--

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

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

Boards & Commissions	Ellensburg Business Development Authority
----------------------	---

Boards & Commissions	Parks and Recreation Commission
----------------------	---------------------------------

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

Laurie Gigstead

From: noreply@civicplus.com
Sent: Thursday, September 23, 2021 3:44 PM
To: Laurie Gigstead
Subject: [Ext] Online Form Submittal: Application for Appointment

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

Application for Appointment

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

Boards & Commissions Environmental Commission

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

Name of Applicant: Raven Harlin

Address

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

City Ellensburg

State WA

Zip 98926

Email Address

Phone Number

Length of Residence in Ellensburg 20 years

Do you live within the city limits? Yes

If applying for the Sr. Citizens' Advisory Board, are No

you at least 55 years of age?

Occupation Status and Background:

Cemetery Secretary for I.O.O.F. and High Valley memorial parks 5+ years
Avid Gardener and Nature lover, am realistic and creative in problem solving.
Customer Service and Service background. Some college- Geography not complete

Organization Affiliations:

Member of The I.O.O.F. Lodge # 20, I.O.O.F. , High Valley and Historic Memorial Garden Project Board member 5 years

Why are you seeking appointment?

I think I can give my time and ideas to the city of Ellensburg in many areas. I have interest in the Environmental commission, Parks & Rec and or the Affordable Housing committees. I feel I can be a asset to the community and serve.

Will you be able to attend meetings regularly if appointed?

Yes

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

Boards & Commissions

Parks and Recreation Commission

Boards & Commissions

Affordable Housing Commission

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



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 20, 2021

Item Title/Agenda Subject: Surplus Park Property Discussion - Catherine Park and Whitfield Triangle Parcels

Submitted by: Heidi Behrends Cerniwey City Manager Department

Recommended Action or Motion: Review options for surplus of two City-owned park properties and provide direction to staff to prepare future actions.

Background/Summary: The City's Housing element of the Comprehensive Plan includes the goal to: Preserve, protect, and strengthen the vitality and stability of existing neighborhoods and encourage infill development on vacant and underused sites (Goal H-1, Program 2). The Ellensburg City Council identified "Closing the [housing] gap between units and need by 2030" as a milestone with the adopted 2022-2027 Strategic Vision.

The City Council reviewed City-owned real estate for consideration of sale or partnership to develop affordable housing on February 6, 2017. Five parcels were identified as potential surplus for affordable housing and several other properties were considered for disposal through actions authorized in City Code (Chapter 2.06 ECC).

At the June 28, 2021 Study Session, Council requested review of City-owned real estate to identify other potential parcels that could be put to greater use as residential development or to surplus as a contribution for affordable housing.

At the July 19, 2021 City Council meeting, Council identified two properties, Catherine Park and Whitfield Triangle, to consider for surplus. The City has fee simple ownership of both properties. Additional background information has been collected and property appraisals have been completed on the subject parcels.

Ellensburg City Code (ECC) 2.06.020 outlines the City's policy and procedures for disposition of city surplus real property:

A. Policy. The city council declares that it is in the public

- interest for real property held by the city to be returned to the tax rolls if it is not needed for some present or future municipal use and if it can be sold for a reasonable return. It is therefore the policy of the city to dispose of all real property in which the city holds a fee interest, where such property is surplus to its current or future needs, and where such disposition would afford the city a reasonable return from the transaction. For purposes of this chapter, “reasonable return” means sale for tangible and intangible consideration equal to, or greater than, the appraised fair market value. For purposes of this chapter, “surplus property” means both real property for which the city has no current or future need, as well as real property, which, if disposed of, would be put to a higher or better use for the community at large, which property has been determined to be surplus by the city council.
- B. Procedures. Real property declared surplus may be disposed of for a reasonable return or to benefit the public interest by sealed bid, auction, negotiated sale or special disposition process
- C. Special Disposition Process. In cases where the public interest in a maximum financial or economic return is outweighed by the public benefit, due to factors such as (by way of illustration and not limitation) the unique character or development potential of a given property or use for a public benefit purpose such as affordable housing, the city manager may recommend, for city council approval, the disposal of property by a special disposition process which may include disposal for less than the appraised fair market value or for other cognizable forms of consideration in addition to or in lieu of monetary payment to the city. The special disposition process may include (without limitation) sale or transfer by any of the methods set forth in this section, options to purchase, lease purchase transactions, or other commonly used, commercially reasonable means of disposal. Approval for special disposition of property under this section shall include written findings of the city council setting out and supporting the basis for the city council’s decision that the public benefit of disposal pursuant to this section outweighs the public interest in a maximum financial or economic return. [Ord. 4812 § 1,

Previous Council Action: Of the five parcels identified as potential surplus for affordable housing at the February 6, 2017 meeting, two parcels (Mt. Stuart) were later removed due to suitability issues. One property on Bender/Water Street is currently committed to Habitat for Humanity to create 18 single family units. Council approved a resolution to declare two City-owned parcels at 1st Avenue and Pine Street for the public benefit of affordable housing. Several other parcels identified for surplus have been sold since 2017, including the Incubator Building and several along Dolarway Road.

Analysis: Two properties identified during the July 19, 2021 City Council discussion were identified for residential infill opportunities and staff was directed to evaluate parcels for future surplus consideration. There was no discussion at the meeting as to disposition of sale proceeds or surplus for affordable housing for either property. A memo is attached for each of the two parcels:

- Whitfield Triangle Parcel: NNA N Alder Street
- Catherine Park Parcel: NNA E University Way/Vantage Highway,

To prepare for future action to dispose of any real property, staff request City Council direction on the following elements, necessary to prepare a surplus resolution as outlined by ECC 2.06.080:

- Whether to continue with surplus actions on one or both parcels
- Recommendation as to which fund the proceeds from a sale should be credited
- Whether the subject parcel(s) should be transferred for a public benefit purpose as provided in RCW 39.33.015 (for affordable housing) through a special disposition process.
- Whether covenants or restrictions should be imposed in conjunction with sale/disposition

On November 3, 2021, property owners adjacent and in proximity to the Whitfield Triangle parcel submitted a letter to the City, recommending playground equipment improvements

be made on the property, and suggesting potential private/philanthropic investments to assist in purchasing such equipment, rather than surplus the property. Additional signatories to the letter were received too. A subsequent letter from Annette Schrag was received on November 16, 2021 requesting Council preserve the Whitfield Triangle parcel as a pocket park.

A Local Improvement District (LID) is a special assessment district authorized in Revised Code of Washington (RCW), chapter 35.43 as a tool to fund public improvements with a limited number of property owners that benefit directly from the improvements. Per RCW, park improvements are eligible to be funded through a LID, however further study would be required to determine the benefit area.

Financial Impact:

This is a discussion item only. Financial impacts are dependent on outcome of the discussion and will be considered at a future meeting.

Attachments:

[Whitfield Triangle History Memo](#)
[Resolution 1963-17 \(Whitfield Triangle\)](#)
[Letter from Bill Meyer re: Whitfield Triangle Park](#)
[Additional Residents Supporting Whitfield Triangle Park](#)
[Annette Schrag Letter re: Whitfield Park](#)
[Catherine Park History Memo](#)
[Catherine Park Information](#)



Date: November 29, 2021

To: Heidi Behrends Cerniwey, City Manager

From: Brad Case, Parks & Recreation Director

Subject: Whitfield Triangle

The Whitfield Triangle is a .30-acre parcel of City owned property located on South Alder Street, just north of 4th Avenue on Craig's Hill.

In 1933, the City accepted a land donation from Kittitas County which included what is now Reed Park and Whitfield Triangle. While Reed Park was developed into a community park, Whitfield Triangle has remained a small landscaped area consisting of turf, irrigation system, and juniper bushes. According to City records, the property has never had amenities commonly found in park facilities, such as play equipment or even a garbage can.

Conditions under which the land was donated included a provision that the property remain in public ownership, however in 1963 the County authorized the City to surplus and sell the property, which the city did through Resolution No. 1963-17. The reasons cited by Kittitas County to allow for the surplus of the property have not changed, specifically that the property is not suitable for public park purposes which include:

Property Features - Due to its small size, .30 acres, shape, and slope, making improvements such as adding a children's playground would be challenging and expensive due to the amount of earthwork necessary to make the site suitable. If the City were to consider a playground in this neighborhood, staff recommend to locate that equipment at Reed Park, a 4-acre community park located one block from the Whitfield Triangle site.

Location – This neighborhood is served by wide range of recreational facilities and open space. In addition to Reed Park, there are two other neighborhood parks located within a mile of Whitfield Triangle. Mountain View Park, the city's largest neighborhood park at just over 7 acres is located .61 miles from Whitfield Triangle, and Veterans Memorial Park is only .35 miles away. There is also open space and developed recreational amenities (fitness trail, fields, children's play equipment) located at Ellensburg High School and Valley View Elementary School.

If the City retains ownership of the property, staff would recommend modifications to the property such as eliminating the turf, planting trees and shrubbery, and placing park bench(es) and garbage cans. These changes would create a more unique recreational experience for the public while at the same time providing additional wildlife habitat and expanding the city's tree canopy.

WHEREAS the City of Ellensburg acquired the hereinafter described real estate from Kittitas County for park purposes as provided in the deed of conveyance recorded in Volume 52 of Deeds, page 542; and

WHEREAS Kittitas County has by appropriate resolution of the Commissioners consented to the sale of said property; and

WHEREAS said property is not suitable for public park purposes and its sale will provide much needed funds for other capital park expenditures; and

WHEREAS it is for the public interest that certain restrictions, covenants and reservations be contained in any deed of conveyance, and that said property be sold for residential purposes only;

NOW, THEREFORE, the City Council of the City of Ellensburg, Washington, DO RESOLVE as follows:

Section 1: That the following described real estate is hereby abandoned by the City of Ellensburg for public park purposes and is declared to be surplus property of the City to-wit:

Lot 15, Block "F" LEE'S SUBDIVISION OF SECOND RAILROAD ADDITION TO THE CITY OF ELLENSBURG, in the County of Kittitas, State of Washington.

Section 2: That said real estate be offered for sale under sealed bids subject to the following terms and conditions:

- a. The purchaser and his successors in interest shall agree that said property shall be used for residential purposes only;
- b. That no portion of the roof of a dwelling built on said premises shall exceed a height of fifteen feet above the highest grade of the abutting northerly alley.
- c. The existing sprinkler system shall be retained by the City and removed at City expense upon notice on intention to construct a dwelling.
- d. That the premises shall be maintained in their existing condition until construction is begun.
- e. That the deed of conveyance shall include said restrictions as covenants running with the land and shall also provide that in the event the purchaser, or his successor in interest, within one (1) year from date of conveyance by the City, has failed to construct or enter into a valid contract for the construction of a dwelling, upon demand of the City the title to said real estate shall revert to the City and the City shall thereupon be required to refund to the purchaser, or his successor, but 90% of the purchase price without interest.
- f. The City shall in its call for bids reserve the right to reject any and all bids.
- g. The City will furnish the purchaser with evidence of title with right to convey.

Adopted by the City Council this 15 day of July, 1963.



Mayor

Gertrude Hutchens
City Clerk

November 3, 2021

William Meyer
1010 East Craig Avenue
Ellensburg, WA 98926

Ms. Heidi Behrends Cerniway,
Manager, City of Ellensburg
501 North Anderson
Ellensburg, WA 98926

RE: Whitfield Triangle Park

Dear Ms. Behrends Cerniway:

Thank you for taking time in October to clarify the surplus status of Whitfield Triangle Park with Allen Faltus, Connie Roberts and myself.

As you might think, area residents have purchased their homes with the understanding that both neighborhood parks were part of the Ellensburg park system and would remain as such. The 1963 resolution to surplus the Whitfield Triangle and the tentative December 6, 2021, discussion by Council to consider it for sale came as a surprise to neighborhood residents. The Whitfield Triangle, like Reed Park, contributes to the overall open characteristic of the neighborhood by providing a viewscape and open space use that enhances the living environment of the surrounding residences.

When discussing with area residents, we feel that maintaining our parks' infrastructure is essential to attract civic minded residents who will invest in their homes and keep the neighborhood strong. The present R -L Zoning code is designed to support this effort by providing "standards and guidelines that encourages parks...open spaces and natural features to be integrated into the design of new development." Granted this is not new development, but rather a historic area. The idea however, is the same and we feel very strongly that open space provided by parks does in fact "strengthen families, contribute to healthier lifestyles, build stronger communities, and are an attraction in encouraging a thriving local economy."

Therefore, rather than the Council selling the Whitfield Park parcel for residential R - L use and what unknown that might bring, we recommend an improvement in the form of play ground equipment designed for a 2 - 8 year old age category. The nearest City play ground area for preschool or grade school children is Memorial Park at the City Pool.

This park enhancement has been under discussion by members of the neighborhood and we feel this could serve as a potential community service organization project to which we will make a substantial contribution. We recognize that the actual project requirements and expenses would first need to be determined by City Staff which would in turn give direction to our fund raising efforts.

Attached to this letter is a list of area residents who support the idea of using the Whitfield Triangle Park as a location for a children's play ground rather than selling it for R - L Zoning use. We respectfully request that the Council consider our offer to fund park improvements in your discussion of the Whitfield Triangle Park's future.

Sincerely,

A handwritten signature in dark ink, appearing to read "Allen Faltus, Connie Roberts, William Meyer", with a long horizontal line extending to the right.

Allen Faltus, Connie Roberts, pp William Meyer

CC: Ellensburg City Council

Brad Case, Director

Parks and Recreation Department

Enclosures: Residents Supportive of Improving Whitfield Triangle With Children's Play Area

Residents Supportive of Improving Whitfield Triangle With Children's Play Area:

Andrea and Stephanie Bohman	1008 East Craig Avenue
William and Rosemary Meyer	1010 East Craig Avenue
Connie Roberts	1014 East Craig Avenue
Allen Faltus	1016 East Craig Avenue
Frank and Kristin Woods	1104 East Craig Avenue
William Smith and Martha Duskin-Smith	PO Box 475, Ellensburg
Tyrell and Natasha Nielson	1200 East Craig Avenue
Ryan and Carly Anderson	1000 East 4th Avenue
Frederick Sparks	1003 East 4th Avenue
Don and Natasha Hoskisson	405 North Alder
Doug and Minda Fessler	402 North Alder
Julianne Cutts	500 North Alder
James D. and Wendy Kirkham	504 North Alder
Josh and Nichol Hibbard	1107 Franklin
Nancy Moss	1118 Franklin
Phillip and Karen Mattocks	915 East Third Avenue

Eleven more area residences will be contacted in regard to Whitfield Triangle Park the results of which will be added to this list.

Thank you,

WmRM

Residents Supportive of Improving Whitfield Park Triangle with Children's Play Area

Paula Hungar and Patrick McCutcheon	1003 East Craig Avenue
Donald and Ann Bucklin	1005 East Craig Avenue
Pat Stanton and Jodi Hctor	1127 Franklin

RECEIVED

NOV 09 2021

CITY MANAGER'S OFFICE
ELLENSBURG, WA

RECEIVED

NOV 16 2021

Human Resource's Dept.

Annette Schrag
1111 E. Dairy Lane,
Ellensburg, WA 98926
(405) 651-3596

Dear Ms. Beth Leader,

I spoke with you by phone last week requesting your help in getting the three letters enclosed to the appropriate people as listed below on or before the December 6th scheduled City Council meeting:

Ms. Heidi Behrends Cerniway ✓
Manager, City of Ellensburg

Mr. Brad Case
Director, Ellensburg Parks and Recreation Department

Mr. Bruce Tabb
Mayor, City of Ellensburg

I thank you for your help in this manner.

Sincerely,
Annette Schrag

RECEIVED

NOV 16 2021

CITY MANAGER'S OFFICE
ELLENSBURG, WA

November 16, 2021

Annette Schrag
1111 E. Dairy Ln.
Ellensburg, WA 98926

Ms. Heidi Behrends Cerniway
Manager, City of Ellensburg
501 North Anderson
Ellensburg, WA 98926

Dear Ms. Behrends Cerniway:

I have learned that the City Council voted in July of 2021 to revisit or reconsider the sale of the Whitfield Triangle Pocket Park. It is also my understanding that the Council has put this matter on the December 6 agenda for discussion. I am writing to express my full support of the Whitfield Triangle Park remaining as a pocket park, which provides a green space to enhances the beauty and enjoyment of our community.

By way of introduction, I am the granddaughter of Judge Jay A. Whitfield. The park was dedicated to the memory of my grandfather, recognizing his contribution in the shaping of our community. My grandfather graduated from the University of Washington Law School in 1909 and moved to Ellensburg to begin his legal career. He then founded the Kittitas County Title Company and the Ellensburg Savings and Loan Bank. He served as Superior Court judge in Kittitas County, for eleven years, retiring as a judge in 1958. He was among the founders of the Ellensburg Rotary Club and the Toastmasters Club and was also an active member of the First Presbyterian Church. The establishment of the Whitfield Triangle Park was regarded as a great honor to both my grandfather's memory and our entire family.

Recently, William Meyer shared with me that seventeen Craig's Hill residents (with eleven more residents yet to be contacted) support the idea of using the Whitfield Triangle Park as a location for a children's playground rather than selling it for R- L Zoning use. With city approval, these neighborhood residents have also offered to help fund park improvements. I would strongly support this plan and see it as yet another step in the positive growth of our community.

In closing, I believe that securing the future of Whitfield Park would not only perpetuate the values and ideals that defined my grandfather's life, but also I believe that when we remember and recognize those who have come before us, it helps all of us create and share both our individual and community identities. I therefore strongly recommend that the Whitfield Triangle Park not be sold, but instead remain as part of our community's rich legacy and future.

Sincerely,


Annette Schrag



Date: December 6, 2021

To: Heidi Behrends Cerniwey, City Manager

From: Brad Case, Parks & Recreation Director

Subject: Catherine Park History

Below is background information on Catherine Park, a .74-acre parcel of City owned property located west of the KXLE radio station along the Vantage Highway.

In 1980, John R. DiMeo, who at the time was the owner of the KXLE radio station, donated the Catherine Park property to the City of Ellensburg. The property, was donated to the City under the following conditions:

1. The property must be accepted before December 31, 1980.
2. That if the City subsequently sells the property to a private party for residential construction the proceeds must be used by the City for a capital expenditure rather than maintenance and operation.
3. That some type of appropriate notation be made indicating that the donation was made on behalf of Catherine M. DiMeo.

Conditions under which the land was donated did not include any provisions mandating that if the City decided to relinquish the property that the property had to revert back to the DiMeo family. The City Council accepted the property in December 1980 through Resolution No. 1980-21 (attached).

The DiMeo family donated the property with the hopes that the City would someday develop the property into a small neighborhood park for the residents living in the adjoining neighborhood. Since acquiring the property, the City has performed very minimal maintenance to the Catherine Park; weed control and mowing approximately two times per year. In terms of future park development, the City has no plans to do anything with the property except leave it as is. The size and location of the property, as well as, access to the property have all played major roles in the City's decision not to develop Catherine Park. Furthermore, the 'Radio Hill' neighborhood is served by McElroy Park, a 7-acre park facility located .50 miles from the Catherine Park site. Because Parks acquisition revenue is limited to impact fees, staff recommend Council consider use of any sale proceeds from the Catherine Park property for capital improvements at City park facilities.

NORTH WEST MEDIA

KBKW AM ABERDEEN, WASH.
KXLE AM-fm ELLENSBURG, WASH.
KJMD fm ABERDEEN, WASH.

JOHN R. DIMEO, President
DON DOWNING, Exec. Vice President
(206) 682-3651

July 25, 1980

Mayor and City Council
City of Ellensburg
Ellensburg, Washington 98926

Honorable Members:

It is my intention to submit to the City of Ellensburg in the next few days a very basic and simple short plat of what is commonly referred to as the KXLE property.

If the short plat is granted I further intend to offer lot #1 of the plat to the City of Ellensburg under the following minimal conditions:

- 1) The property must be accepted before December 31, 1980
- 2) That if the city subsequently sells the property to a private party for residential construction (which would be my suggestion) the proceeds must be used by the city for a capital expenditure rather than maintenance and operation
- 3) That some type of appropriate notation be made indicating that the donation was made on behalf of Catherine M. DiMeo

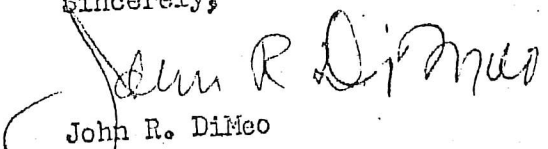
While I do intend to request a waiver of all public improvements at the time the plat is submitted I do not feel this should be any great obstacle since I am not contemplating any further division of lot #2, the remaining KXLE property.

I am respectfully requesting that the council tonight give me some indication of whether or not these minimal conditions are acceptable, conditioned of course on planning commission approval.

Should the city not desire to accept the property I shall still proceed with the plat as indicated and make my offer to some other organization that qualifies under Internal Revenue Service rules.

I do prefer to give the property to the city since I have been in business here almost twenty years and while I do not reside in the city I have children living and working here and feel a strong attachment to the city.

Sincerely,


John R. DiMeo

MARGARET'S

ADDITION TO THE CITY OF ELLENSBURG

#1

#2

#3

#4

#5

#6

#7

(75' x 100')

50'

PROPOSED
SHORT PLAT
#1

200'

OLD

VANTAGE



KXLE

PARKING
LOT

PROPOSED
SHORT PLAT
#2

100'

350'

447402

300

KITTITAS COUNTY AUDITOR
FILED RECORDS OFFICE

KITTITAS COUNTY AUDITOR
FILED RECORDS OFFICE

Real Estate Excise Tax
Exempt
BETTE J. SPENCE
Kittitas County Treasurer

'60 NOV 7 PM 3:15

'80 NOV 14 PM 2:48 DEED

11-7-80 11492

WHEREAS, John R. DiMeo and Catherine M. DiMeo, husband and wife, are the owners of certain real property located in the City of Ellensburg, Kittitas County, Washington, and

WHEREAS, John R. DiMeo and Catherine M. DiMeo desire to donate said property to the City of Ellensburg, Washington,

NOW, THEREFORE, the Grantors, John R. DiMeo and Catherine M. DiMeo, convey ^{and quit claim} to the City of Ellensburg, Washington, a municipal corporation, the following described real property situated in the County of Kittitas, State of Washington:

Lot 1, as described and delineated on short plat No. P-80-8, Recorded October 6, 1980, under Auditors File No. 446237 and filed in Volume B of Short Plats, Page 11 Records of Kittitas County, Washington. Being a portion of Tracts 51 and 52 State addition to the City of Ellensburg as per plat thereof recorded in Book 2 of Plats, Page 48 Records of Kittitas County, State of Washington.

DATED this 6th day of NOVEMBER

1980.

John R. DiMeo
JOHN R. DIMEO

Catherine M. DiMeo
CATHERINE M. DIMEO

State of Washington)
) ss.
County of K I N G)

On this 6th day of NOVEMBER, 1980, before me personally appeared JOHN R. DIMEO and CATHERINE M. DIMEO, husband and wife, to me known to be the individuals who executed the foregoing instrument therein described, and acknowledged to me that they signed and sealed the said instrument freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year in this certificate first above written.

Robert L. Cleveland
NOTARY PUBLIC in and for the State
of Washington, residing at
Seattle

Rt. Pm
Elbg.

OFFICIAL RECORDS

Public National Title Insurance Co CK-5992-

VOL 140 PAGE 158

December 9, 1980

AGENDA REPORT

TO: City Council

FROM: Robert H. Walker, City Manager 

SUBJECT: Acceptance of DiMeo Parcel

RECOMMENDED ACTION: Consider land donation.

HISTORY AND FACT: In October, the Planning Commission approved the DiMeo Short Plat which divided the radio station property into lots of .74 and 3.08 acres. The City Council has approved a deferral of public improvements and a Subdivision Improvements Agreement implementing that deferral. At the time of discussion, it was proposed by Mr. DiMeo that the parcel of .74 acres would be donated to the City, with that intention being acknowledged but not formally accepted by the City Council.

DISCUSSION: On November 4, Mr. DiMeo's attorney recorded a deed with the County Auditor which transferred ownership of the parcel to the City. In 1967 a Resolution was adopted by the City Council establishing policy that formal acceptance of real property is required. A Resolution follows this Agenda Report for Council consideration.

RECOMMENDATION: Consider Resolution

RESOLUTION NO. 1980 - 21

A RESOLUTION accepting donation of real property to the City.

WHEREAS, Resolution 1967-28 did establish policy for the acceptance of real property, and

WHEREAS, the owners of real property have donated certain real property to the City,

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

Section 1. The City Council accepts the property in the attached deed described as follows:

Lot 1, Short Plat #P-80-8, recorded October 6, 1980, under Auditor's File No. 446237 filed in Volume B of Short Plats, page 11, Records of Kittitas County, Washington.

Passed and approved this _____ day of _____, 1980.

Mayor

Attest: _____
City Clerk



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 20, 2021

Item Title/Agenda Subject: Second Reading and Adoption of Ordinance 4882 amending the Ellensburg Comprehensive Plan

Submitted by: Kirsten Sackett Community Development

Recommended Action or Motion: Conduct second reading and adoption of Ordinance No. 4882

Background/Summary: At their July 19, 2021 meeting, City Council approved a motion to docket eight of the eleven submitted Comprehensive Plan amendments. All docketed amendment proposals must be considered by the City concurrently so the cumulative effect of the various proposals can be ascertained. The City issued a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) on November 26, 2021. The required 60-day notice of intent to adopt Comprehensive Plan amendments is expected to be complete no later than December 17, 2021.

Previous Council Action: City Council held a public hearing on December 6, 2021 meeting to consider the proposed amendments. At the conclusion of the hearing, Council voted as follows:

- Docket 20-02, 21-03 and 21-05 approved as presented
- Docket 21-01 and 21-10 approved as modified by City Council
- Docket 21-11 approved in accordance with the Planning Commission recommendation
- Docket 21-04 and 21-06 referred into the 2022 annual amendment cycle.

Analysis: Docket Item 21-01 is an update to the 6-Year Capital Improvement Plans (CIP) and is attached to this ordinance as Exhibit A. It includes the modification to update the 6-year Parks & Recreation CIP.

Docket Item 21-02 was referred from the 2020 annual

amendment process, and provides a new Chapter 9 to the Comprehensive Plan focused on Diversity, Equity and Inclusion.

Docket Item 21-03 provides an update to the Housing Chapter to conform with requirements of House Bill 1220 relating to supporting Emergency Shelters and Housing through local planning and development regulations. This amendment modifies Goal H-2 of the Housing Chapter and also adds a new Program under Policy D, and a New Policy F, with one new Program.

Docket Item 21-04 was a proposal to update the Housing Chapter of the Comprehensive Plan with new data gathered during the 2021 Housing Needs Assessment (HNA). This item was referred into the 2022 annual amendment cycle in order to allow time for a more comprehensive update to the housing chapter as well as other chapters that will incorporate data from the HNA.

Docket Item 21-05 provides updates to two chapters of the Comprehensive Plan. Chapter 5 Capital Facilities and Utilities will now include a Level of Service Standard for broadband as a city utility, and also includes new Action Items that call for regular updates to the Telecommunications Utility System Plan, a reduction in barriers to the extension of this utility, as well as development of a digital inclusion plan. Docket Item 21-05 also provides for updated goals within Chapter 6 of the Comprehensive Plan focused on Economic Development. The updated goals call for broadband expansion to all residents and businesses within the City. Language was also added to reflect the city's commitment to diversity, equity and inclusion.

Docket Item 21-06 was a proposal to further expand Chapter 6 Economic Development of the Comprehensive Plan with additional data as proposed by CenterFuse. This item was referred into the 2022 annual amendment cycle in order to provide for inclusion of the findings of the TIP Strategy currently being developed for the community.

Docket Item 21-10 is an amendment to the future land use designation for Parcel 716133 to re-designate the southern portion of the property as General Commercial & Services.

Docket Item 21-11 is an amendment to the future land use designation for Parcel 668733, which is located within the UGA at the southern perimeter of the City limits. This amendment will re-designate a large portion of the property as Light Industrial.

Both of the map amendments are reflected as amendments to the Future Land Use Map in the Comprehensive Plan, which is Figure 2 of the Land Use Chapter.

At the conclusion of the public hearing held on December 6, Council approved a motion to give Ordinance No. 4882 first reading.

The attached Ordinance for second reading includes two exhibits that reflect the amendments approved by City Council. Exhibit A is a compilation of the approved 6-year Capital Improvement Plans, and Exhibit B displays all of the text amendments to the Comprehensive Plan as well as the updated Future Land Use Map.

Financial Impact: None

Attachments:

[Ordinance 4882 Comp Plan 2nd Reading](#)
[Exhibit A 2021 Capital Improvement Plans](#)
[Exhibit B 2021 Comp Plan Updates](#)

ORDINANCE NO. 4882

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, AMENDING THE COMPREHENSIVE PLAN ADOPTED BY ORDINANCE NO. 4785 AND SET OUT IN CHAPTER 15.120 OF THE ELLENSBURG CITY CODE.

WHEREAS, as one of the cities in Kittitas County, the City of Ellensburg is required to adopt and regularly update a comprehensive plan pursuant to the Washington State Growth Management Act (GMA); and

WHEREAS, the City Council adopted Ordinance No. 4785, “Imagine Ellensburg 2037,” as the official Comprehensive Plan for the City of Ellensburg, which was last amended by Ordinance No. 4869; and

WHEREAS, under the GMA and pursuant to Section 15.250.090 of the Ellensburg City Code, the City is authorized to amend its Comprehensive Plan on an annual basis; and

WHEREAS, the City Council adopted Resolution 1997-10 and Ordinance No. 4116 as last amended by Ordinance No. 4807, establishing a policy and procedure for the annual review of proposals to amend the Comprehensive Plan, which are codified in Ellensburg City Code 15.250.090(D); and

WHEREAS, on July 19, 2021 the City Council reviewed all of the proposed Comprehensive Plan amendments for the 2021 annual amendment cycle and moved to docket proposed amendments 21-01, 21-02, 21-03, 21-04, 21-05, 21-06, 21-10 and 21-11 and then forwarded the docketed amendments to the SEPA Responsible Official for SEPA review and to the Planning Commission for review and recommendation; and

WHEREAS, on October 19, 2021 the City Community Development Department provided the required 60-Day Notice of Intent to Adopt Comprehensive Plan Amendments to the Washington Department of Commerce, and the 60-day review period was complete on December XX, 2021; and

WHEREAS, the Ellensburg City Planning Commission held a public hearing on November 18, 2021 and the Planning Commission approved a motion to recommend the City Council approve proposed docket items 21-01, 21-02, 21-03, 21-05, 21-06 as presented, that docket items 21-10 and 21-11 be approved with the Commission’s proposed amendments, and that docket 21-04 be referred for completion in calendar year 2022; and

WHEREAS, the SEPA Responsible Official reviewed a SEPA checklist, comments from agencies and the public, and other information in the record and issued a Determination of Non-Significance which became final on November 26, 2021 for docketed comprehensive plan amendments 21-01, 21-02, 21-03, 21-04, 21-05, 21-06, 21-10 and 21-11; and

WHEREAS, the City Council held a public hearing on the matter of adopting the docketed 2021 Comprehensive Plan amendments at its regular meeting on December 6, 2021 at which time three public comments were received, Council entered into the public hearing record the agenda report for Council's December 6, 2021 regular meeting with all attached Exhibits 1 through 23 and additional Exhibit 24 (SEPA Determination of Non-Significance) prior to closing the public hearing, after which City Council determined it is in the best interests of the City of Ellensburg that proposed amendments 21-02, 21-03, and 21-05 be approved as presented in accordance with the findings and recommendations submitted by the Planning Commission, that proposed amendments 21-01 and 21-10 be approved as modified by City Council, that proposed amendment 21-11 be amended in accordance with the Planning Commission recommendation, and to refer amendments 21-04 and 21-06 for completion in 2022, and be enacted as an ordinance; and

WHEREAS, all portions of the City of Ellensburg 2017 Ellensburg Comprehensive Plan, "Imagine Ellensburg 2037," as subsequently amended, shall remain in full force and effect except as specifically amended herein;

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

Section 1. That document attached to this ordinance as Exhibit "A" and entitled 2021 City of Ellensburg Capital Improvement Plans is hereby adopted into the City of Ellensburg 2017 Comprehensive Plan, "Imagine Ellensburg 2037" as Appendix A (docket amendment 21-01).

Section 2. That document attached to this ordinance as Exhibit "B" and entitled "City of Ellensburg Comprehensive Plan, 2021 updates" which is included as part of the Comprehensive Plan, is hereby amended to adopt and include docket amendments 21-02, 21-03, 21-05, 21-10 and 21-11.

Section 3. All portions of the City of Ellensburg 2017 Comprehensive Plan, "Imagine Ellensburg 2037," as subsequently amended, shall remain in force and effect except as specifically amended herein.

Section 4. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. 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 errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 6. 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 this 20th day of December, 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. 4882 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4882 was published as required by law.

Beth Leader

EXHIBIT A

2021 City of Ellensburg Capital Improvement Plans

APPENDIX A:

6-YEAR CAPITAL IMPROVEMENT PLANS

These 6-Year Capital Improvement Plans are hereby incorporated by reference into the City of Ellensburg Comprehensive Plan as an Appendix to the Capital Facilities and Utilities Chapter. The Capital Improvement Plans will be reviewed and updated annually.

Table 23. Electric Utility 6-year Capital Improvement Plan

Project	2022	2023	2024	2025	2026	2027
Electric System Plan						
Plan Update (every 6 years)		\$150,000				
System Expansion						
New Services	\$52,426	\$55,047	\$57,800	\$60,690	\$63,580	\$66,759
New Meters	\$65,738	\$69,025	\$72,476	\$76,100	\$79,723	\$83,710
New OH Conductors & Equipment	\$77,486	\$81,360	\$85,428	\$89,700	\$93,971	\$98,670
New UG Conductors	\$297,844	\$312,736	\$328,373	\$344,791	\$361,210	\$379,270
UG Conduits & Vaults	\$147,222	\$154,583	\$162,313	\$170,428	\$178,544	\$187,471
New Line Transformers	\$57,903	\$60,798	\$63,838	\$67,030	\$70,222	\$73,733
New Street Lighting	\$17,006	\$17,856	\$18,749	\$19,687	\$20,624	\$21,655
Capitol Projects						
Berry to Bull Rd Tie	\$ 200,000					
Canyon Rd I90 Crossing Reconductor (D2-1)	\$ 100,000					
Bowers Rd to Reecer Creek Extension (HE-2)			\$ 250,000	\$ 250,000		
Feeder 15 Airport Rd to Bender (HE-1)			\$ 300,000			
Univ. Way Gateway	\$1,700,000					
Mountain View Reconductor (D2-2)		\$ 500,000				
Sanders to Alder Tie (HE-3)		\$ 80,000				
Sanders to Brick Rd (HE-4)		\$ 175,000				
Anderson/Umptanum Rd Tie			\$ 150,000			
Wildcat street Feeder System				\$ 315,000		
Street Lighting Laminated / Fiberglass Pole Replacement/ Misc. Lighting Upgrades	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000
Radio Road Conversion		\$180,000				
Substation Improvements						
Sub Land Purchase	\$ 500,000					
D1 Dolarway Substation Improvement	\$1,170,000	\$ 1,400,000				
TOTALS	\$4,435,625	\$ 3,286,406	\$1,538,977	\$1,443,425	\$ 917,874	\$961,268

Table 24. Information Technology Capital Improvement Plan

Project	2022	2023	2024	2025	2026	2027
IT System Plan						
Plan Updates (every 3 years)		\$20,000			\$20,000	
IT Computer Replacements						
Hardware	\$65,000	\$65,000	\$65,000	\$65,000	\$65,000	\$65,000
Software	\$34,000	\$34,000	\$34,000	\$34,000	\$34,000	\$34,000
Consultant Services	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000
IT Enterprise Applications						
Hardware	50,000	50,000	50,000	50,000	50,000	50,000
Records Management			\$50,000	\$5,000	\$5,000	\$5,000
CIS replacement	505,000	105,000	55,000	55,000	55,000	55,000
Software	\$185,000	\$185,000	\$185,000	\$185,000	\$185,000	\$185,000
Consultant Services	\$167,000	\$100,000	\$100,000	\$50,000	\$50,000	\$50,000
IT Network Resources						
Hardware	\$60,000	\$35,000	\$40,000	\$40,000	\$20,000	\$20,000
Software	\$53,000	\$53,000	\$53,000	\$53,000	\$53,000	\$53,000
Consultant Services	\$32,000	\$32,000	\$32,000	\$32,000	\$32,000	\$32,000
Off Site Data/DR	\$100,000	\$50,000	20,000	20,000	20,000	20,000
Cable Upgrade to Category 5e	5,000	10,000	10,000	5,000	5,000	5,000
GIS System Plan						
Plan Updates (every 3 years)		\$15,000			\$15,000	
GIS Implementation						
GIS - Asset Management System	\$93,500	83,500	40,000	\$40,000	40,000	40,000
GIS - Permit, licensing, and Service Applications			90,000	\$20,000	20,000	20,000
GIS Network Resources						
Hardware	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
Software	\$52,000	\$52,000	\$52,000	\$52,000	\$52,000	\$52,000
Consultant Services	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000
Total	\$1,466,500	\$954,500	\$941,000	\$771,000	\$786,000	\$751,000
GRAND TOTAL	\$5,670,000					

Table 25. Natural Gas Utility Capital Improvement Plan

Project	2022	2023	2024	2025	2026	2027
Gas System Plan						
Plan Updates (every 6 years)					\$80,000	
System Improvements						
No 6 Road South of Willis Road	\$10,400					
No 6 Road North of Willis Road	\$22,000					
No 6 Road to Vantage Hwy Loop		\$30,000	\$30,000			
Misc. Looping, Uprating	\$20,000	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000
University Way (Gateway I)	\$100,000					
Vantage Highway (Gateway II)			\$150,000			
Pipe Boring under Roads, RR, and Creeks	\$40,000	\$40,000	\$50,000	\$50,000	\$50,000	\$50,000
Misc. System Improvements	\$90,000	\$95,000	\$100,000	\$120,000	\$120,000	\$140,000
Tap/Regulator Station Upgrades						
Seattle Gate Upgrade - Telemetry	\$50,000					
Kittitas Tap Station - Telemetry	\$50,000					
Kittitas Tap Station Upgrades	\$40,000		\$250,000			
Kittitas Tap Station Land Acquisition			\$100,000			
CWU/TCF Telemetry/Upgrades	\$40,000					
Cathodic Protection System Improvements						
Anode Bed Replacements		\$80,000	\$80,000			
Cathodic Protection (CP) System Study				\$70,000		
Cathodic Protection Close Interval Survey	\$20,000					
Tap Station CP Interference Testing/Analysis	\$15,000					
Meter/ERT Upgrades/Improvements						
Meter Proving/Refurbish	\$12,000	\$40,000		\$40,000		\$50,000
Meter/ERT Change-Outs	\$20,000	\$80,000		\$80,000		\$100,000
Developments						
Misc. System Developments	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000
	\$679,400	\$545,000	\$940,000	\$540,000	\$430,000	\$520,000

Table 26. Parks and Recreation Capital Improvement Plan

Project Description	2022	2023	2024	2025	2026	2027
Rotary Pavilion Property Development	\$500,000.00					
North Alder Street Park Sprayground	\$250,000					
IRRP Playground			\$ 200,000.00			
New Senior/Recreation Center		\$ 15,000,000.00				
McElroy Park Improvements				\$30,000.00		
Kiwanis Park Skatepark Improvements				\$545,000.00		
Rotary Park and Trail Development	\$500,000					\$5,000,000.00
New Park Acquisition					\$200,000.00	
Mt. View Park Multi Purpose Court Improvements		\$40,000.00				
Mt. View Park Tennis Court Development (6)			\$410,000			
PTCSTP Reconnection		\$825,000.00	\$75,000.00	\$200,000.00	\$500,000.00	\$300,000.00
Yakima River Trail			\$750,000.00			
Rotary Park Fieldhouse			\$3,000,000.00			
ERRC Improvements				\$75,000.00		\$425,000.00
Irene Rinehart Park Improvements						\$1,827,000.00
Skatepark Improvements					\$150,000.00	
Kleinberg Park Improvements					\$17,000.00	
Mt. View Park Improvements						\$188,300
Paul Rogers Park Improvements		\$118,000.00				
Reed Park Improvements	\$ 167,000.00					
South Main Entry Park Improvements						\$20,000
Veterans Memorial Park Improvements					\$401,000.00	
West Ellensburg Park Improvements					\$432,600.00	
Wipple Park Improvements				\$21,000		
Off Leash Park Phase II		\$10,000.00				
TOTALS	\$ 1,417,000.00	\$15,993,000.00	\$4,435,000.00	\$871,000.00	\$1,700,600.00	\$7,760,300.00

Table 27. Sewer System Capital Facility Improvement Plan

Project	2022	2023	2024	2025	2026	2027	2028-2039
General Sewer Plan and I/I Investigation	\$ 250,000						
Maintenance Issues & Concrete & Clay Pipe Replacement	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$1,300,000
Concrete & Clay Pipe Replacement							\$4,050,000
Cora Street Pump Station							\$486,000
Anderson Road Extension	\$2,600,000						

	\$ 2,950,000	\$ 100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$5,836,000
Grand Total	\$9,286,000						

Table 28. Stormwater Capital Improvement Plan

Project	2022	2023	2024	2025	2026	2027
Dolarway Bridge and Levee	\$2,000,000					
Effectiveness Monitoring	\$40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000
University Avenue Gateway Project (Wenas to Whiskey Cr.)	\$3,227,000					
Annual Stormwater Project (Varies)	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000
University Avenue Gateway II Project (Vista Rd. to E. CL)	\$400,000	\$ 5,000,000				

	\$5,742,000	\$5,115,000	\$ 115,000	\$ 115,000	\$ 115,000	\$ 115,000
Grand Total	\$11,317,000					

Table 29. Telecommunications Capital Improvement Plan

Project	2022	2023	2024	2025	2026	2027
Strategic Plan						
Plan Updates (every 3 years)			\$20,000			
System Improvements						
WWTP Fiber Optic Connection				55,000	\$55,000	
Bull Road	115,000			20,000		
Hardware Refreshment	100,000	25,000	25,000	25,000	100,000	25,000
Outdoor Plant Improvements	\$48,000	\$48,000	\$48,000	\$48,000	\$48,000	\$48,000
Gateway 1	\$100,000					
Gateway 2	\$85,000					
Telecom Connections	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
Telecom Infrastructure	\$55,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
Line Extensions						
Commercial Customers	\$50,000	\$50,000	25,000	25,000	25,000	25,000
Wireless Improvements						
Community WiFi, Wireless Equipment for DR/Backup or Temporary Svc.		\$10,000	10,000	10,000		
Total	\$603,000	\$188,000	\$183,000	\$238,000	\$283,000	\$153,000
GRAND TOTAL	\$1,648,000					

Table 30. Transportation Capital Improvement Plan

6 Yr. Transportation Improvement Plan (2022-2027)												
CITY OF ELLENSBURG				PUBLIC HEARING DATE:		6/21/2021						
6-YEAR TRANSPORTATION IMPROVEMENT PLAN				ADOPTION DATE:		6/21/2021						
2022 TO 2027 (INCLUDES CURRENT WORK REMAINING IN 2021)				RESOLUTION NO.		TBD						
REVENUE BY YEAR (thousands)												
	SOURCE	2021*	2022	2023	2024	2025	2026	2027				TOTALS
	ARTERIAL STREET	559	95	300	100	105	105	410				1,674
	REGIONAL STBG	555	0	0	0	490	0	540				1,585
	SALES TAX RESERVE	64	947	998	100	700	300	945				4,054
	FEDERAL SAFE ROUTES TO SCHOOL & PEDESTRIAN/BICYCLE GRANTS	0	0	195	570	625	500	0				1,890
	WSDOT SAFETY PROGRAM	1,145	0	0	0	1,534	0	0				2,679
	TRANSPORTATION IMPROVEMENT BOARD (TIB) - Grant Programs	620	925	350	1,884	750	2,956	1,111				8,596
	DISTRESSED COUNTY SALES/USE TAX	65	160	0	100	0	0	375				700
	1/4 CENT REAL ESTATE EXCISE TAX	65	333	15	180	15	285	15				908
	MAP-21 TRANSPORTATION ALTERNATIVES PROGRAMS	35	368	0	0	0	1,050	0				1,453
	DOE FISCAL YEAR WATER QUALITY GRANT	191	2,720	4,232	0	0	0	0				7,143
	COUNTY LODGING TAX GRANT	0	67	0	0	0	0	0				67
	LOCAL LODGING TAX FUNDS	0	66	0	0	0	0	0				66
	STREET	0	0	0	104	0	0	0				104
	TRANSIT	26	0	0	0	0	0	20				46
	OTHER AGENCY	1,000	10	0	0	0	0	80				1,090
	LOCAL IMPROVEMENT DISTRICT (LID) / DEFERRALS	0	0	0	0	200	765	600				1,565
	TRAFFIC IMPACT FEES	15	785	0	1,370	700	866	826				4,562
	NOT FUNDED	0	0	0	0	0	0	0				0
	TOTAL REVENUE	4,340	6,476	6,090	4,408	5,119	6,827	4,922				38,182
EXPENDITURES BY YEAR (thousands)												
	PROJECT	2021*	2022	2023	2024	2025	2026	2027	Future			TOTALS
1	S/P Bridge Inspections	5	5	5	5	5	5	5	0			35
2	S/P Engineering Transfer	15	15	15	15	15	15	15	0			105
3	S/P Signal Optimization	25	25	25	25	25	25	25	0			175
4	S/P Alley Reconstruction (Annual)	65	65	70	70	75	75	80	0			500
5	S Cora Street Curb/Sidewalk - 15th Avenue to Palouse to Cascades (PTC) Trail	375	0	0	0	0	0	0	0			375
6	S Helena Ave Complete Streets Sidewalk Improvements - Water St. to Walnut St.	540	0	0	0	0	0	0	0			540
7	S Helena Ave Overlay - Water St. to Airport Road	495	0	0	0	0	0	0	0			495
8	S Main St. Corridor Intersection Enhancements	1,145	0	0	0	0	0	0	0			1,145
9	S Canyon/90 EB Ramps-Intersection Improvements - Illumination/Rechannel/Sidewalks	500	0	0	0	0	0	0	0			500
10	S University Way and Reecer Creek Road Signalization	665	0	0	0	0	0	0	0			665
11	S 5th Ave. and Railroad Ave. Traffic Signal Installation	65	395	0	0	0	0	0	0			460
12	S University Way Gateway - Nanum Street to Red Horse Diner	10	3,017	0	0	0	0	0	0			3,027
13	S Alder St and 14th Ave Signalization - PTC Reconnect Trail from 14th to KVEC	185	1,425	0	0	0	0	0	0			1,610
14	S Plinning Road Shared Use Pathway	50	526	0	0	0	0	0	0			576
15	S/P Capitol Ave Sidewalk Replacement - Main St. to Sampson St.	0	60	0	80	0	85	0	0			225
16	P Large Scale Wayfinding Implementation Project	0	133	0	0	0	0	0	0			133
17	S Sixth Ave Paverstone Walk & Angle Parking (N. of City Hall)	0	125	0	0	0	0	0	0			125
18	S Downtown Slurry Seal	0	450	0	0	0	0	0	0			450
19	S/P Alder St Sidewalk - One Side - Capitol Ave to 4th Ave	0	35	0	35	0	35	0	0			105
20	P Water St. Overlay - University Way to Manitoba, Manitoba from Water to Main	0	0	1,180	0	0	0	0	0			1,180
21	P 1st Ave Sidewalk Improvements - Ruby St. to Sampson St. - North Side	0	0	195	0	0	0	0	0			195
22	S/P University Way Gateway II - Vista Rd to east City Limits	200	200	4,600	0	0	0	0	0			5,000
23	P Palouse to Cascades Reconnect Trail - Sanders to Airport	0	0	0	670	0	0	0	0			670
24	P 15th Ave Sidewalk Improvements - Cora St to Water St - North Side	0	0	0	154	0	0	0	0			154
25	P Wildcat Way and 18th Intersection Enhancements	0	0	0	630	0	0	0	0			630
26	P University Way and Water Street Intersection Enhancements and Widening	0	0	0	2,724	0	0	0	0			2,724
27	P Canyon Rd./Main St. Overlay - Umptanum to Mtn View, 3rd Ave to University Way	0	0	0	0	740	0	0	0			740
28	P Mountain View Ave and Ruby St Intersection Enhancements and Widening	0	0	0	0	2,434	0	0	0			2,434
29	P Walnut St and 18th Bike Lane - Dean Nicholson to Alder St	0	0	0	0	125	0	0	0			125
30	P University Way Sidewalks - Brick Rd. to Vista Rd.	0	0	0	0	1,700	0	0	0			1,700
31	P Plinning Rd Sidewalks - Vantage Hwy to 14th Ave	0	0	0	0	0	2,700	0	0			2,700
32	P Industrial Way Improvements - LID	0	0	0	0	0	1,065	0	0			1,065
33	P Canyon Rd and Umptanum Rd Intersection Enhancements and Widening	0	0	0	0	0	2,822	0	0			2,822
34	P Vantage Highway Overlay - 100' E of Brick Rd to E. City Limits	0	0	0	0	0	0	950	0			950
35	P Multimodal Facility Study	0	0	0	0	0	0	100	0			100
36	P 3rd Ave. Paverstone Sidewalks and Historic Lighting - Water St. to Depot	0	0	0	0	0	0	674	0			674
37	P Capitol Ave. Improvements - Willow St. to Oak St.	0	0	0	0	0	0	1,271	0			1,271
38	P Airport Rd Sidewalk Improvements - Dean Nicholson to N. City Limits	0	0	0	0	0	0	975	0			975
39	P 3rd Ave and Ruby St Intersection Enhancements	0	0	0	0	0	0	741	0			741
40	P 14th Ave and Wildcat Way Bike Lane - B St to University Way	0	0	0	0	0	0	86	0			86
41	P Anderson/Umptanum/Railroad Ave. Road Widening/Overlay (Joint w/ County)								10,000			10,000
42	P Chestnut St and Walnut St Bike and Ped Improvements								263			263
43	P Brick Road Sidewalk Extension								600			600
44	P Trail Connection - 5th Ave to University Way (near CWU)								47			47
45	P 5th and Ruby Intersection Enhancements and Widening								741			741
46	P Helena Ave and Walnut St Intersection Enhancements and Widening								740			740
47	P Helena Ave and Water St Intersection Enhancements and Widening								936			936
48	P Manitoba Ave and Ruby St Intersection Enhancements and Realignment								1,332			1,332
49	P University Way and Alder St Intersection Enhancements and Widening								1,558			1,558
50	P University Way and Main St Intersection Enhancements and Widening								3,338			3,338
51	P Water St and Bender Rd Intersection Enhancements								966			966
52	P Airport Rd and Bender Rd Intersection Enhancements								1,008			1,008
53	P Capitol Ave and Chestnut St Intersection Enhancements								672			672
54	P Sanders Rd and Alder St Intersection Enhancements								665			665
55	P Capitol Ave and Willow St Intersection Enhancements								524			524
56	P Mountain View Ave and Bull Rd Intersection Enhancements								681			681
57	P Anderson Rd and Umptanum Rd Intersection Enhancements								1,252			1,252
58	P 15th Ave and Cora St Intersection Enhancements								432			432
59	P 18th Ave and Alder St Intersection Enhancements								720			720
	TOTAL EXPENDITURE	4,340	6,476	6,090	4,408	5,119	6,827	4,922	26,475			64,657
	ARTERIAL STREET FUND BEGINNING BALANCE (01/01/2021))	1,347	903	923	738	753	763	773				
	EST. GAS TAX REVENUE & SCHEDULED SALES TAX TRANSFER	115	115	115	115	115	115	115				
	ARTERIAL STREET FUND ENDING BALANCE	903	923	738	753	763	773	478				

*Current year projects shown for accounting purposes.

**TIP plans calls for road widening/impr. projects to be funded from Sales Tax Reserve, to replace the Federal STP funding which is now shown for potential asphalt overlay funding. (Average annual need to overlay the arterial street system on a 15 year cycle is in excess of \$800,000 per year.)

Table 31. Wastewater Treatment Capital Improvement Plan

Project	2022	2023	2024	2025	2026	2027	2028-2039
Digester and GBT Building Electrical Upgrades	\$500,000	\$348,000					
Recirculation Pump Station		\$275,000					
Boiler Building		\$40,000					
Aeration	\$400,000		\$13,000,000				
Rebuild Clarifiers	\$325,000						
Digester/GBT Electrical Upgrades	\$500,000						
Methane Recapture Analysis/Contract	\$40,000		\$1,000,000				
	\$1,765,000	\$663,000	\$14,000,000	\$ -	\$ -	\$ -	\$ -

Grand total \$16,428,000

Table 32. Water System Capital Improvement Plan

Project	2022	2023	2024	2025	2026	2027	2028-2039
Illinois Well Outfitting / Well House / Main Ext.	\$3,200,000						
Water System Plan							\$300,000
Craig's Hill Pressure Zone		\$300,000					
Inspect Reservoirs	\$20,000						
Recoat Reservoir				\$825,000			\$825,000
Pfenning Loop			\$274,000				
Cora Street Loop Pressure			\$431,000				
Helena Main Extension	\$325,000						
Memorial Park Main Relocation	\$50,000						
Walnut Street Main Replacement		\$286,000					
Seattle Ave. Main Extension		\$323,000					
24-inch Main Inspection	\$25,000						
24-inch Valve Rehabilitate	\$33,000	\$33,000	\$33,000	\$33,000			
Pressure Reducing Valve							\$81,000
New Well					\$3,500,000		
Oversizing Fund	\$40,000	\$40,000	\$40,000	\$40,000	\$40,000	\$40,000	\$520
Pipe Replacement Fund	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$1,300,000
Water Use Audits of City Parks	\$10,000						
Water Bills Showing Consumption History	\$ 10,000						
Meter Testing	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	\$455,000
Pump and Motor Inspection/Repair	\$55,000	\$55,000	\$55,000	\$55,000	\$55,000	\$55,000	\$416,000
	\$3,903,000	\$1,172,000	\$968,000	\$1,088,000	\$3,730,000	\$230,000	\$3,377,520
Grand Total	\$14,468,520						

EXHIBIT B

2021 City of Ellensburg Comprehensive Plan, 2021 Updates

TABLE OF CONTENTS

SECTION I

INTRODUCTION

SECTION II

COMMUNITY PROFILE

SECTION III

CHAPTER 1 – LAND USE

CHAPTER 2 – HOUSING

CHAPTER 3 – TRANSPORTATION

CHAPTER 4 – CAPITAL FACILITIES AND UTILITIES

CHAPTER 5 – PARKS AND RECREATION

CHAPTER 6 – ECONOMIC DEVELOPMENT

CHAPTER 7 – ENVIRONMENT

CHAPTER 8 – HISTORIC PRESERVATION

CHAPTER 9 – DIVERSITY EQUITY AND INCLUSION

SECTION IV

DEFINITIONS AND ACRONYMS

SECTION V

APPENDIX A: 6-YEAR CAPITAL IMPROVEMENT PLANS

APPENDIX B: TRANSPORTATION IMPROVEMENT PLAN

APPENDIX C: HOUSEHOLD AND EMPLOYMENT GROWTH

APPENDIX D: LEVEL OF SERVICE REPORTS

APPENDIX E: TRAVEL DEMAND DOCUMENTATION

FIGURES

Figure 1. Comparison of Current and Future Land Use Designations	28
Figure 2. Future Land Use Map.....	29
Figure 3. Households by Household Type	37
Figure 4. Household Tenure by Household Type	37
Figure 5. Housing Units by Housing Stock.....	38
Figure 6. Alignment between Household Sizes and Size of Units in Housing Stock.....	39
Figure 7. Median Monthly Rent	41
Figure 8. Renter Households by Income Level Compared to Units Offered by Affordability Level	42
Figure 9. Median Home Sale Price	43
Figure 10. 2017 Zoning Map	57
Figure 11. Key Destinations	58
Figure 12. CWU Parking Lots	59
Figure 13. Roadway Functional Classifications	63
Figure 14. How Ellensburg Residents Travel Today (survey results)	64
Figure 15. Existing and Proposed Pedestrian and Bicycle Facilities	66
Figure 16. Existing Transit Routes.....	68
Figure 17. Yakima-Ellensburg Commuter Routes.....	69
Figure 18. Existing Truck Routes	71
Figure 19. Intersections and 2017 Level of Service	73
Figure 20. Intersections and Projected 2037 Level of Service – without Capital Improvement Projects....	74
Figure 21. Intersections and Projected 2037 Level of Service – with Capital Improvement Projects	75
Figure 22. Collisions in Ellensburg (2010-2016)	77
Figure 23. Layered Network.....	80
Figure 24. Pedestrian Priority Network.....	82
Figure 25. Bicycle Priority Network.....	84
Figure 26. CWU Student Population and Total Population, 2018.....	164
Figure 27. Ellensburg Population by Race and Ethnicity, 2018.....	164
Figure 28. Ellensburg Population by Racial Identity for Non-White Alone Residents, 2018.....	165
Figure 269. Tier 1 Project Locations.....	17687
Figure 2730. Tier 2 Project Locations.....	17788
Figure 2831. Household Growth	18699
Figure 2932. Employment Growth	187200

Legend:

- City Limits
- Urban Growth Area
- Residential neighborhood
- Blended residential neighborhood
- Urban neighborhood
- Neighborhood mixed use
- Urban center
- Community mixed use
- Industrial residential
- Neighborhood commercial
- Mixed business park
- General commercial and services
- Light industrial
- Heavy industrial
- Public/institutional
- Open space (pvt/non-city owned)
- Parks and open space



CHAPTER 2 HOUSING

WHAT YOU WILL FIND IN THIS CHAPTER

- Information about the need for housing in the community.
- Policies that seek to protect the quality of Ellensburg's housing inventory.
- Policies that provide a framework for increasing housing supply and diversity while protecting existing neighborhoods.
- Policies that direct the City's efforts to maintain and increase affordable housing.
- Policies that address the needs of members of the community who require housing accommodation or assistance due to disability, health, age, or other circumstance.

OVERVIEW

The following information creates the overall picture of housing availability and affordability in Ellensburg. Over the past ten years the community has seen a great deal of population growth, and with it escalating prices in both rental costs and home sale prices. Demand for housing has also increased, particularly among those with low to moderate incomes.

This chapter contains information on housing supply, condition, occupancy, and affordability. The City of Ellensburg conducted an Ellensburg Housing Needs Assessment in 2016, and the results from that study supplement the information in this chapter.

The goals, policies, and programs found at the end of this chapter identify the steps the City of Ellensburg can take in response to housing issues found within the community. These steps are intended to ensure the vitality of existing neighborhoods and homes, estimate current and future housing needs, and provide direction to implement programs that satisfy those needs.

BACKGROUND & CONTEXT

The Kittitas County Conference of Governments (COG) established growth projections for each jurisdiction in the county. This includes Ellensburg, Cle Elum, South Cle Elum, Roslyn, and Kittitas, as well as the unincorporated areas of the County. Each projection is the amount of growth expected to be accommodated during the time period from 2017-2037. Ellensburg's growth projection for this period is 11,757 additional people, or about 4,755 additional households over the next 20 years.

In order to plan for these new households, the City must identify that there is sufficient land and zoning capacity to accommodate this growth. The City must also identify strategies to show that there will be available housing and services for this projected increase in population. New housing could include traditional single-family homes, cottage housing, accessory dwelling units, duplexes, triplexes, townhomes, or apartment buildings. Planning for expected growth requires an understanding of household characteristics, demographic trends, current housing inventory, and housing market conditions.

Household Characteristics

As of 2016, 21,340 people live in the City of Ellensburg and its surrounding Urban Growth Area (UGA). This equates to 7,823 total households in the City of Ellensburg and 660 additional households in the UGA. According to data from the Washington State Office of Financial Management (OFM), 11% of the population reside in group quarters, such as college residence halls, jails, or nursing facilities, while the remainder reside in households.

Figure 1 breaks down the households inside the city by type. Family households make up about 41% of the total households in Ellensburg, with the majority (30%) being small families with no elderly members. Nearly a quarter of households are non-elderly residents living alone, and another 24% are other non-family households. It is likely that many of the households in these two categories are Central Washington University (CWU) students living alone or sharing apartments or single family

HOUSEHOLD TYPES

Family – 2 or more people living together, related by birth, death, marriage, or adoption

Small Family – families with 2-4 members (excluding elderly families)

Large Family – families with 5 or more members

Elderly Family – 2 people, either or both 62 years or over

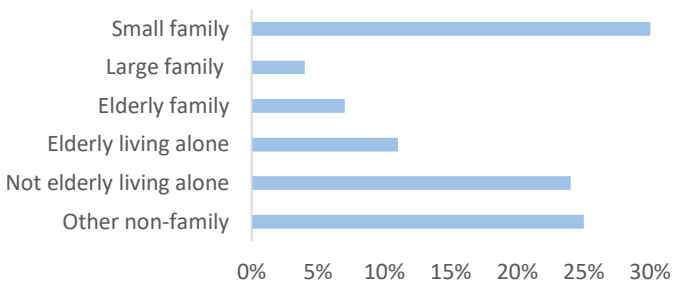
Elderly Living Alone – 62 years or over, living alone

Not Elderly Living Alone – 62 years or under, living alone

Other Non-Family – 2 or more non-elderly and unrelated people living together

homes off campus. Over two-thirds of households in Ellensburg have only one or two members, and just 15% of households have four members or more.

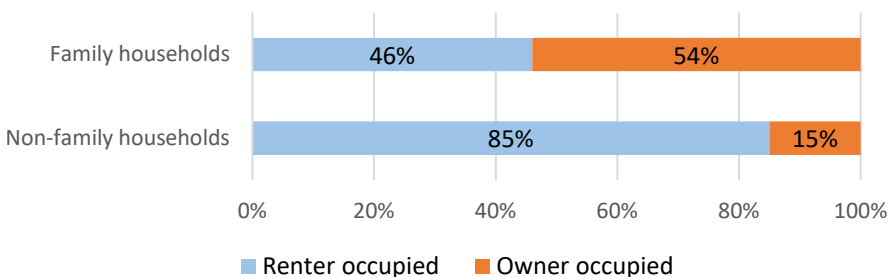
Figure 1. Households by Household Type



Source: U.S. Census, American Community Survey 5-Year Estimates, 2010-2014; BERK, 2017

About 70% of households in Ellensburg are renter-occupied. As shown in *Figure 2*, non-family households are much more likely to be renters than family households are. This is expected given that many non-family households in Ellensburg consist of students living off campus.

Figure 2. Household Tenure by Household Type



Source: U.S. Census, American Community Survey 5-Year Estimates, 2010-2014; BERK, 2017

Demographic trends

Central Washington University is a major presence in Ellensburg. There are over 9,600 full time students attending university on-campus. Approximately one third of the population of Ellensburg consists of students living off campus. The University is projecting that within the next 5 to 10 years enrollment will be capped at about 12,000 full time students attending university on-campus. The presence of CWU within the city limits significantly affects, and will continue to affect, housing types and distribution.

There are over 1,000 households in Ellensburg with a senior householder, about 43% of which are renters (*Table 1*). According to the 2012 OFM projections, approximately 14% of Kittitas County's population is 65 years and older. This population share is projected to rise to 20% by 2030 as today's baby boomers enter their 70s and 80s. As the urban center of the county, Ellensburg could expect similar increases in the population of people 65 years and older.

Table 1. Households with a Senior Householder

	Households
Total households with a senior householder	1,023
Renter-occupied	438
Owner-occupied	585

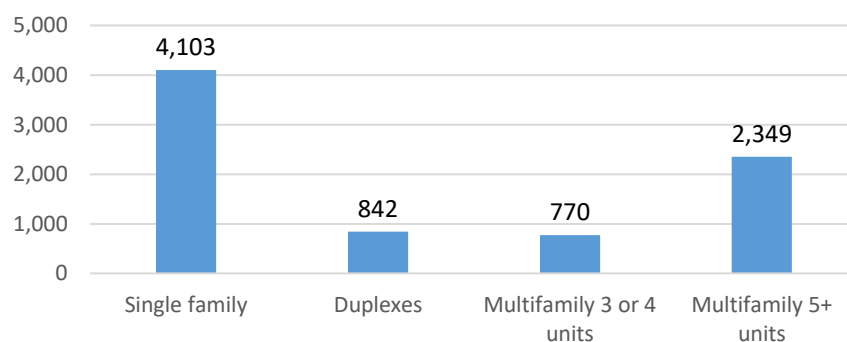
Source: U.S. Census, American Community Survey 5-Year Estimates, 2010-2014; BERK, 2017

Homelessness and unhoused population

Data on homeless and unhoused population in Ellensburg is limited and sometimes inconsistent because different institutions define and count homeless populations differently. One method of tracking homelessness is through census data. At the time of the 2010 census, there were 30 homeless individuals, including 11 in emergency and transitional shelters, and 19 who were most likely unsheltered or living in vehicles. Another method of tracking is through the annual point in time (PIT) county of the homeless population, conducted every January. The 2017 PIT count identified a total of 37 homeless people, 29 sheltered (including both emergency and transitional) and 8 unsheltered. Ten of the sheltered households included minors.

Existing Housing Stock

As of 2016, there were 8,363 housing units in the City of Ellensburg. *Figure 3* breaks down all units in the City by unit type. Single family homes make up 49% of the housing stock, 47% are in multifamily structures, and less than 4% are mobile homes. Among the multifamily units, the majority are in larger buildings with five or more units.

Figure 3. Housing Units by Housing Stock

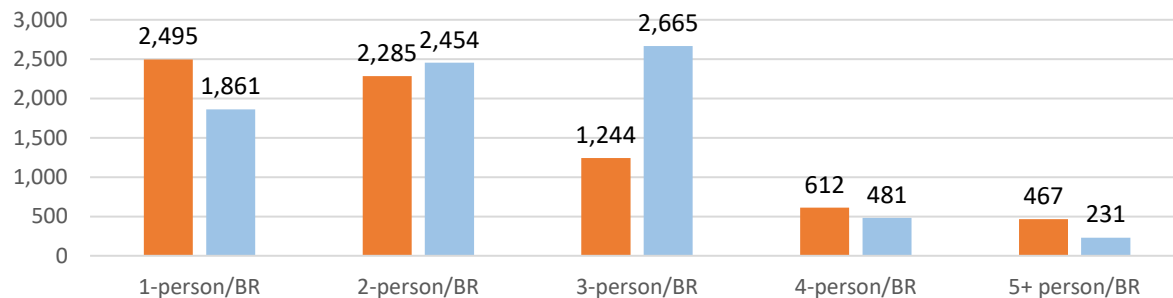
Source: OFM, 2016; BERK, 2017

Figure 4 breaks down the housing stock by the number of bedrooms and compares it to the size of households in Ellensburg. There are nearly 2,500 households with only one member, yet there are less than 1,900 studio and one-bedroom housing units combined, and much of the current supply of smaller unit apartment homes are marketed exclusively to students. While not all one person households are looking for a studio or one bedroom unit, it is likely that there are people living in larger shared houses that would prefer to live in a studio or one bedroom unit if they are available. Sharing of larger houses indicates the demand for studio and one bedroom units potentially exceeds what is indicated by looking at census data about

household sizes. Smaller units may also be suitable for residents without families or small families seeking an affordable housing option.

Housing units with three or more bedrooms make up 44% of the existing housing stock while only 33% of households have three or more members. Assuming that people seeking small apartment units are instead sharing larger units due to lack of appropriate supply in the apartment market, there is potential that the number of households with three or more members is higher than actual demand.

Figure 4. Alignment between Household Sizes and Size of Units in Housing Stock



Source: U.S. Census, American Community Survey 5-Year Estimates, 2010-2014; BERK, 2017

Between 2010 and 2016 570 new housing units were built or placed in Ellensburg; 56% of the units produced were single family homes. Less than a quarter of the production during this period were multifamily residences. With nearly two thirds of the households in Ellensburg having one or two members, and 70% of households being renters, there may be greater demand for multifamily housing and smaller unit sizes than the market is currently providing.

A 2016 Washington Center for Real Estate Studies survey of apartment buildings in Kittitas County provides a snapshot of vacancy rates and rents, broken down by unit type. The most notable finding from this survey is the very low vacancy rates. For studio, one bedroom, and three bedroom apartments, apartment managers reported 0% vacancy, and overall the apartment vacancy rate was 0.8%. These low vacancy rates are far below the 5% vacancy rate which is considered to be a healthy balance between supply and demand.

HOUSING VACANCY RATE

Without housing vacancies, to change houses you would need to find someone who has the house you want and wants the house you have, and then trade.

Very low vacancy rates cause housing prices to increase as demand surpasses supply.

Very high vacancy rates may lead to decreases in civic activity, safety, and property values.

CWU student housing

Table 2 shows current operating capacity within student housing provided by CWU. Most of the capacity is in the residence halls. However not all of the current capacity is in use because many rooms originally designed as doubles have been renovated and converted to single person rooms.

Table 2. CWU Student Housing: Current Operating Capacity

Beds		Apartment units	
Residence halls	2,761	Studios	20
Apartments	892	1 bedroom	97
Total	3,653	2 bedroom	281
		3 bedroom	71
		Total	469

Source: CWU, 2016; BERK, 2017

Subsidized housing

Subsidized housing is publicly assisted housing for eligible low-income families, the elderly, and persons with disabilities when available (see definitions for more information). There are a total of 804 subsidized housing units in Ellensburg. The income eligibility requirements for these units vary by building, but range between 30% of Area Median Income to 95% of Area of Median Income. With the Area Median Income for Kittitas County calculated at \$65,600 in 2016, this means 30% of AMI is \$19,680.

In addition to the subsidized housing units that are available in Ellensburg, an additional 30 households receive housing choice vouchers (see definition) to subsidize rental units available on the private market.

Table 3. Subsidized Housing Units by Population Served and income Eligibility

Population Served	Unit County by Eligibility				Unit Count
	Below 30% AMI	Below 50% or 60% AMI	Below 80% AMI	Below 95% AMI	
Senior/Disabled	120	174	30	0	324
Families	95	0	44	0	139
Mixed (individuals and families)	168	122	0	51	341
Total	383	296	74	51	804

Source: National Housing Preservation Database, 2016; HUD Low Income Tax Credit Database, 2016; Multifamily Assistance and Section 8 Contracts Database, 2016; Kittitas County Housing Authority, 2016; HopeSource, 2016; AptFinder.org, 2016; BERK, 2017

None of the units have subsidies that are expected to expire within the next six years. However, 599 units are in buildings with subsidies that will expire within the next 20 years. Of these, 224 units have private owners that may not maintain the property permanently as affordable housing.

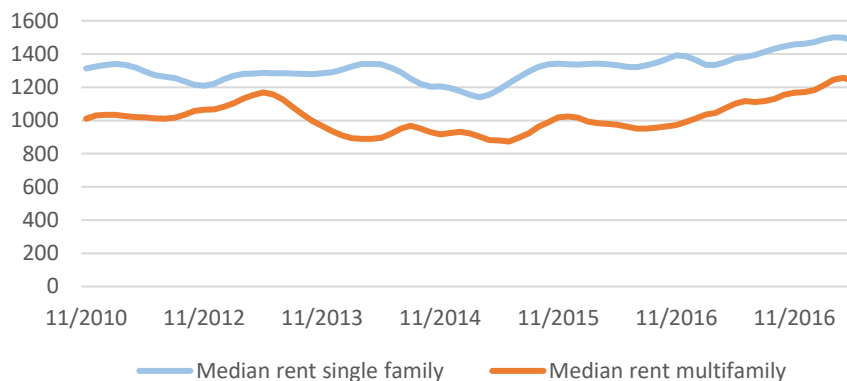
According to the Kittitas County Housing Authority, wait times for qualified applicants seeking units in their buildings is typically twelve to eighteen months. Wait times for three bedroom units have a shorter wait time (three to six months) and wait times for four bedroom units can be up to three years. The eligibility and demand for all unit types significantly exceed the number of units available. The vast majority of the subsidized housing stock in Ellensburg is available to renter households.

Kittitas County Habitat for Humanity runs an affordable home ownership program. This program provides homes to families earning 30% to 60% of Area Median Income based on need and ability to contribute sweat equity. Since 1994, 11 units have been built in the City of Ellensburg.

Housing market trends and housing affordability

Rental costs for apartments and single family homes have increased between November 2010 and September 2016. Between 2011 and 2016, single-family rents rose at an annual rate of 2.9% (18% for the 5-year period). During that same period multifamily rents rose by 1.8% annually (12% for the period). The rate of increase has been higher in recent years; between 2013 and 2016 single-family rents rose at an annual rate of 5.4% and multifamily rents rose by 5.9% annually.

Figure 5. Median Monthly Rent



Source: Zillow Rent Index 2017; BERK 2017

These increased rental prices, combined with wages that have not kept pace with inflation, and a shortage of housing units, have culminated in a shortage of affordable housing for many Ellensburg residents. The U.S. Department of Housing and Urban Development deems housing to be affordable if a household spends no more than 30% of their gross income on housing costs. Gross housing costs

AREA MEDIAN INCOME

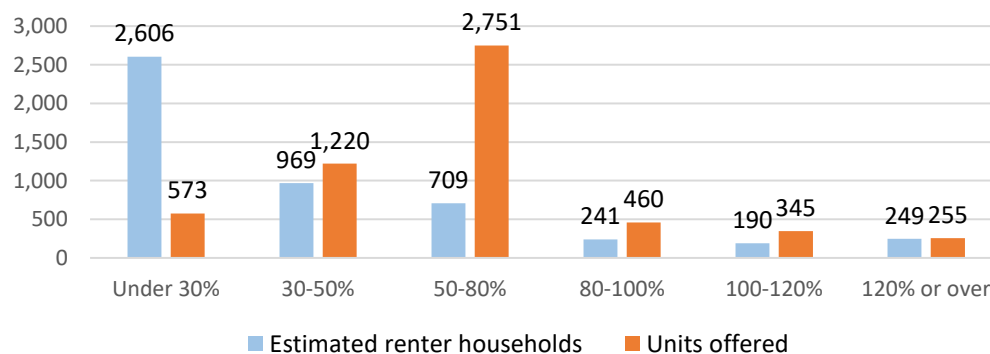
is determined by the U.S. Department of Housing and Urban Development (HUD) using American Community Survey five-year estimates of median household income for a family of four.

Kittitas County Area Median Income: \$65,600

A household is considered **COST BURDENED** if they spend more than 30% of their gross income on housing costs; more than 50% on housing cost is considered **SEVERE COST BURDEN**.

consist of rent or gross monthly owner costs plus basic utilities. During the 2010 to 2014 period, the United States Census estimates indicate there were 2,606 Ellensburg households earning below 30% area median income while only 573 units were offered at a rent affordable to these households. This means that there were 2,033 households that were unable to find rental units at prices that would be considered affordable. However, U.S. Census also estimates that there was a surplus of units affordable to all other income levels. The largest surplus was in units affordable to moderate income households (those earning 50%-80% of Area Median Income). *Figure 6* visually compares household income level to units offered at that affordability level to highlight the areas of greatest shortage and surplus.

Figure 6. Renter Households by Income Level Compared to Units Offered by Affordability Level



Source: Zillow Rent Index 2017; BERK 2017

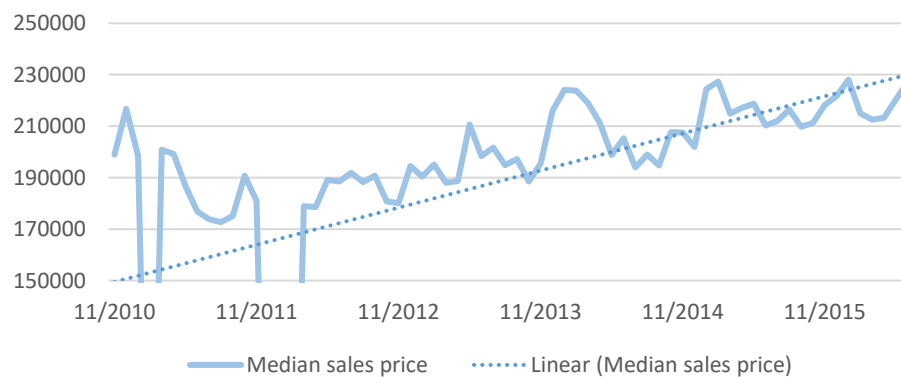
In order to better understand where the needs are in Ellensburg *Table 4* shows cost burdened households by household type. The household type 'Other' includes non-family households with no members 62 years and older. It is likely that a great number of these households include CWU students, and it is the best proxy for student households for which cost burden data is available. The largest number of cost burdened renter households are in this category. The other household types in *Table 4* are useful for understanding needs among households that are not likely occupied by university students. Among these household types, the greatest need is affordable housing for small families and elderly people living alone.

Table 4. Cost Burdened Renter Households by Household Type

Household type (renters only)	Household Income Level					Total
	Very Low (<30% AMI)	Low (30-50% AMI)	Moderate (50-80% AMI)	Lower Middle (80-100% AMI)	Above AMI	
Elderly Family	20	0	0	0	20	40
Elderly Non-Family	185	130	0	15	0	330
Large Family	0	10	0	0	0	10
Small Family	274	220	85	10	0	589
Other	1,625	545	245	35	30	2,480
Total cost burdened households	2,104	905	330	60	50	3,449
% of households	93%	87%	44%	25%	7%	70%

Source: U.S. Department of Housing and Urban Development, Consolidated Housing Affordability Strategy (based on U.S. Census American Community Survey 5-Year Estimates, 2009-2013); BERK 2017

Figure 7 shows changes in median home sale prices between November 2010 and June 2016. Between June 2011 and June 2016, the median home sales price rose by 5.2% annually. Assuming a household can afford a 20% down payment, a household requires at least \$47,480 in yearly income to afford a mortgage for a home at the 2016 median selling price of \$227,250. Real estate professionals reported there is significantly less housing stock on the market than ever before. Prior to 2016, the lower Kittitas County market (which includes Ellensburg) maintained listings of about 200 units at any given time. Throughout 2016, listings were consistently about half that number.

Figure 7. Median Home Sale Price

Source: Zillow, 2017; BERK 2017

Table 5 shows cost burden for all owner-occupied households by income level. About 25% of these households which are owner-occupied are cost burdened.

Table 5. Cost Burdened Owner-Occupied Household by Household Type

Household type	Household Income Level					Total
	Very Low (<30% AMI)	Low (30-50% AMI)	Moderate (50-80% AMI)	Lower Middle (80-100% AMI)	Above AMI	
Elderly Family	0	15	30	4	0	49
Elderly Non-Family	10	45	20	0	0	75
Large Family	0	0	20	0	15	35
Small Family	20	0	45	40	90	195
Other	40	0	39	40	29	148
Total cost burdened households	70	60	154	84	134	502
% of households	93%	32%	66%	63%	9%	25%

Source: U.S. Department of Housing and Urban Development, Consolidated Housing Affordability Strategy (based on U.S. Census American Community Survey 5-Year Estimates, 2009-2013); BERK 2017

Table 4 and *Table 5* estimate there are about 1,323 non-student cost burdened households in Ellensburg. The majority of these households are small families (59%) and elderly people living alone (31%).

The culmination of this data indicates that there is not enough housing stock to meet the needs of the existing population in 2016. At the current rate of production, the housing stock will not meet the demand of the expected growth of 11,757 more people over the next twenty years. Furthermore, the pressures between supply and demand have exacerbated the affordable housing challenges for Ellensburg residents. With these factors in mind, the City is committed to turning the tide and supporting innovative methods to meet the needs of its residents. The City recognizes the need to encourage and promote a higher rate of housing production, and the need to successfully implement important housings goals which will aid all economic segments of the community.

The following sections will describe opportunities identified for providing new housing, as well as a description of what success would look like for Ellensburg. This is followed by goals, policies and programs intended to guide future policy decisions, as well as a section pertaining to Action Items that can be pursued in the more immediate future.

Housing Opportunities

This Housing Chapter supports innovative methods to achieve important housing goals while maintaining flexibility to fulfill different priorities in different neighborhoods. This section describes some of the innovative housing types in Ellensburg and the context in which they may work well.

- **Mixed use housing.** Ellensburg encourages creative and innovative uses on commercial and mixed use land to increase housing supply. Mixing housing and commercial uses can enhance the vitality of commercial areas by encouraging foot traffic to support neighborhood shops, and to provide eyes on the street. Over time, areas of downtown and areas near the south and west freeway interchanges could become distinct mixed use neighborhoods.
- **Downtown housing.** Second and third story residential and mixed used buildings will provide housing for people who want to live in an urban setting where there is a higher concentration of jobs and services and a variety of transportation options.
- **Accessory dwelling units.** New housing opportunities may also be provided in well-established neighborhoods. City policies currently allow for a single-family property to be designed to include an independent residence, or accessory dwelling unit, which is either attached or detached to the existing home. Accessory dwelling units are subject to specific guidelines to protect the character of the single family neighborhood. Accessory dwelling units may provide affordable housing opportunities, help those with limited income keep their homes, and extend opportunities for aging in place.
- **Universal design and aging in place.** Housing opportunities are created when housing design and choice accommodates the ordinary changes that people experience over their lives due to aging and life circumstances. Ellensburg encourages housing options, programs, and services, that support independence and choices for those who want to remain in their homes or neighborhoods regardless of age or ability.
- **Planned unit development.** Utilization of Planned Unit Developments allows for variations in site design and density from the requirements of the Land Development Code in exchange for public review and design review to ensure compatibility with the setting. Clustering of housing within the planned unit developments may be encouraged to protect critical areas.

What does success look like?

Ellensburg maintains the vitality of existing neighborhoods and employs an array of housing tools to increase housing opportunities across the city. A broader range of housing choices serve residents at various income levels and help address emerging market demand, including housing for a varied workforce, for young adult workers and students, for seniors aging in place, and for those who desire to live in walkable neighborhoods. For a housing strategy to be considered successful, the following outcomes will be visible:

- All residents have fair and equal access to healthy and safe housing choices.
- Housing production is occurring in a manner consistent with housing targets.
- All households have access to affordable housing and diverse housing options that are equitably and rationally distributed.

GOALS, POLICIES, & PROGRAMS

These housing goals, policies, and programs contain steps that the City of Ellensburg can take in response to housing issues found within the community. These steps are intended to ensure the vitality of the existing residential stock, estimate current and future housing needs, and provide direction to implement programs that satisfy those needs.

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

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

Program 1 Integrate new development, with consideration to design and scale that complements existing neighborhoods, and provides effective transitions between different uses and intensities.

Program 2 Encourage infill development on vacant and underused sites.

Policy B Establish additional logical access routes outside of the existing street system for bicycle and pedestrian traffic.

Program 1 Identify trail easements and develop an effective maintenance strategy.

Policy C Protect and connect residential neighborhoods so they retain identity and character and provide amenities that enhance quality of life.

Program 1 Encourage housing opportunities in mixed residential/commercial settings throughout the city.

Program 2 Provide increased residential density and improve infrastructure along arterials and transit routes through redevelopment and retrofitting, such as sidewalks and stormwater treatment.

Program 3 Assure that site, landscaping, building, and design regulations create effective transitions between different land uses and densities.

Policy D Promote sense of place in neighborhoods.

Program 1 Promote high quality design that is compatible with the overall style and character of established neighborhoods.

Program 2 Support the preservation of Ellensburg's historically-significant housing through the City's historic preservation program, which maintains a list of historic properties and districts, and provides education and incentives.

Program 3 Encourage the use of long-lived, low-maintenance building materials; high-efficiency energy systems; and low impact development techniques that reduce housing life-cycle costs and provide better environmental performance.

Program 4 Foster innovative housing and mixtures of housing types that preserve natural resources and consolidate open space.

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

Policy A **Review the Land Development Code to allow for a wider variety of housing types.**

Program 1 Review barriers to the development of denser housing types such as duplexes, townhomes, and accessory dwelling units.

Policy B **Encourage residential development in commercial and mixed use zones, especially those within proximity to transit.**

Program 1 Expand the Multifamily Tax Exemption program beyond the downtown area to encourage multifamily housing in other areas where it is needed.

Program 2 Evaluate, review, revise, and publicize the density bonus incentive program.

Program 3 Work with Central Washington University and private developers to support on-campus housing for students and in transit-served mixed residential/commercial settings throughout the city.

Policy C **Consider housing cost and supply implications of proposed regulations and procedures.**

Program 1 Consider reducing parking requirements for mixed-use housing developments and affordable housing developments in close proximity to jobs and transit.

Policy D **Create and preserve ADA accessible and affordable housing opportunities locally and with a regional perspective.**

Program 1 Promote working partnerships with public, private, non-profit groups, and developers to plan and develop a range of housing choices.

Program 2 Evaluate other housing affordability programs utilized in other communities that could be incorporated into the Land Development Code.

Program 3 Support the preservation, maintenance, and improvements of older/historic housing and assistance to low income households who want to stay in their homes.

Program 4 Create an inventory of surplus property suitable for affordable housing.

Policy E **Identify Potential properties to allow for emergency housing, emergency shelters, and permanent supportive housing.**

Program 1 Develop a conditional use provision in the permitted use table in the land development code allowing for emergency housing, shelters, and permanent supportive housing in appropriate zones.

Goal H-3 **Encourage and support a variety of housing opportunities for older adults and people with disabilities.**

Policy A **Collaborate with other jurisdictions, organizations, and private developers to meet special housing needs that address a broad spectrum of solutions.**

Program 1 Promote accessible and affordable housing in areas that are close to services and the rest of the community.

Program 2 Coordinate with local organizations and agencies to provide sufficient and affordable home maintenance and support services.

Program 3 Promote the use of universal design principles for new development or redevelopment housing projects.

ACTION ITEMS

Allow for Planned Unit Developments

Incorporate planned unit developments as an allowable use as appropriate into the City's land development code.

Evaluate, review and revise density bonus program

The existing density bonus program provides density bonus incentives between 5 and 150% greater density for developments that incorporate a greater variety of housing types, affordable housing, green building, trails, and historic preservation. Since to date, none of these density bonuses have been taken advantage of, it is the City's goal to create a program that provides relevant incentives and an administration and implementation plan. This will include an evaluation of other jurisdictions' incentive programs including affordable housing mandates that have achieved the sought after results as well as outreach and engagement with the local development community.

Expand the Multifamily Tax Exemption Program

Expand the Multifamily Tax Exemption program into areas outside the Central Business District that have been prioritized for increased multifamily housing.

Review and revise land development code

Review and revise the land development code as necessary to allow for a wider variety of housing types; specifically review and identify potential barriers to small-scale multifamily developments, duplex, townhome, and accessory dwelling units.

Review barriers to missing middle housing types

Ellensburg needs increased housing production, particularly among missing middle formats such as duplexes, townhomes, tiny homes, and accessory dwelling units. Outreach to housing developers and to real estate professionals indicated there is a need for this housing, but that it may be difficult to produce under current conditions.

Review parking standards

Consider reducing parking requirements for new student-oriented housing or affordable housing near jobs and transit. Parking was identified as a significant cost barrier for building new multifamily housing, and as such additional residential parking and transit data should be collected and evaluated.

POLICY CONNECTIONS

The **Land Use** chapter includes policies and land use designations that support the development of many types of housing to ensure that people who live and work in Ellensburg have adequate housing choices.

The **Transportation** chapter includes goals and policies for establishing consistency and coordination between transit service and future housing and mixed use developments.

The **Economic Development** chapter includes goals and policies to encourage mixed-use areas and residential areas in close proximity to job opportunities and amenities.



CHAPTER 4

CAPITAL FACILITIES AND UTILITIES

WHAT YOU WILL FIND IN THIS CHAPTER

- Inventory of public facilities including locations and capacities.
- Forecasts of future needs for public facilities and utilities.
- Goals, policies, and programs that will help to ensure safety, efficiency, and affordability of city facilities and utilities.

OVERVIEW

The City of Ellensburg is a full-service municipality, offering water, wastewater, natural gas, electric and telecommunications utilities, storm water drainage, a street transportation system, law enforcement, a public library, a parks and recreation system, and administrative services that keep it all running.

In addition, the Ellensburg School District, Kittitas Valley Healthcare, Fairpoint Communications, Charter Communications, Waste Management, Puget Sound Energy, Kittitas County Public Utility District, and Kittitas County also provide services to Ellensburg residents and to land within Ellensburg's Urban Growth Area (UGA).

Ellensburg is served by an extensive system of publicly funded and operated facilities, from schools and parks to utility systems and transportation facilities. Many of these facilities, such as water towers and roads, help meet the basic needs of residents. Others, such as fire stations, make the community safer. Community resources like schools and libraries foster learning and educational development, which make the city a better place.

The community benefits from these investments on a daily basis. In order to sustain and improve on the benefits the community currently enjoys, the City must identify how it can best maintain existing facilities and create new facilities to serve the needs and desires of local residents and future development.

BACKGROUND & CONTEXT

This section addresses existing capital facilities and utilities owned and largely managed by the City of Ellensburg, including water, wastewater, stormwater, electric, natural gas, telecommunications, library services, and police.

Demand for Ellensburg's capital facilities is likely to grow over the next 20 years. New demand can be accommodated through new capacity and through managing demand.

Demand management can be accomplished in a variety of ways, depending on the service or facility. For example, encouraging consumers to use less electricity during peak hours can decrease the need for future investments to meet peak demands.

Each capital facility system has its own functional plan, which includes a list of needed capital facilities. Facility needs are determined through Level of Service standards, operating criteria, or performance standards.

A key feature of the capital facilities planning process is asset management, which continually monitors the condition of existing facilities and infrastructure, identifies levels of maintenance needed, and determines when facilities need to be replaced. The City's capital facilities policies ensure that the city plans in advance for maintenance and infrastructure replacement to maintain Levels of Service. These policies also tie capital facilities planning to land use, making sure that assumptions about future growth are consistent.

Capital Facilities Inventory

Most city-owned and operated capital facility systems are governed by a dedicated functional plan. These plans contain detailed inventories of existing facilities and infrastructure as well as planned improvements. In addition to the facilities covered by functional plans, the City of Ellensburg maintains and uses a number of other facilities to perform administrative functions. *Table 1* contains a list of both types of facilities, a description, and a reference to the functional plan, if applicable.

WHY CAPITAL FACILITY PLANNING?

The Growth Management Act gives jurisdictions direction on capital facilities through its Public Facilities Goal:

“Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.”

Kittitas County Countywide Planning Policies ensure jurisdictions' plans for growth are consistent with their Capital Improvement Program, and that urban areas have adequate public facilities and services to meet growth targets.

The Ellensburg Capital Facilities Chapter demonstrates how the City will provide adequate facilities to anticipate growth needs, achieve acceptable levels of service, efficiently use fiscal resources, and meet realistic timelines.

A list of capital facility improvements and projected costs for the next six years is included in Appendix A: Capital Improvement Program, and is updated annually. The functional plans listed in *Table 1* identify facility inventories, potential funding sources, and implementation strategies. For each relevant utility functional plan there are specific strategies that proactively address energy efficiency and water conservation.

Table 1. Inventory of City-Owned Capital Facilities

Facility Type	Description	Functional Plan
Ellensburg City Hall	City departments, council chambers, and city shop facilities	N/A
Ellensburg City Shop and Warehouse	Building, vehicle, and equipment maintenance, and storage	N/A
Ellensburg Library and Hal Holmes Center	Public library and meeting space	2009 Level of Service Standards and Library Goals and Objectives
Parks and Recreation	Parks and community facilities, including 26 parks, adult activity center, Memorial pool, youth center, and Racquet Center	Parks, Recreation, and Open Space Plan
Ellensburg Police Department	Police headquarters	Annual reports
Water	Infrastructure for providing potable and fire response water including water storage tanks	Water System Plan
Wastewater	Facilities that convey wastewater to the city treatment plant	Wastewater Treatment Facility Report
Stormwater	Infrastructure that conveys and manages storm and surface water	Stormwater Management Plan
Electric	Infrastructure for meeting community electricity needs	Electric System Plan
Natural Gas	Infrastructure for the natural gas distribution system	Natural Gas System Plan
Telecommunications	Infrastructure providing a fiber optic network to 50 locations throughout Ellensburg	Telecommunications Strategic Plan

Water

The City updated its Water System Plan in 2014. The plan examines water source, storage, delivery, and quality and is the strategic plan for the management and operations of Ellensburg's water system. This chapter will provide a summary of the City's water system, and establish a general policy context within which the water system plan will operate.

The water division of the City of Ellensburg operates and maintains 108 miles of underground water distribution piping, two above ground reservoirs, eight groundwater wells, one booster, and one transfer station. This extensive piping system serves over 4,800 residential and 700 non-residential customers by distributing safe, clean, and reliable water.

The water division provides constant monitoring, testing, and system maintenance to ensure the highest quality of clean water is delivered to the community.

The City has sufficient water rights to accommodate the projected 20-year growth. These water rights will allow for additional municipal wells to be added to the system as the City's water users increase.

The City will continue to verify that all capital and private development projects are designed and constructed to ensure all appropriate fire flows are met for each prospective project.

The Capital Improvement Plan for the water utility is anticipated to be primarily funded through a combination of ending fund balance, revenue generated through rates, and revenue bonds. Grants are not typically available for water utility capital improvements. At the end of 2016, the ending fund balance available for the water utility capital improvement plan was approximately \$3.2 million.

The debt to total assets ratio can be used to assess the utility's leverage for bonding. At the end of 2016, debt as a percentage of total assets for the water utility was 31.8%. Based on industry standards and accepted debt ratios in the current market, the water utility indicates sufficient leverage to bond for capital improvement projects that will accommodate the projected 20 year growth.



Wastewater

The City of Ellensburg operates a wastewater division that includes operation and maintenance of 79 miles of underground sewer pipe. This extensive piping system serves approximately 5,100 residential and almost 500 non-residential customers by managing wastewater flows from sinks, showers, bathing, dish and clothes washers, toilets, and industrial processes. Wastewater flows from homes and businesses through sewer pipes that lead to the Wastewater Treatment Plant. The Wastewater Treatment Plant processes an average of 3.85 million gallons of wastewater each day.

In 2015 Ellensburg completed a 20-year plan for upgrading the City's Wastewater Treatment Facility and collection system. This chapter adopts the Wastewater Treatment Facility Engineering Report by reference, using general system information in this document to outline a policy context for the more detailed sewer plan.

The 2015 report projects the Ellensburg population to grow at 1.8% per year during the next 20 years. This is under the 2.0% growth rate projected through this comprehensive planning process. However, the existing design has a maximum treatment capacity that is greater than the growth prediction and any improvements identified for the Wastewater Treatment Facility are recommended in the 2015 report to be designed to provide a capacity equal to or greater than the existing design capacity of a population of 31,000. This recommendation is consistent to meet the 2.0% population growth and projected Ellensburg population of 32,540 by 2037.

The Capital Improvement Plan for the wastewater utility is anticipated to be primarily funded through a combination of ending fund balance, revenue generated through rates, and revenue bonds. Grants are not typically available for water utility capital improvements. At the end of 2016, the ending fund balance available for the wastewater utility capital improvement plan was approximately \$2.6 million.

The debt to total assets ratio can be used to assess the utility's leverage for bonding. At the end of 2016, debt as a percentage of total assets for the wastewater utility was 28.3%. Based on industry standards and accepted debt ratios in the current market, the wastewater utility indicates sufficient leverage to bond for capital improvement projects that will accommodate the projected 20 year growth.

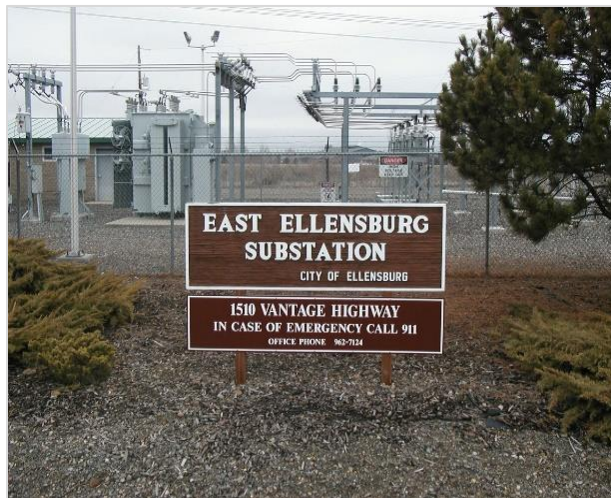


Stormwater

The City of Ellensburg stormwater division maintains approximately 2,500 catch basins and manholes in the public right-of-way, is comprised of 50 miles of underground pipe, and discharges to ninety outfalls in local streams. In newer parts of the city bio-swales capture, slow velocity of, and treat stormwater prior to discharging into the city's stormwater system. The City of Ellensburg operates a stormwater utility whose revenues are used to comply with the stormwater permit, including such activities as the Illicit Discharge Elimination Program, and providing public education on the effects of stormwater on water in our rivers and streams.

Refer to Environmental chapter for goals, policies, and program related to the stormwater system.

Electric



The City of Ellensburg was the first municipality in Washington State to have its own electrical distribution system, which was installed in 1891. The city's electric utility serves approximately 9,200 customers using over 50 miles of overhead conductor and 38 miles of underground cable. All new growth within the system is built with long-life, underground cable in conduit, and includes loop-feed capability wherever possible. The existing aerial facilities are in excellent condition due to continuous maintenance work over the years.

The electric utility offers a variety of services to the public. These services include assistance with applying or altering a service, as well as advising developers so they know what is required when applying for an electrical system for a sub-division, plat, or multi-family project. All requirements are based on existing city policies and standards, as well as national, state, and local electrical codes. The City's electric utility has an enviable safety record and has been recognized by the Northwest Public Power Association for its commitment to safety for many years.

The electric utility currently purchases the majority of its power from Bonneville Power Administration which delivers power to the city's four electrical substations. The 2015 Fuel Mix Disclosure showed that the City is about 97% carbon free (87% hydropower and 10% nuclear) for the fuel that was used to generate the power.

The current capacity of the electrical distribution system is such that the city is able to almost double existing peak loads. The newest substation on the north end of town was energized

December of 2015 to meet growing demand, assist loop-feed capability, and to continue the high level of reliability city electrical customers have enjoyed. The 6-year Electric System Plan (2017-2022) incorporated the 2% population growth and projected Ellensburg population of 32,540 by 2037 into its system model, and another substation at the south end of the City will be needed within the next 20-years to meet this projected demand.

The utility has a renewable energy park that hosts solar generation facilities that were constructed between 2006 and 2013 with the most recent expansion in 2016. The utility has a long history of promoting energy conservation and encourages our customers to take advantage of all the programs the City offers to assist them in using energy efficiently.

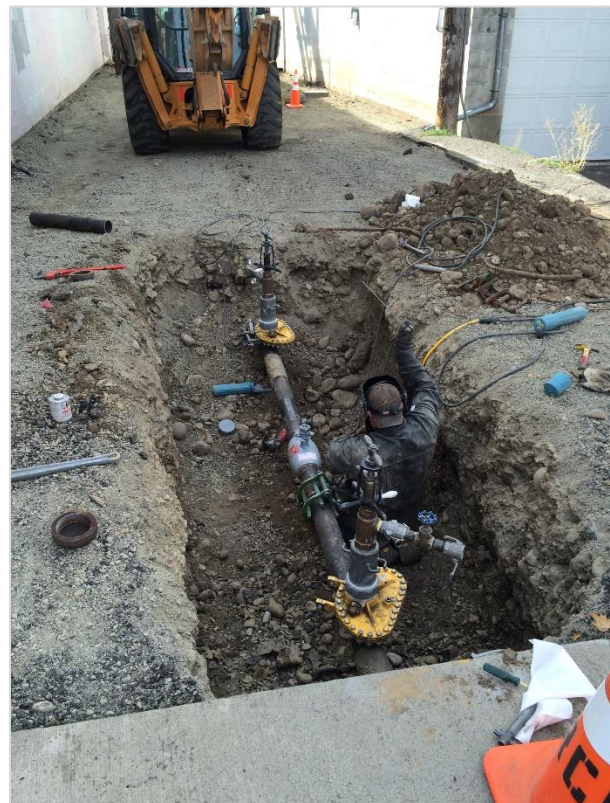
The Capital Improvement Plan for the electric utility is anticipated to be primarily funded through a combination of ending fund balance, revenue generated through rates, and revenue bonds. Grants are not typically available for electric utility capital improvements. At the end of 2016, the ending fund balance available for the electric utility capital improvement plan was approximately \$2.7 million.

The debt to total assets ratio can be used to assess the utility's leverage for bonding. At the end of 2016, debt as a percentage of total assets for the electric utility was 42%. Based on industry standards and accepted debt ratios in the current market, the electric utility indicates sufficient leverage to bond for capital improvement projects that will accommodate the projected 20 year growth.

Natural gas

The City of Ellensburg was the first municipality west of the Mississippi River to have its own natural gas distribution system, installed in 1956/1957. Today, the City has over 115 miles of distribution mains and over 5,000 customers both in the City and Kittitas County. Unlike other City utilities, the natural gas utility has a service territory defined by the Washington Utility and Transportation Commission that is not confined to the City or Urban Growth Area.

The City receives all of its natural gas from the Williams Pipeline which feeds a single measuring station from which it distributes natural gas to customers. The natural gas utility installs and maintains all of its distribution system with its own City employees. The City's natural gas utility also has an enviable safety record and has been



recognized by the American Public Gas Association for its commitment to safety for many years. The natural gas utility issues safety-related information throughout the year for the general public.

The natural gas utility offers a variety of services to the public, including assistance with applying for a service, with altering a service, or for developers so that they know what information is required when applying for a natural gas system for a subdivision or plat.

In an effort to mitigate higher wholesale electricity rates, the natural gas utility provides many incentives for adding gas service lines and switching to natural gas appliances for both homeowners and developers.

The 6-year Natural Gas System Plan (2015-2020) estimated that the current contractual natural gas supply limit of the natural gas distribution system was such that the City would increase existing peak loads by 20%. Although there is a relationship between population growth and peak loads, the increase to peak load will depend on the future natural gas appliances that are installed (e.g. water heaters and stoves/ranges that have daily loads, compared to furnaces and fireplaces that contribute to peak loads). The City anticipates that incorporating the 2.0% population growth and projected Ellensburg population of 32,540 by 2037 into its next system model to be completed in 2021 will result in the current contractual natural gas supply limit could be reached within the next 20 years. The City will seek additional pipeline capacity as the natural gas utility approaches the current contractual natural gas supply limit.

The Capital Improvement Plan for the natural gas utility is anticipated to be primarily funded through a combination of ending fund balance, revenue generated through rates and revenue bonds. Grants are not typically available for natural gas utility capital improvements. At the end of 2016 the ending fund balance for the natural gas capital improvement plan was approximately \$2.3 million.

The debt to total assets ratio can be used to assess the utility's leverage for bonding. At the end of 2016, debt as a percentage of total assets for the natural gas utility was 26.3%. Based on industry standards and accepted debt ratios in the current market, the natural gas utility indicates sufficient leverage to bond for capital improvement projects that will accommodate the projected 20 year growth.

Telecommunications

The City of Ellensburg is the most recent municipality in Washington State to have a City-owned telecommunications system, which was constructed in 2015. The City created a telecommunications utility in 2014 that currently services 50 locations with over 25 miles of overhead fiber optic cable and two miles of underground fiber optic cable. There is currently excess capacity in the telecommunications system, and if all fiber optic strands are eventually utilized the city would be able to replace the network hardware as necessary to gain additional capacity. The City lights the network with City-owned equipment. Operation and management

of the network has been ongoing since 1999 under prior lease arrangements. In 2016 the City began to contract with Northwest Open Access Network for wholesale telecommunications services.

The City provides telecommunications services to customers, the municipality, public agencies, and telecommunications service companies. The City provides network services, internet access services, dark fiber services, and others.

Unlike other City owned and operated utilities that serve residents and businesses, the telecommunications utility has no obligation to serve all City customers. The 3-year Telecommunications Strategic Plan (2015-2017) evaluated the costs, benefits, competitive risks, and community support to expand the City's 27 mile fiber optic network to reach all residents and businesses. Based on the outcome of the strategic plan and to minimize competitive risks, City Council decided to extend the network to reach customers that are willing to pay for their costs for service extensions. The City Council considered, but did not choose to proceed with a citywide fiber to the premise project due to the projected \$22 million capital investment, unrealistic high customer rates that would need to be achieved to remain solvent, competitive risks with other service providers, and a lack of community support at that time.

The Capital Improvement Plan for the telecommunications utility is anticipated to be primarily funded through a combination of revenue generated through rates, grants, and revenue bonds. Typically the telecommunications utility has been successful at receiving grants for telecommunications utility capital improvements that focus on economic development. The 2016 grant revenue for the telecommunications facility was approximately \$343,000. As a relatively new utility the City has used general obligation funds to bond telecommunication capital improvements.

Library

The City of Ellensburg operates a public library, founded in 1907 in partnership with Andrew Carnegie by the Women's Municipal Movement Society of Ellensburg. The Society donated two lots on the corner of 3rd Avenue and Ruby Street and opened the library in 1910. The library has maintained a historically and socially important location in Ellensburg's downtown core, and continues to serve as the heart of the city, providing services to residents throughout the region.



The library's mission is:

"...to provide a safe and welcoming place where patrons can develop an appreciation for reading and learning; find information about their community and its opportunities; and investigate or explore a wide range of topics relevant to their work, school, and personal lives."



All Kittitas County residents are welcome to use the Ellensburg Public Library and the Hal Holmes Community Center. Kittitas County annually contributes general tax funds in support of the Ellensburg Library operations and the City maintains reciprocal agreements with all other Kittitas County municipalities' libraries. The Hal Holmes Community Center was completed in 1982 and is the City's multipurpose facility providing space for community events and activities that

contribute to the public good; such as performing and visual arts, and educational events. The Hal Holmes Center's public meeting spaces benefits the programming space needs of both the library and the greater community.

The library contains a large local history collection that represents the community's great interest in the City's past. The collection is partially housed in the main library and is accessible to the public, but much of the collection is inaccessible in basement archives. An adequate ventilation system and an elevator are necessary improvements to be made to the Hal Holmes basement area in order to allow public use of the archives. These improvements would allow space for public research and exploration of local history documents and photographs, as well as provide workspace to maintain and organize the collection as it grows over time.

The 2003 expansion of library facilities, and purchase of property on the east side of Pine Street between 1st and 2nd Avenues, was intended to serve Ellensburg and the region well into the future. The expansion resulted in an additional 2,350 square feet and greatly expanded the children's staff and circulation areas of the library. The expansion brought the Library and Hal Holmes Center under one roof with a shared lobby, public, and staff restrooms, and resulted in additional off-street parking located across the street from Hal



Holmes Center. However, the projected countywide growth, upward trends in library visits, and increased circulation of materials indicate there will be increased demand for space, services, and materials beyond what the current facility can provide.

The City of Ellensburg's 2003 purchase of the property on the east side of Pine Street between 1st and 2nd Avenues allows for further expansion of the library on the same block it currently occupies, moving parking to the new property across the street. Presently, the majority of the parking serving the library is on-street parking. The small off-street parking lot on the south side of the Hal Holmes Center may be taken up with any future expansion needs of the library. As the community continues to grow and other conference and meeting spaces are constructed, the Center's meeting room space may be available to meet the expanded need for library functions. This built-in room for expansion will enable the library to maintain its historically and socially important place in the downtown core.

In addition to projected countywide growth, unique factors affect the physical space needs and the services offered at the Ellensburg Public Library. These needs are driven by the need to keep up with changing technology and by the desire to improve library services and programs for all ages, with an emphasis on children and young adult programs and services that meet the needs of an aging population. Foreseeable service and space needs include: increased mobile services, expansion of the library's website and electronic resources, additional meeting space and study rooms, quiet shared reading spaces, and retention of existing off-street parking.

The Ellensburg Public Library goals and objectives and Level of Service Standards are hereby adopted into this Comprehensive Plan by reference. The goals, policies, and programs in this chapter provide the broad overall framework of Ellensburg Public Library services. Please refer to the Library goals and objectives and/or Level of Service Standards for more detail.

Police

The Ellensburg Police Department provides law enforcement services to the City of Ellensburg with 29 sworn officers working in three divisions: patrol, motors, and investigations. The Department and its personnel are expected to respond to and effectively handle a variety of criminal, societal, technological, and international type events that impact our community. In addition, the Ellensburg Police Department provides many community oriented programs such as: a school resource officer working in partnership with the Ellensburg School District; volunteer reserve officer



program; code enforcement; Serving the Standard program that works with local liquor licensed establishments; National Night Out; Cop on Top fundraising campaign; and the Citizen's Academy. In 2016 the Department went through reaccreditation by the Washington Association of Sheriffs and Police Chiefs. Currently the Ellensburg Police Department is one of 60 accredited state, county, and local agencies in the state. Accreditation topics cover 134 standards that include topics such as: management of personnel, finances, use of force, code of conduct, evidence, and recruitment.



Department offices are located in the public safety building near the Central Business District. The public safety building was constructed in 1955 and remodeled in 1977 and again in 1991. The Police Department is currently moving into space within the public safety building that was vacated by the Kittitas Valley Fire and Rescue in 2016. The expansion of the Department's existing space will offer some relief to its

space limitations. However, it is not a permanent solution. Options for additional space that fits the structural needs of the Police Department will need to be pursued to address existing and future demand for department services.

The goals and policies in this chapter outline the broad framework of the Ellensburg Police Department; strategic planning and annual reports provide more detailed information regarding services offered and department statistics.

Animal Shelter

The Ellensburg Animal Shelter was constructed in 1974. Since its inception, it has become a regional facility providing services to other municipalities and unincorporated areas in Kittitas County. The shelter is open to the public 6 days a week. Care for the animals housed at the shelter require care and maintenance 7 days a week. The shelter takes in stray, neglected, abandoned, law enforcement impounds, and as space allows - owner surrendered animals. The majority of adoptable animals are transferred to organizations that have behavioral and medical resources. Since 2012, education and referrals have led to a steady reduction in the amount of animals needing shelter housing. Other services provided by shelter staff include investigating cases of animal cruelty, looking into a variety of nuisance complaints, working with Kittitas Valley Healthcare and Kittitas County Public Health to address animals that pose a public health risk, and maintaining an active volunteer program. As future City and regional needs increase, a staff and facility needs assessment will be necessary to plan for the expansion and modernization of shelter facilities.

Fire/Emergency Management Services

Ellensburg previously operated a fire department with 20 paid staff and more than 20 volunteer firefighters. Fire and Emergency Medical Service responsibility is now shifted to the Fire Protection District #2 which merged with the City's fire department to become Kittitas Valley Fire and Rescue (KVFR). KVFR now employs 30 career firefighters, 70 volunteers, 12 reserves, and 9 residents. The community has a fire insurance rating of four, one step above the previous rating of five, significantly reducing insurance rates in the city. KVFR also provides emergency medical services at the Advanced Life Support and Basic Life Support providers.

The headquarters station, station 29 is located on Mountain View Avenue, one of the City's main arterials. Station 29 responds to emergency calls in the South and West sections of the district. Station 21 is located on the East side of Ellensburg and covers emergency calls in the North and East sections of the district. Volunteer stations located in the rural areas of the district respond to calls in their areas. All stations can cover one another in times of heavy call volume or larger incidents.

Growth in Ellensburg's population to the north, and the increasing traffic on the community's arterial streets, are increasing pressure to develop a remote fire station to serve the northern areas.

General Growth Projections

According to growth projections, which provide the foundation for the Comprehensive Plan, the city could experience an increase of up to 11,757 additional people or about 5,300 households over the next 20 years. This projection is based on the population target allocated to the City by Kittitas County (see Land Use chapter for additional discussion).

For capital facilities planning purposes, the projected growth expected over the 20-year period was allocated on an average basis, rather than based on a year-by-year projection that tries to factor in anticipated growth cycles. Growth will undoubtedly not occur precisely as projected over the next 6-year or even the 20-year period. For this reason, the GMA requires that the Capital Improvement Plan be updated at least every 6 years. This provides local governments the opportunity to re-evaluate their forecast in light of the actual growth experiences, revise their forecast if necessary, and adjust the number and/or timing of capital facilities that are needed.

The Capital Improvement Plan (Appendix A) is updated annually as part of the City's budget process, thereby ensuring that the plan reflects the most current statistics related to growth in Ellensburg, and that city-managed facilities and utilities are slated for upgrade in accordance with both the level of service standards and concurrency standards.

Level of Service

Level of Service is a term that describes the amount, type, or quality of facilities that are needed to serve the community at a desired and measured standard. This standard varies, based not only on the type of service that is being provided, but also the quality of services desired by the community. A community can decide to lower, raise, or maintain the existing Levels of Service for each type of capital facility and service. This decision will affect both the quality of service provided, as well as the amount of new investment or facilities that are, or will be needed in the future to serve the community.

Level of service standards state the quality of service the community desires and for which service providers should plan. The adoption of level of service standards indicates that a community will ensure those standards are met, or can be met, at the time development occurs. If such standards cannot be met, the community may decide to decrease the standards, determine how the needed improvements will be paid for, or deny the development. The Growth Management Act requires communities adopt level of service standards for transportation facilities (see Transportation chapter); Ellensburg has also opted to establish service standards for the following City-managed capital facilities.

Table 2. Level of Service Standards

Service/Facility	LOS Standard
Fire Protection	Follow the guidelines from the National Fire Protection Association #1720
Emergency Medical Service	Basic Life Support at 5 minutes/90% of the time Advanced Life Support at 9 minutes/90% of the time
Water Utility	Provide water meeting all requirements of Federal Safe Drinking Water Act and Washington State Department of Health to all customers desiring service that lies within the City's water service area
Sewer Utility	Provide a collection system capable of conveying all wastewater discharges from residential, commercial, and industrial customers within the City limits and UGA
Stormwater System	Provide a public collection system capable of conveying a storm event with a 25-year return frequency without flooding or damage to structures. Meet the requirements of the City's Stormwater Discharge Permit
Natural Gas Utility	Provide minimum gas pressure of 20 psi at the customer's meter
Solid Waste Management	Weekly curbside refuse collection
Library Service	2009 Level of service document incorporated into Comprehensive Plan by reference
<u>Broadband Internet</u>	<u>150/150Mbps for all residences and businesses; 1/1 Gbps for all anchor institutions, i.e. schools, hospitals, libraries, and government buildings.</u>

Adequacy and Concurrency

According to the Growth Management Act, public facilities and services shall be adequate to serve the development at the time the development is first occupied, without decreasing the Level of Service described in the Comprehensive Plan. Adequate public facilities and services, such as water, sewer, power, and surface water management, are required in order to serve development. Additionally, the GMA mandates concurrency for transportation services to ensure that transportation improvements or strategies are in place at the time of development, or that a financial commitment is made to complete the improvement within 6 years.

The City's water, sewer, telecommunications, electric, and gas utilities have the ability to meet the current demand at the service levels established in the Comprehensive Plan. The City uses the most current Department of Ecology stormwater manual to ensure that new development meets the established standards for surface water management and requirements of the National Pollutant Discharge Elimination System permit. If the City determines that any of the facilities or utilities will not be able to meet these city services, the City could choose to:

- Modify the Land Use Map through an amendment to the Comprehensive Plan;
- Modify the Level of Service standards through an amendment to the Comprehensive Plan; or
- Restrict development until service can be provided at the established level of service standards.

Other services such as police, fire, parks, and schools, are extremely important, and may be generally available at the time of occupancy; however, upgrades may be needed to provide services to new development at the same level or rate as other parts of the community. In these situations, it may take a few years for these improvements to come on-line.

GOALS, POLICIES, & PROGRAMS

The following capital facility and utility goals, policies, and programs are designed to work with the other elements to ensure that capital facilities and utilities are provided in a safe, reliable, and affordable manner, while keeping pace with projected growth in the City of Ellensburg.

Goal CFU-1: Ensure that system services are delivered in a safe and reliable manner and are in compliance with regulatory requirements.

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| Policy A | Ensure that public facilities, utilities, and streets are designed, constructed, and maintained to efficiently and effectively meet the needs of the community and meet applicable state and federal requirements. |
| <i>Program 1</i> | Coordinate major capital facilities investments to implement the comprehensive plan. |
| <i>Program 2</i> | Continue to practice co-location of new public and private utility distribution facilities in shared trenches when reasonable and feasible, and coordinate construction timing to minimize construction-related disruptions and reduce the cost of utility delivery. |
| <i>Program 3</i> | Seek co-location opportunities in the UGA and service areas. |
| <i>Program 4</i> | Purchase land as needed for the location of capital and utility facilities. |
| <i>Program 5</i> | Maintain capital facility renewals and replacements in consideration of rising rates. |
| Policy B | Provide services concurrently with, or in advance of, demand. |
| <i>Program 1</i> | If probable funding falls short of meeting existing needs the land use element will be reassessed to ensure that the land use element, capital facilities element, and financing plan within the capital facilities element are coordinated and consistent. |
| <i>Program 2</i> | Continue to collect system development charges for water and sewer services as a financing tool to help fund needed infrastructure for new development. |
| <i>Program 3</i> | Any changes to electric, water, and sewer service areas should be based on expansion of the UGA. |
| <i>Program 4</i> | Purchase or produce commodities such as power, natural gas, and water supply concurrently with, or in advance of, demand. |

- Program 5* In response to future growth, expand the gas utility into the gas service territory as set by the Washington Utilities and Transportation Commission.
- Program 6* Implement low-cost investments, such as conduits, piping, and joint-utility extensions when opportunities with possible delayed benefits present themselves that would be unaffordable or otherwise inaccessible in the future.
- Policy C** **Continue to follow and enforce existing city standards for public facilities and services.**
- Program 1* Continue policy of providing water, sewer, and storm drainage services with highest priority given to improving services in those areas where it already exists, next highest priority to infilling areas surrounded by utility service, and lowest priority to extension of services into unserved areas.
- Program 2* Protect and conserve existing water rights and pursue opportunities for new water rights as necessary to support growth.
- Program 3* Continue to coordinate affordable and reliable collection of solid waste and recycling collection services that meets the needs of city residents.
- Program 4* Facilitate a culture of safety through education and certification programs for utility service workers.

Goal CFU-2 Maintain cost effective rates for providing utility and capital services while ensuring adequate system maintenance.

- Policy A** **Emphasize compact growth, including the infill of vacant or undeveloped land to allow for the efficient provision of services.**
- Program 1* Utilize and encourage the use of existing utility systems for new developments.
- Program 2* Encourage and provide City utility services to UGA residents who sign necessary agreements for utility connection.
- Program 3* Use utility extension agreements for the cost of extensions for water, sewer, and electricity, as a financing tool to help fund necessary infrastructure for new development.
- Policy B** **Manage expansion of the electrical utility into the UGA in response to future growth based on the following approaches:**
- Program 1* Purchase existing assets from other utilities, recognizing that the cost will be incurred by customer/developer.

- Program 2* Upon annexation, after the required seven-year period purchase the assets from existing electric providers in the UGA or build new assets.
- Program 3* Upon request and sufficient power supply, develop agreements with existing electric providers in the UGA for shared assets (wheeling) to serve customers/developers.
- Program 4* Continue to require developers to provide assets within developments.
- Policy C** **Maintain affordable rates by continuing to require annexation to the City, or approval of a utility extension agreement with the City to receive any city water, sewer, or electric service.**
- Program 1* Continue to require a standard outside utility agreement concerning provision of water, sewer, and electric services.

Goal CFU-3 Develop facilities and encourage use of services in an environmentally sensitive manner.

- Policy A** Promote water and energy efficiency and alternative energy sources.
- Program 1* Promote the use of solar technology within the community.
- Program 2* Assist citizens with upgrading energy efficiency in homes and businesses through weatherization, and improvements to mechanical and lighting systems.
- Program 3* Promote the use of Energy Star and green building practices in new construction.
- Program 4* Promote efficient use of lighting to preserve our night skies.
- Program 5* Continue to comply with City water use efficiency standards.
- Program 6* Continue to support the County's operation of composting and recycling facilities in the City.
- Program 7* Work with state and regional air quality agencies, and Kittitas County Public Health to provide outreach and education to Ellensburg residents on energy efficient wood stoves, incentive programs, and burn bans.
- Policy B** **Design, construct, and maintain facilities to minimize their impact on surrounding neighborhoods and the environment.**
- Program 1* Promote the undergrounding of new and existing utility lines, where physically and financially feasible, as streets are improved and/or areas are redeveloped in coordination with other utilities and capital facility systems.

Goal CFU-4 Support the use of data and technology to meet residents' needs and improve efficiency of services.

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| Policy A | Support information and communication technology that allows city officials to interact directly with the community and the city's infrastructure. |
| <i>Program 1</i> | Consider metering technology migration from the City's legacy automatic meter reading (AMR) to advance metering infrastructure (AMI) for electric, natural gas, and water utilities. |
| <i>Program 2</i> | Use information and communication technology to monitor infrastructure and efficiency of services. |
| Policy B | Encourage new and cost-effective information and telecommunications technologies that would benefit residents and improve services. |
| <i>Program 1</i> | Facilitate communication technology deployments for next generation wireless services, such as the use of City utility poles, streetlight poles, traffic signals, and other City assets for small cell deployment. |
| <i>Program 2</i> | Encourage public-private partnerships to take advantage of the city's fiber optic network to facilitate innovation, and expand service delivery. |
| <u><i>Program 3</i></u> | <u>Leverage existing city telecommunications assets and utility service experience to deliver the fiber optic broadband service to businesses and residents that provide a similar level of customer service and reliability as the City's other utilities, in a manner that meets the state and federal goals for speed and equitable deployment, and is supported to address business concerns with service outage restoration.</u> |

Goal CFU-5 Maintain consistent countywide planning policies for siting of essential public facilities.

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| Policy A | Continue to support and work with the Kittitas County Conference of Governments (COG) to establish a process for siting essential public facilities that are of a countywide or statewide nature as set forth in the countywide planning policies. |
| <i>Program 1</i> | Maintain an inventory of existing essential public facilities in the City of Ellensburg and its UGA. |
| <i>Program 2</i> | Apply the siting process outlined by the Kittitas County Countywide Planning Policies to all essential public facilities identified by the City, the County, regional agreement, or by State or federal government when such facilities are proposed within the City or the UGA. |

- Program 3* Maintain regulations that ensure essential public facility siting is consistent with all adopted City ordinances and the adopted City comprehensive plan.
- Program 4* Coordinate with Kittitas County and other public entities to establish an official map identifying precise arterial corridors, public parks and open spaces, and other public facility locations for current and future dedication and/or acquisition.
- Program 5* Assist in coordinating the construction of a public safety broadband network, utilizing City telecommunications utility assets if necessary and appropriate.

Goal CFU-6 Provide quality library materials and services to fulfill the current and projected educational, information, cultural, and recreational needs of the entire community in a location and environment that is welcoming and accessible.

- Policy A** Maintain and enhance the library collection to meet the lifelong learning needs and recreational interests of the entire community.
- Policy B** Seek funding to meet and maintain the Level of Service Standards for our growing population.
- Policy C** Maintain sufficient facilities to provide a range of library services that meet current and projected community needs.
- Policy D** Maintain current programming and community space at the Hal Holmes Center for Library and community use.

Goal CFU-7 Uphold law and order while maintaining peace and safety for citizens and police officers by providing the best in public safety services.

- Policy A** Maintain accreditation through the Washington Association of Sheriffs and Police Chiefs.
- Policy B** Maintain sufficient facilities to provide public safety services that meet current and projected community needs.
- Policy C** Continue to seek and provide innovative training opportunities for staff and volunteers.
- Policy D** Use social networking and other data sharing opportunities, as appropriate, to provide information and education to create better citizen understanding of Ellensburg Police Department services.

- Policy E** Continue to provide citizen engagement opportunities and events that enable community interaction with the Ellensburg Police Department.
- Policy F** Seek proactive approaches to address public safety issues.

ACTION ITEMS

Annual Updates of Facility Plans

Annually update facility plans within projected funding capacities and provide summary of probable funding sources.

Establish Official Map of Public Facility Locations

Coordinate with Kittitas County and other public entities to establish an official map identifying precise arterial corridors, public parks and open spaces, and other public facility locations for current and future dedication and/or acquisition.

Inventory of Essential Public Facilities

Update and maintain an inventory of essential public facilities in the City of Ellensburg and its UGA.

Update Telecommunications Utility System Plan

Ensure a Functional Plan is regularly updated to identify facility inventories, potential funding sources, and implementation strategies for the Telecommunications Utility.

Reduce barriers and costs to telecommunications utility infrastructure extension

Coordinate with stakeholders and pursue “Dig Once” or pavement moratorium policies to encourage cost effective utility infrastructure development and extend the service life of city transportation assets, and One Touch Make Ready (OTMR) or “Climb Once” policies to simplify telecommunications infrastructure deployment.

Develop Digital Inclusion Plan

Convene partners to develop a digital inclusion plan to guide decision-making on telecommunications infrastructure and measure progress toward digital equity.

POLICY CONNECTIONS

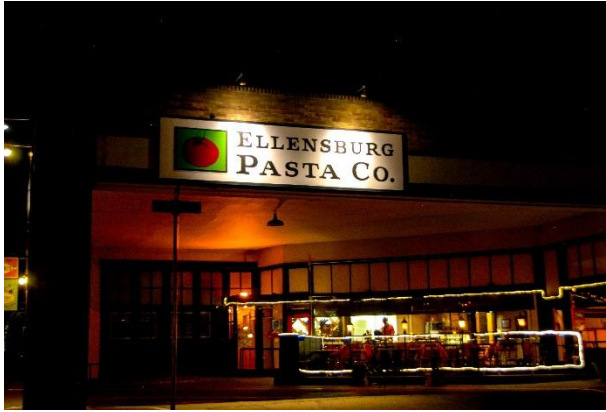
Utilities and capital facilities must keep pace with growth, the **Land Use** chapter includes policies and information about Ellensburg's projected growth.

The **Economic Development** chapter includes guidance on telecommunications utility infrastructure to support economic development.

The **Transportation** chapter provides information for Ellensburg's transportation system including streets, non-motorized facilities, and public transit facilities.

The **Parks and Recreation** chapter includes goals that create a framework for future parks, recreation, and open space decisions. More specific guidance is provided in the 2016 Parks, Recreation, and Open Space Plan.

The **Environment** chapter addresses the stewardship of natural resources including ground and surface water.



CHAPTER 6

ECONOMIC DEVELOPMENT

WHAT YOU WILL FIND IN THIS CHAPTER

- Information about the local economy, including statistics on population, employment, businesses, and employment sectors.
- Policies and programs that seek to help Ellensburg build a promising economic future.
- Policies that provide a framework for leveraging tourism and promoting Ellensburg as a destination.
- Policies that seek to maintain a qualified workforce and promote living wage jobs.

OVERVIEW

This chapter contains goals, policies, and programs to define Ellensburg's role in economic development, and to help the City build a healthy economy. While economic activity exists at all levels, both public and private, local government's role is to establish parameters for private markets, provide vital services, and ensure development enhances the quality of life in Ellensburg.

A healthy economy adds to all aspects of the community, from jobs to infrastructure to community services. A healthy local economy can strengthen the community's position as a unique and attractive place to work, live, play, and visit.

The goals, policies, and programs contained in this chapter aim to guide the City of Ellensburg in developing a supportive business environment for new and existing businesses with the intent of providing a range of employment opportunities for residents, and a strong tax base for the City.

BACKGROUND & CONTEXT

With a population of just under 20,000 as of 2019, Ellensburg is the center of commerce and government for Kittitas County. It offers services for local residents, and the financial, religious, and educational institutions that serve an area much larger than what is within city limits. Ellensburg is a central gathering place for the regional community, and hosts a diversity of activities, events, and services that serve more people than those that reside within the city limits of Ellensburg. Ellensburg is known as the home of Central Washington University and the annual Ellensburg Fair and Rodeo that attracts national attention.

The quality of life in Ellensburg is characterized by our clean environment, vibrant downtown, family-friendly community and outstanding outdoor recreational assets, all of which are important factors in nurturing economic growth. Businesses provide property, sales, and lodging tax revenue that help to support public infrastructure and maintain our quality of life. As local and national economies and lifestyles evolve, it will become more important for Ellensburg to maintain and enhance its livability through good urban design that reflects the values and choices of the community. The Ellensburg community is concerned with the availability of living wage jobs, and with the City's ability to continue providing services that help to foster business development and increase economic opportunities. Residents want employment, retail, and social opportunities that allow them the ability to live, work, and play in this community.



Ellensburg's economic base has been relatively narrow since its settlement in the late 1800s. While Ellensburg still enjoys a strong agricultural base, our community as a whole has become less dependent on the natural and agricultural resources. Today government, non-profit organizations, tourism and retail industries are primary employers in the community. Ellensburg has also experienced an increasing number of residents commuting to Yakima County and to the greater Puget Sound region for employment opportunities.



Today four of the five top employers are in the government and non-profit sectors: Central Washington University, 1,438; Kittitas Valley Healthcare, 600; Ellensburg School District, 380; Kittitas County, 363; Anderson Hay and Grain, 240; Elmview, 200. Tourism and retail industries also are key employers.

The growth in metropolitan areas near Ellensburg—King County in particular—is changing our community's economic position. The US Census Bureau named Kittitas County the 10th fastest growing county by percentage in the United States in 2015 to 2016 with a 4.2 percent growth rate. Kittitas County was the only county in Washington on the list. The same report cited the City as the third-fastest growing micropolitan area in the country.

Transportation congestion and high home prices in urban areas are pushing people into rural Kittitas County for a more relaxed and affordable place to live. The lack of congestion makes commuting to work a reasonable alternative to living and working in urban areas. An increasing number of residents are commuting to Yakima County and, in particular, to the greater Puget Sound region for employment opportunities. According to the 2016 Kittitas County Population Projection Review and Analysis, in 2013 46 percent of working Kittitas County residents worked outside of Kittitas County, with 16 percent of those commuting or telecommuting to King County.

Economic Sectors

The following is a brief synopsis of the economic drivers in the City of Ellensburg. More information on each of these drivers, as it pertains to land use, is provided in the Land Use Element.



Commercial and Industrial

Ellensburg's early industrial development developed along the railroad tracks west of downtown. Over time, land use designations and zoning patterns have continued this pattern, with the bulk of Ellensburg's industrial land located along a narrow strip paralleling the Burlington Northern Santa Fe (BNSF) railroad tracks. Most of this land is in the 100-year floodplain. Commercial and industrial development has expanded along Dolarway Road to connect to area

surrounding the west I-90 freeway interchange. Additionally, the northernmost portion of Ellensburg's UGA surrounding the Bowers Field Airport is designated for light industrial use. In order to attract and accommodate innovation and family-wage jobs, more light industrial uses in a variety of existing zones, along with innovative ideas to mitigate industrial development in floodplain areas, may help to accommodate and attract new businesses to the Ellensburg area.

A 2016 Downtown Market Study and Economic Development Plan indicates that local shoppers are traveling outside of Ellensburg to purchase daily goods and services. The nearest large commercial center is Yakima, 35 miles to the south, which is a popular destination for various kinds of retail shopping.

Three key highways meet at Ellensburg. Interstate 90 is the state's primary east-west route; Interstate 82 carries traffic through south central Washington to population centers in Yakima and the Tri Cities. State Route 97 moves traffic north to Wenatchee. These highway interchanges, provide substantial opportunity for commercial development. The south interchange at Canyon Road is currently the more developed of the two existing interchange areas, offering lodging, dining, and gasoline sales. The west (I-90/SR 97) interchange provides similar services, but not at the same intensity. Both interchange areas have been identified for regional retail commercial development, at a scale that serves the City of Ellensburg, as well as the surrounding region. As new development of big-box stores and shopping centers slows on a national level, however, a variety of commercial and public-service uses for these sites are being explored.

Downtown Commercial

The development of commercial activity outside the downtown core has distributed business activity beyond traditional areas. The community's passion for downtown Ellensburg is evident, however, in its commitment to preserving historic buildings while staying on the cutting edge of reuse and revitalization.

As a result, downtown Ellensburg has experienced a renaissance over the last decade with many buildings undergoing restoration; upper floors of long-shuttered historic buildings have opened, expanding residential, commercial, and civic space. A new boutique hotel, the redevelopment of a downtown city center park, and expansion of residential, artistic, and commercial offerings have added to the high quality of life for Ellensburg's City Center. As a Certified Main Street Community, the thriving downtown is on the National Register of Historic Places, named a Dozen Distinctive Destinations by the National Trust for Historic Preservation in 2007 and a Great American Main Street Award finalist by the National Main Street Center in 2018.



Health Care

Kittitas Valley Healthcare (KVH) operates KVH Hospital and seven clinics. KVH provides inpatient and outpatient surgical services, critical care, a family birthing center, cardiopulmonary services, laboratory services, and imaging services. The Emergency Department at KVH Hospital is designated as a Level IV trauma service by the State of Washington Department of Health and is staffed 24-hours-a-day by an emergency physician.

KVH is the second largest employer in Ellensburg, with about 600 employees in Ellensburg. The hospital is working on a new campus master plan that will potentially expand the footprint of the campus. In anticipation of the projected growth in Ellensburg's 65 or older population, KVH is expected to remain a key part of Ellensburg's economic growth over the next 20 years.



Central Washington University

Central Washington University is an important and vital force in the community. CWU's campus occupies more than 380 acres and employs about 1,800 people. In spring 2017, the Ellensburg campus enrollment was about 9,600 students. The \$113 million annual payroll supports retail, housing and entertainment businesses; CWU spends nearly \$15 million in the area with vendors for everything from catering to furniture. Construction spending of nearly

\$500 million since 2010 has supported employment throughout the region and built one of the most beautiful and modern campuses in the state.

The Central Washington University Strategic Plan calls for continued public service and community engagement, with emphasis on the level of collaboration between the University and local communities to contribute to the education, social, and economic progress of Washington communities.



Tourism

Tourism is one of the top five economic drivers for Ellensburg, with year round events such as Dachshunds on Parade, Jazz in the Valley, Buskers in the Burg, WinterHop Brewfest, and First Friday Artwalks providing entertainment for thousands of locals and visitors. Many of these events are held in the historic city center, with Central Washington University also offering a full calendar of music, conferences and sports related activities. Outdoor recreation, conferences, and

youth sports all provide growth potential for the local tourism industry.

Lodging tax continues to grow with 2018 recording \$562,000 and 2019 expected to edge towards \$600,000. These funds benefit the community in a number of ways through increased tourism, event and project grants, and capital improvements for civil facilities and parks.

Ellensburg is home of the Kittitas County Event Center which hosts the Kittitas County Fair and Ellensburg Rodeo. The Fair and Rodeo is held each Labor Day weekend and the rodeo is continuously ranked in the top 10 rodeos in the nation with over 25,000 visitors attending from outside the community.

The Event Center is located on 21 acres adjacent to the City's eastern-most residential areas. The Event Center hosts more than 1,500 events throughout the year for community organizations, trade shows, expositions, equestrian and livestock events, and other special events. The Center includes conference and event spaces, an indoor arena, stock pens, barns, RV hookups, and on-site parking.

With some structures built more than 90 years ago, the Kittitas Valley Event Center is listed on both the Washington State and National Register of Historic Places, offering both cultural and economic opportunities for Ellensburg and the surrounding region.

Technology

While the technology sector is not yet a significant portion of Ellensburg's current economy there is a drive to grow this sector of Ellensburg's economy. The technology sector tends to offer well-paying jobs and is attracted to good schools, high quality of life, and recreational amenities. Ellensburg embodies these characteristics while offering the City of Ellensburg's growing telecommunications utility (see Capital Facilities and Utilities chapter) as well as a close proximity to Seattle, one of the top tech hubs in the nation. Construction of a \$64 million computer science facility at CWU along with programming through the Departments of Information Technology Administrative Management (ITAM) and Computer Sciences, the technology industry is an area of focus for future economic expansion.

Arts and Culture

The arts play an important role in the economy in Ellensburg; home to many artists, designers, creative entrepreneurs, and art nonprofits that may be classified under other categories of business activity. Nonprofit arts organizations serve as regular economic contributors to the tourism and job base. For example, the Laughing Horse Foundation is a fiscal sponsor for seven performing arts organizations such as Jazz in the Valley and the Ellensburg Film Festival. Central Washington University is home to the top academic music program on the West Coast. In addition to sponsoring remarkable student performances, the department brings in world class musicians throughout the year. An expansive campus sculpture collection and degree programs in art and theatre add to the richness of the Ellensburg arts community.

In 2016, the City Council designated 10 percent of construction sales tax revenue to community art, with an annual floor of \$25,000 and a ceiling of \$50,000. As stewards of these funds, the Ellensburg Arts Commission develops strategies, procedures, and goals that reflect the best usage to further the impact of art on the community. Events such as First Friday Art Walk, Jazz in the Valley, and Buskers in the Burg generate income for artists and businesses annually. Collectively, these efforts spur economic activity and support a rich quality of life.

Opportunity Zones

Both industrial and downtown retail areas lie largely within “Opportunity Zones,” a new community development program established by Congress in the Tax Cuts and Jobs Act of 2017. The zones are intended to encourage long-term investments in low-income urban and rural communities nationwide. The Opportunity Zones program provides a tax incentive for investors to re-invest their unrealized capital gains into Qualified Opportunity Funds (QOF) that are dedicated to investing into Opportunity Zones designated by each state.

Ellensburg’s two, Opportunity Zones comprise more than 6,120 acres. Of that, 22 percent is designated for commercial or industrial use; 2,540 acres of vacant land are ready for development.

- Census tract 5303797-5600 includes portions of Central Washington University, the Historic District and Main Street to I-90. The tract includes the city’s warehouse district and is bisected by the BNSF railroad line. Sixty percent of the tract lies within the incorporated city, with the remaining 40 percent within the Urban Growth Area. This tract comprises over 2,000 acres with 44 percent designated as areas that are development-ready with direct access to Interstate 90, rail, and city utilities. Zoning allows for a broad mix of developments: Residential Suburban, Central Commercial, Commercial Highway, Central Commercial II and Light Industrial.
- Census tract 5303797-5500 lies north and west of tract 5600. It runs in a southeast-northwest direction with I-90 as the southwestern border and the Iron Horse trail acting as the northeastern border. Fifty percent of the tract lies within the incorporated city or Urban Growth Area, with the remaining sited on county land. Zoning allows for diverse applications: Light Industrial, Commercial Highway, Urban Residential, General Commercial, Residential Suburban, Residential Office and Commercial Tourist.

Foreign Trade Zones

In 2010, the Port of Moses Lake established a 90-mile radius of a Foreign Trade Zone (FTZ) that included all of Kittitas County. A FTZ allows companies to store goods duty-free, delay tax and customs payments, and lower inventory costs. By establishing a FTZ, companies compete more efficiently and cost effectively in the marketplace. Merchandise may be moved into these zones for operations, including storage, exhibition, assembly, manufacturing, and processing. The standard customs entry procedures and payments of duties are not required on the foreign merchandise unless and until it enters the US Custom’s territory, at which point the importer generally has the choice of paying duties at the rate of either the original foreign materials or the finished product. Domestic goods moved into the zone for export may be considered exported upon admission to the zone for purposes of excise tax rebates and drawback. CenterFuse and Kittitas County Chamber of Commerce are developing tactics to encourage businesses to utilize this benefit.

Business Development

Many organizations throughout Ellensburg work to build the economy and enhance the community's quality of life. Three organizations in particular are directly involved in business development in Ellensburg.

The Ellensburg Business Development Authority (EBDA) dba CenterFuse, is a Public Development Authority, authorized by RCW 35.21.730 and created by the City of Ellensburg in 1994. In 2017, the functions of the EBDA were brought back into City government after being contracted out for many years. CenterFuse recruits, supports, and connects businesses with the resources they need to start, grow, and prosper.

The Kittitas County Chamber of Commerce partners with CenterFuse on business development, in addition to overseeing tourism, events, and services as the designated County Associated Development Organization (ADO).

The Ellensburg Downtown Association is a Certified Main Street Organization through the Washington Main Street Program and the Department of Archeology and Historic Preservation and follows the designed Main Street Approach for downtown revitalization.

Household income

In 2015, the median income for households residing in the City of Ellensburg is \$28,341, however this data is skewed by part-time residence of students, who comprise 50 percent of the population who may have little or no personal income. Among only family households, the median income in 2014 is \$60,650. Ellensburg's median family household income is about 85 percent of the median income of Washington State, and about 96 percent of the median income of Kittitas County.

Table 1 compares the demographics and family household income of Ellensburg with Kittitas County, and with Washington State.

Table 1. Demographics and Household Income

	Ellensburg	Kittitas County	Washington State
2016 population	19,310	43,710	7,183,700
Median age	23.7	33.0	37.4
Labor force population (age 18-64), percent of total	77%	68%	77%
65 years and over, percent of total population	9.2%	14.1%	13.6%
Median family household income	\$60,650	\$65,103	\$73,039

Washington Office of Financial Management, United States Census, American Community Survey 5-Year Estimates, 2010-2014 and 2011-2015

The median age in Ellensburg and Kittitas County also are skewed by the large population of college students. During spring 2017, there were over 9,600 students attending university on-campus in Ellensburg, or about half of the population of Ellensburg, and a quarter of the population of Kittitas County.

Currently about 14 percent of Kittitas County's population is 65 years and over. Washington State Office of Financial Management demographers project that this population share will increase to about 20 percent by 2030, as today's baby boomers enter their 70s and 80s. As the center for medical and other services, Ellensburg could expect to see growth in residents 65 years and over, and an increase in demand for services and senior and/or assisted living facilities.

LARGEST EMPLOYERS IN ELLENSBURG

- Central Washington University
- Kittitas Valley Healthcare
- Ellensburg School District
- Kittitas County
- Anderson Hay and Grain
- Elmview
- Fairpoint Communications
- Fred Meyer
- City of Ellensburg
- Twin City Foods, Inc.

Employment

In Kittitas County employment grew at a rate of 2.5 percent between 2000 and 2008. The County suffered job losses during the recession beginning in 2009, and since then job growth has been stagnant or slow. In 2014, county employment finally surpassed the 2008 peak. During the entire period of 2000 – 2014, county employment grew at an average annual rate of 1.4 percent. The employment sectors with the highest growth between 2000 and 2014 were professional and business services, and the leisure and hospitality sectors (***Error! Not a valid bookmark self-reference.***). The Washington State Employment Security Department has projected that these two sectors, and Education and Health Services, will experience the highest growth rates over the next several years. Many of Ellensburg's top employers are in these sectors.

Ellensburg's annual employment growth rate of 0.7 percent, between 2002 and 2013, was slower than the countywide employment growth. Between 2013 and 2014, there was an 8 percent decline in the total number of workers in Ellensburg.

Between 2002 and 2014 there has been a slow decline in the number of Ellensburg residents who work in Kittitas County, and a steady increase in the number of Ellensburg residents who work outside Kittitas County. In 2014, the counties where the greatest shares of Ellensburg residents worked were Kittitas (53 percent), King (14 percent), and Yakima (9 percent).

Table 2. Kittitas County Employment and Growth Rates by Sector

Employment sector	09/2015 employment	Average annual growth rate		ESD projected annual growth rate	
		2000 - 2014	09/2014 - 09/2015*	2013 - 2018	2018 - 2023
Goods producing	1,510	0.91%	0.00%	-	-
Trade, transportation, utilities	2,500	0.12%	5.00%	1.37%	0.95%
Information & financial activities	730	2.41%	5.80%	0.00%	0.43%
Professional & business services	680	2.73%	17.20%	1.39%	2.23%
Leisure and hospitality	3,210	2.52%	22.10%	2.07%	1.38%
Private education & health services	1,450	2.04%	3.60%	3.59%	1.89%
State & local government	6,340	1.61%	17.00%	1.29%	1.21%
Federal government	180	-1.78%	12.50%	-1.28%	0.00%

*At the time of data analysis ESD had not released seasonally adjusted 2015 employment counts that are comparable to the 2009-2014 data. Therefore, growth rates are calculated separately for this one year period.

Source: Washington State Employment Security Department, Labor Market and Performance Analysis, 2015.

Employment Forecasts

The employment target is the amount of job growth the jurisdiction should plan to accommodate during the 2017-2037 planning period. Ellensburg's employment target for this period is 6,998 additional jobs.

The Kittitas County Conference of Governments countywide employment projection is a 2 percent average annual growth rate; with 80 percent of employment growth projected to occur in incorporated areas and their Urban Growth Areas, and 20 percent projected to occur in rural areas outside of Urban Growth Areas. The allocation method is based on current shares of employment growth by sector based on each incorporated areas baseline (2013) share of total employment in that sector. See *Table 3* below. For additional detail on employment forecasts please see the Community Profile and Land Use chapters.

Table 3. City of Ellensburg and Urban Growth Area Employment Allocation

Jurisdiction	2015 Employment	20 year employment allocation	2037 Employment
Ellensburg	11,490	6,998	18,488
Total	19,362	11,155	30,517

Estimated employment in 2015 for Ellensburg and its urban growth area is approximately 11,490 jobs, which equates to about 1.4 jobs per household, and about 59 percent of jobs countywide. Between 2002 and 2013 Ellensburg experienced about 29 percent of the countywide employment growth.

The 20-year employment allocation for the City of Ellensburg would result in a total of 18,488 jobs, and about 1.3 jobs per household. The employment allocation is based upon Ellensburg and each of the incorporated areas in Kittitas County maintaining their current share of employment. Population was allocated using a similar method, and therefore projects that jobs per household would also be maintained over the next 20 years.

Based on a countywide land capacity analysis the employment allocation is within what Ellensburg can accommodate, based on the current zoning and land use regulations. The Land Use chapter contains descriptions and locations of future land use designations that will accommodate employment in the form of mixed use areas, neighborhood commercial activities, regional commercial uses, and industrial areas.

GOALS, POLICIES, & PROGRAMS

These economic development goals, policies, and programs are designed to work with the other elements to help stimulate economic growth and focus on areas that take into account Ellensburg's unique characteristics and opportunities for growth.

Goal ED-1: Strengthen city partnerships and resources to support economic opportunities.

Policy A	Continue to implement and regularly update a strategic economic development plan with representatives from the following sectors: industrial, transportation, agriculture, tourism, healthcare, and education.
<i>Program 1</i>	Coordinate with economic development groups to recruit new businesses.
<i>Program 2</i>	Strengthen collaboration among the business community, economic development stakeholders, Central Washington University, healthcare organizations, local government, tourism organizations, and other higher education organizations.
<i>Program 3</i>	Partner with local organizations to establish training, funding, and business development opportunities for small businesses.
<i>Program 4</i>	Develop, refine, and implement economic monitoring to help advance the City's economic development policies and programs.
<i>Program 5</i>	Ensure strong partnership with local school district to encourage enhanced K-12 educational opportunities.
<i>Program 6</i>	Support programs that increase availability of affordable housing and public transportation.
<i>Program 7</i>	Support efforts to continue the I-90 Snoqualmie Pass East project beyond Easton to Cle Elum, and ultimately to Ellensburg, to address safety, freight and business mobility, and other issues related to chronic traffic congestion.
Policy B	Integrate economic strategies into community planning activities.
<i>Program 1</i>	When evaluating future locations for particular land use districts and zoning designations, consider local and regional market needs (i.e. trip counts, visibility, etc.) of the types of businesses likely to locate in those areas.

- Program 2* Direct capital improvements to key areas to create a sense of place, and grow and attract businesses.

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

- Policy A** Encourage growth that will provide goods and services that will meet the diversity of needs of ~~to~~ the local and regional community.

- Program 1* Market to a variety of diverse businesses – both large and small – that provide goods and services to local and regional populations.

- Program 2* Promote economic activity ~~to that~~ diversifies sources of revenue, and which expands the employment base.

- Policy B** Promote the retention and expansion of existing businesses as well as the development of new businesses.

- Program 1* Solicit comments and feedback from local businesses on things that the City could change to better support local businesses.

- Program 2* Establish incentives and development flexibility to retain existing businesses, attract new businesses, and encourage quality development.

- Program 3* Partner with economic development groups to inventory and share information regarding vacant building and lot space.

- Program 4* Promote development of vacant lots and infill development within Ellensburg's urban core.

- Program 5* Continue to provide high quality and cost efficient city services and facilities, and promote these as one of Ellensburg's economic development assets.

- Program 6* Identify segments of existing businesses and develop strategies and programs to remove barriers for growth and expansion.

- Program 7* Expand City telecommunications utility infrastructure and service areas to meet business needs for retention, expansion, relocation, and formation.

- Program ~~7~~8* Identify opportunities for innovation through residents and Central Washington University to open avenues for new business start-ups and foster their development.

- Program ~~8~~9* Utilizing the community's assets of location, workforce and quality of life, develop and launch a pro-active business recruitment strategy that directly

itches the City as a place to do business to outside community prospects for relocation or expansion of additional locations.

Program 910 Market the Opportunity Zones and work with the Port of Moses Lake to identify existing businesses that could take advantage of Kittitas County's *Foreign Trade Zone status and development marketing strategies to promote and utilize status for new development.*

Policy C **Develop and maintain an effective and predictable regulatory environment, which encourages participation and is accessible to all members of the community.**

Program 1 Provide efficient, predictable, and customer-service oriented permitting processes.

Program 2 Consider streamlining permitting by establishing a one-stop permit center for all permits.

Program 3 Encourage the use of the pre-application process as a means of identifying potential obstacles to the development of a particular site.

Program 4 Establish predictable processing times and consistent review processes, and post timelines on the City's website.

Program 5 Work with EBDA to create "How To" guide for new businesses, investors, and developers to work with the city on new business creation, land development, and building redevelopment

Policy D **Encourage development of light industrial uses within the City of Ellensburg.**

Program 1 Develop City-owned property off Dolarway Road for a light industrial park.

Program 2 Continue to partner with Kittitas County on development of the Kittitas County Industrial Park at the airport.

Program 3 Work with EBDA to identify strategic locations for light industrial land use and zoning changes to encourage innovation and job creation.

Program 4 Analyze effectiveness of City-owned business incubator and create action plan to readdress its usage or sell the property to EBDA for redevelopment or sale.

Program 5 Offer city broadband fiber telecommunications utility service to all properties within the Light Industrial (L-I) zones.

Goal ED-3 Grow and sustain a qualified workforce.

- Policy A** **Coordinate with local high schools, higher education institutions, workforce development, vocational rehabilitation, and local businesses to train a workforce that is prepared for emerging job markets.**
- Program 1* Consider public/private sponsorship of entrepreneurial education.
- Program 2* Encourage organizational partnerships that focus resources toward increasing the employability of all citizens.
- Program 3* Educate businesses on how to utilize area educational institutions to engage student internship programs, encourage local innovation opportunities, and create technical training programs to support construction and industry.
- Program 4* Diversify and expand the city's job base, with focus on attracting living-wage jobs, to allow people to work and live in the community.

Goal ED-4 Emphasize economic development of downtown as an economic, tourist, retail, art and cultural, and event destination.

- Policy A** **Promote access from Interstate 90 and create a desire to stop within the central business area of Ellensburg.**
- Program 1* Establish land uses that recognize Canyon Road, Main Street, University Way, Vantage Highway, and Dolarway as entrances to our city.
- Program 2* Expand and enhance the wayfinding system to local businesses, city parking, tourist facilities and attractions, and pedestrian paths.
- Program 3* Encourage and support cultural activities and the arts and recognize their contributions to the local economy.
- Program 4* Partner with the Kittitas County Chamber of Commerce and the Ellensburg Downtown Association to develop incubators and incentives for development in the downtown area.
- Program 5* Work with the EBDA to identify key buildings for development of technology and creative sector jobs.
- Program 6* Work with Arts Commission to produce a cultural assessment and develop downtown as an ArtsWA Certified Creative District.
- Program 7* Be proactive as to re-evaluating policies and strategies for downtown parking as the downtown evolves, referencing the 2019 Nelson/Nygaard Parking Study.

Policy B **Partner with local organizations to implement the downtown economic development plan.**

Program 1 Encourage mixed uses in the downtown area to support increased commercial and tourist activity, walkability, and housing options.

Program 2 Provide enhanced public gathering places downtown to encourage a sense of place and community.

Program 3 Offer city broadband fiber telecommunications utility services to all addresses in the downtown core.

Goal ED-5 Embrace tourism as an economic development tool.

Policy A **Market Ellensburg's tourism opportunities by developing a marketing strategy to address all tourism segments.**

Program 1 Advertise to targeted interests at the regional, national, and international level.

Program 2 Keep detailed and updated content management platforms such as websites and mobile applications.

Program 3 Support visitor information centers and kiosks.

Program 4 Explore future development of visitor information services near freeway interchanges.

Program 5 Promote Ellensburg's role as a destination to regional recreation and cultural activities.

Program 6 Support destination marketing organizations through lodging tax funds.

Policy B **Market Ellensburg's central location for conventions, business meetings, sports tournaments, cultural events, and other activities.**

Program 1 Inventory and manage data about where regional tourism-based enterprises can meet and use community spaces and resources.

Program 2 Coordinate and promote a central website for public/private regional facilities.

Program 3 Provide a consistent level of reliable public transportation between public and private local facilities and accommodations.

Program 4 Leverage lodging tax funding to support events and promotions and development of government-owned facilities and parks for tourism-related markets.

Policy C Support and expand opportunities for tourism-based investments.

Program 1 Identify appropriate zoning districts to allow for short-term rental properties.

Program 2 Identify appropriate zoning districts to allow for ancillary tourism activities.

Goal ED-6 Foster economic development through promoting energy efficiencies and use of renewable energy.

*Policies and programs on renewable energy and promotion of energy efficiencies are addressed in the Capital Facilities and Utilities chapter.

ACTION ITEMS

Airport master plan implementation

Collaborate with Kittitas County to ensure the implementation of the airport's master plan contributes to the overall economic growth in the region, and that Ellensburg's land use plans are compatible with continuing airport and airport-related uses.

Economic development vision and strategic plan

Collaborate with local economic development organizations to prepare an economic development vision and strategy for Ellensburg, which identifies the types of land use designations and the relative priorities of capital investment necessary to foster economic development and promote living wage jobs in Ellensburg.

Increase usable industrially-zoned property

Review the industrial land inventory and identify and implement steps within the City's control to make more light industrial land available in less constrained areas.

Kittitas Valley Event Center Master Plan

Encourage an updated long-term plan for the Kittitas Valley Event Center in order to facilitate long-term growth and best land use. Collaborate with the Kittitas Valley Event Center as a major cultural site and economic generator in Ellensburg.

Streamline/automate permitting process

Review land use permitting processes and make adjustments as necessary to streamline approval processes while still ensuring projects enhance Ellensburg's economic vitality and community character.

POLICY CONNECTIONS

Policies and programs that address energy efficiencies and renewable energy are addressed in the **Capital Facilities and Utilities** and **Environment** chapter.

The **Transportation** and **Capital Facilities and Utilities** chapters address policies and programs regarding the development of infrastructure for economic development including roadways, transit facilities, and telecommunications.

Goals, policies, and programs that address commercial and industrial land use designations are addressed in the **Land Use** chapter.

Policies and programs that address affordable and diverse housing options are in the **Housing** chapter.

The Diversity, Equity, and Inclusion chapter includes policies and programs that are in support of promoting a welcoming and inclusive community that is ideal for economic growth and development.



CHAPTER 9

DIVERSITY, EQUITY & INCLUSION

WHAT YOU WILL FIND IN THIS CHAPTER

- Background information and context related to local history, current events, and plans for the future, addressing Diversity, Equity, and Inclusion within the City of Ellensburg.
- Policies that seek to make City resources more accessible to all.
- Policies that direct the City's efforts towards encouraging welcoming and inclusive environments within the Community.
- Policies intended to support a culturally inclusive community, where all people experience a sense of belonging.

OVERVIEW

This chapter contains goals, policies, and programs that define how the City of Ellensburg can play a role in fostering an environment of understanding, equity, and belonging within the community. The following is the City of Ellensburg's initial action plan aimed at systematically addressing Diversity, Equity, and Inclusion in a way that can effect sustainable change to benefit all residents.

This document is a starting point for the City. There are likely many issues not yet articulated that can be addressed later as they are identified. This chapter is a living document; it is intended to be revisited and revised periodically. This is an initial framework, within which the City will continue to listen to residents, encourage collaboration and communication, and elevate marginalized voices.

BACKGROUND & CONTEXT

The City of Ellensburg is committed to creating a community with a lived and built environment that improves lives, supports all people, and provides residents with opportunities to flourish. It is important for the Ellensburg community to be inclusive, to celebrate diversity, and to provide equitable opportunities to all. Doing so can help create a thriving local economy, and an environment in which individuals achieve their full potential.

Similar to many cities around the country, the national conversations that occurred in 2020 around race, social justice, and equity, sparked a discussion within our local community. These conversations highlighted the need to build a greater awareness of the impacts and challenges that marginalized communities are faced with on a daily basis. The goal of this chapter is to address ways in which the City can alleviate some of these systemic barriers, and foster a sense of belonging amongst all residents, by consistently listening to the ideas, experiences, and concerns of all who live here.

Through the lens of DEI

What does this all mean? Supporting diversity, equity, and inclusion related educational opportunities, social gathering opportunities, and supporting access to community resources, can create a sense of belonging within the community for all residents.

Diversity

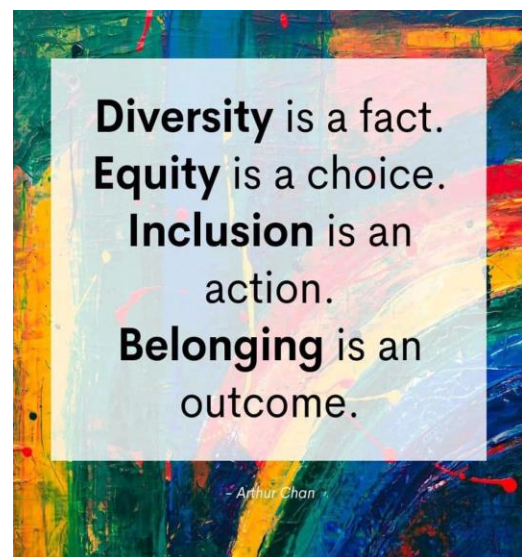
Diversity is the presence of differences that may include, but are not limited to, race, gender, religion, sexual orientation, ethnicity, nationality, immigration status, socioeconomic status, language, (dis)ability, age, religious commitment, or political perspective. It is important for the City of Ellensburg to acknowledge and embrace the range of human differences present within our community. Doing so will help to build a strong foundation of understanding and a heightened awareness of the unintended impact of local policies. Embracing diversity means sharing space with others, sharing traditions, foods, and stories. The City can help support a strengthened sense of community and connection through outreach, regular events, and creating spaces accessible to all.

Equity

Equity alleviates barriers to ensure everyone has access to the same opportunities. Equity recognizes that advantages and barriers exist, and that as a result, we don't all start from the same place. Creating and supporting goals and policies that meet the community members where they are, will help to remove systemic barriers that make accessing basic community services challenging. Increasing accessibility to important resources and opportunities that best meet residents varying needs helps all residents succeed.

Inclusion

Inclusion is when all residents experience a sense of belonging and know they are both welcome in our



community and encouraged to participate. Working on goals and policies that actively recruit participation and involvement from all residents within the community, fosters a sense of belonging and elevates traditionally marginalized voices. These methods can include listening tours, surveys, discussion groups, and use of a variety of media and print publications designed to be accessible to all residents.

Fostering a sense of belonging

In order to support all residents, the City will promote inclusion, listening, and diverse approaches to engagement through this lens of Diversity, Equity, and Inclusion. Engaging and including marginalized groups replaces barriers with bridges and builds trust that strengthens the overall fabric of our community.



Recognizing the Past - Looking to the Future

An important step in building a forward-thinking vision within the community is to first learn about our local history, listen to residents' perceptions now, and consider how new goals and policies will positively affect the City of Ellensburg's plans for the future. The City cannot adequately support our community and elevate marginalized voices without first building a base of contextual knowledge, understanding, and trust.

Past

Historically, Ellensburg has been, and still is, a diverse community, with many stories and experiences that have yet to be discovered or shared. Acknowledging and learning local history within the community, the positive and the negative, can help increase awareness and empathy toward others and strengthen our community as a whole. Understanding local history can help create a more inclusive environment for all, where residents feel welcome and equally represented.

Kittitas Valley has always been, and continues to be, sacred to Native people. Traditionally, the Pshwanapum lived in the Kittitas Valley as a sub-band of the larger political and extended family networks of the Yakama tribes and bands. The Pshwanapum members were also referred to as the K'titas ("Kittitas") band, and they moved seasonally throughout the valley and nearby mountains to harvest roots, salmon, berries, game, and medicines. Several other tribal nations including Kiala, Tatxanixsha, Yumi'sh, and Che-lo-han, would hunt and trade in this area as well. Many descendants of these tribes continue to live throughout the 1855 Treaty Territory of the Yakamas, practicing, honoring, and teaching the heritage and ancestry of the area. (Information sourced from Daily Record News article from Aronica Family October 12, 2020, and Kittitas Valley Historical Museum)

Histories and experiences of marginalized communities and people of color within Ellensburg continue to be uncovered from written and oral records, and there is still much more to be discovered. Historically, members including, but not limited to, Black, Chinese, Jewish, Hispanic, and Japanese communities have moved to Ellensburg as early as the mid-19th Century, for various reasons, such as migrant labor, work on the railroad, and work in local businesses. Sources such as Sanborn Fire Insurance Maps have shown that Ellensburg used to have a “China Town”, and “Chinese Laundries” appear to have existed throughout town (Sanborn Map 1888). An African Methodist Episcopal Church was established in 1908 at 404 South Main Street, and many black individuals played on local baseball teams as well. There is also evidence at times of divisive behavior and negative language towards people of color, as found in newspaper advertisements regarding restaurants and hotels that employed Chinese individuals.

Present

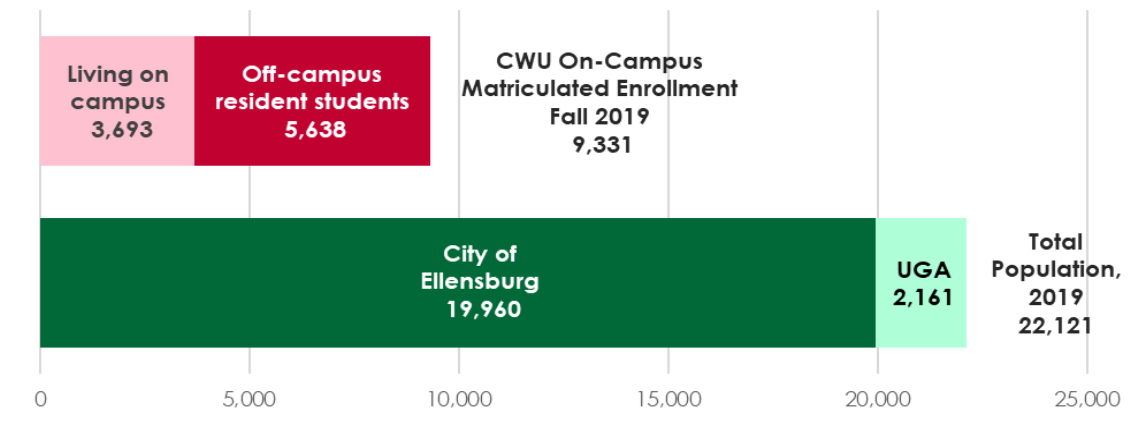
Currently, people of color, members of the LGBTQ¹, and disability communities, among many others, still report that they feel invisible, experience slurs and discriminatory comments, nonverbal glares, and behaviors that feel unwelcoming in Ellensburg. While members of some of marginalized communities have reported frequent, targeted incidents, they also believe that Ellensburg can be more inclusive, and that the welcoming nature of our community can rise to a deeper level of acceptance and affirmation, utilizing the talents, skills, and experiences of all who live here.

Ellensburg can be a welcoming community that comes together in times of need, where strangers reach out and neighbors help each other. However, fully supporting and accepting people of color, ethnic and religious minorities, and members of the LGBTQ, disability communities, over 65 communities, and others, can be improved. Similar to what many towns and cities around the country are currently experiencing and working on, the City of Ellensburg recognizes it needs to be more responsive and prepared when handling issues related to diversity, equity, and inclusion. This chapter lays the groundwork for this to happen, as the City continues towards a future of growth and expansion.

Future

Our dynamic community landscape has continued to develop, particularly in the last ten years, growing in size and in the diversity of residents. Statistics from the City of Ellensburg’s 2021 Housing Action Plan, show that in 2020, the estimated population of the City, with its urban growth area, (UGA) was 22,879 people, demonstrating a growth rate of roughly 1.9% annually since 2015. Of the 22,879 people, roughly 9,331 constitute CWU enrollment, 3,693 of which were on-campus living, and 5,638 representing off campus resident students, as depicted in Figure 26.

¹ Lesbian, gay, bisexual, transgender, and queer and/or questioning

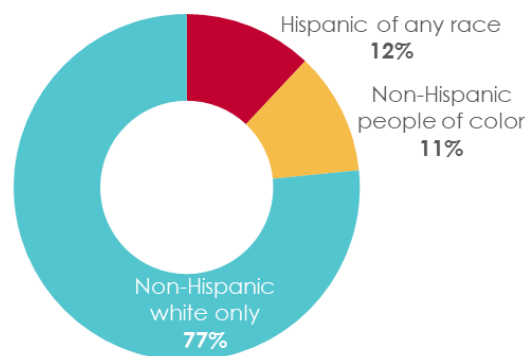
Figure 26: CWU Student Population and Total Population, 2018.

Students living on campus represents the housing occupancy for Fall 2019. Programmed capacity is 3,918 and the full built capacity is 4,249.

Sources: Central Washington University – Ellensburg Campus, Fall 2019; Washington OFM, 2021; BERK, 2021.

As the City continues to support the needs of the diverse communities that live here, it is important to recognize that the statistics reflected in this chapter from the 2021 Housing Action Plan, do not reflect all of the diverse demographics of our community. Keeping that in mind, it is still valuable to look at current information that is available, as we work towards obtaining more detailed statistics in the future. By 2040 it is anticipated that 20% of the County population will be in the age bracket over age 65, and 19% in the age bracket of 45 to 64. At the same time, proportional decreases are expected for school-aged youth (5 to 19).

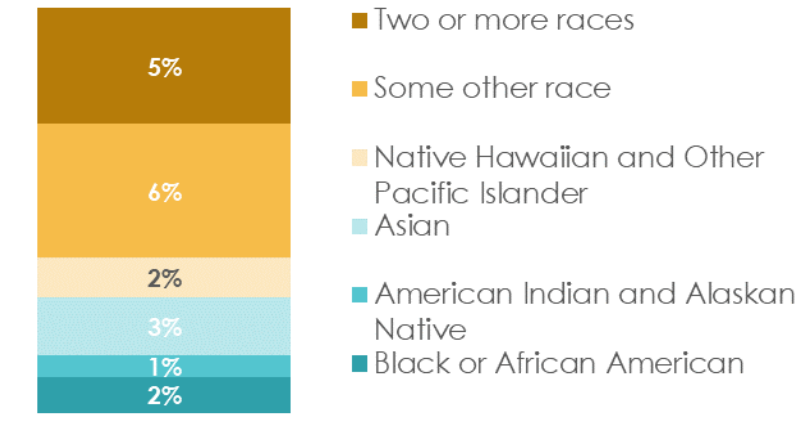
The Census also captures racial identity and Hispanic ethnic identity for respondents. As shown in Figure 27 below, the Ellensburg community in 2018 was majority White and non-Hispanic (77%) but is growing more ethnically and racially diverse. From 2010 to 2018, Ellensburg's Hispanic population increased from 7% to 12% overall, and non-Hispanic people of color increased from 8% to 11%.

Figure 27: Ellensburg Population by Race and Ethnicity, 2018.

Sources: ACS 5-year B02001 estimates, 2018; BERK, 2021.

Figure 28 below provides a further breakdown of the Non-White Alone demographics.

Figure 28: Ellensburg Population by Racial Identity for Non-White Alone Residents, 2018.



Sources: ACS 5-year B02001 estimates, 2018; BERK, 2021.

The University's emphasis on attracting students from minority and underserved communities, as well as diverse faculty and staff, continues to impact the demographics of Ellensburg. The changing nature of the labor force has also created greater diversity in the community. People from many countries have settled in Ellensburg over the years, and there is no reason to think that these influential factors are going to be less impactful in the future.

As Ellensburg continues to grow, there is the potential for marginalized groups to feel excluded unless the community has a plan for improving cultural relationships. The City of Ellensburg has developed this chapter in a sincere effort to create an equitable, just, and safe community - one where all residents know they belong and are welcome.

GOALS, POLICIES, & PROGRAMS

These DEI goals, policies, and programs contain steps that the City of Ellensburg will take to create an inclusive, welcoming, equitable, and safe community.

Goal DEI-1: Increase accessibility to City Services, Projects, Programs, and Events.

Policy A **Support policies and programs that increase accessibility to City services for all, utilizing the lens of diversity, equity, and inclusion.**

Program 1 Provide increased access to government documents in multiple languages and easily accessible assistance for those who may need additional support.

Program 2 Identify areas of City government where greater physical accessibility and accommodations are needed to increase access to all members of the public.

Policy B **Promote and encourage community engagement and outreach to all.**

Program 1 Actively encourage participation from the public for community projects, events, and recreational activities, through a wide variety of media and information distribution methods.

Program 2 Provide City staff and elected officials with tools and regular training to understand and lead actions that are inclusive and equitable.

Program 3 Establish an ongoing review process of the costs for City-sponsored recreation and leisure activities to ensure that all members of the public have access to these services.

Program 4 Support civic education programs that actively engage diverse groups of the community, and encourage diverse representation among local leadership, organizations, and agencies.

Goal DEI-2: Foster Racial Understanding, Equity, and Belonging within the Community.

Policy A **Encourage cultural sharing.**

Program 1 Regularly support events and celebrations that highlight the variety of cultural traditions within the community.

Program 2 Encourage the creation of spaces where cultural foods and traditions can be shared among members of the community, as well as the creation of public spaces that are accommodating and accessible to all.

Program 3 Encourage increased communication and collaboration between the City government, Central Washington University, businesses, and education and social service sectors, through shared events, projects, and outreach, to help residents feel more comfortable visiting campus, and non-resident students feel more comfortable within the community.

Policy B **Encourage local leadership to address systemic issues that create barriers for participation.**

Program 1 Encourage City leadership to demonstrate support of marginalized groups through a variety of proclamations, and publicly speak to local actions that affect the diverse members of the community.

Program 2 Support the development of a framework to identify and address systemic inequalities within our local institutions.

Program 3 Collaborate with local organizations to help local businesses support diverse members of the community.

Goal DEI-3: Increase accessibility to local services and community resources for all residents.

Policy A **Ensure that high quality service programs are available, accessible, and utilized by all, to support resident's basic needs.**

Program 1 Partner with local health and social services to identify strategies for making their services accessible by all means of transportation.

Program 2 Advocate for low income, residential care facilities, and other housing for aging persons to be located close to services and amenities.

Program 3 Encourage and support programs that seek to provide residents with access to diverse health care providers who can respond to varying cultural and medical needs.

Policy B **Encourage healthy activity and lifestyle by making recreational resources and opportunities accessible and welcoming to all residents.**

Program 1 Provide opportunities for healthy activity in safe and accessible public spaces for all residents.

Program 2 Encourage communication between local businesses, organizations, and schools, to coordinate food pantries and local food distribution.

ACTION ITEMS

- 1) Work with DEI Commission to begin regular review of current City policies and procedures using the lens of Diversity, Equity, and Inclusion.
- 2) Begin work towards regular Diversity, Equity, and Inclusion training for City staff and elected officials.
- 3) Increase use of community engagement and social media tools to help with local outreach.
- 4) Review fees and costs for city sponsored recreational and leisure activities.
- 5) Develop a framework of accountability.
- 6) Develop a work plan for the Diversity, Equity, and Inclusion Commission.

POLICY CONNECTIONS

The **Housing** chapter includes policies and land use designations that support the development of many types of housing to ensure that people who live and work in Ellensburg have adequate housing choices.

The **Transportation** chapter includes policies related to providing a variety of transportation networks that is available for all community members.

The **Capital Facilities and Utilities** chapter includes policies that focus on providing public facilities and utilities that are accessible and affordable to all community members, including access to the library, reasonably priced utilities, and access to data and technology. This chapter also provides goals centered around providing excellent public safety services.

The **Parks and Recreation** chapter includes policies that focus on providing citywide programs and services that meet all community and group needs, in addition to preserving historical areas and features, while also developing high quality, diversified cultural arts facilities and programs that increase community awareness, attendance, and participation opportunities.

The **Economic Development** chapter includes policies related to growing and sustaining local businesses, while creating opportunities for new businesses that can provide goods and services that meet the needs of the local and regional community.



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 20, 2021

Item Title/Agenda Subject: Ordinances (first reading) to amend City Code provisions related to City Commissions, Boards and Committees, and Hearing Examiner

Submitted by: Terry Weiner City Attorney Department

Recommended Action or Motion:

1. Consider first reading of the ordinance amending various chapters of the City Code related to commissions, boards and committees; and
2. Consider first reading of the ordinance revising Ch. 1.70A ECC, Hearing Examiner.

Background/Summary: The City Council Ad Hoc Subcommittee on Term Limits for Boards & Commissions met in May and June this year to address concerns about consistency, including interest in developing a process for re-appointment that provided opportunity for new voices and representation on advisory boards and commissions. Based on the subcommittee's recommendations, Council requested that Staff revise City ordinances to align with the recommendations. A draft ordinance was reviewed by Council at its November 1, 2021 meeting.

Previous Council Action: At its July 19, 2021 meeting, City Council reviewed a report and recommendations prepared by the Ad Hoc Subcommittee on Term Limits for Boards & Commissions ("Boards and Commissions Subcommittee"), and provided direction to Staff to prepare the appropriate documents to implement the changes.

Following review of the draft ordinance at its November 1 meeting, Council requested some changes to the ordinance.

Analysis: As recommended by Council's Boards and Commissions Subcommittee, the revisions (including correction of scrivener's errors in the draft ordinance) to the various sections of the city code are summarized as:

- 1.12 ECC, "Advisory commissions-Appointment," is

replaced with a new chapter, “Commissions, Boards and Committees,” which applies to all volunteer commissions, boards and committees in the City and includes the following:

- ECC 1.12.040 – Appointment: all appointments are made by the City Council; specifies requirement for OPMA/PRA training
- ECC 1.12.060 – Vacancies and removal: vacancies will be filled in the same manner as regular appointment. Reasons and the process for removal from commissions, boards and committees are specified.
- ECC 1.12.080 – Limited terms: specifies the term limits dependent on length of appointments; allows a member that is “term-limited” to reapply if a vacancy exists for 60 days after term ends. The effective date is delayed until January 1, 2023 so as not to interrupt the normal end-of-the-year reapplication process. Currently, there are 11 terms on various commissions and boards expiring December 31, 2021. Of those, two would be term-limited from reapplying if the ordinance were effective prior to December 31.
- ECC 1.12.100 – Organization, quorum and meeting requirements: creates uniform rules for selecting the chairperson, determining meeting quorum and location of meetings - subsection (E) allowing for the creation of subcommittees has been added since the draft
- ECC 1.12.120 – Remote attendance: allows members and the public to attend all meetings via remote video or teleconferencing unless otherwise prohibited by state law or proclamation
- ECC 1.12.140 – Residency qualification: defines “residency” as 270 days within the city or county, whichever is applicable - an exception for military service has been added since the draft
- The requirements for appointments, vacancies, organization, quorum and other provisions that were centralized in the new Ch. 1.12 ECC were amended or deleted from the following chapters of the code:
 - Planning Commission (Ch. 1.14 ECC)

- Parks and Recreation Commission (Ch. 1.16 ECC)
- Civil Service Commission (Ch. 1.28 ECC)
- Arts Commission (Ch. 1.33 ECC)
- Senior Citizen Advisory Commission (Ch. 1.48 ECC)
- Utility Advisory Committee (Ch. 1.50 ECC)
- Environmental Commission (Ch. 1.60 ECC)
- Library Board (Ch. 1.66 ECC)
- Public Transit Advisory Committee (Ch. 1.84 ECC)
- Affordable Housing Commission (Ch. 1.86 ECC)
- Diversity, Equity and Inclusion Commission (Ch. 1.88 ECC)
- Lodging Tax Advisory Commission (Ch. 2.28 ECC)
- added since the draft as Section 41 of the ordinance
- Landmarks and Design Commission (Ch. 15.280 ECC)
- In addition, the following inactive commissions or boards were eliminated by repeal of their enabling ordinance:
 - Economic Development Corporation (Ch. 1.46 ECC) (predecessor to the EBDA)
 - Business Incubator Executive Commission (Ch. 1.56 ECC)
 - Building Code Board of Appeals (Ch. 3.02 ECC)
- Removing the Building Code Board of Appeals required that the current chapter of the code addressing the Hearing Examiner be revised to incorporate the jurisdiction of the former Building Code Board of Appeals. This also provided an opportunity to update the ordinance, codified in Ch. 1.70A ECC, which had not been changed since adoption 25 years ago. This, in turn, required amending Chapters 4.34 and 9.100 for consistency regarding appeals available in those code chapters.

In addition, the elimination of the Building Code Board of Appeals required amending the code chapter governing the City's appointed hearing examiner, Ch. 1.70A ECC, which was also updated in other minor areas of the code.

Financial Impact: N/A.

Attachments:

[Boards and Commissions Ordinance \(first reading\)](#)

[Hearing Examiner Ch. 1.70A Ordinance \(first reading\)](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO BOARDS AND COMMISSIONS, REPEALING CHAPTER 1.12 ENTITLED “ADVISORY COMMISSIONS – APPOINTMENT” AND ADOPTING A NEW CHAPTER 1.12 ENTITLED “COMMISSIONS, BOARDS, AND COMMITTEES”, REPEALING CHAPTERS 1.46, 1.56, AND 3.02 IN THEIR ENTIRETIES, AMENDING SECTIONS 1.14.040, 1.16.040, 1.28.040, 1.33.040, 1.48.040, 1.48.080, 1.48.120, 1.50.040, 1.60.120, 1.60.160, 1.66.020, 1.66.050, 1.66.070, 1.84.010, 1.84.020, 1.86.010, 1.86.020, 1.88.010, 1.88.020, 1.88.040, 2.28.200 AND 15.280.040, AND REPEALING SECTIONS 1.14.160, 1.16.060, 1.16.080, 1.16.100, 1.33.120, 1.33.160, 1.48.100, 1.48.120, 1.50.120, 1.50.160, 1.60.200, 1.60.240, 1.66.100, 1.84.030, 1.84.040, 1.86.030, 1.86.040, AND 1.88.030 OF THE ELLENSBURG CITY CODE.

WHEREAS, the Ellensburg City Council previously directed the creation of an Ad Hoc Subcommittee on Term Limits for Boards and Commissions (“Boards and Commissions Subcommittee”); and

WHEREAS, the Boards and Commissions Subcommittee met in May and June of 2021 to study the appointment, structure and representation on the City’s boards, committees and commissions; and

WHEREAS, the Boards and Commissions Subcommittee presented its report with recommendations to City Council at its July 19, 2021 meeting, after which the Council directed City staff to prepare the appropriate documents to implement the recommendations, as modified by Council during the meeting; and

WHEREAS, City staff reviewed a draft ordinance and draft revision of the City Council Rules of Procedures to implement the requested changes at its November 1, 2021 meeting, and provided further revisions for City staff to incorporate into the documents;

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

Section 1. Chapter 1.12, of the Ellensburg City Code, entitled “Advisory Commissions – Appointments,” is hereby repealed in its entirety and replaced with a new Chapter 1.12 entitled “Commissions, Boards and Committees” to read as follows:

Chapter 1.12

Commissions, Boards and Committees

Sections:

- 1.12.020 Commissions, boards, and committees.
- 1.12.040 Appointment; training.
- 1.12.060 Vacancies; removal.
- 1.12.080 Limited terms.
- 1.12.100 Organization, quorum and meeting requirements.
- 1.12.120 Remote attendance.
- 1.12.140 Residency qualification.

1.12.020 Commissions, boards, and committees.

A. Commissions, Boards and Committees Created. There shall be commissions, boards and committees as defined in this chapter and such other commissions, boards and committees as have been or are hereafter established by ordinance or by general laws. Each commission, board or committee shall be so organized and shall have such powers as are conferred and such duties as are required by general laws and ordinances.

B. Applicability. The provisions of this chapter shall apply to all non-elected volunteer commissions, boards and committees appointed by the city council.

1.12.040 Appointment; training.

A. Unless a different appointment process is specified elsewhere in the Ellensburg City Code, the members of all citizen committees, commissions, and boards advisory to the city council shall be appointed by the city council.

B. Each new member of a commission, board and committee shall complete the open government training required by RCW 42.30.205, as currently enacted or hereafter amended, within 90 days of appointment. Commission, board and committee members are required to repeat this training every four years. This training shall be coordinated and monitored for compliance by the city manager's office.

1.12.060 Vacancies; removal.

A. Vacancies.

1. Vacancies occurring other than by expiration of a term shall be filled for any unexpired term in the same manner used for regular appointments. For purposes of determining the number of terms served by a member, service in excess of two years shall qualify as a full term.

2. If a member's residence status changes during his or her term such that the member no longer complies with the residency qualification, the member must immediately vacate his or her position on the board, commission or committee.

B. Removal.

1. A commission, board or committee may, by majority vote, recommend to the city council that an appointed member be removed upon such grounds as may be deemed appropriate by the board, commission or committee. Examples of grounds for removal include, but are not limited to inefficiency, neglect of duty, an unlawful act, or if the member has three or more unexcused absences at regular meetings in a calendar year. The council shall consider the recommendation and take action to approve or deny the recommendation.

2. The council may, on its own motion, remove any appointed member of a commission, board or committee upon such grounds as it may deem appropriate and declare the position vacant.

3. Upon removal of a member of any commission, board or committee, vacancies for the remainder of any such unexpired terms shall be filled in the same manner in which original appointments were made.

1.12.080 Limited terms.

A. For commissions, boards or committees where the regular term of appointment is three (3) years or less, a member may be reappointed to serve up to two additional consecutive full terms, not inclusive of serving for any unexpired term of less than two (2) years.

B. For commissions, boards or committees where the regular term of appointment is four (4) years or longer, a member may be reappointed to serve up to one additional consecutive full term, not inclusive of serving for any unexpired term of less than two (2) years.

C. For the planning commission, a member may be reappointed to serve up to one additional consecutive six-year term, not inclusive of serving for any unexpired term of less than two (2) years.

D. Notwithstanding subsections (A) through (C) of this section, a citizen may become eligible for reappointment to a commission, board or committee where a vacancy has existed in the membership for the commission, board or committee for at least sixty (60) days.

E. The term limits as provided in this section shall not be effective until January 1, 2023.

1.12.100 Organization, quorum and meeting requirements.

A. Immediately after their appointment, and in January of each following year, members of the commissions, boards or committees shall meet and organize by electing from all of the members

a chairperson and vice chairperson. It shall be the duty of the chairperson to preside at all meetings of the commission, board or committee. The vice chairperson shall perform the duties of the chairperson in the event of the absence of the chairperson or vacancy of the office.

B. A majority of the appointed members of each commission, board, or committee present in person or by simultaneous remote attendance shall constitute a quorum for the transaction of business. Any action taken by a majority of the members present in person or by simultaneous remote attendance, when those present constitute a quorum, at any meeting of a commission, board or committee shall be deemed to be the action of the commission, board or committee.

C. There shall be a fixed time and place of the meetings within the corporate city limits at least once each calendar month unless the chairperson deems there are not a sufficient number of agenda items required to transact that month. The meeting time and place shall be made known to the public and all meetings shall be open to the public.

D. The city manager shall designate a city staff person shall serve as secretary of the commission. It shall be the duty of staff to keep minutes of all meetings and of all proceedings of committees, boards and commissions.

E. Commissions, boards and committees may establish ad hoc subcommittees consisting of members of less than a quorum of the full commission, board or committee, and non-members, for any lawful purpose within its jurisdiction.

1.12.120 Remote attendance.

Members of commissions, boards and committees, and any member of the public, may attend any meeting either in person or remotely via videoconferencing or teleconferencing unless such attendance is otherwise restricted or prohibited by legislative or governor's proclamation/order, or other emergency order.

1.12.140 Residency qualification.

Except where a commission, board or committee specifically requires city residency as a condition of appointment, members of all other commissions, boards and committees shall maintain residency within the Kittitas County limits. "Residency," as used herein, means residing within the city or county limits, as applicable, both at the time of appointment and for at least 270 days within each calendar year for the duration of the member's term, but shall not include any period for which a member is absent due to military service.

Section 2. Section 1.14.040 of the Ellensburg City Code, as last amended by Section 4 of Ordinance 4804, is hereby amended to read as follows:

1.14.040 Creation – Membership

There is created a planning commission for the city of Ellensburg. The commission shall be known as “the Ellensburg planning commission” and shall consist of seven members who shall be appointed by the mayor, subject to confirmation by the city council, for six-year terms. Not less than five members shall be residents of the city of Ellensburg; all nonresident members shall be residents of Kittitas County. The director of public works and utilities and the director of planning and community development or their designees shall not be members of the planning commission, but shall serve as advisors and shall be permitted to participate in planning commission discussions and deliberations, but shall have no vote. ~~The city manager of the city of Ellensburg, or his designee, shall serve as secretary to the planning commission and shall be entitled to participate in discussions and deliberations of the planning commission, but shall have no vote.~~ [Ord. 4804 § 4, 2018; Ord. 4083, 1997; Ord. 3269 § 4(1), 1980.]

Section 3. Section 1.14.160 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.14.160 Quorum.~~

~~The presence of a majority of the membership shall constitute a quorum. A quorum shall be required to start a meeting. Decisions of the planning commission under the zoning and subdivision ordinances or state law shall require a majority vote of the seven commission members.~~

Section 4. Section 1.16.040 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4047, is hereby amended to read as follows:

1.16.040 Creation – term –membership.

There is created a parks and recreation commission, consisting of seven members, who shall be appointed for terms of three years each ~~by the mayor with the consent of the majority of the city council.~~ A majority of the membership of the commission shall be residents of the city of Ellensburg. The commissioners shall not receive any compensation for their services. [Ord. 4047 § 1, 1996; Ord. 3736 § 1, 1991; Ord. 3269 § 4(2), 1980.]

Section 5. Section 1.16.060 of the Ellensburg City Code is hereby repealed in its entirety:

~~**1.16.060 Appointment – Terms**~~

~~The mayor shall appoint two commissioners to terms expiring May 31, 1980; two to terms expiring May 31, 1981; and three to terms expiring May 31, 1982. At the expiration of each commissioner’s term, the mayor shall appoint, subject to confirmation by the city council, one member for a three-year term. [Ord. 3269 § 4(3), 1980.]~~

Section 6. Section 1.16.080 of the Ellensburg City Code is hereby repealed in its entirety:

1.16.080 Filling vacancies

~~Members of the parks and recreation commission may be removed at any time by a majority of the city council; and whenever a commissioner absents himself/herself for three consecutive regular meetings of the commission, or an aggregate of five regular and/or special meetings annually, unless by permission of the commission given at an open public meeting, the office shall automatically be vacated. Requests for excused absences shall be in writing. Vacancies for the remainder of any such unexpired terms shall be filled in the same manner in which original appointments were made. [Ord. 3863 § 1, 1993; Ord. 3269 § 4(4), 1980.]—~~

Section 7. Section 1.16.100 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.16.100 Election of officers—Meetings~~

~~Immediately after their appointment, members of the commission shall meet and organize by electing from the members of the commission a chairman and vice chairman. An election of such officers shall be conducted at the first meeting of each calendar year. The city manager, or his designee, shall serve as secretary of the commission. The secretary shall be entitled to participate in the deliberations of the commission, but shall have no vote. It shall be the duty of the chairman to preside at all meetings of the commission and of the secretary to keep minutes of all meetings and of all proceedings of the commission. The vice chairman shall perform the duties of the chairman in the event of absence of the chairman or vacancy in the office. A majority of the commission shall constitute a quorum for the transaction of business, and affirmative votes by a majority shall be necessary to carry any proposition. A public meeting of the commission shall be held within the corporate limits of the city at least once every month. [Ord. 3269 § 4(5), 1980.]~~

Section 8. Section 1.28.040 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 3610, is hereby amended to read as follows:

1.28.040 Civil service commission created

~~Chapters 41.08 and 41.12 RCW are~~ is hereby adopted by reference and incorporated herein as though fully set forth and the provisions in ~~RCW 41.08.030 relating to a civil service commission for fire fighters and RCW 41.12.030, as currently enacted or hereafter amended,~~ relating to a civil service commission for police ~~are~~ is hereby specifically adopted ~~and said commission shall operate for both fire and police purposes. The civil service commission heretofore existing shall constitute the new civil service commission created hereunder and~~

hereafter be comprised of members in accordance with the sections of the state law heretofore cited. [Ord. 3610 § 1, 1987.]

Section 9. Section 1.33.040 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4710, is hereby amended to read as follows:

1.33.040 Created – Composition – Compensation – Terms

There is created a city arts commission consisting of seven members ~~to be appointed by the mayor, subject to confirmation by the city council.~~ The commissioners shall be appointed to four-year terms and shall not receive compensation for their service. [Ord. 4710 § 1, 2015; Ord. 3587 § 1, 1987; Ord. 3269 § 1, 1980.]

Section 10. Section 1.33.120 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.33.120 Removal – Vacancy filling~~

~~Members of the arts commission may be removed at any time by a majority of the city council; and whenever a commissioner absents himself/herself for three consecutive regular meetings of the commission, or an aggregate of five regular and/or special meetings annually, unless by permission of the commission given at an open public meeting, the office shall automatically be vacated. Requests for excused absence shall be in writing. Vacancies for the remainder of any such unexpired terms shall be filled in the same manner in which original appointments were made. [Ord. 3863 § 2, 1993; Ord. 3269 § 1(2), 1980.]~~

Section 11. Section 1.33.160 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.33.160 Organization – Meetings – Quorum~~

~~Immediately after their appointment, members of the commission shall meet and organize by electing from the members of the commission a chairman and vice chairman. An election of such officers shall be conducted at the first meeting in June. The city manager, or his designee, shall serve as secretary of the commission. It shall be the duty of the chairman to preside at all meetings of the commission and of the secretary to keep minutes of all meetings and of all proceedings of the commission. The vice chairman shall perform the duties of the chairman in the event of absence of the chairman or vacancy in the office. A majority of the commission shall constitute a quorum for the transaction of business, and affirmative votes by a majority shall be necessary to carry any proposition. A public meeting of the commission shall be held within the corporate limits of the city at least once each month. [Ord. 3269 § 1(3), 1980.]~~

Section 12. Chapter 1.46 of the Ellensburg City Code, entitled “Economic Development Corporation,” is hereby repealed in its entirety:

1.46.040 Creation

For the purpose of facilitating economic development and employment opportunities within the city, there is created the city of Ellensburg economic development corporation (the “corporation”) to exist under the authority of and for the purposes authorized by Chapter 300, Laws of 1981, as the same may be amended from time to time (“Chapter 300”). Such corporation shall operate under Chapter 300 and under the provisions of the charter on file with the city clerk and by this reference incorporated herein, which the city council is authorized to and does issue to the corporation and by this chapter is approved. The city council reserves the right in its discretion and at any time to alter or change the charter, bylaws or activities of the corporation including dissolving the corporation if the contracts entered into by the corporation are not impaired. Any net earnings of the corporation beyond those necessary for the retirement of the indebtedness incurred by it shall not inure to the benefit of any person other than the city. Upon dissolution of the corporation, title to all property owned by the corporation shall vest in the city. [Ord. 3352 § 1, 1982.]

1.46.060 Board of directors

There is established a board of directors composed of seven members to govern the affairs of the corporation. The board of directors shall be the seven members of the Ellensburg city council who shall serve without compensation. The board shall be subject to the Open Public Meetings Act of the state. A majority of the board shall constitute a quorum for the purpose of conducting meetings, and all actions taken by the board other than adjourning a meeting for lack of a quorum shall require an affirmative vote of a majority of members of the board. The board shall conduct the affairs of the corporation but may delegate administrative and managerial duties to employees of the corporation. The board shall have the authority to employ its own staff and independent professional consultants to carry out its duties, designate one or more depositories, provide for reimbursement for expenses, provide for board meetings, the principal office of the corporation and other matters necessary for the operation of the corporation. The powers and limitations of the corporation shall be set forth in Chapter 300 and other applicable laws. [Ord. 3352 § 2, 1982.]

1.46.080 Members appointed

The following persons are appointed as the original members of the board of directors of the corporation:

Name	Term Expires
Randolph Christopherson	12/31/83
Chuck Lenicka	12/31/83
Ken Peterson	12/31/83
Irene Rinehart	12/31/83
Janiece Cook	12/31/85

Thomas Lineham	12/31/85
Larry Nickel	12/31/85

The members of the board appointed by reason of the public office which they hold shall serve until they no longer occupy that public office. [Ord. 3844 § 1, 1993; Ord. 3352 § 3, 1982.]

1.46.100 Conflict of interest — Penalty

~~It shall be illegal for a director, officer, agent or employee of the corporation to have directly or indirectly any financial interest in any property to be included in or any contract for property, services or materials furnished or used in connection with any industrial facility financed through the corporation. Violation of any provision of this section is a gross misdemeanor under state law. [Ord. 3352 § 4, 1982.]~~

Section 13. Section 1.48.040 of the Ellensburg City Code, as last amended by Section 3 of Ordinance 3587, is hereby amended to read as follows:

1.48.040 Creation

~~There is hereby created a senior citizen advisory commission consisting of seven members to be appointed by the mayor subject to confirmation by the city council. The commissioners shall not receive compensation for their services. Membership reduction reflected in this section above shall be accomplished by attrition whereby a position shall be eliminated when vacated by resignation or the current member does not request reappointment. Any reference to any other number other than in this section and inconsistent with this section is hereby repealed. [Ord. 3587 § 3, 1987; Ord. 3353 § 1, 1982.]~~

Section 14. Section 1.48.080 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 3971, is hereby amended to read as follows:

1.48.080 Appointment – Terms

~~The mayor shall appoint three commissioners to terms expiring May 31, 1985, three to terms expiring May 31, 1986, and three to terms expiring May 31, 1987. At the expiration of each commissioner's term, the mayor shall appoint, subject to confirmation by the city council, one member~~ Appointment of commissioners shall each be for a two-year term. Members appointed to the commission shall be at least 50 years of age and include a broad representation of agencies or organizations whose primary interest is senior citizens. Upon recommendation of the commission, the city council may create and appoint an honorary position or positions on the commission, ~~to be appointed by the mayor~~. Any person appointed to an honorary position shall serve without term or vote and shall not be included for purposes of determining a quorum. [Ord. 3971 § 1, 1995; Ord. 3828 § 1, 1992; Ord. 3353 § 3, 1982.]

Section 15. Section 1.48.100 of the Ellensburg City Code is hereby repealed in its entirety:

1.48.100 Removal—Vacancy

~~Members of the senior citizen advisory commission may be removed at any time by a majority vote of the city council; and whenever a commissioner is absent for three consecutive regular meetings of the commission or an aggregate of five regular and/or special meetings annually, unless by permission of the commission given at an open public meeting, the office shall automatically be vacated. Requests for excused absences shall be in writing. Vacancies for the remainder of any such unexpired terms shall be filled in the same manner in which original appointments were made. [Ord. 3863 § 5, 1993; Ord. 3353 § 4, 1982.]~~

Section 16. Section 1.48.120 of the Ellensburg City Code is hereby repealed in its entirety:

1.48.120 Organization—Meetings—Quorum

~~Immediately after their appointment, members of the commission shall meet and organize by electing from the members of the commission a chairman, vice chairman and secretary. An election of such officers shall be conducted annually at the first meeting in June. It shall be the duty of the chairman to preside at all meetings of the commission and of the secretary to keep minutes of all meetings and of all proceedings of the commission. The vice chairman shall perform the duties of the chairman in the absence of the chairman or vacancy in the office. A majority of the commission shall constitute a quorum for the transaction of business and affirmative votes by a majority of the commission shall be necessary to carry any proposition. Public meetings of the commission shall be held within the corporate limits of the city at least once each month. [Ord. 3353 § 5, 1982.]~~

Section 17. Section 1.50.040 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4664, is hereby amended to read as follows:

1.50.040 Creation – Composition – Compensation

There is created the utility advisory committee consisting of seven members ~~to be appointed by the mayor, subject to confirmation by the city council.~~ Two city council members and one representative from Central Washington University shall be members of the committee. Two members shall be customers of one or more of the city utility systems. Two additional members, who shall vote only on issues concerning the telecommunications utility as set forth in Chapter 9.110 ECC, will include one representative from KITTCOM and one representative of the customers of the city's telecommunications utility. Terms shall be for three years. The committee members shall not receive compensation for their service. [Ord. 4664 § 1, 2014; Ord. 4405, 2005; Ord. 4292, 2001.]

Section 18. Section 1.50.120 of the Ellensburg City Code is hereby repealed in its entirety:

1.50.120 Removal and filling of vacancy

~~Members of the utility advisory committee may be removed at any time by a majority of the city council. Whenever a committee member absents himself/herself for three consecutive regular meetings of the committee, or an aggregate of five regular and/or special meetings annually, unless by permission of the committee given at an open public meeting, the office shall automatically be vacated. Requests for excused absence shall be made in writing to the chairman of the committee. Vacancies for the remainder of any such unexpired terms shall be filled in the same manner in which the original appointments were made. [Ord. 4405, 2005; Ord. 4292, 2001.]~~

Section 19. Section 1.50.160 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.50.160 Organization—Meetings—Quorum~~

~~Immediately after their appointment, members of the committee shall meet and organize by electing from all the members of the committee a chairman and vice chairman. An election of such officers shall be conducted at the first meeting of each calendar year. The public works and utilities director, or his designee, shall serve as secretary of the committee. The secretary shall be entitled to participate in the deliberations of the committee, but shall have no vote. It shall be the duty of the chairman to preside at all meetings of the committee and of the secretary to keep minutes of all meetings and of all proceedings of the committee. The vice chairman shall perform the duties of the chairman in the event of the absence of the chairman or vacancy in the office. Three committee members shall constitute a quorum for the transaction of business; except, in those instances when action is to be taken on the telecommunications utility, four members shall constitute a quorum for the conduct of official business. The affirmative votes by a majority of the quorum shall be necessary to carry any proposition. There shall be a fixed time and place of meetings within the corporate limits of the city of Ellensburg at least once each calendar month. The meeting time and place shall be made known to the public and all regular sessions of the committee shall be open to the public. [Ord. 4804 § 2, 2018; Ord. 4664 § 2, 2014; Ord. 4292, 2001.]~~

Section 20. Chapter 1.56 of the Ellensburg City Code, entitled “Business Incubator Executive Commission,” is hereby repealed in its entirety:

~~1.56.040 Creation—Composition—Compensation~~

~~There is created the business incubator executive commission consisting of five members, to be appointed by the mayor, subject to confirmation by the city council. Terms shall be for three years for all five appointees. The commissioners shall not receive compensation for their services. [Ord. 3617 § 1, 1988.]~~

1.56.080 Purpose

The business incubator executive commission is created for the purpose of carrying out the city of Ellensburg's business assistance and incubator program to include the administration of the council-approved policies and guidelines for the program and operating the city's incubator facility. [Ord. 3617 § 1, 1988.]

1.56.120 Removal and filling of vacancy

Members of the business incubator executive commission may be removed at any time by a majority of the city council. Whenever a commissioner absents himself/herself for three consecutive regular meetings of the commission, or an aggregate of five regular and/or special meetings annually, unless by permission of the commission given at an open public meeting, the office shall automatically be vacated. Requests for excused absence shall be made in writing to the city council. Vacancies for the remainder of any such unexpired terms shall be filled in the same manner in which the original appointments were made. [Ord. 3863 § 7, 1993; Ord. 3617 § 1, 1988.]

1.56.160 Organization—Meetings—Quorum

Immediately after their appointment, members of the commission shall meet and organize by electing from the members of the commission a chairman and vice chairman. An election of such officers shall be conducted at the first meeting. The city manager, or his designee, shall serve as secretary of the commission. It shall be the duty of the chairman to preside at all meetings of the commission and of the secretary to keep minutes of all meetings and of all proceedings of the commission. The vice chairman shall perform the duties of the chairman in the event of the absence of the chairman or vacancy in the office. A majority of the commission shall constitute a quorum for the transaction of business, and affirmative votes by a majority shall be necessary to carry any proposition. A public meeting of the commission shall be held within the corporate limits of the city of Ellensburg at least once each eight weeks. [Ord. 3617 § 1, 1988.]

1.56.200 Powers and duties

The powers and duties of the commission shall be as follows:

A. To recommend lease agreements with new tenants to the city council; decide on lease terminations, subject to the approved policies; and advise the facility manager regarding the administration of the individual lease stipulations.

B. To consult with and recommend to the city council any additional policy statements, or amendments to established policy statements, as deemed necessary.

C. To receive information, reports, and recommendations from the facility manager, members of the advisory board, and city staff in the course of running the incubator facilities and programs.

~~D. To receive appeals to decisions as set forth in the adopted policies, consider the appeals and render decisions on any said appeals as required by the approved policy statements. [Ord. 3617 § 1, 1988.]~~

1.56.240 Budget recommendations

~~The commission shall submit project and/or program recommendations to the city council for the preliminary budget prior to June 30th of each year. Commission recommendations not incorporated in the preliminary budget shall be forwarded to the city council for consideration with the preliminary budget. [Ord. 3617 § 1, 1988.]~~

1.56.280 Communications to city council

~~The commission shall forward communications to the city council through separate memoranda, including all rationale, which shall be included as council agenda items. [Ord. 3617 § 1, 1988.]~~

1.56.320 Project review

~~The provisions of this chapter shall be reviewed by the city council of the city of Ellensburg after three years from the date of its enactment for the purpose of determining the progress and success of the Ellensburg business incubator project and to allow for consideration of alternative management structures for the continuation of the Ellensburg business incubator project. [Ord. 3617 § 1, 1988.]~~

Section 21. Section 1.60.120 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4569, is hereby amended to read as follows:

1.60.120 Creation – Membership

There is created an environmental commission consisting of seven members ~~who shall be appointed by the mayor and approved by a majority vote of the city council.~~ The president of the Ellensburg High School environmental club shall be an ex officio member of the commission. Not less than four members shall be residents of the city of Ellensburg; all ~~nonresident~~ non-city resident members shall be residents of Kittitas County, no more than two of whom may reside outside of the city's urban growth area. Two members of the commission may be under the age of 18. ~~Otherwise, the members of the commission shall be 18 years of age or older and shall be residents of the city of Ellensburg.~~ The commissioners shall not receive compensation for their services. [Ord. 4569 § 1, 2010; Ord. 4509 § 1, 2008; Ord. 3980 § 1, 1995; Ord. 3723 § 1, 1991; Ord. 3713 § 1, 1990.]

Section 22. Section 1.60.160 of the Ellensburg City Code, as last amended by Section 2 of Ordinance 4711, is hereby amended to read as follows:

1.60.160 Appointment – Terms

~~The mayor shall appoint e~~Each member shall be appointed for a five-year term ~~subject to confirmation by the city council~~. The president of the Ellensburg High School environmental club shall be an ex officio member of the Ellensburg environmental commission. The ex officio is not subject to appointment, confirmation, or a set term. [Ord. 4711 § 2, 2015; Ord. 3980 § 2, 1995; Ord. 3723 § 2, 1991; Ord. 3713 § 1, 1990.]

Section 23. Section 1.60.200 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.60.200 Filling vacancies~~

~~Environmental commission members may be removed at any time by a majority vote by the city council. Whenever a commissioner absents himself/herself for three consecutive regular meetings of the commission, or an aggregate of five regular and/or special meetings annually, unless by permission of the commission given at an open public meeting, the office shall automatically be vacated. Requests for excused absences shall be in writing. Vacancies for the remainder of any such unexpired term shall be by appointment by the mayor subject to confirmation by the city council. [Ord. 3863 § 9, 1993; Ord. 3713 § 1, 1990.]~~

Section 24. Section 1.60.240 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.60.240 Election of officers—Meetings~~

~~Immediately after their appointment, members of the commission shall meet and organize by electing from the membership a chairperson and vice chairperson. If still serving on the commission, the vice chairperson shall be the past chairperson. An election of such officers shall be conducted at the first meeting of each calendar year. The city manager, or his designee, shall serve as secretary of the commission. The secretary shall be entitled to participate in the deliberations of the commission, but shall have no vote. It shall be the duty of the chairperson to preside at all meetings of the commission and of the secretary to keep minutes of all meetings and of all proceedings of the commission. The vice chairperson shall perform the duties of the chairperson in the event of the absence of the chairperson or vacancy in the office. A majority of the commission shall constitute a quorum for the transaction of business. An affirmative vote by a majority of those present shall be necessary to carry any proposition. A public meeting of the commission shall be held within the corporate limits of the city at least once every month. [Ord. 4711 § 3, 2015; Ord. 4569 § 2, 2010; Ord. 4509 § 2, 2008; Ord. 4369, 2003; Ord. 3713 § 1, 1990.]~~

Section 25. Section 1.66.020 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 3937, is hereby amended to read as follows:

1.66.020 Library board established.

A library board is established, to be known as the “Ellensburg library board,” to consist of not less than five members; provided, however, the city ~~manager~~ council may by ~~order~~ majority vote increase the board’s membership to seven members. [Ord. 3937 § 1, 1994.]

Section 26. Section 1.66.050 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 3937, is hereby amended to read as follows:

1.66.050 Appointments.

~~All members of the library board shall be appointed by the city manager and shall not be subject to confirmation.~~ Appointments shall be made without regard to age, race, sex or political affiliation. Members shall serve without compensation. Majority membership of the library board must be residents of the city of Ellensburg. ~~No person shall be appointed to the library board for more than two consecutive terms.~~

~~The first appointments to the library board created by this chapter shall be of those individuals who were members of the library board in existence at the time the ordinance codified in this chapter is adopted.~~ [Ord. 3937 § 1, 1994.]

Section 27. Section 1.66.070 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 3937, is hereby amended to read as follows:

1.66.070 Terms of office.

A member of the library board shall be appointed for a five-year term, unless the appointment is to fill an unexpired term. ~~No member may serve longer than the term or unexpired term to which he or she has been appointed, unless that person is reappointed by the city manager.~~

~~The members of the library board who obtained membership by reason of their membership on the prior board shall have a term of office coinciding with their term on that predecessor board.~~ [Ord. 3937 § 1, 1994.]

Section 28. Section 1.66.100 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.66.100 Vacancies~~

~~A vacancy shall occur upon the resignation, death, or removal of a board member. A vacancy shall also occur whenever a board member absents himself or herself for three consecutive regular meetings of the board or for an aggregate of five regular and/or special meetings in a single year, unless the absences are excused by action of the remaining board members.~~ [Ord. 3937 § 1, 1994.]

Section 29. Section 1.84.010 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4806, is hereby amended to read as follows:

1.84.010 Creation and purpose

There is created a public transit advisory committee consisting of seven members ~~who shall be appointed by the mayor and approved by a majority vote of the city council.~~ The purpose of the public transit advisory committee is to oversee public transit services in the city, including the quality of services, providing direction for public information and education, developing and making recommendations on system improvements and funding, and reporting to council on those and other elements as directed. [Ord. 4806 § 1, 2018; Ord. 4731 § 1, 2016.]

Section 30. Section 1.84.020 of the Ellensburg City Code, as last amended by Section 2 of Ordinance 4806, is hereby amended to read as follows:

1.84.020 ~~Appointment~~— Terms – Composition

Members of the public transit advisory committee shall not receive compensation for their service. ~~The mayor shall appoint~~ Each member shall be appointed for a three-year term ~~subject to confirmation by the city council,~~ and member representation is as follows:

- A. One city council member.
- B. A representative from Central Washington University who shall represent the general interests of CWU and be designated by CWU administration.
- C. A representative of the Associated Students of Central Washington University (ASCWU) student government to serve a minimum of one year, whose term shall correspond to the terms of office of students elected to serve on the ASCWU student government.
- D. Four community members. ~~Community members 1 and 2 shall serve terms expiring December 31, 2018. Community member 3 shall serve a term expiring December 31, 2019. Community member 4 shall serve a term expiring December 31, 2020. Thereafter, all terms under this subsection shall be three years.~~ [Ord. 4806 § 2, 2018; Ord. 4731 § 1, 2016.]

Section 31. Section 1.84.030 of the Ellensburg City Code is hereby repealed in its entirety:

1.84.030 ~~Removal~~—Vacancy

~~Members of the public transit advisory committee may be removed at any time by a majority of the city council. Whenever a committee member absents himself/herself for three consecutive regular meetings of the committee, or an aggregate of five regular and/or special meetings annually, unless by permission of the committee given at an open public meeting, the office shall automatically be vacated. Requests for an excused absence shall be made in writing to the~~

~~chairperson of the committee. Vacancies for the remainder of any such unexpired terms shall be filled in the same manner in which the original appointments were made. [Ord. 4731 § 1, 2016.]~~

Section 32. Section 1.84.040 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.84.040 Organization—Meetings—Quorum.~~

~~The city council member appointed to the committee shall serve as chairperson. Immediately after their appointment, members of the committee shall meet and organize by electing from all the members of the committee a vice chairperson. An election of such officer shall be conducted at the first meeting of each calendar year. The public works and utilities director, or his/her designee, shall serve as secretary of the committee. The secretary shall be entitled to participate in the deliberations of the committee, but shall have no vote. It shall be the duty of the chairperson to preside at all meetings of the committee and of the secretary to keep minutes of all meetings and of all proceedings of the committee. The vice chairperson shall perform the duties of the chairperson in the event of the absence of the chairperson or vacancy in the office. Four committee members shall constitute a quorum for the transaction of business. The affirmative votes by a majority of the quorum shall be necessary to carry any proposition. There shall be a fixed time and place of meetings within the corporate limits of the city of Ellensburg at least once each calendar month. The meeting time and place shall be made known to the public and all regular meetings of the committee shall be open to the public. [Ord. 4806 § 3, 2018; Ord. 4804 § 4, 2018; Ord. 4731 § 1, 2016.]~~

Section 33. Section 1.86.010 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4799, is hereby amended to read as follows:

1.86.010 Creation and purpose

~~There is created an affordable housing commission consisting of seven members who shall be appointed by the mayor and approved by a majority vote of the council.~~

The purpose of the affordable housing commission is to support the development of safe and affordable housing and related services in the city, by assisting the city in determining gaps in affordable housing, and by making recommendations to city council for addressing the identified affordable housing needs of city residents. [Ord. 4799 § 1, 2018.]

Section 34. Section 1.86.020 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4799, is hereby amended to read as follows:

~~1.86.020 Appointment—Terms – Composition~~

A.—Members of the affordable housing commission shall serve without compensation and be appointed by the mayor for a three-year term subject to confirmation by the city council. At least five members must be residents of the city.

B.— Upon the initial formation of the commission, a city councilmember shall be appointed to the commission and shall serve a three-year term as chairperson. In addition, two commissioners will be appointed to a three-year term, two commissioners will be appointed to a two-year term, and two commissioners will be appointed for a single-year term. As the terms of commissioners expire, each replacement member of the commission will be appointed to a full three-year term with the result being for the lifetime of the commission there will be two new members or reappointed members every year. Committee members shall not serve more than three consecutive terms. [Ord. 4799 § 1, 2018.]

Section 35. Section 1.86.030 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.86.030 Removal—Vacancy~~

~~Members of the affordable housing commission may be removed at any time by a majority of the city council. Whenever a commission member absents himself/herself for three consecutive regular meetings of the commission, or an aggregate of five regular and/or special meetings annually, unless by permission of the commission given at an open public meeting, the office shall automatically be vacated. Requests for an excused absence shall be made in writing to the chairperson of the commission. Vacancies for the remainder of any such unexpired terms shall be filled in the same manner in which the original appointments were made. [Ord. 4799 § 1, 2018.]~~

Section 36. Section 1.86.040 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.86.040 Organization—Meetings—Quorum.~~

A.— Immediately after their appointment, members of the commission shall meet and organize by electing from all the members of the commission a vice chairperson. It shall be the duty of the chairperson to preside at all meetings of the commission. The vice chairperson shall perform the duties of the chairperson in the event of the absence of the chairperson or vacancy of the office. Four commission members shall constitute a quorum for the transaction of business. The affirmative votes by a quorum shall be necessary to carry any proposition.

B.— There shall be a fixed time and place of the meetings within the corporate city limits at least once each calendar month. The meeting time and place shall be made known to the public and all meetings of the commission shall be open to the public.

~~C. A member of the city's community development staff shall serve as secretary of the commission. Staff shall be entitled to participate in the deliberations of the commission, but shall have no vote. It shall be the duty of staff to keep minutes of all meetings and of all proceedings of the commission. [Ord. 4799 § 1, 2018.]~~

Section 37. Section 1.88.010 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4871, is hereby amended to read as follows:

1.88.010 Creation and purpose

~~There is created a diversity, equity and inclusion (DEI) commission consisting of seven members who shall be appointed by the mayor and confirmed by a majority vote of the council.~~

The purpose of the DEI commission is to assist Ellensburg city council in promoting diversity, equity and inclusion in the city of Ellensburg through action, education, and guidance. The commission will seek to support Ellensburg in celebrating a diverse, equitable, and inclusive community that welcomes and is supportive to all residents and visitors because doing so enriches each individual's life and the community's wellbeing and vitality. [Ord. 4871 § 1, 2021.]

Section 38. Section 1.88.020 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4871, is hereby amended to read as follows:

1.88.020 ~~Appointment~~—Term – Composition

A. ~~Members of the DEI commission shall serve without compensation and be appointed by the mayor for a three-year term subject to confirmation by the city council.~~ At least five members must reside within the city limits of the city of Ellensburg, and all members must be residents of Kittitas County.

B. Upon the initial formation of the commission, two commissioners will be appointed to a three-year term, two commissioners will be appointed to a two-year term, and two commissioners will be appointed to a single-year term. As the terms of commissioners expire, each replacement member of the commission will be appointed to a full three-year term with the result being for the lifetime of the commission there will be two new members or reappointed members every year. ~~Committee members shall not serve more than three consecutive terms.~~

C. A city councilmember shall be appointed to the commission as chairperson who is nonvoting except in the case of a tie.

D. The city council shall ensure a mix of commission members who represent communities diverse in age, skin color, gender identity, sexual orientation, religion or disability, and who represent business, nonprofit, or education sectors, and who have skills or experience in analytics, translation, marketing, technology, human resources, or law. The Ellensburg city

council will seek to attract members that are interested in diversity issues, can respect different viewpoints, are action-oriented, and have personal experience that will provide empathy and community understanding regarding issues of diversity, equity and inclusion. [Ord. 4871 § 1, 2021.]

Section 39. Section 1.88.030 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.88.030 Removal—Vacancy~~

~~Members of the DEI commission may be removed at any time by a majority of the city council. Whenever a commission member is absent for three consecutive regular meetings of the commission, or an aggregate of five regular and/or special meetings annually, unless by permission of the commission given at an open public meeting, the office shall automatically be vacated. Requests for an excused absence shall be made in writing to the chairperson of the commission. Vacancies for the remainder of any such unexpired terms shall be filled in the same manner in which the original appointments were made. [Ord. 4871 § 1, 2021.]~~

Section 40. Section 1.88.040 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4871, is hereby amended as follows:

~~1.88.040 Organization—Meetings—Quorum~~ Subcommittees.

~~A.—Immediately after their appointment, and in January of each following year, members of the commission shall meet and organize by electing from all of the members of the commission a vice chairperson. It shall be the duty of the chairperson to preside at all meetings of the commission. The vice chairperson shall perform the duties of the chairperson in the event of the absence of the chairperson or vacancy of the office.~~

~~B.—Four voting commission members shall constitute a quorum for the transaction of business. The affirmative votes by a quorum shall be necessary to carry any proposition.~~

~~C.—There shall be a fixed time and place of the meetings within the corporate city limits at least once each calendar month. The meeting time and place shall be made known to the public and all meetings of the commission shall be open to the public. Monthly meetings may be canceled by the chair due to lack of business, but the commission shall meet quarterly at minimum.~~

~~D.—A city staff person shall serve as secretary of the commission. It shall be the duty of staff to keep minutes of all meetings and of all proceedings of the commission.~~

~~E.—The commission may create subcommittees that include members of the public to address certain DEI topics or promote certain events. The subcommittee chair must be a member of the DEI commission, and must be appointed by a majority of the DEI commission membership. [Ord. 4871 § 1, 2021.]~~

Section 41. Section 2.28.200 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4856, is hereby amended as follows:

2.28.200 Lodging tax advisory committee.

A. There is hereby created a lodging tax advisory committee, whose duties shall be to serve the functions prescribed in RCW 67.28.1817, review and comment on proposals for tourism promotion and tourism-related facilities, and engage in tourism planning and promotion activities.

B. The lodging tax advisory committee shall consist of seven members, ~~appointed by the city council.~~ One member shall be an elected official of the city, who shall serve as chair; three members shall be representatives of businesses required to collect the tax, one of whom shall be appointed to a term expiring December 31, 2020, the second member being appointed to a term expiring December 31, 2021, and the third member being appointed to a term expiring December 31, 2022; and three members shall be persons involved in activities authorized to be funded by revenue received from the tax, one of whom shall be appointed to a term expiring December 31, 2020, the second member being appointed to a term expiring December 31, 2021, and the third member being appointed to a term expiring December 31, 2022. After the expiration of the terms set forth herein, each member being reappointed or newly appointed shall serve a two-year term, or such portion thereof to complete the term of any member who resigns or is removed from the committee. The committee may include, but is not required to include, one nonvoting member who is an elected official of Kittitas County. The city council shall review the membership of the committee annually and make changes as appropriate. ~~Vacancies on the committee shall be filled by the city council.~~

C. The city council shall submit to the lodging tax advisory committee, for its review and comment, proposals on: (1) the imposition of a tax under Chapter 67.28 RCW; (2) any increase in the rate of such a tax; (3) repeal of an exemption from such a tax; or (4) a change in the use of the revenue received from such a tax. The city council shall submit such a proposal to the committee at least 45 days before taking final action on any such proposal. Comments by the committee should include an analysis of the extent to which the proposal will accommodate activities for tourists or increase tourism, and the extent to which the proposal will affect the long-range stability of the special fund created for the lodging tax revenues. The committee shall submit a written recommendation to the city council within 45 days of receiving the proposal from the city council. The report shall be advisory to the city council, and shall not be binding upon the council. Failure of the committee to submit its report to the city council in a timely fashion prior to passage of the proposal shall not prevent the city council from acting on the proposal.

D. The committee is authorized to review applications for lodging tax funding and to make recommendations to the city council regarding which tourism promotion and tourism-related

facility project applications the city should fund. However, this grant of authority shall not be construed to require the city council to submit such proposals to the committee for initial review in addition to the review process set forth in subsection (C) of this section. If any expenditures will constitute an amendment to the city's annual budget, the request shall be submitted to the committee prior to final approval by the city council. If the proposed expenditure under review by the committee falls within the limits of the city manager's contracting authority set forth in ECC 2.03.080, and is otherwise consistent with the annual budget, the committee's recommendation may be made to the city manager, who may either authorize the expenditure without further confirmation by the city council or instead forward the committee's recommendation to the council for further action.

E. The committee is authorized to engage in tourism planning and promotion activities. The duties of the committee shall include advising and making recommendations to the city council regarding tourism matters, developing tourism promotion strategies and plans, and identifying potential future uses of lodging tax revenue for tourism promotion and tourism-related facility projects. [Ord. 4856 § 1, 2020; Ord. 4327, 2002; Ord. 4234, 2000; Ord. 4111, 1997.]

Section 42. Chapter 3.02 of the Ellensburg City Code, entitled "Building Code Board of Appeals," is hereby repealed in its entirety:

~~3.02.120 Created—Membership.~~

~~There is established a board of appeals for the administration of the building code of the city of Ellensburg as provided in this chapter. The board shall be comprised of five members appointed by the mayor, subject to confirmation by the city council, and shall hold office for two years except that two of the first appointees shall be for one year terms. [Ord. 4682 § 1, 2014; Ord. 4643 § 5, 2013; Ord. 2385 § 1, 1958.]~~

~~3.02.130 Purpose—Function and jurisdiction.~~

~~A.—It is a function of the board to study and determine the suitability of alternate materials and types of construction as required in the building code of the city of Ellensburg; and~~

~~B.—The board shall hear all appeals from any notice or order issued, or any action taken, by the city building official, or his or her designee, under the provisions set forth in Chapters 3.01 (Building Codes), 3.03 (Fire Code Amendments), and 3.06 (Building Relocation) ECC, or any other code or ordinance wherein it is provided that an appeal to the building board of appeals shall be available; and~~

~~C.—The board shall have authority to make recommendations to the city council for such new legislation as will expedite or improve the administration of such codes or ordinances; and~~

~~D.—The board shall have no authority to consider, determine or interpret any matter arising under ECC Title 15 (Land Development Code), or the administrative provisions of these codes,~~

~~nor to waive requirements of the building or fire codes. [Ord. 4682 § 2, 2014; Ord. 4643 § 5, 2013; Ord. 2385 § 2, 1958.]~~

~~3.02.140 Moving buildings—Bond.~~

~~Repealed by Ord. 4643. [Ord. 2399 § 3, 1959.]~~

~~3.02.150 Qualifications of members.~~

~~The voting members shall be appointed on the basis of qualifications, whether obtained through experience and/or training, to pass upon matters pertaining to building construction. [Ord. 4682 § 3, 2014.]~~

~~3.02.160 Board meetings.~~

~~A.—The board shall meet upon notice from the chairperson, within 30 days of the filing of an appeal or at stated periodic meetings.~~

~~B.—All hearings before the board shall be open to the public. The appellant, the appellant's representative, the building official and any person whose interests are affected shall be given an opportunity to be heard. [Ord. 4682 § 4, 2014.]~~

~~3.02.170 Quorum.~~

~~The majority vote of a quorum shall constitute the official action of the board. The presence of three members, having the right to participate in the meeting, shall constitute a quorum with full authority to function as the board. [Ord. 4682 § 5, 2014.]~~

~~3.02.180 Appeal procedure.~~

~~A.—Any person aggrieved by any notice and order issued by, or any ruling made by, any administrative official of the city under the codes and ordinances designated in Chapters 3.01 and 3.03 ECC shall have the right to appeal to the board.~~

~~B.—An appeal shall be initiated by filing with the building official of the city a written appeal, which shall be postmarked or delivered to the building official within 30 days of the date of the notice and order or other action appealed, on a form to be provided by the city. An application for appeal shall be based on a claim that the true intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply or an equally good or better form of construction is proposed.~~

~~C.—Upon the filing of a written appeal, the building official shall promptly notify the board of such filing and transmit to the board a true copy of the written appeal.~~

~~D.—The board shall conduct hearings of all timely appeals, determined to be within the board's authority, at a date and time certain after having given the aggrieved party in interest not less~~

than 10 days' notice thereof. At said hearing the board shall receive evidence as may be presented by any department of the city of Ellensburg and by the aggrieved party in interest. Failure of aggrieved party or his representative to appear at the hearing properly noticed may be cause for dismissal of the appeal.

~~E.— The board shall render its interpretation of the code, or its decision, as it pertains to the question before it, and make its decision within 60 days from the date of the completion of the hearing. Such decision shall include findings of facts based on the evidence presented at the hearing.~~

~~F.— Appeals of the board of building appeals' interpretations, decisions, penalties, and/or orders pertaining to appeals filed relative to the codes and laws assigned to the authority of the board shall be made to the superior court within 30 calendar days from the date of receipt of the interpretation, decision, penalty, and/or order in conformance with RCW 35.80.030(2). [Ord. 4682 § 6, 2014.]~~

~~3.02.190 Failure to appeal—Scope of hearing—Stay of order.~~

~~A.— Failure of any person to file in accordance with the provisions of this chapter shall constitute a waiver of his/her right to an administrative hearing and adjudication of the notice and order, or other ruling, or to any portion thereof.~~

~~B.— Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.~~

~~C.— Except for vacation orders and stop work orders, enforcement of any notice and order, or other ruling of the building official, issued under a code or ordinance from which appeal to the board is available, shall be stayed during the pendency of an appeal therefrom which is properly and timely filed. [Ord. 4682 § 7, 2014.]~~

~~3.02.200 General provisions and rules.~~

~~A.— Procedures before the board shall be governed by reasonable rules or regulations established by the board.~~

~~B.— The report of the board may also be in the nature of a recommendation to the appellant. [Ord. 4682 § 8, 2014.]~~

~~3.02.210 Enforcement of orders.~~

~~Orders of the board may be enforced, work performed and costs recovered as provided by whatever means are available at law or by city ordinance. [Ord. 4682 § 9, 2014.]~~

~~3.02.220 Decisions of the board—Final.~~

~~Any order of the building code board of appeals shall be final and conclusive unless, within 21 days from the date of the order, the original applicant or an adverse party makes application to the superior court of the state for Kittitas County. [Ord. 4682 § 10, 2014.]~~

Section 43. Section 15.280.040 of the Ellensburg City Code, as last amended by Section 1 of 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 who 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) 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 44. 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 45. 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 46. 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 January, 2022.

MAYOR

ATTEST:

CITY CLERK

Approved as to form:

CITY ATTORNEY

Publish:

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

BETH LEADER

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO HEARING EXAMINERS AND ADDING NEW SECTIONS 1.70A.320 AND 1.70A.340, AND AMENDING SECTIONS 1.70A.200, 4.34.020 AND 9.100.140 OF THE ELLENSBURG CITY CODE.

WHEREAS, the Ellensburg City Council previously directed the creation of an Ad Hoc Subcommittee on Term Limits for Boards and Commissions (“Boards and Commissions Subcommittee”); and

WHEREAS, the Boards and Commissions Subcommittee met in May and June of 2021 to study the appointment, structure and representation on the City’s boards, committees and commissions; and

WHEREAS, the Boards and Commissions Subcommittee presented its report with recommendations to City Council at its July 19, 2021 meeting, after which the Council directed City staff to prepare the appropriate documents to implement the recommendations, as modified by Council during the meeting; and

WHEREAS, City staff reviewed a draft ordinance and draft revision of the City Council Rules of Procedures to implement the requested changes at its November 1, 2021 meeting, and provided further revisions for City staff to incorporate into the documents; and

WHEREAS, as a result of the amendments being proposed in a separate ordinance to implement City Council’s requested changes for commissions, boards and committees, changes are also required to Ch. 1.70A of the Ellensburg City Code regarding the role of the city’s appointed hearing examiner;

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

Section 1. Section 1.70A.200 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4049, is hereby amended to read as follows:

1.70A.200 Appointments – Qualifications.

A. Appointments to the office of hearing examiner shall be made by majority vote of the city council and be subject to annual renewal in October. The city council may also from time to time appoint hearing examiners pro tempore to serve during the absence, unavailability, incapacity or disqualification of the hearing examiner.

B. The examiner shall be an independent contractor and not an employee of the city.

C. The terms of employment for the examiner shall be specified in a written agreement prepared by the city attorney and approved by the mayor and city council. The agreement shall set forth the scope of work, the duration of the appointment, the procedure for removal, the amount of compensation, and such other provisions deemed appropriate by the city council.

BD. The hearing examiner shall, at a minimum, be experienced in land use, planning, subdivision and related matters. [Ord. 4049 § 1, 1996.]

Section 2. A new section entitled “1.70A.320 Jurisdiction” is hereby added to the Ellensburg City Code to read as follows:

1.70A.320 Jurisdiction.

A. The hearing examiner shall have the power to receive and examine available information, conduct public hearings and prepare a record thereof and enter decisions as provided by ordinance.

B. The decision of the hearing examiner on the following matters which shall be within the jurisdiction of the hearing examiner, notwithstanding any other provision of the Ellensburg City Code, and shall be final unless such decision is appealed as provided by the applicable city code or state law:

1. Appeals taken pursuant to ECC 1.80.070;

2. Appeal of any order issued, or any action taken, by the city building or fire code official, or his or her designee, under the provisions set forth in Chapters 3.01 (Building Codes), 3.03 (Fire Code Amendments) and 3.06 (Building Relocation) of the Ellensburg City Code;

3. Appeals taken pursuant to ECC 4.34.020;

4. Appeals taken pursuant to ECC 5.40.180;

5. Appeals taken pursuant to ECC 6.72.150;

6. Appeals taken pursuant to ECC 9.100.140(B);

7. Appeals taken pursuant to any applicable provision of Title 15 of the Ellensburg City Code; and

8. Any other matter designated by this code or other city ordinance.

Section 3. A new section entitled “1.70A.340 Fees” is hereby added to the Ellensburg City Code to read as follows:

1.70A.340 Fees

Each application for a permit or approval which requires a hearing before the hearing examiner, each appeal to the hearing examiner shall be accompanied by payment of a fee which shall be set by resolution of the city council.

Section 4. Section 4.34.020 of the Ellensburg City Code, as last amended by Ordinance 2844, is hereby amended to read as follows:

4.34.020 Filing.

In the event that the enforcement of Chapters 4.02, 4.04 and 4.06 ECC, excluding ECC 4.06.050, and Chapters 4.08, 4.10, 4.12, 4.14, 4.16, 4.17 and 4.18 ECC is deemed unreasonable or arbitrary by any person, firm or corporation, that person, firm or corporation shall have the right to file an appeal in writing to the ~~city council~~ hearing examiner for a final determination by the city council hearing examiner. [Ord. 2844, 1970.]

Section 5. Section 9.100.140 of the Ellensburg City Code, as last amended by Section 5 of Ordinance 4549, is hereby amended to read as follows:

9.100.140 Appeals of fees.

A. Appeal to the Engineer. If an owner of a parcel subject to this chapter, or other responsible party, believes the stormwater user's fee applied to their property is incorrect or otherwise disagrees with the utility rate determination, the owner may appeal the correctness of the fee to the engineer within 30 calendar days of the mailing of the billing for the fee. Such appeals shall be in writing and shall specify the grounds of the appeal and the requested remedy and shall include a deposit sufficient to cover the engineer's cost of review. The engineer may make an adjustment to the charges consistent with the criteria provided in ECC 9.100.100 and 9.100.120. If the engineer determines that the adjustment does not result in more than a 10 percent decrease to the original stormwater user's fee, the applicant shall be responsible for the engineer's cost of review. Applicants shall be refunded the full deposit amount for adjustments that are determined by the engineer to result in more than a 10 percent decrease in stormwater user's fees. Decisions of the engineer regarding such appeals shall be final unless appealed to the ~~city council~~ hearing examiner in a timely manner in accordance with subsection (B) of this section.

B. Appeal to the ~~City Council~~ hearing examiner. The decision of the engineer of an appeal filed in accordance with subsection (A) of this section may be appealed to the ~~city council~~ hearing examiner. Such appeal must be in writing and filed with the city clerk within 30 calendar days of the date of the decision of the engineer. The written appeal must specify the grounds of the appeal and request a hearing before the ~~city council~~ hearing examiner. The city clerk shall set a time and place for the appeal hearing. At the hearing, the ~~city council~~ hearing examiner shall make a final determination regarding the appeal based upon the criteria provided in ECC 9.100.100 and 9.100.120. [Ord. 4549 § 5, 2009.]

Section 6. 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 7. 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 8. 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 January, 2022.

MAYOR

ATTEST:

CITY CLERK

Approved as to form:

CITY ATTORNEY

Publish:

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

BETH LEADER



CITY COUNCIL AGENDA REPORT

City Council Meeting Date:	December 20, 2021
Item Title/Agenda Subject:	Resolution to adopt amended City Council Rules of Procedure
Submitted by:	Terry Weiner City Attorney Department
Recommended Action or Motion:	Adopt the attached Resolution updating the City Council Rules of Procedure
Background/Summary:	The City Council Ad Hoc Subcommittee on Term Limits for Boards & Commissions met in May and June this year to address concerns about consistency, including interest in developing a process for re-appointment that provided opportunity for new voices and representation on advisory boards and commissions. Based on the subcommittee's recommendations, Council requested that Staff revise the City Council Rules of Procedure to align with the recommendations. This also provided an opportunity to update other sections of the Rules, which have not been amended in over two years. The attachments include a legislative (showing changes) and "clean" version of the Rules.
Previous Council Action:	Council reviewed a draft of the revised Rules at its November 1, 2021 meeting. The only change requested of staff was to add a statement in Rule 10 (Creation of Committees, Boards and Commissions) regarding the Council's commitment to diversify membership.
Analysis:	The City Council Rules of Procedure were last updated in November 2019. Since then, the experience in meeting remotely during the pandemic resulted in Council's expression of a desire for more routine use of remote videoconferencing services by both councilmembers and the public. In addition, a review of the Rules disclosed the need to make additional revisions addressing public comments, boards and commissions and general housekeeping changes. The following changes are being proposed by Staff: • Rule 1.7: removing the restrictions on remote attendance by councilmembers, with prior approval of the Mayor (or

Mayor pro tempore), or if required by action of the legislature or governor

- Rule 2.5(b): clarifying that executive sessions may end prior to the specified time if no action is being taken following the session
- Rule 7: several significant changes were made to this rule, which governs “Duties and Privileges of Citizens.” As a result, the Rule was also reorganized.
- Public Comment (Rule 7.2) was reorganized to include rules for comments on agenda items, non-agenda items and hearings.
- Significantly, new Section 7.2(d) (old Section 7.6) was revised to reflect the current caselaw addressing disruptive behavior during Council meetings.
- Rule 9.3, regarding the introduction and passage of ordinances, was revised based on Council feedback. Normally an ordinance cannot be introduced and adopted on the same day. Currently, Council can waive this rule by a supermajority (5) vote. However, the rule still requires two separate readings of the ordinance – one before the “waiver vote” and one after that vote. As proposed, the “waiver vote” would occur first and, if approved, would be followed by a single reading of the ordinance with a roll call vote for adoption.
- Rule 10 – Creation of Committees, Boards and Commissions – has been substantially revised to align with the changes to ordinance changes discussed above. A statement regarding Council's commitment to diverse membership has been added to Section 10.3.

The report also included recommendations that were more administrative in nature, such as more actively recruiting community members from all the diverse populations within the community, and streamlining the Council selection process.

Financial Impact: N/A

Attachments:

[Resolution - Council Rules and Procedures 2021 update](#)

[Resolution - Council Rules and Procedures 2021 update\(Legislative Version\)](#)

RESOLUTION NO. 2021-

A RESOLUTION relating to the Ellensburg City Council, replacing the Rules and Procedures for the Ellensburg City Council, and repealing Resolution No. 2019-07.

WHEREAS, Resolution 2019-07 updated the “Rules and Procedures for the Ellensburg City Council” (Council Rules); and

WHEREAS, the City Council has determined the Council Rules should again be updated;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ellensburg, Washington, as follows:

Section 1. This Resolution supersedes and replaces City Council Resolution No. 2019-07, which is hereby repealed.

Section 2. The Rules and Procedures for the Ellensburg City Council, attached to this Resolution, are hereby adopted and are effective immediately upon passage of this Resolution.

ADOPTED by the City Council of the City of Ellensburg this 20th day of December, 2021.

Mayor

Attest: _____
City Clerk

**City of Ellensburg
City Council Rules of Procedure
December 20, 2021**

TABLE OF CONTENTS

1. General Rules
 - 1.1 Authority
 - 1.2 Meetings to be Public
 - 1.3 Quorum
 - 1.4 Roll Call - Absences
 - 1.5 Records of Council Proceedings
 - 1.6 Right of Floor
 - 1.7 Remote Attendance
 - 1.8 Rules of Order
2. Types of Meetings
 - 2.1 Regular Meetings
 - 2.2 Special Meetings
 - 2.3 Study Sessions and Workshops
 - 2.4 Emergency Meetings
 - 2.5 Executive Sessions
 - 2.6 Council Contact Outside an Official Meeting
3. Conduct of Meetings
 - 3.1 The Mayor - Election
 - 3.2 Call to Order
 - 3.3 Preservation of Order
 - 3.4 Points of Order
 - 3.5 Questions to be Stated
 - 3.6 Mayor - Powers
 - 3.7 Reading of Minutes
4. Order of Business and Agenda
 - 4.1 Flag Salute.
 - 4.2 Call to Order - Roll Call
 - 4.3 Proclamations
 - 4.4 Awards and recognitions
 - 4.5 Approval of regular agenda
 - 4.6 Consent agenda
 - 4.7 Petitions, protests, and communications
 - 4.8 Citizen comment on non-agenda issues
 - 4.9 Business requiring public hearings
 - 4.10 Introduction and adoption of resolutions and ordinances
 - 4.11 Unfinished business

- 4.12 New business
- 4.13 Miscellaneous
- 4.14 Executive session
- 4.15 Adjournment
- 5. Agenda Preparation
 - 5.1 Preparation
 - 5.2 Placement of Agenda Items
 - 5.3 Completion
 - 5.4 Availability
 - 5.5 Agenda Retention
- 6. Comments and Debates of the Council
 - 6.1 Rules of Debate
 - 6.2 Getting the Floor - Improper References to be Avoided
 - 6.3 Interruptions
 - 6.4 Courtesy
 - 6.5 Privilege of Closing Debate
 - 6.6 Motion to Reconsider
 - 6.7 Remarks of Councilmember - When Entered in Minutes
 - 6.8 Synopsis of Debate - When Entered in Minutes
- 7. Duties and Privileges of Citizens
 - 7.1 Meeting Participation and Addressing the Council
 - 7.2 Public Comment on Matters Before the Council
 - 7.3 Written Communications
 - 7.4 Designation of Sergeant-at-Arms
- 8. Council Actions
 - 8.1 Ordinances
 - 8.2 Resolutions
 - 8.3 Proclamations
 - 8.4 Motions
 - 8.5 Protests of Council Action
- 9. Ordinances, Resolutions and Motions
 - 9.1 Preparation of Ordinances
 - 9.2 Prior Review by Administrative Staff
 - 9.3 Introducing for Passage or Approval
 - 9.4 Resolution
 - 9.5 Voting and Motions
 - 9.6 Filing with Clerk
 - 9.7 Waiver of Rules/Effect
- 10. Creation of Committees, Boards and Commissions
 - 10.1 Citizen Committees, Boards and Commissions
 - 10.2 Types of Committees

- 10.3 Membership and Selection
- 10.4 Attendance
- 10.5 Removal of Members of Committees, Boards and Commissions
- 10.6 Formal Reports of Committees, Boards and Commissions
- 10.7 Hybrid Meetings
- 11. Internet and Electronic Resources - Equipment Use
 - 11.1 Policy
 - 11.2 Use of Electronic Communication and Internet during Council Meetings
 - 11.3 Public Records
 - 11.4 Open Public Meetings
 - 11.5 Public Records and Open Public Meetings Act Training
 - 11.6 The Appearance of Fairness Doctrine
 - 11.7 Electronic Communications

1. General Rules

1.1 Authority. The Ellensburg City Council hereby establishes the following procedures for the conduct of Council meetings, proceedings, and business. These procedures shall be in effect upon adoption by the Council and until such time as they are amended or new procedures are adopted in the manner provided in these rules.

1.2 Meetings to be Public. The meetings of the Council shall be open to the public with the exception of executive or exempt sessions for certain limited topics (as defined in Chapter 42.30 RCW). The Council minute book shall be open to public inspection.

1.3 Quorum. A majority of four councilmembers shall be required to be in attendance to constitute a quorum at any regular or special meeting of the Council. In the absence of a quorum, the Mayor or Mayor pro tempore, at the instance of any three (3) members present, may compel the attendance of absent members.

1.4 Roll Call - Absences. Before proceeding with the business of the Council, the City Clerk or his or her deputy shall call the roll of the members, and the names of those present shall be entered in the minutes. A Councilmember may be excused from the meeting by contacting the Mayor prior to the meeting and stating the reason for his or her inability to attend the meeting. If the Councilmember is unable to contact the Mayor, the Councilmember shall contact the Mayor pro tempore, the City Clerk or Deputy City Clerk, who shall convey the message to the Mayor. The Mayor shall inform the Council of the Councilmember's absence, state the reason for such absence and inquire if there is a motion to excuse the member. Upon passage of such motion by a majority of Councilmembers present, the absent Councilmember shall be considered excused and the Clerk will make an appropriate notation in the minutes. If the motion is not passed, the Clerk will note in the minutes that the absence is unexcused.

1.5 Records of Council Proceedings. The City Clerk shall record all business transacted at a Council meeting. In recording Council minutes, the Clerk, in addition to the names of the Councilmembers in attendance, shall record the names of all city officials or employees in attendance at the Council meeting and all persons who have addressed the Council.

1.6 **Right of Floor.** Any Councilmember desiring to speak shall be recognized by the presiding officer and shall confine his or her remarks to one subject under consideration or to be considered. Minutes of all proceedings of the Council shall be kept by the City Clerk and shall be entered in a book constituting the official record of the Council.

1.7 **Remote Attendance.** Councilmembers may appear at a Council meeting via video conferencing or telephone ("remote attendance") when approved by the Mayor or Mayor pro tempore, or if remote attendance is required by reason of legislative or governor's proclamation/order, or other emergency order enacted by Council.

1.8 **Rules of Order.** *Robert's Rules of Order Newly Revised* shall be the guideline procedures for the proceedings of the Council. If there is a conflict, these rules shall apply.

2. Types of Meetings

2.1 Regular Meetings. The City Council shall hold regular meetings on the first and third Mondays of each month at 7:00 p.m. and will adjourn no later than 11 p.m. To continue past this time of adjournment, a majority of the Council must concur. If the day fixed for any regular meeting of the Council falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday. The Council may reschedule regular meetings to a different date or time by motion. The location of the meetings shall be the Council Chambers at City Hall, 501 N. Anderson Street, unless specified otherwise by a majority vote of the Council, legislative proclamation, governor's proclamation/order, or other emergency order. All regular and special meetings shall be public.

2.2 Special Meetings. The City Clerk, upon request of the Mayor or by a majority of the Council shall call special meetings of the Council for the purpose of conducting official action. Notice shall be given at least 24 hours in advance as required by RCW 42.30.080. Notice may be provided to each member of the Council by telephone, e-mail, regular mail or otherwise, of the special meeting.

2.3 Study Session and Workshops. The Council may meet informally in study sessions and workshops (open to the public), at the call of the Mayor or by a majority of the Council, to review forthcoming programs of the city, receive progress reports on current programs or projects, receive other similar information from city department heads or conduct procedures workshops, provided that all discussions and conclusions thereon shall be informal and do not constitute final action of the Council.

2.4 Emergency Meetings. An emergency meeting is a Special Council meeting called without 24 hour notice. An emergency meeting deals with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of a 24 hour notice would make notice impractical and increase the likelihood of such injury or damage. Emergency meetings may be called by the Mayor as provided by RCW 42.30.070. The Council minutes will indicate the reason for the emergency.

2.5 Executive Sessions. An executive session is a Council meeting that is

closed except to the Council, City Manager, City Attorney and authorized staff members and/or consultants authorized by the Mayor. The public is restricted from attendance. Executive sessions may be held during Regular or Special council meetings and will be announced by the Mayor.

a. Executive Session subjects are limited to matters authorized pursuant to Ch. 42.30 RCW, including but not limited to considering real property acquisition and sale, public bid contract performance, complaints against public officers and employees, public employment applications and public employee evaluation, elective office appointments, and attorney-client discussions regarding agency enforcement actions, litigation, or threatened litigation.

b. Before convening in executive session, the Presiding Officer shall publicly announce the purpose for excluding the public from the meeting place, the anticipated time when the executive session will be concluded, and whether any action is anticipated to be taken following the executive session. Should the executive session require more time, a public announcement shall be made extending the meeting for a time certain. Should the executive session end prior to the time specified, Council may reconvene to formally adjourn, if appropriate. If action is required, the Council may not take action until the specified time has lapsed.

c. At the conclusion of the executive session, if appropriate, the public meeting will reconvene to formally adjourn the meeting, for taking action on the item resulting from the executive session if properly noticed, or to continue the meeting.

2.6 Council Contact Outside an Official Meeting. Generally, Councilmembers have the same freedoms of association as any other citizen. Councilmembers must take great care when present at the same social, unofficial functions, or in any public setting to refrain from engaging in any activity which could be interpreted as de facto deliberation or action on a matter of city business.

3. Conduct of Meetings

3.1 The Mayor – Election. The Mayor shall act as the presiding officer of the Council and shall be elected biennially at the first meeting of a new Council by the members from their membership, or otherwise when there is a vacancy in the position. The Mayor shall assume the chair immediately after his or her election. In the absence of the Mayor, the Mayor pro tempore shall act as the presiding officer. In the absence of both the Mayor and Mayor pro tempore, the Council shall elect a presiding officer to preside over the meeting or to act for the Mayor in his or her absence.

3.2 Call to Order. The presiding officer shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Council to order. In the absence of the Mayor and the Mayor pro tempore, the City Clerk or his or her assistant shall call the Council to order, whereupon a temporary presiding officer shall be elected by the members of the Council present. Upon the arrival of the Mayor or Mayor pro tempore, the temporary presiding officer shall immediately relinquish the chair upon the conclusion of the business immediately before the council.

3.3 Preservation of Order. The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Council, as set forth by Rules 6 and 7. The presiding officer may request the Sergeant-at-Arms to enforce actions consistent with this rule pursuant to Rule 7.4.

3.4 Points of Order. The presiding officer shall determine all points of order, subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be "Shall the decision of the Presiding Officer be sustained?"

3.5 Questions to be Stated. The presiding officer shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order, subject to, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. A roll call vote may be taken on any question.

3.6 Mayor – Powers. The Mayor shall vote on all questions, his or her name being called last. He or she shall sign all ordinances and resolutions adopted by the Council during his or her presence. In the event of the absence of the Mayor, the Mayor pro

tempore or presiding officer shall sign ordinances or resolutions as then adopted.

3.7 **Reading of Minutes.** Unless a reading of the minutes of a Council meeting is requested by a member of the Council, such minutes may be approved without reading if the Clerk has previously furnished each member with a copy of the minutes.

4. Order of Business and the Agenda. All meetings of the Council shall be open to the public. Promptly at the hour specified herein on the date of each regular meeting, the members of the Council, the City Clerk, City Attorney, and City Manager shall be present for the meeting and the business of the Council shall be taken up for consideration and disposition in the following order:

4.1 Flag Salute.

4.2 Call to Order - Roll Call. The presiding officer calls the meeting to order and will announce the attendance of Councilmembers, indicate any Councilmember who is not in attendance and whether the Councilmember has requested an excused absence.

Excused absences will be handled as stated in Rule 1.4.

4.3 Proclamations. A proclamation is defined as an official announcement made by either the City Council or the Mayor.

4.4 Awards and recognitions.

4.5 Approval of regular agenda.

a. The presiding officer may, with the concurrence of the Councilmembers by majority vote, take agenda items out of order. The agenda may be amended upon majority vote of the Councilmembers.

b. Because adoption of any item on the consent agenda, as provided in Rule 4.6, implies unanimous consent, any member of the Council shall have the right to remove any item from the consent agenda. Therefore, prior to the vote on the motion to adopt the regular agenda, the presiding officer shall inquire if any Councilmember, or any member of the public with concurrence of a Councilmember wishes an item to be withdrawn from the consent agenda. If an item is withdrawn, it shall be placed at an appropriate place on the regular agenda for the current or a future meeting, to be followed by a motion to approve the regular agenda, as amended, by the item's removal from the consent agenda.

4.6 Consent agenda. The consent agenda is designed to contain items which are of a routine and non-controversial nature, including, but not limited to the following: minutes from Council, commission, and committee meetings; excused absence requests from Councilmembers; letters of resignation; approval of appropriations; resolutions which do not involve significant policy issues; routine contracts; labor agreements; and certain

administrative actions, such as consideration of banner requests and such other items as may be requested for inclusion by Council or by the City Manager and approved by Council. Any and all items on the consent agenda are approved by single motion and vote of the City Council.

- 4.7 Petitions, protests, and communications.
- 4.8 Citizen comment on non-agenda issues.
- 4.9 Business requiring public hearings.
- 4.10 Introduction and adoption of resolutions and ordinances.
- 4.11 Unfinished business.
- 4.12 New business.
- 4.13 Miscellaneous.
- 4.14 Executive session.
- 4.15 Adjournment. The presiding officer shall adjourn Council meetings upon the conclusion of the agenda.

5. Agenda Preparation

5.1 Preparation. The City Clerk will prepare an agenda packet for each Council meeting and work session specifying the time and place of the meeting and setting forth a brief general description of each item to be considered by the Council. The agenda is subject to review and approval by the City Manager and Mayor (or Mayor pro tempore when acting in the absence of the Mayor), either of whom may add or delete any proposed agenda item for reasons of ensuring council meeting efficiency or for reasons that are in the best interests of the City.

5.2 Placement of Agenda Items. An item may be placed on a Council meeting agenda by any of the following methods: 1) approval of the City Manager; 2) approval of the Mayor; 3) upon request of any Councilmember prior to preparation of the agenda; or 4) upon request of any Councilmember and approval by majority vote during the Councilmember Reports portion City Council meetings, in which case the item shall be placed on the agenda for the next regular Council meeting.

5.3 Completion. Agenda items will be completed by the appropriate City department staff and submitted to the City Clerk for finalizing by 10 a.m. on the Wednesday prior to the following Council meeting. The "agenda report" form will be used for all items submitted for a meeting agenda of committees, regular or special meetings, and work sessions.

5.4 Availability. An agenda shall be prepared and provided to the Council and available to the public on the Thursday prior to each meeting. Public availability shall include posting on the City website, distribution by email to an established mailing list and copies provided in the City Hall and Ellensburg Public Library lobbies.

5.5 Agenda Retention. The City Manager will prepare and keep current a calendar of agenda items for all Council regular and special meetings, work sessions, and committee meetings.

6. Comments and Debates of the Council

6.1 Rules of Debate. Presiding Officer May Debate and Vote. The Mayor, or such other member of the Council as may be acting as presiding officer, may move, second and debate from the chair, subject only to such limitations of debate imposed by these rules on all members. Neither the Mayor nor any Councilmember shall be deprived of any of the rights and privileges of a Councilmember by reason of his or her acting as the presiding officer.

6.2 Getting the Floor – Improper References to be Avoided. Every Councilmember desiring to speak shall address the presiding officer and, upon recognition, shall confine his or her comments to the question under debate, avoiding all personalities and indecorous language.

6.3 Interruptions. A Councilmember, once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or as herein otherwise provided. If a Councilmember, while speaking, is called to order, he or she shall cease speaking until the question of order is determined, and, if in order, he or she shall be permitted to proceed.

6.4 Courtesy. All staff and Councilmembers during the discussion, comments, or debate of any matter or issue, shall address their remarks to the presiding officer, be courteous in their language and deportment, and shall not discuss or comment on personalities, or indulge in derogatory remarks or insinuations in respect to any other member of the Council, or any member of the staff or the public, but shall at all times confine their remarks to those facts which are germane and relevant to the question or matter under discussion.

6.5 Privilege of Closing Debate. The Councilmember making the motion shall have the privilege of closing the debate.

6.6 Motion to Reconsider. A motion to reconsider must be made by a person who voted with the majority on the principal question and must be made at the same or succeeding regular meeting. It may be seconded by any member and may be made at any time and have precedence over all other motions or while a member has the floor and shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or any other motion at a subsequent meeting of the Council.

6.7 Remarks of Councilmember – When Entered in Minutes. A

Councilmember may request, through the presiding officer, the privilege of having an abstract of his or her statement on any subject under consideration by the Council entered in the minutes. If the Council consents to the request, the statement shall be entered in the minutes.

6.8 Synopsis of Debate – When Entered in Minutes. The Clerk may be directed by the presiding officer, with consent of the Council, to enter a synopsis of the discussion on any question coming before the Council into the minutes.

7. Duties and Privileges of Citizens

7.1 Meeting Participation and Addressing the Council. Members of the public are welcome at all Council meetings and are encouraged to provide comments and testimony on matters including agenda items, non-agenda items, and public hearings prior to the deliberations of the Council. Any person desiring to address the Council shall adhere to the rules below:

a. 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.

b. All remarks shall be addressed to the Council as a body and not to any individual member thereof. No question shall be asked of a Councilmember or staff except through the presiding officer.

c. Prior to speaking, members of the public shall first obtain recognition by the presiding officer by raising their hand for in-person attendance and “virtual hand” if remotely attending the meeting, and once recognized shall state their name and address, and whether they are speaking in an individual or representative capacity.

d. When addressing the Council, members of the public are urged to speak in an audible and articulate tone of voice for the record.

7.2 Public Comment on Matters Before the Council. Members of the public may address the Council on any matter which concerns the City's business or over which the Council has control during the comment portion of the agenda item subject to the following:

a. Agenda Items.

1. Members of the public may comment on items on the City Council agenda which are not adjudicatory or administrative in nature.

2. Members of the public shall limit their remarks to three (3) minutes unless additional time is granted by the presiding officer.

b. Non-Agenda Items.

1. Members of the public wishing to speak are requested to sign a register maintained by the City Clerk in advance of the Council meeting or raise their “virtual

hand,” as directed, if attending the meeting remotely.

2. Members of the public may address the Council on any matter not on the agenda which concerns the City’s business or over which the Council has control.

3. Members of the public shall limit their remarks to three (3) minutes. Time may not be shared between members of the public in order to speak longer than three (3) minutes each.

4. No action will be taken by the Council at the meeting during which the subject is introduced.

c. **Public Hearings.**

1. For legislative hearings, any member of the public may comment or provide testimony.

2. For quasi-judicial or appeal hearings, comments will be limited to persons who participated in the proceedings prior to the City Council public hearing, as established by the record below.

3. Members of the public shall limit their remarks to five (5) minutes unless additional time is granted by the presiding officer.

d. **“Out of Order” Comments and Enforcement.** Any person engaging in conduct that disrupts, disturbs or otherwise impedes the orderly conduct of the Council meeting, including but not limited to: unduly repetitive or irrelevant remarks; use of intimidating, threatening, or abusive language; disobedience of an order to be seated or to discontinue further comments; and/or engaging in violent behavior, will be deemed out of order and may, at the discretion of the presiding officer or upon a majority vote of the Council, be removed from the Council Chamber and/or have his or her virtual microphone muted.

7.3 Written Communications. Interested parties, or their authorized representatives, may address the Council through written communications, including email, in regard to matters under discussion. Communication should be directed to the City Clerk or to Councilmembers directly.

7.4 Designation of Sergeant-at-Arms. The presiding officer may designate the

Chief of Police or such member of members of the Police Department as a Sergeant-at-Arms for the purpose of maintaining order and decorum at Council meetings. The Sergeant-at-Arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meetings.

8. Council Actions. The following actions may be considered at Council meetings:

8.1 **Ordinances.** "Ordinances" are legislative acts or local laws. They are the most permanent and binding form of Council action and may be changed or repealed only by a subsequent ordinance.

8.2 **Resolutions.** "Resolutions" are adopted to express Council policy or to direct certain types of administrative action. They have the same effect as a motion, but in a written form. A resolution may be changed by adoption of a subsequent resolution.

8.3 **Proclamations.** "Proclamations" are issued solely under the Mayor's authority. It is not required that they be read or presented at a Council meeting.

8.4 **Motions.** "Motions" are official Council actions which do not require prior documentation in writing. They often are the Council authorizing action (e.g., signing an agreement by the Mayor) or to provide direction to staff to prepare an item for future consideration.

8.5 **Protests of Council Action.** Any Councilmember shall have the right to have the reasons for his or her dissent from, or protest against, any action of the Council entered in the minutes.

9. Ordinances, Resolutions and Motions.

9.1 Preparation of Ordinances. All ordinances shall either be prepared by the City Attorney or submitted to the him or her for review prior to presentation to the Council.

9.2 Prior Review by Administrative Staff. All ordinances and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney and shall have been reviewed for administration by the City Manager or the Manager's authorized representative, where there are substantive matters of administration involved.

9.3 Introducing for Passage or Approval.

a. Ordinances, resolutions, and other matters or subjects requiring action by the Council must be introduced and sponsored by a member of the Council; provided, however, such items may be presented to the Council by the City Manager or City Attorney, or such City staff as may be designated by the City Manager. Any Councilmember may assume sponsorship of an item of business submitted by the City Manager or City Attorney by moving that it be introduced; otherwise, the item shall not be considered.

b. No ordinance shall be put on its final passage on the same day on which it was introduced, unless this rule is waived as provided by Rule 9.7 and not otherwise prohibited by state law from final passage in a single meeting. Where such a motion to waive this Rule 9.3(b), as provided in Rule 9.7, is approved, the ordinance may then be adopted through a single reading followed by a roll call vote.

c. All ordinances shall have two separate readings, each of which readings may be accomplished by a reading of the title paragraph only: provided, however, any or all of the readings may be required to be accomplished by a reading of the full text of the proposed ordinance, if the rules are waived as provided by Rule 9.7 to require such readings of the full text. When such a reading of the full text is required, upon a vote of a majority of the Council members present, it shall not be necessary to read excessive detail set forth in a particular ordinance, including but not limited to legal descriptions of land areas, and in lieu thereof an oral statement summarizing the contents so omitted may be made by the presiding officer, or by the City Clerk or other recording secretary if so directed by the presiding officer.

d. No ordinance shall relate to more than one subject and that subject shall be clearly summarized in its title paragraph. No ordinance or section thereof, or City Code section, shall be amended unless the title paragraph of the amendatory ordinance indicates that the ordinance, or a part thereof, is amendatory.

e. The vote on amendments to a proposed ordinance may occur at any time prior to its final adoption; provided, that in the case of any ordinance which under state law cannot be adopted at the same meeting in which it is introduced, the ordinance as amended shall not be finally voted upon until the next regular council meeting.

f. All ordinances introduced for the purpose of amending, in whole or in part, any existing City Code title, chapter, section, or subsection, shall state the number of such provisions, together with a reference to the ordinance or ordinances and the sections thereof from which the code provisions were most recently codified. Any such amendatory ordinances shall state how the pertinent City Code provisions shall be amended to read thereafter, and any so stated amended language of any such code provisions shall be deemed and shall constitute sufficient compliance with any other statutory or ordinance requirement that all ordinances, or sections or subsections thereof be set forth in full.

9.4 Resolution. A resolution may be approved on the same day it is introduced. While it is not necessary to have the title of a resolution read aloud, Council may invoke the two reading procedures described above to facilitate public understanding and/or comment on the resolution. If Council invokes the two reading procedures, a Councilmember may request that the entire resolution or certain sections be read, and such request shall be granted and the City Clerk shall read as requested.

9.5 Voting and Motions.

a. **Consensus Voice Votes.** When a formal motion is not required on a Council action or opinion, a consensus voice vote will be taken except that any Councilmember may require the vote of each Councilmember be recorded. The presiding officer will state the action or opinion. The Council as a group will indicate concurrence or non-concurrence. Silence of a Councilmember during a voice vote shall be recorded as a vote with the prevailing side, except where such a Councilmember abstains because of a stated conflict of interest or appearance of fairness.

b. Motions. No motion shall be entertained or debated until duly seconded and announced by the presiding officer. The motion shall be recorded and, if desired by any Councilmember, it shall be read by the Clerk before it is debated and, by the consent of the Council, may be withdrawn at any time before action is taken on the motion.

c. Votes on Motions. Each member present shall vote or abstain on all questions put to the Council except on matters in which he or she has a conflict of interest. If a conflict of interest exists, such member shall disqualify him or herself prior to any discussion of the matter and shall leave the Council Chambers. A roll call vote shall be taken on the adoption of all ordinances and on motions to suspend rules. The order of voting shall be alphabetically according to the surnames of the Council members, except that the presiding officer shall vote last.

d. Abstention from Vote. Any Councilmember who abstains from voting will not have his or her abstention counted or tallied with the votes of the Council on the question or matter under consideration, which must pass by a majority of those Councilmembers who voted.

9.6 **Filing with Clerk.** All reports, petitions, ordinances and resolutions shall be filed with the Clerk and entered into the minutes.

9.7 **Waiver of Rules/Effect.** Except as otherwise provided by law, any rule established by this chapter may be waived upon an affirmative vote of five members of the City Council. No action taken by a Councilmember or by the Council, which is not in compliance with these rules but which is otherwise lawful, shall invalidate such Councilmember's or Council action, or be deemed a violation of the oath of office, misfeasance or malfeasance. These rules do not grant rights or privileges to members of the public or third parties.

10. Creation of Committees, Boards and Commissions.

10.1 Citizen Committees, Boards and Commissions. The Council may create committees, boards and commissions to assist in the conduct of the operation of city government with such duties as the Council may specify consistent with the Ellensburg City Code.

10.2 Types of Committees. There shall be two types of committees in the City of Ellensburg:

a. Standing Committees. Such committees are established to conduct business delegated by the legislative body and may be authorized by either state statute or city ordinance. An example would be the Utility Advisory Committee.

b. Citizen Advisory Committees. Such committees are formed to promote citizen participation on a particular subject and provide guidance on community views on a subject.

c. Special Committees. All special committees shall be appointed by the presiding officer, unless otherwise directed by the Council.

10.3 Membership and Selection. Membership and selection of members shall be as provided by the Council if not specified otherwise in the Ellensburg City Code or state law. The Mayor makes all other appointments, subject to confirmation by the City Council, at an open public meeting. No committee so appointed shall have powers other than advisory to the Council or to the Mayor except as otherwise specified in the Ellensburg City Code or state law. City Council seeks to create diverse and inclusive committees, boards and commissions, and strives to ensure that such committees, boards and commissions are representative of the entire Ellensburg community.

10.4 Attendance.

a. An aggregate of five absences for any committee, board or commission member per calendar year will be permitted. An excess of five unexcused absences may result in the member forfeiting his or her office, subject to the provisions of Rule 10.5.

b. No more than three consecutive member unexcused absences from regularly scheduled meetings will be permitted, with any excess absences resulting in

potential forfeiture of office, subject to the provisions of Rule 10.5, unless such consecutive absences are excused by the board or commission in an open public meeting.

10.5 Removal of Members of Committees, Boards and Commissions. A committee, board or commission may, by majority vote, recommend to the city council that an appointed member be removed for reasons stated in Rule 10.4 or any other reasonable grounds that include, but are not limited to inefficiency, neglect of duty, or an unlawful act. Council shall consider the recommendation as provided in ECC 1.12.060.

10.6 Formal Reports of Committee, Boards and Commission. All committees, boards and commissions shall make their formal reports in writing.

10.7 Hybrid Meetings. Unless otherwise prohibited by legislative or governor's proclamation/order, or other emergency order, all committee, board and commission meetings shall be held both in-person at a City-owned facility and hosted remotely through videoconferencing technology. Committee, board and commission members shall be allowed to any meeting remotely as provided in ECC 1.12.120.

11. Internet & Electronic Resources – Equipment Use.

11.1 Policy. It is the policy of the City Council that Internet and electronic resources equipment use by Councilmembers shall conform to and be consistent with the requirements of City of Ellensburg Personnel Policies Manual Section 9.6, "COMPUTER SYSTEM, INTERNET AND E-MAIL USE POLICIES," adopted hereby and incorporated herein by this reference.

11.2 Use of Electronic Communication and Internet during Council Meetings. Councilmembers will avoid accessing, responding to, or sending any electronic message (text, e-mail, instant message, social media etc.) during Council meetings, whether such communication involves a citizen or other Councilmember. Such communication could be construed as inviting or receiving public comment, or engaging in a non-public discussion, regarding Council business, which should be conducted in an open meeting. Likewise, Councilmembers will avoid any browsing of the Internet of non-City business during Council meetings in order that Council's full attention can be given to the topic at hand.

11.3 Public Records. All letters, memoranda, interactive computer communication or other forms of electronic communication involving City Councilmembers and members of advisory boards and commissions, the subject of which relates to the conduct of government or the performance of any governmental function, with exceptions stated by the Public Records Act (Ch. 42.56 RCW), are public records.

11.4 Open Public Meetings. In most cases, the Washington Open Public Meetings Act (OPMA) applies to electronic communications, which can include e-mail, instant messaging, texting or other methods that allow electronic interaction. Interactive e-mail or text discussions among a quorum of a governing body, whether shared concurrently or serially, regarding a matter which will come to the body for a vote is a "meeting" under the OPMA. The same result would apply to an interactive discussion among a quorum of Councilmembers conducted in any electronic format. Further, electronic communication should not be used to form a collective decision of the Council.

11.5 Public Records and Open Public Meetings Act Training. All newly elected or appointed Councilmembers shall complete basic training in public records and the Open Public Meetings Act (OPMA) within 90 days of taking the oath of office. Refresher

training must be taken no later than every four years thereafter.

11.6 The Appearance of Fairness Doctrine. The Appearance of Fairness Doctrine applies if an electronic communication to or from the Mayor or Councilmembers relates to a quasi-judicial matter that will come before Council for a decision (e.g., appeals from land use hearing examiner decisions). As with any ex parte communication about a quasi-judicial matter, the Mayor or Councilmember who receives the e-mail should:

- a. Advise the sender that on advice of the City Attorney, he or she may not comment outside a public meeting on a pending matter before Council and that the sender's e-mail will be included in the public record on the matter.
- b. Immediately forward the communication to the City Manager for inclusion in the public record of the matter.
- c. Disclose on the record in the public hearing or meeting on the matter that the communication has been received and is in the record.

11.7 Electronic Communications.

- a. Electronic communication should be used cautiously when seeking legal advice or to discuss matters of pending litigation or other confidential City business. In general, electronic communication is discoverable in litigation, and even deleted electronic communication is not necessarily removed from the system. Confidential electronic communications should not be shared with individuals other than the intended recipients, or the attorney-client privilege protecting the document from disclosure may be waived.
- b. As a cautionary note, if an elected public official uses his or her personal home computer to send electronic communications dealing with City business, the electronic communications and electronic records may be subject to discovery demands and public disclosure requests. That possibility amplifies the need for caution in how one uses electronic communication for City business.

RESOLUTION NO. 2021-

A RESOLUTION relating to the Ellensburg City Council, replacing the Rules and Procedures for the Ellensburg City Council, and repealing Resolution No. 2019-07.

WHEREAS, Resolution 2019-07 updated the “Rules and Procedures for the Ellensburg City Council” (Council Rules); and

WHEREAS, the City Council has determined the Council Rules should again be updated;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ellensburg, Washington, as follows:

Section 1. This Resolution supersedes and replaces City Council Resolution No. 2019-07, which is hereby repealed.

Section 2. The Rules and Procedures for the Ellensburg City Council, attached to this Resolution, are hereby adopted and are effective immediately upon passage of this Resolution.

ADOPTED by the City Council of the City of Ellensburg this 20th day of December, 2021.

Mayor

Attest: _____
City Clerk

City of Ellensburg
City Council Rules of Procedure
December 20, 2021

TABLE OF CONTENTS

1. General Rules
 - 1.1 Authority
 - 1.2 Meetings to be Public
 - 1.3 Quorum
 - 1.4 Roll Call - Absences
 - 1.5 Records of Council Proceedings
 - 1.6 Right of Floor
 - 1.7 Remote Attendance
 - 1.8 Rules of Order
2. Types of Meetings
 - 2.1 Regular Meetings
 - 2.2 Special Meetings
 - 2.3 Study Sessions and Workshops
 - 2.4 Emergency Meetings
 - 2.5 Executive Sessions
 - 2.6 Council Contact Outside an Official Meeting
3. Conduct of Meetings
 - 3.1 The Mayor - Election
 - 3.2 Call to Order
 - 3.3 Preservation of Order
 - 3.4 Points of Order
 - 3.5 Questions to be Stated
 - 3.6 Mayor - Powers
 - 3.7 Reading of Minutes
4. Order of Business and Agenda
 - 4.1 Flag Salute.
 - 4.2 Call to Order - Roll Call
 - 4.3 Proclamations
 - 4.4 Awards and recognitions
 - 4.5 Approval of regular agenda
 - 4.6 Consent agenda
 - 4.7 Petitions, protests, and communications
 - 4.8 Citizen comment on non-agenda issues
 - 4.9 Business requiring public hearings
 - 4.10 Introduction and adoption of resolutions and ordinances
 - 4.11 Unfinished business

- 4.12 New business
- 4.13 Miscellaneous
- 4.14 Executive session
- 4.15 Adjournment
- 5. Agenda Preparation
 - 5.1 Preparation
 - 5.2 Placement of Agenda Items
 - 5.3 Completion
 - 5.4 Availability
 - 5.5 Agenda Retention
- 6. Comments and Debates of the Council
 - 6.1 Rules of Debate
 - 6.2 Getting the Floor - Improper References to be Avoided
 - 6.3 Interruptions
 - 6.4 Courtesy
 - 6.5 Privilege of Closing Debate
 - 6.6 Motion to Reconsider
 - 6.7 Remarks of Councilmember - When Entered in Minutes
 - 6.8 Synopsis of Debate - When Entered in Minutes
- 7. Duties and Privileges of Citizens
 - 7.1 Meeting Participation and Addressing the Council
 - ~~7.2 Written Communications~~
 - ~~7.3 Citizen Comment for Matters not on the Current Agenda~~
 - ~~7.4 Addressing the Council after Motion Made~~
 - ~~7.5 Manner of Addressing the Council - Time Limit~~
 - ~~7.6 "Out of Order" Comments~~
 - ~~7.7 Enforcement of Decorum~~
 - 7.2 Public Comment on Matters Before the Council
 - 7.3 Written Communications
 - 7.4 Designation of Sergeant-at-Arms
- 8. Council Actions
 - 8.1 Ordinances
 - 8.2 Resolutions
 - 8.3 Proclamations
 - 8.4 Motions
 - 8.5 Protests of Council Action
- 9. Ordinances, Resolutions and Motions
 - 9.1 Preparation of Ordinances
 - 9.2 Prior Review by Administrative Staff
 - 9.3 Introducing for Passage or Approval
 - 9.4 Resolution

- 9.5 Voting and Motions
- 9.6 Filing with Clerk
- 9.7 Waiver of Rules/Effect
- 10. Creation of Committees, Boards and Commissions
 - 10.1 Citizen Committees, Boards and Commissions
 - 10.2 Types of Committees
 - 10.3 Membership and Selection
 - 10.4 Attendance
 - 10.5 Removal of Members of Committees, Boards and Commissions
 - 10.6 Formal Reports of Committees, Boards and Commissions
 - 10.7 ~~Remote Attendance~~ Hybrid Meetings
- 11. Internet and Electronic Resources - Equipment Use
 - 11.1 Policy
 - 11.2 Use of Electronic Communication and Internet during Council Meetings
 - 11.3 Public Records
 - 11.4 Open Public Meetings
 - 11.5 Public Records and Open Public Meetings Act Training
 - 11.6 The Appearance of Fairness Doctrine
 - 11.7 Electronic Communications

1. General Rules

1.1 Authority. The Ellensburg City Council hereby establishes the following procedures for the conduct of Council meetings, proceedings, and business. These procedures shall be in effect upon adoption by the Council and until such time as they are amended or new procedures are adopted in the manner provided in these rules.

1.2 Meetings to be Public. The meetings of the Council shall be open to the public with the exception of executive or exempt sessions for certain limited topics (as defined in ~~RCW~~ Chapter 42.30 RCW). The Council minute book shall be open to public inspection.

1.3 Quorum. A majority of four councilmembers shall be required to be in attendance to constitute a quorum at any regular or special meeting of the Council. In the absence of a quorum, the Mayor or Mayor pro tempore, at the instance of any three (3) members present, may compel the attendance of absent members.

1.4 Roll Call - Absences. Before proceeding with the business of the Council, the City Clerk or his or her deputy shall call the roll of the members, and the names of those present shall be entered in the minutes. A Councilmember may be excused from the meeting by contacting the Mayor prior to the meeting and stating the reason for his or her inability to attend the meeting. If the Councilmember is unable to contact the Mayor, the Councilmember shall contact the Mayor pro tempore, the City Clerk or Deputy City Clerk, who shall convey the message to the Mayor. The Mayor shall inform the Council of the Councilmember's absence, state the reason for such absence and inquire if there is a motion to excuse the member. Upon passage of such motion by a majority of Councilmembers present, the absent Councilmember shall be considered excused and the Clerk will make an appropriate notation in the minutes. If the motion is not passed, the Clerk will note in the minutes that the absence is unexcused.

1.5 Records of Council Proceedings. The City Clerk shall record all business transacted at a Council meeting. In recording Council minutes, the Clerk, in addition to the names of the Councilmembers in attendance, shall record the names of all city officials or employees in attendance at the Council meeting and all persons who have addressed the Council.

1.6 **Right of Floor.** Any Councilmember desiring to speak shall be recognized by the ~~Presiding Officer~~ presiding officer and shall confine his or her remarks to one subject under consideration or to be considered. Minutes of all proceedings of the Council shall be kept by the City Clerk and shall be entered in a book constituting the official record of the Council.

1.7 **Remote Attendance.** Councilmembers may appear at a Council meeting via video conferencing or telephone ("remote attendance") under limited circumstances when approved by the Mayor or Mayor pro tempore, or if remote attendance is required by reason of legislative or governor's proclamation/order, or other emergency order enacted by Council. ~~Remote attendance is for the benefit of the City of Ellensburg and not for the benefit of an individual Councilmember. Remote attendance may occur as follows:~~

~~a. The Mayor or Mayor pro tempore may approve a Councilmember's appearance at a Council meeting via remote attendance when action on a measure to be voted on cannot be delayed but rather requires immediate action or remedy and one or more of the following circumstances exists:~~

~~1. Due to fire, flood, earthquake, or other emergency, there is a need for action by Council to meet the emergency;~~

~~2. A vote of the Council of the whole is required for action; or~~

~~3. A unanimous vote of the whole Council is required for passage of a measure.~~

~~b. Remote attendance shall not be allowed during any quasi-judicial, legislative or appeal hearing, although such attendance may be allowed for the remainder of the meeting.~~

1.8 **Rules of Order.** *Robert's Rules of Order Newly Revised* shall be the guideline procedures for the proceedings of the Council. If there is a conflict, these rules shall apply.

2. Types of Meetings

2.1 Regular Meetings. The City Council shall hold regular meetings on the first and third Mondays of each month at 7:00 p.m. and will adjourn no later than 11 p.m. To continue past this time of adjournment, a majority of the Council must concur. If the day fixed for any regular meeting of the Council falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday. The Council may reschedule regular meetings to a different date or time by motion. The location of the meetings shall be the Council Chambers at City Hall, 501 N. Anderson Street, unless specified otherwise by a majority vote of the Council, legislative proclamation, governor's proclamation/order, or other emergency order. All regular and special meetings shall be public.

2.2 Special Meetings. The City Clerk, upon request of the Mayor or by a majority of the Council shall call special meetings of the Council for the purpose of conducting official action. Notice shall be given at least 24 hours in advance as required by RCW 42.30.080. Notice may be provided to each member of the Council by telephone, e-mail, regular mail or otherwise, of the special meeting.

2.3 Study Session and Workshops. The Council may meet informally in study sessions and workshops (open to the public), at the call of the Mayor or by a majority of the Council, to review forthcoming programs of the city, receive progress reports on current programs or projects, receive other similar information from city department heads or conduct procedures workshops, provided that all discussions and conclusions thereon shall be informal and do not constitute final action of the Council.

2.4 Emergency Meetings. An emergency meeting is a Special Council meeting called without 24-hour notice. An emergency meeting deals with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of a 24-hour notice would make notice impractical and increase the likelihood of such injury or damage. Emergency meetings may be called by the Mayor as provided by RCW 42.30.070. The Council minutes will indicate the reason for the emergency.

2.5 Executive Sessions. An executive session is a Council meeting that is

closed except to the Council, City Manager, City Attorney and authorized staff members and/or consultants authorized by the Mayor. The public is restricted from attendance. Executive sessions may be held during Regular or Special council meetings and will be announced by the Mayor.

a. Executive Session subjects are limited to matters authorized pursuant to Ch. 42.30 RCW, including but not limited to considering real property acquisition and sale, public bid contract performance, complaints against public officers and employees, public employment applications and public employee evaluation, elective office appointments, and attorney-client discussions regarding agency enforcement actions, litigation, or threatened litigation.

b. Before convening in executive session, the Presiding Officer shall publicly announce the purpose for excluding the public from the meeting place, the anticipated time when the executive session will be concluded, and whether any action is anticipated to be taken following the executive session. Should the executive session require more time, a public announcement shall be made extending the meeting for a time certain. Should the executive session end prior to the time specified, Council may reconvene to formally adjourn, if appropriate. ~~and~~ If action is required, the Council may not take action until the specified time has lapsed.

c. At the conclusion of the executive session, if appropriate, the public meeting will reconvene to formally adjourn the meeting, for taking action on the item resulting from the executive session if properly noticed, or to continue the meeting.

2.6 Council Contact Outside an Official Meeting. Generally, Councilmembers have the same freedoms of association as any other citizen. Councilmembers must take great care when present at the same social, unofficial functions, or in any public setting to refrain from engaging in any activity which could be interpreted as de facto deliberation or action on a matter of city business.

3. Conduct of Meetings

3.1 **The Mayor – Election.** The Mayor shall act as the presiding officer of the Council ~~shall be the Mayor who~~ and shall be elected biennially at the first meeting of a new Council by the members from their membership, or otherwise when there is a vacancy in the position. The Mayor shall assume the chair immediately after his or her election. In the absence of the Mayor, the Mayor pro tempore shall ~~preside~~ act as the presiding officer. In the absence of both the Mayor and Mayor pro tempore, the Council shall elect a presiding officer to preside over the meeting or to act for the Mayor in his or her absence.

3.2 **Call to Order.** The ~~Mayor, or in his or her absence, the Mayor pro tempore,~~ presiding officer shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Council to order. In the absence of the Mayor and the Mayor pro tempore, the City Clerk or his or her assistant shall call the Council to order, whereupon a temporary ~~Presiding Officer~~ presiding officer shall be elected by the members of the Council present. Upon the arrival of the Mayor or Mayor pro tempore, the temporary ~~Presiding Officer~~ presiding officer shall immediately relinquish the chair upon the conclusion of the business immediately before the council.

3.3 **Preservation of Order.** The ~~Presiding Officer~~ presiding officer shall preserve strict order and decorum at all regular and special meetings of the Council, as set forth by Rules 6 and 7. The presiding officer may request the Sergeant-at-Arms to enforce actions consistent with this rule pursuant to Rule 7.4 ~~prevent attacks on personalities or the impugning of Councilmembers' motives, and confine Councilmembers in debate to the question under discussion.~~

3.4 **Points of Order.** The ~~Presiding Officer~~ presiding officer shall determine all points of order, subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be "Shall the decision of the Presiding Officer be sustained?"

3.5 **Questions to be Stated.** The ~~Presiding Officer~~ presiding officer shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order, subject to, however, ~~to~~ an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. A roll call vote may be taken on any question.

3.6 **Mayor – Powers.** The Mayor shall vote on all questions, his or her name being called last. He or she shall sign all ordinances and resolutions adopted by the Council during his or her presence. In the event of the absence of the Mayor, the Mayor pro tempore or presiding officer shall sign ordinances or resolutions as then adopted.

3.7 **Reading of Minutes.** Unless a reading of the minutes of a Council meeting is requested by a member of the Council, such minutes may be approved without reading if the Clerk has previously furnished each member with a copy of the minutes.

4. Order of Business and the Agenda. All meetings of the Council shall be open to the public. Promptly at the hour specified herein on the date of each regular meeting, the members of the Council, the City Clerk, City Attorney, and City Manager shall be present for the meeting ~~take their regular stations in the Council Chambers,~~ and the business of the Council shall be taken up for consideration and disposition in the following order:

4.1 Flag Salute.

4.2 Call to Order - Roll Call. The ~~Presiding Officer~~ presiding officer calls the meeting to order and will announce the attendance of Councilmembers, indicate any Councilmember who is not in attendance and whether the Councilmember has requested an excused absence. Excused absences will be handled as stated in Rule 1.4.

4.3 Proclamations. A proclamation is defined as an official announcement made by either the City Council or the Mayor.

4.4 Awards and recognitions.

4.5 Approval of regular agenda.

a. The ~~Presiding Officer~~ presiding officer may, with the concurrence of the Councilmembers by majority vote, take agenda items out of order. The agenda may be amended upon majority vote of the Councilmembers.

b. Because adoption of any item on the consent agenda, as provided in Rule 4.6, implies unanimous consent, any member of the Council shall have the right to remove any item from the consent agenda. Therefore, prior to the vote on the motion to adopt the regular agenda, the ~~Presiding Officer~~ presiding officer shall inquire if any Councilmember, or any member of the public with concurrence of a Councilmember wishes an item to be withdrawn from the consent agenda. If an item is withdrawn, it shall be placed at an appropriate place on the regular agenda for the current or a future meeting, to be followed by a motion to approve the regular agenda, as amended, by the item's removal from the consent agenda.

4.6 Consent agenda. The consent agenda is designed to contain items which are of a routine and non-controversial nature, including, but not limited to the following: minutes from Council, commission, and committee meetings; excused absence requests from Councilmembers; letters of resignation; approval of appropriations; resolutions which do not

involve significant policy issues; routine contracts; labor agreements; and certain administrative actions, such as consideration of banner requests and such other items as may be requested for inclusion by Council or by the City Manager and approved by Council. Any and all items on the consent agenda are approved by single motion and vote of the City Council.

4.7 Petitions, protests, and communications.

4.8 Citizen comment on non-agenda issues.

4.9 Business requiring public hearings.

4.10 Introduction and adoption of resolutions and ordinances.

4.11 Unfinished business.

4.12 New business.

4.13 Miscellaneous.

4.14 Executive session.

4.15 Adjournment. The ~~Presiding Officer~~ presiding officer shall adjourn Council meetings upon the conclusion of the agenda.

5. Agenda Preparation

5.1 Preparation. The City Clerk will prepare an agenda packet for each Council meeting and work session specifying the time and place of the meeting, and setting forth a brief general description of each item to be considered by the Council. The agenda is subject to review and approval by the City Manager and Mayor (or Mayor pro tempore when acting in the absence of the Mayor), either of whom may add or delete any proposed agenda item for reasons of ensuring council meeting efficiency or for reasons that are in the best interests of the City.

5.2 Placement of Agenda Items. An item may be placed on a Council meeting agenda by any of the following methods: 1) approval of the City Manager; 2) approval of the Mayor; 3) upon request of any Councilmember prior to preparation of the agenda; or 4) upon request of any Councilmember and approval by majority vote during the Councilmember Reports portion City Council meetings, in which case the item shall be placed on the agenda for the next regular Council meeting.

5.3 Completion. Agenda items will be completed by the appropriate City department staff and submitted to the City Clerk for finalizing by 10 a.m. on the Wednesday prior to the following Council meeting. The "agenda report" form will be used for all items submitted for a meeting agenda of committees, regular or special meetings, and work sessions.

5.4 Availability. An agenda shall be prepared and provided to the Council and available to the public on the Thursday prior to each meeting. Public availability shall include posting on the City website, distribution by email to an established mailing list and copies provided in the City Hall and Ellensburg Public Library lobbies.

5.5 Agenda Retention. The City Manager will prepare and keep current a calendar of agenda items for all Council regular and special meetings, work sessions, and committee meetings.

6. Comments and Debates of the Council

6.1 Rules of Debate. Presiding Officer May Debate and Vote. The Mayor, or such other member of the Council as may be acting as ~~Presiding Officer~~ presiding officer, may move, second and debate from the chair, subject only to such limitations of debate imposed by these rules on all members. Neither the Mayor nor any Councilmember shall be deprived of any of the rights and privileges of a Councilmember by reason of his or her acting as the presiding officer.

6.2 Getting the Floor – Improper References to be Avoided. Every Councilmember desiring to speak shall address the ~~Presiding Officer~~ presiding officer and, upon recognition, shall confine his or her comments to the question under debate, avoiding all personalities and indecorous language.

6.3 Interruptions. A Councilmember, once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or as herein otherwise provided. If a Councilmember, while speaking, is called to order, he or she shall cease speaking until the question of order is determined, and, if in order, he or she shall be permitted to proceed.

6.4 Courtesy. All ~~staff and speakers, including Councilmembers, and the~~ Presiding Officer, in during the discussion, comments, or debate of any matter or issue, shall address their remarks to the ~~Presiding Officer~~ presiding officer, be courteous in their language and deportment, and shall not ~~engage in or~~ discuss or comment on personalities, or indulge in derogatory remarks or insinuations in respect to any other member of the Council, or any member of the staff or the public, but shall at all times confine their remarks to those facts which are germane and relevant to the question or matter under discussion.

6.5 Privilege of Closing Debate. The Councilmember making the motion shall have the privilege of closing the debate.

6.6 Motion to Reconsider. A motion to reconsider must be made by a person who voted with the majority on the principal question and must be made at the same or succeeding regular meeting. It may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor and shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or any other motion at a subsequent meeting of the Council.

6.7 Remarks of Councilmember – When Entered in Minutes. A

Councilmember may request, through the ~~Presiding Officer~~ presiding officer, the privilege of having an abstract of his or her statement on any subject under consideration by the Council entered in the minutes. If the Council consents to the request, the statement shall be entered in the minutes.

6.8 Synopsis of Debate – When Entered in Minutes. The Clerk may be directed by the presiding officer, with consent of the Council, to enter a synopsis of the discussion on any question coming before the Council into the minutes.

~~7. Duties and Privileges of Citizens~~

~~7.1 Meeting Participation and Addressing the Council.~~ Citizens are welcome at all Council meetings and are encouraged to attend and participate prior to the deliberations of the Council. Any person desiring to address the Council shall first secure the permission of the presiding officer. Further, it will be expected that all speakers will deliver their comments in a courteous and efficient manner and will speak only to the specific subject under consideration. Anyone making out-of-order comments or acting in an unruly manner shall be subject to removal from the meeting. Use of cellular telephones is prohibited in the Council Chambers.

~~7.2 Written Communications.~~ Interested parties or their authorized representatives may address the Council by written communications in regard to matters then under discussion.

~~7.3 Citizen Comment for Matters Not on the Current Agenda.~~ Under the agenda item "Citizen Comment on non-agenda items," citizens may address the Council on any matter not on the agenda which concerns the City's business or over which the Council has control during the Citizen Comment portion of the Council agenda subject to the following:

a. ~~Those persons wishing to speak are requested to sign a register maintained by the City Clerk in advance of the Council meeting.~~

b. ~~Prior to speaking, they shall first obtain recognition by the Presiding Officer, state their name, address and subject of their comments.~~

c. ~~The Presiding Officer shall then allow the comments, subject to a three (3) minute limitation per speaker, or other limitations as the Presiding Officer or Council may deem necessary. Time may not be shared among any speakers.~~

d. ~~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).~~

e. ~~No action will be taken by the Council at the meeting during which the subject is introduced.~~

~~— 7.4 — **Addressing the Council After Motion Made.** After a motion is made by the Council, no person may address the Council without first being recognized by the Presiding Officer.~~

~~— 7.5 — **Manner of Addressing the Council — Time Limit.** Each person addressing the Council shall stand and give his or her name and address in an audible tone of voice, for the record, and unless further time is granted by the Council, shall limit his or her remarks to five (5) minutes on a matter subject to a hearing, or three (3) minutes otherwise.~~

~~— 7.6 — **“Out of Order” Comments.** Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the Council shall be forthwith, by the Presiding Officer, barred from further audience before the Council, unless permission to continue is granted by a majority vote of the Council. All remarks shall be addressed to the Council as a body and not to any member thereof. No person other than the Councilmember having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked of a Councilmember except through the Presiding Officer.~~

~~— 7.7 — **Enforcement of Decorum.** At the request of the Mayor or Mayor pro tempore, the Chief of Police or such member or members of the Police Department shall be Sergeant at Arms of the Council meetings. The Sergeant at Arms shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the Council meetings.~~

7.1 **Meeting Participation and Addressing the Council.** Members of the public are welcome at all Council meetings and are encouraged to provide comments and testimony on matters including agenda items, non-agenda items, and public hearings prior to the deliberations of the Council. Any person desiring to address the Council shall adhere to the rules below:

a. 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.

b. All remarks shall be addressed to the Council as a body and not to any

individual member thereof. No question shall be asked of a Councilmember or staff except through the presiding officer.

c. Prior to speaking, members of the public shall first obtain recognition by the presiding officer by raising their hand for in-person attendance and “virtual hand” if remotely attending the meeting, and once recognized shall state their name and address, and whether they are speaking in an individual or representative capacity.

d. When addressing the Council, members of the public are urged to speak in an audible and articulate tone of voice for the record.

7.2 **Public Comment on Matters Before the Council.** Members of the public may address the Council on any matter which concerns the City's business or over which the Council has control during the comment portion of the agenda item subject to the following:

a. Agenda Items.

1. Members of the public may comment on items on the City Council agenda which are not adjudicatory or administrative in nature.

2. Members of the public shall limit their remarks to three (3) minutes unless additional time is granted by the presiding officer.

b. Non-Agenda Items.

1. Members of the public wishing to speak are requested to sign a register maintained by the City Clerk in advance of the Council meeting or raise their “virtual hand,” as directed, if attending the meeting remotely.

2. Members of the public may address the Council on any matter not on the agenda which concerns the City's business or over which the Council has control.

3. Members of the public shall limit their remarks to three (3) minutes. Time may not be shared between members of the public in order to speak longer than three (3) minutes each.

4. No action will be taken by the Council at the meeting during which the subject is introduced.

c. Public Hearings.

1. For legislative hearings, any member of the public may comment or provide testimony.

2. For quasi-judicial or appeal hearings, comments will be limited to persons who participated in the proceedings prior to the City Council public hearing, as established by the record below.

3. Members of the public shall limit their remarks to five (5) minutes unless additional time is granted by the presiding officer.

d. “Out of Order” Comments and Enforcement. Any person engaging in conduct that disrupts, disturbs or otherwise impedes the orderly conduct of the Council meeting, including but not limited to: unduly repetitive or irrelevant remarks; use of intimidating, threatening, or abusive language; disobedience of an order to be seated or to discontinue further comments; and/or engaging in violent behavior, will be deemed out of order and may, at the discretion of the presiding officer or upon a majority vote of the Council, be removed from the Council Chamber and/or have his or her virtual microphone muted.

7.3 **Written Communications.** Interested parties, or their authorized representatives, may address the Council through written communications, including email, in regard to matters under discussion. Communication should be directed to the City Clerk or to Councilmembers directly.

7.4 **Designation of Sergeant-at-Arms.** The presiding officer may designate the Chief of Police or such member of members of the Police Department as a Sergeant-at-Arms for the purpose of maintaining order and decorum at Council meetings. The Sergeant-at-Arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meetings.

8. Council Actions. The following actions may be considered at Council meetings:

8.1 **Ordinances.** "Ordinances" are legislative acts or local laws. They are the most permanent and binding form of Council action and may be changed or repealed only by a subsequent ordinance.

8.2 **Resolutions.** "Resolutions" are adopted to express Council policy or to direct certain types of administrative action. They have the same effect as a motion, but in a written form. A resolution may be changed by adoption of a subsequent resolution.

8.3 **Proclamations.** "Proclamations" are issued solely under the Mayor's authority. It is not required that they be read or presented at a Council meeting.

8.4 **Motions.** "Motions" are official Council actions which do not require prior documentation in writing. They often are the Council authorizing action (e.g., signing an agreement by the Mayor) or to provide direction to staff to prepare an item for future consideration.

8.5 **Protests of Council Action.** Any Councilmember shall have the right to have the reasons for his or her dissent from, or protest against, any action of the Council entered in the minutes.

9. Ordinances, Resolutions and Motions.

9.1 Preparation of Ordinances. All ordinances shall either be prepared by the City Attorney or submitted to the ~~attorney~~ him or her for review prior to presentation to the Council.

9.2 Prior Review by Administrative Staff. All ordinances and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney and shall have been reviewed for administration by the City Manager or the Manager's authorized representative, where there are substantive matters of administration involved.

9.3 Introducing for Passage or Approval.

a. Ordinances, resolutions, and other matters or subjects requiring action by the Council must be introduced and sponsored by a member of the Council; provided, however, such items may be presented to the Council by the City Manager or City Attorney, or such City staff as may be designated by the City Manager. Any Councilmember may assume sponsorship of an item of business submitted by the City Manager or City Attorney by moving that it be introduced; otherwise, the item shall not be considered.

b. No ordinance shall be put on its final passage on the same day on which it was introduced, unless this rule is waived as provided by Rule ~~9.5~~ 9.7 and not otherwise prohibited by state law from final passage in a single meeting. Where such a motion to waive this Rule 9.3(b), as provided in Rule 9.7, is approved, the ordinance may then be adopted through a single reading followed by a roll call vote.

c. All ordinances shall have two separate readings, each of which readings may be accomplished by a reading of the title paragraph only: provided, however, any or all of the readings may be required to be accomplished by a reading of the full text of the proposed ordinance, if the rules are waived as provided by Rule 9.7 to require such readings of the full text. When such a reading of the full text is required, upon a vote of a majority of the Council members present, it shall not be necessary to read excessive detail set forth in a particular ordinance, including but not limited to legal descriptions of land areas, and in lieu thereof an oral statement summarizing the contents so omitted may be made by the presiding officer ~~Mayor or the presiding councilmember~~, or by the City Clerk or

other recording secretary if so directed by the ~~Mayor or such~~ presiding officer
~~councilmember~~.

d. No ordinance shall relate to more than one subject and that subject shall be clearly summarized in its title paragraph. No ordinance or section thereof, or City Code section, shall be amended unless the title paragraph of the amendatory ordinance indicates that the ordinance, or a part thereof, is amendatory.

e. The vote on amendments to a proposed ordinance may occur at any time prior to its final adoption; provided, that in the case of any ordinance which under state law cannot be adopted at the same meeting in which it is introduced, the ordinance as amended shall not be finally voted upon until the next regular council meeting.

f. All ordinances introduced for the purpose of amending, in whole or in part, any existing City Code title, chapter, section, or subsection, shall state the number of such provisions, together with a reference to the ordinance or ordinances and the sections thereof from which the code provisions were most recently codified. Any such amendatory ordinances shall state how the pertinent City Code provisions shall be amended to read thereafter, and any so stated amended language of any such code provisions shall be deemed and shall constitute sufficient compliance with any other statutory or ordinance requirement that all ordinances, or sections or subsections thereof be set forth in full.

9.4 Resolution. A resolution may be approved on the same day it is introduced. While it is not necessary to have the title of a resolution read aloud, Council may invoke the two reading procedures described above to facilitate public understanding and/or comment on the resolution. If Council invokes the two reading procedures, a Councilmember may request that the entire resolution or certain sections be read, and such request shall be granted and the City Clerk shall read as requested.

9.5 Voting and Motions.

a. Consensus Voice Votes. When a formal motion is not required on a Council action or opinion, a consensus voice vote will be taken except that any Councilmember may require the vote of each Councilmember be recorded. The ~~Presiding Officer~~ presiding officer will state the action or opinion. The Council as a group will indicate concurrence or non-concurrence. Silence of a Councilmember during a voice vote shall be

recorded as a vote with the prevailing side, except where such a Councilmember abstains because of a stated conflict of interest or appearance of fairness.

b. Motions. No motion shall be entertained or debated until duly seconded and announced by the ~~Presiding Officer~~ presiding officer. The motion shall be recorded and, if desired by any Councilmember, it shall be read by the Clerk before it is debated and, by the consent of the Council, may be withdrawn at any time before action is taken on the motion.

c. Votes on Motions. Each member present shall vote or abstain on all questions put to the Council except on matters in which he or she has a conflict of interest. If a conflict of interest exists, such member shall disqualify him or herself prior to any discussion of the matter and shall leave the Council Chambers. A roll call vote shall be taken on the adoption of all ordinances and on motions to suspend rules. The order of voting shall be alphabetically according to the surnames of the Council members, except that the ~~Mayor or Mayor pro tempore, if presiding,~~ presiding officer shall vote last.

ad. Abstention from Vote. Any Councilmember who abstains from voting will not have his or her abstention counted or tallied with the votes of the Council on the question or matter under consideration, which must pass by a majority of ~~the~~ those Councilmembers who voted.

9.6 **Filing with Clerk.** All reports, petitions, ordinances and resolutions shall be filed with the Clerk and entered into the minutes.

9.7 **Waiver of Rules/Effect.** Except as otherwise provided by law, any rule established by this chapter may be waived upon an affirmative vote of five members of the City Council. No action taken by a Councilmember or by the Council, which is not in compliance with these rules, but which is otherwise lawful, shall invalidate ~~the~~ such Councilmember's or Council action, or be deemed a violation of the oath of office, misfeasance or malfeasance. These rules do not grant rights or privileges to members of the public or third parties.

10. Creation of Committees, Boards and Commissions.

10.1 Citizen Committees, Boards and Commissions. The Council may create committees, boards and commissions to assist in the conduct of the operation of city government with such duties as the Council may specify consistent with the Ellensburg City Code.

10.2 Types of Committees. There shall be two types of committees in the City of Ellensburg:

a. Standing Committees. Such committees are established to conduct business delegated by the legislative body and may be authorized by either state statute or city ordinance. An example would be the Utility Advisory Committee.

b. Citizen Advisory Committees. Such committees are formed to promote citizen participation on a particular subject and provide guidance on community views on a subject.

c. Special Committees. All special committees shall be appointed by the ~~Presiding Officer~~ presiding officer, unless otherwise directed by the Council.

10.3 Membership and Selection. Membership and selection of members shall be as provided by the Council if not specified otherwise in the Ellensburg City Code or state law. The Mayor makes all other appointments, subject to confirmation by the City Council, at an open public meeting. No committee so appointed shall have powers other than advisory to the Council or to the ~~Mayor~~ except as otherwise specified in the Ellensburg City Code or state law. City Council seeks to create diverse and inclusive committees, boards and commissions, and strives to ensure that such committees, boards and commissions are representative of the entire Ellensburg community.

10.4 Attendance.

a. An aggregate of five absences for any committee, board or commission member per calendar year will be permitted. An excess of five unexcused absences may results in the member forfeiting his or her office, subject to the provisions of Rule 10.5.

b. No more than three consecutive member unexcused absences from regularly scheduled meetings will be permitted, with any excess absences resulting in

~~automatic potential~~ forfeiture of office, subject to the provisions of Rule 10.5, unless such consecutive absences are excused by the board or commission in an open public meeting.

10.5 Removal of Members of Committees, Boards and Commissions. ~~The Council will confirm the removal of any committee, board or commission member pursuant to Rule 10.4, and may remove any other member of a committee, board or commission which it has created, by a vote of at least a majority of the Council (this rule does not apply to the civil service commission or any other such body which has statutory procedures concerning removal).~~ A committee, board or commission may, by majority vote, recommend to the city council that an appointed member be removed for reasons stated in Rule 10.4 or any other reasonable grounds that include, but are not limited to inefficiency, neglect of duty, or an unlawful act. Council shall consider the recommendation as provided in ECC 1.12.060.

10.6 Formal Reports of Committee, Boards and Commission. All committees, boards and commissions shall make their formal reports in writing.

10.7 Remote Hybrid Meetings Attendance. Unless otherwise prohibited by legislative or governor's proclamation/order, or other emergency order, all committee, board and commission meetings shall be held both in-person at a City-owned facility and hosted remotely through videoconferencing technology. Committee, board and commission members shall be allowed to any meeting remotely as provided in ECC 1.12.120. ~~There are two types of circumstances that would allow for attendance through the use of videoconferencing or telephone ("remote attendance") by a city committee, board or commission member:~~

a. ~~Special circumstances. From time to time, a city committee, board or commission member will not be able to be physically present at a meeting and their absence would create a circumstance that would be of detriment to the community. Remote attendance is for the benefit of the City of Ellensburg and not for the benefit of an individual member. The procedural guidelines for permitting a member to remotely attend a meeting are as follows:~~

1. ~~An agenda item is time sensitive and remote attendance is needed for a quorum;~~

~~2. Remote attendance shall not be allowed during any quasi-judicial or appeal hearing, although such participation may be allowed for the remainder of the meeting.~~

~~3. No more than two committee, board or commission members shall be allowed to remotely attend any one meeting.~~

~~4. Remote attendance should be announced by the committee, board or commission chairperson, or vice-chairperson in the absence of the chairperson, and will be reflected in the meeting minutes.~~

~~b. Regular remote attendance. From time to time, a committee, board or commission member will not be able to be consistently physically present at a city committee, board or commission meeting, but will want to be involved in the activities of the group. Remote attendance is for the benefit of the City of Ellensburg and not for the benefit of an individual member. The procedures and guidelines for permitting a committee, board or commission member to regularly attend meetings remotely are as follows:~~

~~1. A community member wanting to serve on a city committee, board or commission would provide significant benefit to the committee, board or commission, but due to unavoidable, frequent travel, would be otherwise unable to participate in person on a regular basis, or the community member has a disability and requests a reasonable accommodation.~~

~~2. The community member who wishes to serve on a city committee, board or commission, but needs to regularly attend meetings remotely, must notify the City Council at the time of their application or, if after appointment, they experience a significant change in their circumstances that would justify regular remote attendance.~~

~~3. Remote attendance shall not be allowed during any quasi-judicial, legislative or appeal hearing, although such participation may be allowed for the remainder of the meeting.~~

~~4. No more than one committee, board or commission member shall be allowed to remotely attend meetings on a regular basis.~~

~~5. Remote attendance should be announced by the committee,~~

~~board or commission chairperson, or vice chairperson in the absence of the chairperson, and will be reflected in the meeting minutes.~~

11. Internet & Electronic Resources – Equipment Use.

11.1 Policy. It is the policy of the City Council that Internet and electronic resources equipment use by Councilmembers shall conform to and be consistent with the requirements of City of Ellensburg Personnel Policies Manual Section 9.6, "COMPUTER SYSTEM, INTERNET AND E-MAIL USE POLICIES," adopted hereby and incorporated herein by this reference.

11.2 Use of Electronic Communication and Internet during Council Meetings. Councilmembers will avoid accessing, responding to, or sending any electronic message (text, e-mail, instant message, social media etc.) during Council meetings, whether such communication involves a citizen or other Councilmember. Such communication could be construed as inviting or receiving public comment, or engaging in a non-public discussion, regarding Council business, which should be conducted in an open meeting. Likewise, Councilmembers will avoid any browsing of the Internet of non-City business during Council meetings in order that Council's full attention can be given to the topic at hand.

11.3 Public Records. All letters, memoranda, ~~and~~ interactive computer communication or other forms of electronic communication involving City Councilmembers and members of advisory boards and commissions, the subject of which relates to the conduct of government or the performance of any governmental function, with exceptions stated by the Public Records Act (Ch. 42.56 RCW), are public records.

11.4 Open Public Meetings. In most cases, the Washington Open Public Meetings Act (OPMA) applies to electronic communications, which can include e- mail, instant messaging, texting or other methods that allow electronic interaction. Interactive e-mail or text discussions among a quorum of a governing body, whether shared concurrently or serially, regarding a matter which will come to the body for a vote is a "meeting" under the OPMA. The same result would apply to an interactive discussion among a quorum of Councilmembers conducted in any electronic format. Further, electronic communication should not be used to form a collective decision of the Council.

11.5 Public Records and Open Public Meetings Act Training. All newly

elected or appointed Councilmembers shall complete basic training in public records and the Open Public Meetings Act (OPMA) within 90 days of taking the oath of office. Refresher training must be taken no later than every four years thereafter.

11.6 The Appearance of Fairness Doctrine. The Appearance of Fairness Doctrine applies if an electronic communication to or from the Mayor or Councilmembers relates to a quasi-judicial matter that will come before Council for a decision (e.g., appeals from land use hearing examiner decisions). As with any ex parte communication about a quasi-judicial matter, the Mayor or Councilmember who receives the e-mail should:

- a. Advise the sender that on advice of the City Attorney, ~~s/he~~ or she may not comment outside a public meeting on a pending matter before Council and that the sender's e-mail will be included in the public record on the matter.
- b. Immediately forward the communication to the City Manager for inclusion in the public record of the matter.
- c. Disclose on the record in the public hearing or meeting on the matter that the communication has been received and is in the record.

11.7 Electronic Communications.

- a. Electronic communication should be used cautiously when seeking legal advice or to discuss matters of pending litigation or other confidential City business. In general, electronic communication is discoverable in litigation, and even deleted electronic communication is not necessarily removed from the system. Confidential electronic communications should not be shared with individuals other than the intended recipients, or the attorney-client privilege protecting the document from disclosure may be waived.
- b. As a cautionary note, if an elected public official uses his or her personal home computer to send electronic communications dealing with City business, the electronic communications and electronic records may be subject to discovery demands and public disclosure requests. That possibility amplifies the need for caution in how one uses electronic communication for City business.



CITY COUNCIL AGENDA REPORT

City Council Meeting Date:	December 20, 2021
Item Title/Agenda Subject:	Resolution Extending Temporary Streateries
Submitted by:	Terry Weiner City Attorney Department
Recommended Action or Motion:	Approve the attached resolution extending temporary streateries through June 30, 2022
Background/Summary:	In mid-2020, the state of Washington imposed significant capacity restrictions on restaurants as a result of the ongoing COVID-19 pandemic. In response, the City Manager issued Emergency Management Order 2020-03, which allowed for the issuance of Temporary Streatory permits to restaurants in certain areas of the downtown area. 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.
Previous Council Action:	As part of Resolution 2021-20 adopted on July 6, 2021, which rescinded the City's state of emergency for the pandemic, Council extended the streatory permits through December 31, 2021.
Analysis:	City Council held a study session regarding streateries on November 15, 2021. At the conclusion of the study session, there was consensus to create an ad hoc committee to study the development of regulations for permanent streateries in the downtown area. Pending development of those regulations and possible adoption by Council, staff was also directed to provide for extension of existing streatory permits until a final decision is reached on those regulations. The proposed resolution extends the existing streatory permits until June 30, 2022, or until the adoption of permanent regulations, whichever occurs first.
Financial Impact:	None at this time.

Attachments:

[Resolution to Extend Streateries](#)

RESOLUTION NO. 2021-____

A RESOLUTION of the City Council of Ellensburg, extending the ability of restaurants in certain areas of downtown Ellensburg to obtain permits to operate streateries on a temporary basis pending the development and adoption of permanent regulations.

WHEREAS, A state of emergency exists in Washington State due to the current COVID-19 outbreak, and

WHEREAS, due to the rising number of COVID-19 cases in Washington last year, Governor Inslee issued Proclamations 20-25, *et seq.*, "Stay Safe - Stay Healthy," which at the time reduced restaurant operations occupancy; and

WHEREAS, Governor Inslee issued Proclamation 20-25.13, "Healthy Washington Roadmap to Recovery, on May 21, 2021, which moved all Washington counties into Phase 3, which also limited the capacity of restaurants and other businesses to serve customers; and

WHEREAS, as a result of the previous restrictions on restaurant capacities during the COVID-19 emergency, the Ellensburg City Manager, as authorized by City Council Resolution 2020-05, issued City Management Emergency Order 2020-03, which allowed restaurants in certain areas in the downtown area of the City of Ellensburg to obtain a permit to operate, under certain conditions, on the sidewalks adjacent to their storefronts and also operate "streateries" in portions of the street immediately in front of their businesses; and

WHEREAS, City Management Order 2020-03 was subsequently amended and extended by City Management Orders 2020-03-A, 2020-03-B and 2020-03-C, which was then extended to December 31, 2021 by City Council Resolution 2021-20; and

WHEREAS, City Council held a study session to discuss streateries on November 15, 2021, and directed City staff to provide recommendations for permanent regulation of streateries;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ellensburg, Washington, as follows:

Section 1. The City Council finds that the facts set forth in the recital paragraphs of this Resolution support and justify the actions taken herein.

Section 2. All streateries currently permitted under City Manager Order 2020-03, as amended, shall be allowed to continue operating until June 30, 2022, or such time as the effective date City Council may adopt an ordinance regulating "streateries" on a permanent basis, whichever occurs first. No new streateries shall be permitted to operate until such time as the City adopts permanent regulations for streateries.

Section 3. Through the continued temporary operation period for streateries authorized herein, any restaurant operating a permitted streatory shall clear snow and debris from

all surrounding sides of the streatory to the extent of the restaurant's storefront consistent with the requirements in ECC 5.40.140 for clearing snow from sidewalks.

Section 4. Upon request from the City's Public Works & Utilities Department, restaurants may be required to remove their streatory for schedule and/or emergency road or utility maintenance.

Adopted by the City Council of the City of Ellensburg this ____ day of December, 2021.

MAYOR

Attest: _____
CITY CLERK



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 20, 2021

Item Title/Agenda Subject: Resolution for Allocation of 2022 Lodging Tax Funds

Submitted by: Laurie Gigstead City Manager Department

Recommended Action or Motion: Adopt proposed Resolution approving the allocation of 2022 Lodging Tax Funds in the amount of \$45,842.75.

Background/Summary: The City previously entered into an Interlocal Agreement with Kittitas County for an annual consolidated countywide process for award and distribution of lodging tax funds. Pursuant to the Interlocal Agreement each participating municipality will contribute 13% of their annual lodging tax collections through the consolidated lodging tax process. The City's designated amount for 2022 is \$45,842.75.

The Consolidated Lodging Tax group met on November 19, 2021 to hear applicant presentations and discuss allocation of funds. Funding requested from 31 applicants totaled \$781,687 and there was \$242,243.49 available for distribution.

The City's funding of \$45,842.75 will be allocated to:

- Kittitas Valley Event Center - Patriot Night \$20,697.25
- Jazz in the Valley 8,545.50
- Gallery One 16,600.00

The City's Lodging Tax Advisory Committee met on December 8, 2021 and approved a motion to recommend the funding distribution as presented in the proposed resolution.

Previous Council Action: The Council previously approved the Interlocal Agreement creating the consolidated lodging tax process.

Analysis: The City Lodging Tax Advisory Committee budgets funds each year to allocate for events, festivals and marketing. The combined countywide process allows more applicants to receive funding, and though it is a long process, it has simplified the process for the organizations applying for funds.

Financial Impact: The \$45,842.75 allocation is included in the 2021/2022 Biennial Budget.

Attachments:
[2022 COE LTAC Funding Resolution](#)

RESOLUTION NO. 2021 - _____

A RESOLUTION adopting the distribution of the 2022 Hotel/Motel tax fund grants.

WHEREAS, RCW 39.34.080 and other Washington State law, as amended, authorizes any city to contract with any other city/county to perform any governmental service, activity or undertaking which each contracting city/county is authorized by law to perform; and

WHEREAS, the governing bodies of Kittitas County and the cities of Ellensburg, Cle Elum, and Roslyn previously entered into an Interlocal Agreement for the purposes of creating a consolidated lodging tax grant process for special events and projects; and

WHEREAS, in accordance with the Interlocal Agreement, Kittitas County solicited applications for the distribution of the 2022 Hotel/Motel tax funds in the form of reimbursable grants for special events and projects throughout Kittitas County; and

WHEREAS, in accordance with the Interlocal Agreement, the respective Lodging Tax Advisory Committees (LTACs) or designees of Kittitas County and the cities of Ellensburg, Cle Elum, and Roslyn have reviewed all the applications submitted to Kittitas County; and

WHEREAS, in accordance with the Interlocal Agreement, Kittitas County compiled the various participating entity's scoring and funding recommendations and forwarded them to the combined county-wide LTAC Consolidated Work Group for further review; and

WHEREAS, in accordance with the Interlocal Agreement, the combined county-wide LTAC Consolidated Work Group met in an open public meeting November 19, 2021 in person and on WebEx to receive presentations from applicants recommended for funding and deliberated to reach a final funding recommendation which is to be forwarded to each entity's legislative body for final approval; and

WHEREAS, in accordance with an amendment to the Interlocal Agreement, each participating municipality agreed to make available 13% of their annual lodging tax collections to be awarded through the consolidated lodging tax grant process; and

WHEREAS, Kittitas County designated \$174,416.79 to be available for grants as part of this process, Ellensburg designated \$45,842.75, Cle Elum designated \$21,388.87, and Roslyn designated \$595.08; and

WHEREAS, the combined county-wide LTAC Work Group recommended expending \$242,239.75 of the designated funds; and

WHEREAS, in accordance with the Interlocal Agreement, Kittitas County will provide notice to each successful applicant and will require a contract be agreed to by each successful applicant prior to funding awards being available for reimbursement; and

WHEREAS, in accordance with the Interlocal Agreement, Kittitas County will serve as the single reimbursing agency for all successful applicants and will bill each participating municipality's lodging tax fund for its respective share of any reimbursements awarded and applied for; and

WHEREAS, the legislative authorities for Kittitas County and the cities of Ellensburg, Cle Elum, and Roslyn are approving only their respective lodging tax fund grant awards.

NOW, THEREFORE BE IT RESOLVED, that the City of Ellensburg hereby awards the 2021 Hotel/Motel Tax fund grants distribution for special events and projects as follows:

<u>Applicant</u>	<u>Award</u>
Kittitas Valley Event Center – Patriot Night	\$20,697.25
Jazz in the Valley	\$ 8,545.50
Gallery One	<u>\$16,600.00</u>
TOTAL:	\$45,842.75

ADOPTED by the City Council of the City of Ellensburg this 20th day of December, 2021.

Mayor

Attest: _____
City Clerk



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 20, 2021

Item Title/Agenda Subject: Resolution notifying the public of the intent to designate the Central Commercial and Central Commercial II zoning districts as the residential targeted area for the purpose of expanding the Multifamily Property Tax Exemption Program and setting the required public hearing.

Submitted by: Jamey Ayling Community Development

Recommended Action or Motion: Approve the resolution setting a public hearing date of January 3, 2022 at 7:00 pm to consider an ordinance expanding the Residential Targeted Area to include the CC-II zone effectively expanding the Multifamily Tax Exemption Program.

Background/Summary: The Affordable Housing Commission unanimously recommended the City Council consider expanding the residential targeted area of the existing Multifamily Tax Exemption (MFTE) Program to include those properties zoned Central Commercial II. Expanding the Residential Targeted area will help achieve the goals of the Housing Action Plan and the Comprehensive Plan to encourage multifamily development close to goods and services. The MFTE Program allows for the value of new multifamily housing construction to be exempt from ad valorem property taxation for a period of eight successive years, or a period of twelve successive years for those units meeting the criteria to be declared "affordable." The tax exemption would not include the value of the land or any non-housing related improvements.

Previous Council Action: Consistent with the planning goals of the Growth Management Act (GMA), the State of Washington has provided various means of promoting affordable housing, including multifamily housing, in urban centers. One such incentive is provided through offering tax exemptions for multifamily developments in urban centers that meet the specific criteria outlined in Ch. 84.14 RCW. The purpose statement in RCW 84.14.007 reads as follows:
...It is further the purpose of this chapter to stimulate the construction of new multifamily housing and the rehabilitation

of existing vacant and underutilized buildings for multifamily housing in urban centers having insufficient housing opportunities that will increase and improve residential opportunities, including affordable housing opportunities, within these urban centers. To achieve these purposes, this chapter provides for special valuations in residentially deficient urban centers for eligible improvements associated with multiunit housing, which includes affordable housing. It is an additional purpose of this chapter to allow unincorporated areas of rural counties that are within urban growth areas to stimulate housing opportunities and for certain counties to stimulate housing opportunities near college campuses to promote dense, transit-oriented, walkable college communities.

The City has enacted Ellensburg City Code (ECC) Chapter 2.30 Multifamily Housing Tax Incentives in response to the exemption opportunity allowed for by the State. Multifamily projects that provide at least 20 percent of the units as affordable housing units are eligible for a 12-year exemption. Multifamily projects that do not include an affordable housing component are eligible for the exemption for a lesser period of 8 years. The Central Commercial (C-C) Zone is currently designated by Council as the “Residential Targeted Area” within the City of Ellensburg. Since the adoption of the MFTE ordinance, six multifamily projects have received the multifamily housing tax exemption. Multiple developers have inquired about the potential to utilize the MFTE in the Central Commercial II zone, however, this has not been an option for properties that are not currently within the residential targeted area.

Analysis:

In order to establish or expand a MFTE Program, the City must designate one or more residential targeted areas that are consistent with the criteria in RCW 84.14.040 and within which property tax exemption projects may be considered. These criteria state that the area must be within an urban center, the area must lack “sufficient available, desirable, and convenient residential housing, including affordable housing to meet the needs of the public who would be likely to live in the urban center if the affordable, desirable, attractive, and livable places to live were available, [and] the providing of additional housing opportunity, including affordable housing, in the area, as

determined by the governing authority, will assist in achieving one or more of the stated purposes” of Ch. 84.14 RCW. Staff finds that sufficient data has been compiled within the June 2021 Ellensburg Housing Needs Assessment in order to demonstrate that the criteria of the RCW have been met.

For the purposes of designating a residential targeted area, the governing body may adopt a resolution of intention to so designate an area as generally described in the resolution. The resolution must state the time and place of a hearing to be held by the governing authority to consider the designation of the area and may include such other information pertaining to the designation of the area as the governing authority determines to be appropriate to apprise the public of action intended.

Financial Impact: None at this time.

Attachments:
[Resolution expanding MFTE to CC-II](#)

RESOLUTION NO. 2021-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, notifying the public of its intent to designate the Central Commercial and Central Commercial II zoning districts as the residential targeted area for the purpose of expanding the Multifamily Property Tax Exemption Program and setting the required public hearing.

WHEREAS, Chapter 84.14 of the Revised Code of Washington provides for special valuations for eligible improvements associated with multifamily housing and for the purpose of creating additional affordable housing; and

WHEREAS, the City of Ellensburg desires to stimulate new construction of multifamily housing in the downtown to encourage increased residential opportunities within the central commercial zones, to stimulate new construction or rehabilitation of existing vacant and underutilized buildings for multifamily housing in the central commercial zones to increase and improve housing opportunities, and to reduce development pressure on single-family residential neighborhoods; and

WHEREAS, in order to establish a Multifamily Property Tax Exemption (MFTE) program the City must designate one or more residential targeted areas that are consistent with the criteria in RCW 84.14.040 and within which property tax exemption projects may be considered; and

WHEREAS, RCW 84.14.040(2) states that a governing authority may adopt a resolution of intent to designate one or more areas for the MFTE program, thereby notifying the public of its intent, which

must state the time and place of a hearing to be held by the governing body to consider the designation of the area(s); and

WHEREAS, notice of the public hearing shall be published once each week for two consecutive weeks, not less than seven days nor more than thirty days before the date of the hearing in accordance with RCW 84.14.040(3);

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

Section. 1. The City Council intends to designate the Central Commercial and Central Commercial II zones as the residential targeted area for the purposes of expanding the Multifamily Property Tax Exemption program.

Section 2. A public hearing to seek public comment and consider the designation of this area as a residential targeted area will be held at a regular meeting of the City Council on January 3, 2022 at 7:00 p.m. in the Ellensburg City Council Chambers located at 501 N. Anderson Street. The hearing will be noticed in accordance with RCW 84.14.040(3).

ADOPTED by the City Council of the City of Ellensburg this 20th day of December, 2021.

Bruce Tabb, Mayor

ATTEST:

Beth Leader, City Clerk



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 20, 2021

Item Title/Agenda Subject: Interlocal Agreement between the City of Ellensburg and Kittitas County for Annexation and Development within the Urban Growth Area

Submitted by: Terry Weiner City Attorney Department

Recommended Action or Motion: Authorize the City Manager to execute the Interlocal Agreement.

Background/Summary: The City and County have been working towards an interlocal agreement (ILA) to govern annexation and development in the City's Urban Growth Area (UGA) for well over 10 years. Renewed efforts to reach agreement began earlier this year involving regular meetings over several months between City and County staff, along with Mayor Tabb and Commissioner Wachsmith. The interlocal has been agreed to by the negotiating teams, and is being submitted to both legislative bodies for approval.

Previous Council Action: The ILA was discussed during a joint study session of the City Council and the Kittitas County Board of County Commissioners on December 9, 2021.

Analysis: The ILA is designed to facilitate development and annexation within the City's UGA. To accomplish this goal, the Agreement requires cooperation and shared responsibility in several land use and public works areas. The County will be required to take the following action regarding the UGA:

- Adopt and maintain land use designations that will accommodate the population and employment allocation agreed upon by the City and County within their comprehensive plans and consistent with the Growth Management Act (GMA).
- Participate jointly in pre-application conferences for development in the UGA
- Coordinate their annual and periodic land use updates
- Coordinate with each other on any proposals to amend

the City's or the County's GMA Comprehensive Plans relating to the UGA and on any rezone proposals within the UGA in order to determine consistency with the purposes and requirements of the GMA and with the City's Preferred Land Use Designation

- Meet and confer to arrive at a methodology to be used for the County's implementation of park impact fees
- Coordinate their annual and six-year transportation improvement plans
- Plan annual transportation updates and protect the City's transportation corridors
- For areas annexed by the City after the effective date of the ILA, share sales and use tax revenue under a specific formula

In addition, the County will be required to (most with deadlines of December 31, 2022):

- Provide copies to the City within seven days of all applications for development within the UGA
- Provide the City notice of all SEPA applications within the UGA
- Adopt and apply the City's Public Works Development Standards for development within the UGA
- Adopt traffic impact fees consistent with the City's fee structure to mitigate impacts in the UGA
- Reimburse the City for maintenance requested by the County for roads built to City standards in the UGA

Finally, under the Agreement the City will:

- Provide an annual report to the County on the traffic impact fees collected system-wide (City and County)
- Participate in all UGA-related pre-application conferences for development applications
- Include entire rights-of-way as part of any annexation which includes a boundary with a County road

Financial Impact:

None at this time.

Attachments:

[City-County ILA re: UGA](#)

**Interlocal Agreement Between
The City of Ellensburg and Kittitas County
Concerning Annexation and Development
Within the Ellensburg Urban Growth Area**

THIS AGREEMENT (hereinafter “Agreement”) has been entered into on this ____ day of _____, 2021, by and between the County of Kittitas (hereinafter referred to as the “County”), a political subdivision of the State of Washington, and the City of Ellensburg (hereinafter referred to as the “City”), a Washington Municipal Corporation, pursuant to the Interlocal Cooperation Act, RCW 39.34.

RECITALS

WHEREAS, the Kittitas County Comprehensive Plan designates an area of the unincorporated County adjacent to the boundaries of the City of Ellensburg (as shown in the map attached hereto and incorporated herein as EXHIBIT A) as being included in the City’s Urban Growth Area (hereinafter “UGA”) and requires that, in order to ensure both consistency and coordination, the planning in the UGA should be done in concert with the City through the execution of an interlocal agreement to provide the necessary administrative guidance and services to the Ellensburg UGA; and

WHEREAS, the City of Ellensburg Comprehensive Plan contains goals and policies directing coordination with Kittitas County in the joint planning for the UGA; and

WHEREAS, the County-Wide Planning Policies (CWPP), adopted by the City of Ellensburg and Kittitas County pursuant to the requirements of Chapter 36.70A RCW, the Growth Management Act (GMA), include specific policy direction that: the development and subdivisions in the UGA shall be orderly and coordinated between city and county governments; requires the City of Ellensburg and Kittitas County to execute interlocal agreements to coordinate and manage growth in the UGA; and requires the City of Ellensburg and Kittitas County to jointly develop and implement development, subdivision and building permit procedures, and innovative financing techniques including the possibility of development impact or other fees for the review and permitting of any new development within the UGA; and,

WHEREAS, review of development within the City of Ellensburg’s UGA should anticipate future annexation into the City; and

WHEREAS, annexations proposed by the City of Ellensburg are pursued in accordance with Chapter 35A.14 RCW; and

WHEREAS, it is in the best interest of the citizens of both jurisdictions to coordinate plans and manage growth in the UGA prior to annexation; and

WHEREAS, the terms of this Agreement have been discussed by the City Council of the City of Ellensburg at a regular City Council meeting on _____, 2021; and

WHEREAS, the terms of this Agreement have been discussed by the Board of Kittitas County Commissioners at a regular meeting on _____, 2021;

NOW, THEREFORE, for and in consideration of the terms and conditions set forth below, the parties agree as follows:

T E R M S

1. LEGAL BASIS AND SCOPE. This Agreement is entered into pursuant to Chapter 36.70A RCW (the Growth Management Act), Chapter 36.115 RCW (the Governmental Services Act), and Chapter 39.34 RCW (the Interlocal Cooperation Act). The City and the County agree that the contents of this Agreement shall apply to growth management planning, project permit processing and development within the City's UGA, code enforcement, and future annexations.

2. NATURE OF AGREEMENT. This Agreement is consistent with the interlocal agreement referred to in the County's 2016 Comprehensive Plan discussion of Urban Growth Areas, the City's 2017 Comprehensive Plan Update Goal LU-6, and the County-Wide Planning Policies under Interlocal Agreements (policies 1.1 – 1.3), Urban Growth Areas (policies 2.1 – 2.19), Reduce Sprawl (policies 3.1 – 3.6), Transportation (policies 4.1 – 4.8) and Public Facilities and Services (policies 13.1 – 13.19).

3. PURPOSE OF THE AGREEMENT.

3.1. The purpose of this Agreement is to facilitate the orderly transition of urban services from the County to the City throughout the UGA and to coordinate and manage growth and development within the UGA.

3.2. The City and County wish to establish a generalized interlocal agreement to implement uniform and consistent urban development standards (as defined in Section 6.1 below) within the UGA in order to further the transition of the UGA to urban service levels.

3.3. The City and County believe it is in the best interest of the citizens of both jurisdictions to enable reciprocal impact mitigation requirements and regulatory conditions on development in the unincorporated UGA.

4. IDENTIFICATION OF URBAN GROWTH AREA. This Agreement applies to the lands within the Ellensburg Urban Growth Area as adopted and identified in the County Comprehensive Plan and attached hereto as EXHIBIT A, as of the date of execution of this Agreement and as it may be amended in the future.

5. DENSITY REQUIREMENTS WITHIN THE UGA.

5.1. Except as may be otherwise allowed by law, the City and County agree to adopt and maintain land use designations for the UGA that will accommodate the population and employment allocation agreed upon by the City and County within their comprehensive plans and consistent with the GMA. The Parties agree adoption of the regulations required to implement this subsection shall be made concurrently with the updates of their comprehensive plans, but no later than by December 31, 2022, and updated annually thereafter, as required by Chapter 36.70A RCW.

5.2. Said land use designations are identified on the Preferred Land Use Designation Map attached hereto as EXHIBIT B, as of the date of the execution of this Agreement and as it may be amended in the future.

6. ADOPTION OF URBAN DEVELOPMENT STANDARDS FOR LAND USE ACTIONS IN THE UGA.

6.1. Upon adoption of this Agreement, the County agrees to adopt and apply as County regulations the City's regulations controlling land uses, setback standards, density requirements and the most current City Public Works development regulations and standards (collectively referred to hereafter as "urban development standards") to project permits, as defined in Section 11.4 below, within the UGA. The County agrees adoption of the regulations required to implement this subsection shall be made concurrently with the update of its comprehensive plan, but no later than by December 31, 2022, and updated annually thereafter, as required by Chapter 36.70A RCW. The specific City regulations to be adopted by the County are identified in EXHIBIT C and shall include the relevant substantive provisions of the Ellensburg City Code ("ECC") as codified at the date of execution of this agreement, or thereafter amended, prior to the County's adoption of the relevant City development regulations for the UGA.

6.2. Subject to Washington State regulations pertaining to individual domestic water wells and septic systems, for subdivisions for which imposition of the City's urban development standards are deemed by the City to be economically impractical at time of subdivision, the County may issue a variance as permitted by County regulations with notification to the City at the time the variance application is filed. Any variance issued pursuant to this subsection shall be conditioned upon the permit applicant's agreement that the subdivision must connect to City utilities when they become available for later participation pursuant to either a latecomer utility agreement or utility extension agreement, which must be recorded with the Kittitas County Auditor. In the event that a water right has been granted from the County water bank that later is connected to City utilities the City will document for the County that it is providing water from its system such that the County can repossess the water right back to its water bank.

6.3. The City will provide comments to the County that address the future phasing of urban services to those lots when application is made for re-subdivision and/or development of those large lots to higher densities. The City and County shall coordinate

efforts to protect the City's proposed transportation corridors on each development application (long plats, short plats, and building permits) within the UGA, as identified on Exhibit D, that the County receives as follows:

a) The County shall provide a copy, within seven (7) days of receipt, of any development application within the City's UGA. It shall be the responsibility of the City to respond to the County's notification within ten (10) business days to identify and describe the required transportation corridor on each development application and to propose wording for the required permit application condition related to the protection of transportation corridors.

b) Where the City's proposed wording for protection of the City's road corridors has been included by the County as a condition of a development permit, the City shall defend and indemnify the County in the event of an appeal or other legal challenge to the protection of transportation corridors or the specific conditions attached to project permits for that purpose.

c) The County will also require that any deferral of right-of-way improvements be formalized in a legal instrument that will be recorded with the Kittitas County Auditor and which shall run with the property and bind all future owners to the requirements of the deferral. At a minimum, the County shall require that arterial and collector street identification and development shall be required for new development within the UGA. The boundaries of annexations bordering the right-of-way of any public street, road, or highway will be determined as set forth in RCW 35A.14.410 as currently enacted or hereafter amended.

d) The City, upon written request from the County, agrees to provide such maintenance as may be requested for all streets and associated street improvements in the right of way in the UGA built to City standards following approval of a final plat and dedication of improvements to the County. The County shall reimburse City for costs as outlined in the February 19, 2002 Interlocal Agreement for Municipal Services, as amended by the June 20, 2017 agreement adopted in County Resolution 2017-02/City Resolution 2017-19.

6.4. The City and County agree to coordinate their annual and periodic land use updates within the UGA. The City and County agree to coordinate their annual and six (6)-year transportation improvement plans, as further described below in section 12.4.

7. TRANSFER OF DEVELOPMENT RIGHTS (TDR) PROGRAM. In the event the City adopts a TDR program, it will cooperate with the County on developing a separate agreement to coordinate implementation of both TDR programs to allow transfer of development potential from the County's resource lands to its urban properties appropriate for development and consistent with the urban development standards within the UGA and City.

8. ZONING AND LAND USE DESIGNATION CONSISTENCY. The County and City agree to coordinate with each other on any proposals to amend the City's or the County's GMA Comprehensive Plans relating to the UGA and on any rezone proposals within the UGA in order to determine consistency with the purposes and requirements of the GMA, this Agreement and with the Preferred Land Use Designation Map attached

hereto as EXHIBIT B, as of the date of the execution of this Agreement and as it may be amended in the future. The UGA shall be regulated in accord with the County's most recent flood maps.

9. STATE ENVIRONMENTAL POLICY ACT REVIEW. State Environmental Policy Act (SEPA) review of land development projects, comprehensive plan amendments and legislative area-wide rezones in the UGA shall be performed by the County under County SEPA regulations and processes; provided, however, that the County shall provide the City with notice of all SEPA applications upon receipt by the County, for review and comment by the City. The County, through the SEPA process, hereby commits to mitigate transportation, park and other growth impacts in accordance with special studies required by the SEPA responsible official and in accordance with current studies completed by the City with respect to transportation and park impacts.

10. PARK AND RECREATIONAL FACILITIES.

10.1. The County agrees to utilize the State Environmental Policy Act (SEPA) review process to consider the impacts that new development in the Ellensburg UGA will have on the City's park and recreation system, and agrees to impose necessary park and recreation system mitigation that is based on the City's parks and recreation design and level of service standards. Mitigation, as used in this section, may include compensation by the County for improvement and maintenance of the City's trails and paths identified in the City's Active Transportation Plan and/or Park Plan to help offset the impacts caused by development of subdivisions in the UGA. In addition, the County agrees to follow the urban development standards adopted pursuant to Section 6.1 above.

10.2. The City and County agree to meet and confer on the methodology to be used to calculate the economic impact to City parks caused by subdivision development for which the City imposes an impact fee pursuant to RCW 82.02.050 through 82.02.090. In addition to any mitigation required as a result of the SEPA review process as provided in Section 10.1, the County will adopt a fee impact schedule and impose appropriate park impact fees in a manner that is consistent with the impact fee schedule set forth in Chapter 14.02 ECC, by no later than December 31, 2022.

11. PERMIT PROCESS PRIOR TO ANNEXATION.

11.1. **Project permit application consultation.** After the effective date of this Agreement, the County agrees to give the City timely written notice as soon as the County receives a request for a pre-application conference or a project permit application, whichever occurs first, for a proposed project within the UGA, and the City will participate in all such conferences. The County will provide the City with review and comment opportunity related to all project permit applications within the UGA. The County will invite staff representatives from the City to attend staff meetings with the applicant relating to the permit, including pre-application meetings.

11.2. Review of county project permit applications. All project permit applications, as defined in Section 11.4 below, submitted to the County for properties within the UGA that are subject to SEPA will be reviewed under the terms of the provisions of the County SEPA regulations and procedures as set forth in Sections 8 and 9 above. All project permit applications submitted to the County for properties within the UGA will be reviewed under the County's development regulations governing urban development standards and the City's urban development standards within the UGA adopted pursuant to Section 6.1 above.

11.3. Completion of project permit processing. For lands within the UGA that are undergoing annexation at time of permit application, or for which project permit applications are pending at time annexation has been officially initiated, the City and County agree to review any such pending project permits and to execute a detailed agreement covering the transfer of the pending project permits in the annexing area at an appropriate stage of the review process. Final plats and/or short plats, required dedications, deeds or conveyances of public property which have not been completed by the County at the time an annexation is completed will be transmitted to the City for City Council acceptance.

11.4. Project permits definitions. For the purposes of this Agreement, "project permits" are defined as any land use or environmental permit or license required from a local government for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, site plan review, site-specific rezones authorized by a comprehensive plan or subarea plan, development agreements, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulation except as otherwise specifically included in this subsection.

11.5. Appeals of project permits. The County agrees to be responsible for defending, at no cost to the City, and will indemnify and hold harmless the City from any claim against the City related to, any administrative, quasi-judicial or judicial appeals of project permits issued by the County in the unincorporated UGA prior to date of transfer of pending permits to the City. Once a matter has been transferred to the City, it shall defend any and all appeals related to the matter with the County assisting in said defense as second chair. The City and County shall indemnify and hold each other harmless for damages and liabilities associated with their respective decisions and actions.

11.6. Land use and building code enforcement cases. Any land use or building code enforcement cases in the UGA for lands undergoing annexation or that have completed annexation will be transferred to the City on the effective date of annexation.

11.7. Transference of bonds. If, at time of annexation completion, any performance, maintenance or other bonds, letters of credit or other financial security is held by the County to guarantee performance, maintenance or completion of work associated with the issuance of a project permit, the parties will enter into a separate agreement for the transference to the City of said bonds, letters of credit or other financial security. As

of the effective date of this interlocal agreement, the County will ensure that all such securities include provisions which require, upon annexation, assignment to the City without further approval by any party, if allowed by the security provider. If the financial guarantee cannot be assigned to the City, the County will enforce the provisions of such guarantee on behalf of the City in accordance with this Agreement.

12. ROADS AND TRANSPORTATION.

12.1. Annexation of road rights-of-way. Except for noncontiguous municipal purpose annexations under RCW 35.13.180 or 35A.14.300, the City agrees to propose annexation of the entire right-of-way of County roads adjacent to an annexation boundary.

12.2. Road maintenance responsibility. The City agrees to annex continuous segments of road to facilitate economical division of maintenance responsibility and avoid discontinuous patterns of alternating city and county road/street ownership. Where annexation of segments of road are unavoidable, the City and County agree to consider a governmental services agreement providing for maintenance of the entire road/street segment by the jurisdiction best able to provide maintenance services on an efficient and economical basis.

12.3. Traffic Mitigation and Capital Facilities. For new development within the UGA, in addition to review and imposition of necessary traffic impact mitigation for development through the SEPA review process, the County agrees to follow the development standards adopted by the County pursuant to Section 6.1 above, as well as collection of traffic impact mitigation fees pursuant to Section 13, below.

12.4. Joint transportation planning. The City and County agree to cooperate on the planning for, and annual update of, the regional roadway network plan extending through the Ellensburg UGA as identified on EXHIBIT D at time of execution of this document, or as thereafter amended. Such cooperation will include protection of such identified roadway corridors from development impairment to the extent lawfully allowed without the exercise of eminent domain power, imposition of requirements for dedication or deeding of rights-of-way necessary for the preservation of such roadway corridors, and imposition of road standards consistent with the City of Ellensburg Public Works Development Standards as set forth in Section 6 above.

13. PROPORTIONATE SHARE OF TRAFFIC IMPACT MITIGATION FOR COUNTY DEVELOPMENTS.

13.1. The Parties agree that development in the UGA should require contribution of a proportionate share of programmed system improvements meeting the requirements of RCW 82.02.050 needed to mitigate capacity impacts on City streets. Therefore, the County shall, by December 31, 2022, adopt and apply as County regulations for assessment and collection of traffic impact fees for any development within the City's UGA. Such regulations shall be substantially similar to Chapter 14.04 of the Ellensburg City Code, including Appendix C (City of Ellensburg Traffic Impact Fee Development Land Use

Table), in effect as of the date of the execution of this Agreement and as it may be amended in the future.

13.2. Administrative provisions for traffic impact mitigation:

e) Payment of any traffic impact fees (“TIF”) by developers that is required by this Section shall be made before the County issues building permits.

f) The County shall provide the City with an annual report identifying the amount of impact fees collected from County developments within the City’s UGA between January 1 and December 31 of the prior year and shall transfer to the City any TIF funds collected from developments in the City’s UGA by February 15 for the previous year’s impact fee collection.

g) The City shall annually provide a report to the County on the traffic impact fee funds collected from both development within both the City and County, including the source and amount of all monies collected, earned, or received, and system improvements that were financed in whole or in part by traffic impact fees, the amount of those mitigation fees expended, and the City impact fee cost basis projects upon which the mitigation fees were expended.

h) Construction of any mitigation measures must be complete before occupancy of building(s).

14. SALES AND USE TAX REVENUE POST-ANNEXATION.

14.1. **Revenue Sharing.** The City recognizes that the annual County budget relies upon revenues from taxes generated within the UGA. The City also recognizes that the role of the County as the regional governmental service provider continues even after annexation. This section provides a revenue sharing formula intended to reduce the adverse financial impact on the County as a result of annexation.

14.2. **Sales and Use Tax.** The City and County agree to share, for three years from the effective date of the annexation, in the revenues for annexations of significant, developed commercial and/or industrial land that are completed by the City after the effective date of this Agreement. In those cases, sales tax revenues will be computed and shared as established in section 14.3 below.

14.3. Formula for Sales and Use Tax Revenue Sharing Base Value.

a) To determine Base Value for the local sales tax revenue, Base Value for the 1st, 2nd and 3rd years following the effective date of the annexation equals total sales tax revenue received by the City from the 1% local sales tax collected in the twelve (12) full calendar months following the effective date of the annexation and following the first and second anniversaries, respectively (approximately .8415%), so that Base Value is established on the actual sales tax received during the time between payments.

b) If taxable sales from industrial and commercial parcels are from fewer than three taxpayers, sales and use tax revenue sharing does not apply.

c) For purposes of this Agreement, “significant developed commercial and/or industrial land” shall be those properties which together generated a minimum of

\$50,000 in annual sales tax revenue over the twelve (12) month period preceding the month prior to the effective date of the annexation, the “Pre-Annexation Base Value.” Sales tax revenues will then be computed and shared on the basis described in this Section 14.3. At no time will the Base Value exceed the Pre-Annexation Base Value for calculating reimbursement to the County.

d) The formula for revenue sharing in the annexed areas shall be:

1st year County receives 0.80
of Base Value

2nd year County receives 0.50
of Base Value

3rd year County receives 0.20
of Base Value

The County shall receive 0.15 of the 1% sales tax directly from the State of Washington. The City will reimburse the difference.

e) The first payment from the City to the County shall be due and payable within one hundred and twenty (120) days of the first anniversary of the effective date of the annexation with subsequent payments due and payable within one hundred and twenty (120) days of the second, third and fourth anniversary dates of the effective date of the annexation. The City will calculate the amount of payment and send it to the Auditor’s Office. It is agreed that upon completion of payments as scheduled, each party will have been fairly, fully, and adequately compensated for their respective annexation impacts under this section.

15. RECORDS TRANSFER. Prior to and following annexation of unincorporated area into the City, and upon the City’s request in writing, copies of County records relevant to jurisdiction, the provision of government services and permitting within the annexation area will be copied and transferred to the City. Said records shall include, but are not limited to, the records from the Kittitas County Department of Public Works and the Kittitas County Department of Community Development Services.

16. ADDENDA AND AMENDMENTS.

16.1. **Amendments.** The City and County recognize that amendments to this Agreement may be necessary to clarify particular sections or to update and expand the Agreement. Either party may pursue an amendment, as necessary.

16.2. **Process for adding addenda or amending this agreement.** An addendum or amendment must follow the requisite notice, hearing and adoption process required by state law, and be mutually agreed upon by the parties and executed in writing before becoming effective. Any addendum or amendment to the Agreement will be executed in the same manner as provided by law for the execution of the Agreement.

16.3. **Additional agreements.** Additional agreements are anticipated by this Agreement. Nothing in this agreement limits parties entering into interlocal agreements on additional issues not covered by, or in lieu of, the terms of this Agreement, or to provide additional details for implementing this Agreement.

17. THIRD PARTY BENEFICIARIES. There are no third party beneficiaries to this Agreement, and this Agreement shall not be interpreted to create such rights.

18. DISPUTE RESOLUTION. Any and all legal remedies available to the City and County shall remain available and shall not be abrogated by the terms of this Agreement. In addition to those legal remedies, the City and County mutually agree that in the event of a dispute over the terms of this Agreement each entity will appoint one member of its legislative body and, at its option, one staff member, to a committee to discuss and attempt to resolve the issue(s) in good faith and as expeditiously as possible recognizing the review deadlines imposed by local and state law for issuance of project permits. In the event the members of the legislative bodies cannot resolve the issue(s), the parties mutually agree to select a neutral mediator and use mediation for a minimum of 90 days if agreement cannot be reached on any provision of this agreement. After the 90-day period, any party may elect to utilize any and all legal remedies available to the parties. The parties agree to share equally the costs of the mediation process and be responsible for the costs of their own legal representation.

19. RELATIONSHIP TO EXISTING LAWS AND STATUTES. This Agreement in no way modifies or supersedes existing state laws and statutes. In meeting the commitments encompassed in this Agreement, all parties will comply with the requirements of the Open Meetings Act, Public Records Act, Growth Management Act, State Environmental Policy Act, Annexation Statutes, and other applicable state or local laws. The County and City retain the ultimate authority for land use and development decisions within their respective jurisdictions as provided herein. By executing this Agreement, the County and City do not purport to abrogate the decision-making responsibility vested in them by law.

20. EFFECTIVE DATE, DURATION AND TERMINATION.

20.1. This Agreement shall become effective following the approval of the Agreement by the official action of the governing bodies of each of the parties hereto and the signing of the Agreement by the duly authorized representative of each of the parties hereto. This Agreement shall remain in effect from the effective date until it is terminated as provided in Section 20.2.

20.2. Either party may terminate its obligations under this Agreement upon 90 days advance written notice to the other party and subject to the following condition: following a termination, the County and City are mutually responsible for fulfilling any outstanding obligations under this Agreement incurred prior to the effective date of the amendment or termination. However, nothing in this section will require continued

revenue sharing as identified in Section 14 above after the effective termination date of the Agreement.

21. INDEMNIFICATION AND LIABILITY.

21.1. The City shall protect, save harmless, indemnify and defend, at its own expense, the County, its elected and appointed officials, officers, employees and agents, from any loss or claim for damages of any nature whatsoever arising out of the City's performance of this Agreement, including claims by the City's employees or third parties, except for those damages caused solely by the negligence or willful misconduct of the County, its elected and appointed officials, officers, employees, or agents.

21.2. The County shall protect, save harmless, indemnify, and defend at its own expense, the City, its elected and appointed officials, officers, employees and agents from any loss or claim for damages of any nature whatsoever arising out of the County's performance of this Agreement, including claims by the County's employees or third parties, except for those damages caused solely by the negligence or willful misconduct of the City, its elected and appointed officials, officers, employees, or agents.

21.3. In the event of liability for damages of any nature whatsoever arising out of the performance of this Agreement by the City and the County, including claims by the City's or the County's own officers, officials, employees, agents, volunteers, or third parties, caused by or resulting from the concurrent negligence of the County and the City, their officers, officials, employees and volunteers, each party's liability hereunder shall only be to the extent of that party's negligence.

22. SEVERABILITY. If any provision of this Agreement or its application to any person or circumstance is held invalid, the remainder of the provisions and/or the application of the provisions to other persons or circumstances shall not be affected.

23. EXERCISE OF RIGHTS OR REMEDIES. Failure of either party to exercise any rights or remedies under this Agreement shall not be a waiver of any obligation by either party and shall not prevent either party from pursuing that right at any future time.

24. RECORDS. Both parties shall maintain adequate records to document obligations performed under this Agreement. Both parties shall have the right to review the other party's records with regard to the subject matter of this Agreement, upon reasonable notice. Such rights last for six (6) years from the date of permit issuance for each specific development subject to this Agreement.

25. ENTIRE AGREEMENT. This Agreement constitutes the entire Agreement between the parties with respect to the framework issues for annexations and for uniform development standards in the Urban Growth Area.

26. GOVERNING LAW AND STIPULATION OF VENUE. This Agreement shall be governed by the laws of the State of Washington. Any action hereunder must be brought

in the Superior Court of Washington for Kittitas County, except for Growth Management Act appeals which must be brought in the Washington State Growth Management Hearings Board.

27. FILING. This Agreement shall be filed with the Kittitas County Auditor, or, alternatively, listed by subject on each or either party's web site or other electronically retrievable public source pursuant to RCW 39.34.040.

28. CONTACTS FOR AGREEMENT. The contact persons for this Agreement are:

CITY OF ELLENSBURG CONTACT:

Heidi Behrends Cerniwey
City Manager
501 N. Anderson St.
Ellensburg, WA 98926

KITTITAS COUNTY CONTACT:

Chair, Board of County Commissioners
205 W 5th Ave
Ellensburg, WA 98926-2887

IN WITNESS WHEREOF, the parties have signed this Agreement in duplicate, effective on the date first written above.

CITY OF ELLENSBURG

**BOARD OF COUNTY COMMISSIONERS
KITITAS COUNTY, WASHINGTON**

City Manager

Brett Wachsmith, Chair

Laura Osiadacz, Vice-Chair

Cory Wright, Commissioner

ATTEST:

ATTEST:

City Clerk

Clerk of the Board

APPROVED AS TO FORM:

APPROVED AS TO FORM:

City Attorney

Deputy Prosecuting Attorney

In furtherance of this Interlocal Agreement, the following City of Ellensburg City Code (ECC) provisions and Development Standards are to be adopted by reference by Kittitas County for inclusion in Kittitas County Code Chapter 17.11 URBAN GROWTH AREAS for application to properties within the Urban Growth Area:

EXHIBITS

EXHIBIT A - Ellensburg Urban Growth Area Map

EXHIBIT B - City of Ellensburg Comprehensive Plan “Preferred Land Use Designation Map”

EXHIBIT C – Ellensburg City Codes and Development Standards to be Adopted by County for UGA

Chapter 2.18: Local Improvements (entire chapter incorporated by reference)

Chapter 2.50: Developer Reimbursement Agreements (entire chapter incorporated by reference)

Title 4: Public Works Includes Public Works Development Standards Manual adopted by reference in Title 4

Title 9: Utilities (entire title incorporated by reference)

C-1: Chapter 15.130 – Land Development Code – Definitions (edited)

C-2: Chapter 15.310 – Land Development Code – Permitted Uses (edited)

C-3: Chapter 15.320 – Land Development Code – Building Setback and Intensity Standards (edited)

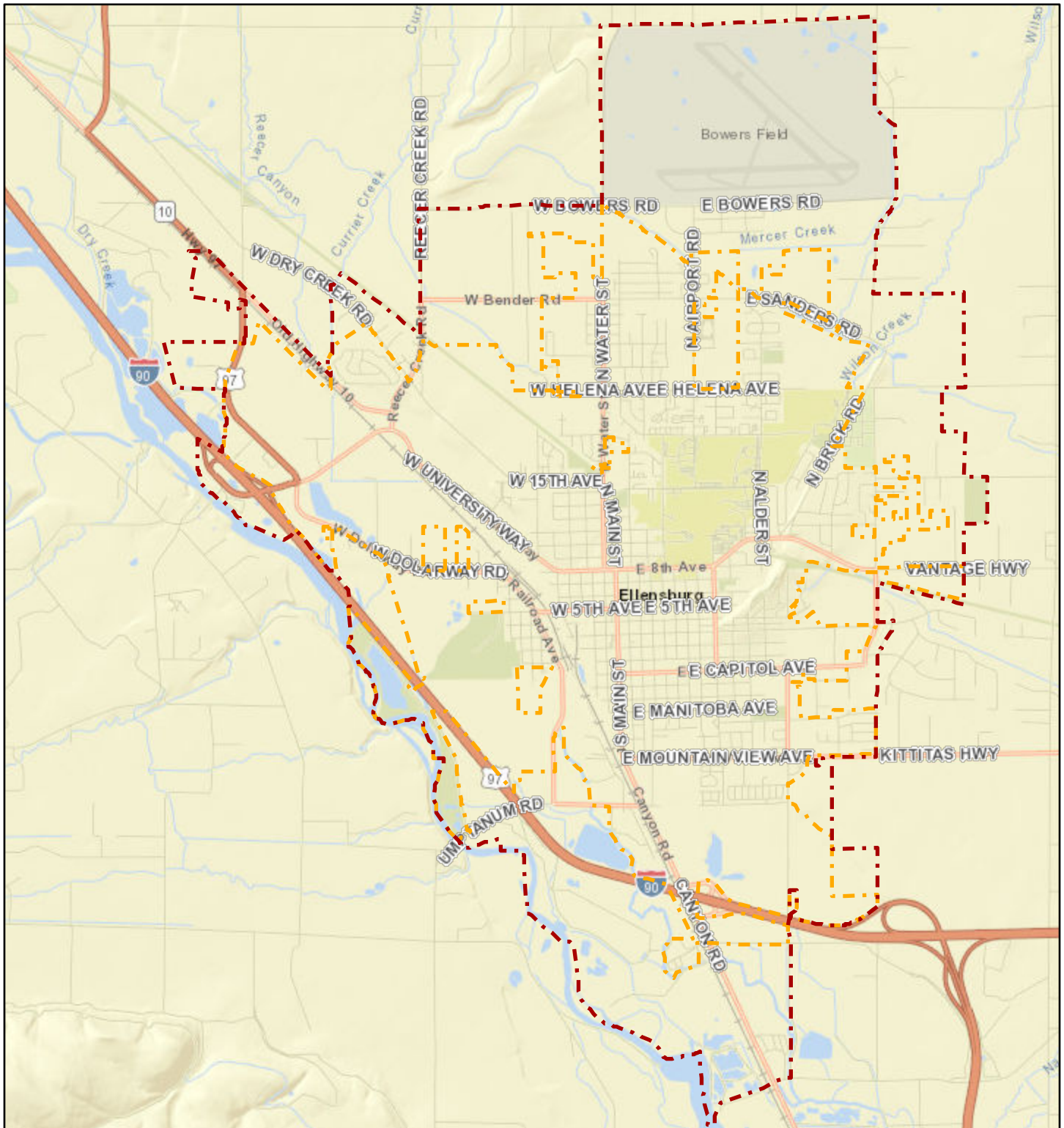
C-4: Chapter 15.550 – Land Development Code – Off-Street Parking (edited)

C-5: City/County Zoning Conversion Chart

EXHIBIT D - Regional Roadway Network Plan

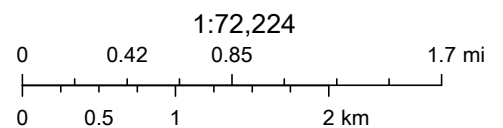
Exhibit A

Ellensburg Urban Growth Area Map



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- Urban Growth Area
- City Limits



City of Yakima, City of Ellensburg GIS, County of Kittitas, Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

Figure 2. Future Land Use Map

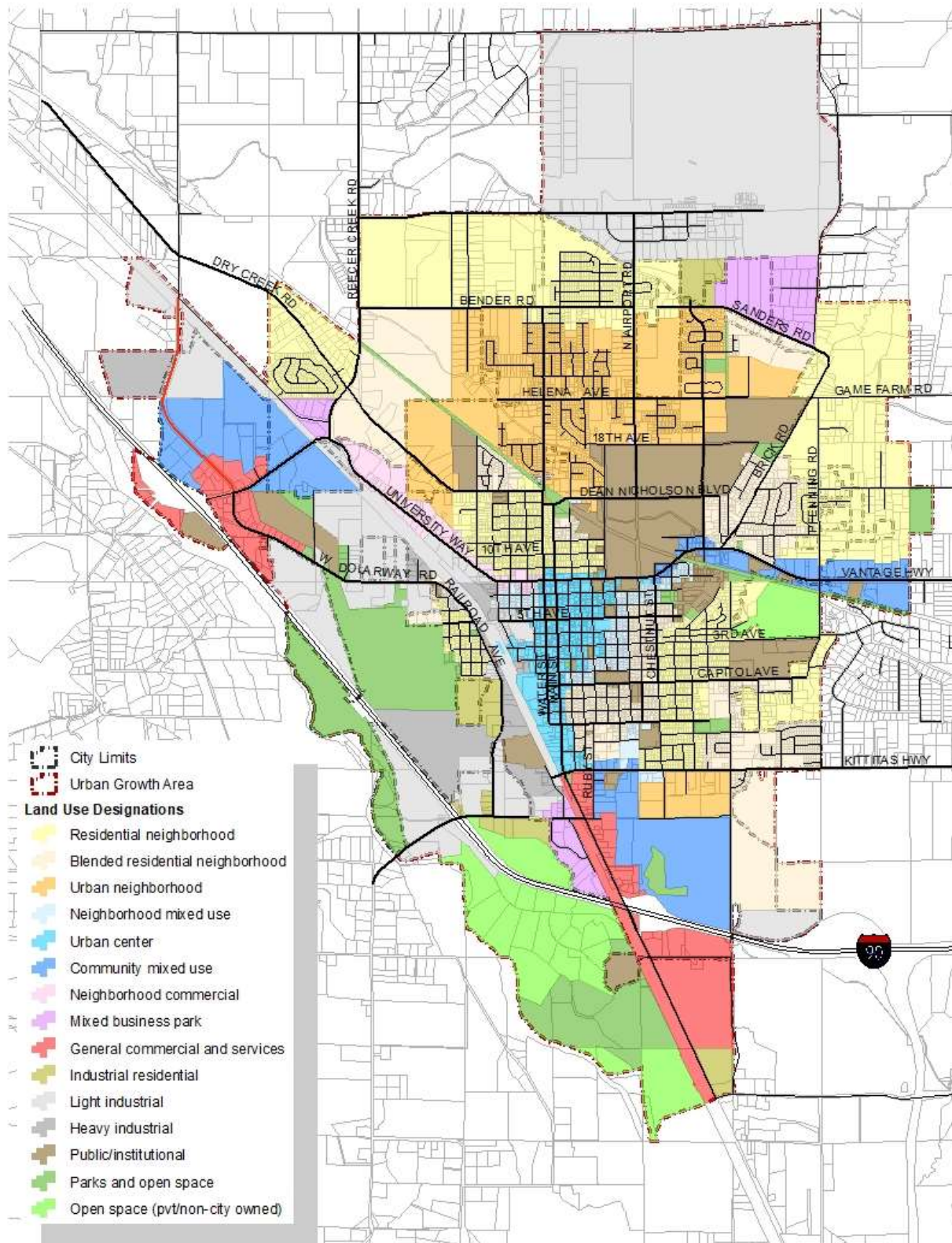


Exhibit C-1

ELLENSBURG CITY CODE

Chapter 15.130 DEFINITIONS

Sections:

- ~~15.130.005 Preliminary.~~
- 15.130.010 A definitions.
- 15.130.020 B definitions.
- 15.130.030 C definitions.
- 15.130.040 D definitions.
- ~~15.130.050 E definitions.~~
- 15.130.060 F definitions.
- ~~15.130.070 G definitions.~~
- 15.130.080 H definitions.
- ~~15.130.090 I definitions.~~
- ~~15.130.100 J definitions.~~
- 15.130.110 K definitions.
- ~~15.130.120 L definitions.~~
- 15.130.130 M definitions.
- 15.130.140 N definitions.
- 15.130.150 O definitions.
- 15.130.160 P definitions.
- ~~15.130.170 Q definitions.~~
- 15.130.180 R definitions.
- 15.130.190 S definitions.
- 15.130.200 T definitions.
- 15.130.210 U definitions.
- ~~15.130.220 V definitions.~~
- 15.130.230 W definitions.
- ~~15.130.240 X definitions.~~
- ~~15.130.250 Y definitions.~~
- ~~15.130.260 Z definitions.~~

15.130.010 A definitions.

“Accessory dwelling unit” means a self-contained residential unit that is accessory to a single-family dwelling on a lot and may be added to, created within, or detached from the primary single-family dwelling unit. An accessory dwelling unit has its own bathroom, kitchen facilities, living and sleeping areas, though it can share other features with the single-family dwelling including the yard, parking, or storage. See ECC 15.540.040 for special ADU design provisions.

“Accessory use” means on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. See ECC 15.310.030 for special accessory use provisions.

“Adult family home” means a residential home in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

“Agriculture” means the use of land for farming, dairying, pasturing and grazing, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, and accessory activities, including, but not limited to, storage, harvesting, feeding or maintenance of equipment, but excluding stockyards, slaughtering or commercial food processing.

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.

15.130.030 C definitions.

“Community residential facility” means a facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services for at least five, but not more than 15 functionally disabled persons and which is not licensed under Chapter 70.128 RCW. A residential care facility shall not provide the degree of care and treatment that a hospital or long-term care facility provides.

“Conference center” means an establishment developed primarily as a meeting facility, including only facilities for recreation, overnight lodging, and related activities provided for conference participants.

“Cooperative” means a group of more than one, but no more than four qualified medical marijuana patients and/or designated providers who share responsibility for growing and processing marijuana only for the medical use of the members of the cooperative.

15.130.040 D definitions.

“Day care” means an establishment for group care of nonresident adults or children. Specifically:

1. Day care shall include child day care services, adult day care centers, and the following:
 - a. Adult day care, such as adult day health centers or social day care as defined by the Washington State Department of Social and Health Services;
 - b. Nursery schools for children under minimum age for education in public schools;
 - c. Privately conducted kindergartens or pre-kindergartens when not a part of a public or parochial school; and
 - d. Programs covering after-school care for school children.
2. Day care establishments are subclassified as follows:

- a. Day care I – a maximum of 12 adults or children in any 24-hour period; and
- b. Day care II – over 12 adults or children in any 24-hour period.

Dwelling, Cottage. “Cottage” means a small single-family dwelling that is clustered with other similar units surrounding a common open space. See ECC 15.540.050 for special cottage housing provisions.

Dwelling, Duplex. “Duplex” refers to 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. A duplex will not be considered a duplex for purposes of the land development code standards if more than one duplex building is located on one lot. See ECC 15.540.030 for special duplex provisions.

Dwelling, Live-Work Unit. “Live-work unit” means an individual dwelling unit that is used for residential and nonresidential use types. The dwelling unit type may be any type that is permitted in the applicable zoning district. Permitted nonresidential uses may be those that are permitted in the applicable zoning district.

Dwelling, Multifamily. See definition of “Multifamily,” ECC 15.130.130.

Dwelling, Single-Family. “Single-family dwelling” means one dwelling unit or one dwelling unit with an attached or detached accessory dwelling unit used, intended, or designed to be used, rented, leased, let, or hired out to be occupied for living purposes. See ECC 15.540.020 for special single-family dwelling provisions.

Dwelling, Townhouse. “Townhouse” is a single-family dwelling constructed in a group of three or more attached units in which each unit extends from the foundation to the roof and with open space on at least two sides. Ownership of a townhouse includes the unit’s building and associated property. See ECC 15.540.060 for special townhouse provisions.

15.130.060 F definitions.

“Farmers’ market” means a public market at which farmers and other vendors sell agricultural products, crafts, and food and beverages.

“Fruit stand” means a building, structure, or land area used for the sale of fresh fruit or vegetables grown on-site. [Ord. 4807 § 5, 2018; Ord. 4803 § 1, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

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

“Home occupation” means any activity undertaken for gain or profit that results in a product or service and is carried on in a dwelling, or building accessory to a dwelling. See ECC 15.340.020 for applicable standards.

“Hospital” means an institution receiving inpatients and outpatients and rendering medical, surgical and/or obstetrical care and associated support facilities such as administrative offices, information technology department, or other similar facilities.

“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, 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.]

15.130.110 K definitions.

“Kennel” or “shelter” means any outdoor or indoor facility which houses four or more small domestic animals (that number not including one unweaned litter) for periods longer than 24 hours as a commercial venture, as a nonprofit organization, or for a governmental purpose. The facility may be either a separate business or an accessory use. A kennel is to be distinguished from a veterinary clinic which houses animals for periods that may exceed 24 hours as a commercial venture that is accessory to the primary medical activity performed in a veterinary clinic. See definition of “Veterinary clinic” in ECC 15.130.220. [Ord. 4807 § 8, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

15.130.130 M definitions.

“Manufactured home park” means a lot, parcel, or tract of land having as its principal use the rental of space for occupancy by two or more manufactured homes, including any accessory buildings, structures or uses customarily incidental thereto. See ECC 15.340.040 for manufactured home park provisions.

“Marijuana processor” means a person licensed by the State Liquor and Cannabis Board to process marijuana into marijuana concentrates, useable marijuana and marijuana-infused products, package and label marijuana concentrates, useable marijuana and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, useable marijuana and marijuana-infused products at wholesale to marijuana retailers (as defined in RCW 69.50.101 and provided herein for reference).

“Marijuana producer” means a person licensed by the State Liquor and Cannabis Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers (as defined in RCW 69.50.101 and provided herein for reference).

“Marijuana retailer” means a person licensed by the State Liquor and Cannabis Board to sell marijuana concentrates, useable marijuana and marijuana-infused products in a retail outlet (as defined in RCW 69.50.101 and provided herein for reference).

“Miniwarehouse” means an enclosed single-story building(s) designed and constructed to provide individual compartmentalized controlled access stalls or lockers which shall be used only for the storage of personal property. Ministorage is synonymous with miniwarehouse.

Motel. See definition for “Hotel” in ECC 15.130.080.

15.130.140 N definitions.

“Nursery and greenhouses” means an establishment for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor plantings conducted within or without an enclosed building.

“Nursing home” means any facility licensed by the Washington State Department of Social and Health Services or other appropriate state agencies, providing convalescent, chronic or domiciliary care for a period in excess of 24 consecutive hours, for three or more patients or residents not related by blood or marriage to the licensee. [Ord. 4656 § 1 (Exh. O2), 2013.]

15.130.150 O definitions.

Office, Business or Professional. “Business or professional office” means 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.

Office, Medical. “Medical office” means an office or clinic used primarily by physicians, dentists, optometrists, and similar personnel for the treatment and examination of patients solely on an outpatient basis; provided, that no overnight patients shall be kept on the premises.

15.130.160 P definitions.

“Personal services” means services rendered to individuals for their personal physical appearance and conditioning needs. Examples would include but not be limited to the following types of services: barber, beautician, masseur, and steam and sauna baths.

“Places of assembly” means a structure for groups of people to gather for an event or regularly scheduled program. Examples include but are not limited to arenas, religious institutions, lecture halls, banquet facilities, and similar facilities.

“Public agency or utility office” means a building or portion thereof used primarily for administration purposes by a public agency or utility.

15.130.180 R definitions.

“Recreation – indoor commercial” means a commercial recreation land use conducted entirely within a building, including, but not limited to, athletic and health clubs, pool or billiard halls, skating rinks, swimming pools, and tennis courts.

“Recreation – outdoor commercial” means a commercial recreation land use conducted primarily outdoors, including, but not limited to, water parks, amusement parks, and miniature golf courses.

“Regional retail commercial” refers to any use which involves the display and sale of retail consumer goods as part of a regional retail master site plan approved in accordance with the standards and design criteria of Chapters 15.390 and 15.390A ECC. Permitted uses and exceptions are described within ECC 15.390.030. Regional retail commercial developments contain a minimum of 100,000 square feet of enclosed gross floor area of allowable uses; provided, that at least 50,000 square feet must be used by one retailer.

15.130.190 S definitions.

Senior citizen assisted housing” means housing in a building consisting of two or more dwelling units restricted to occupancy by at least one occupant 62 years of age or older per unit, and must include at least two of the following support services:

1. Common dining facilities or food preparation service;
2. Group activity areas separate from dining facilities;
3. A vehicle exclusively dedicated to providing transportation services to housing occupants;
4. Have a boarding home (assisting living) license from Washington State Department of Social and Health Services.

15.130.200 T definitions.

“Tow vehicle storage area” means the approved yard and buildings where stored vehicles are kept. The storage areas and fencing must comply with the requirements established by the Washington State Department of Licensing, Washington State Patrol, and all local zoning rules and regulations. All tow vehicle storage areas must be physically located within the tow zone assigned to the operator.

15.130.210 U definitions.

“Utility facility” means any privately, publicly, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, stormwater not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, which directly or indirectly serves the public. For commercial wireless communication support towers, antenna arrays, and facilities, see ECC 15.340.070 for applicable standards and procedures.

15.130.230 W definitions.

“Wrecking yard, vehicle” means any area, lot, land, parcel, building, structure, or part thereof where buying, selling, or dealing in vehicles of a type required to be registered under Washington State law, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of a vehicle, or buying or selling integral secondhand parts, in whole or in part is taking place. [Ord. 4807 § 14, 2018; Ord. 4803 § 1, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

Exhibit C-2

Chapter 15.310 PERMITTED USES

Sections:

15.310.010 Purpose.

15.310.020 Interpretation of land use tables.

15.310.030 Accessory uses.

15.310.040 Use tables.

~~15.310.050 Supplemental P-R zone provisions.~~

15.310.010 Purpose.

A. The purpose of this chapter is to establish the uses generally permitted in each zone which are compatible with the purpose of the zone and other uses allowed within the zone.

B. The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained.

~~C. The use is considered permanently established when that use will be or has been legally established in continuous operation for a period exceeding 60 days. A use which will operate for less than 60 days is considered a temporary use, and subject to the requirements of a temporary use permit (see ECC 15.250.010). [Ord. 4656 § 1 (Exh. O2), 2013.]~~

15.310.020 Interpretation of land use tables.

A. The land use tables in this chapter determine whether a use is allowed in a zoning district. The zoning district is located on the vertical column and the use is located on the horizontal row of these tables.

B. If no symbol appears in the box at the intersection of the column and the row, the use is not allowed in that district, except for certain temporary uses.

C. If the letter "P" appears in the box at the intersection of the column and the row, the use is allowed in that district subject to the Type I review procedures set forth in Chapter 15.210 ECC plus other applicable requirements in this title. Where the use is associated with new development, it is subject to the Type II review procedures, also set forth in Chapter 15.210 ECC.

D. If the letter “C” appears in the box at the intersection of the column and the row, the use is allowed subject to the conditional use review procedures specified in ECC 15.250.040 and the general requirements of the code.

F. Clarification of Uses and Special Conditions.

1. If a * appears after the use, then the use is defined in Chapter 15.130 ECC;
2. Where an ECC reference/link appears after a use, then the use is subject to standards set forth in that section or chapter.

15.310.030 Accessory uses.

An accessory use, as defined in ECC 15.130.010 and identified on the use tables in ECC 15.310.040 by an “A,” is permitted in any zone if:

- A. It is on the same lot as the principal use to which it is accessory; and
- B. It is of a nature customarily incidental and subordinate to, the principal use or structure.
[Ord. 4656 § 1 (Exh. O2), 2013.]

15.310.040 Use tables.

Table 15.310.040 Residential-based uses.

Use	R-S	C-H	I-L	I-H
RESIDENTIAL, GENERAL				
Dwelling, single-family* (ECC 15.540.020)	P			
Dwelling, cottage* (ECC 15.540.050)	P			
Dwelling, duplex* (ECC 15.540.030)	P			
Dwelling, townhouse* (ECC 15.540.060)	P			
Dwelling, multifamily* (Division V of this title)	P			
Dwelling, live-work*	P			
Manufactured home park* (ECC 15.340.040)				
GROUP RESIDENCES				
Boarding houses, lodging houses, sororities, fraternities*				
Adult family home*	P			

Use	R-S	C-H	I-L	I-H
Community residential facility*				
Senior citizen assisted housing*				
RESIDENTIAL ACCESSORY USES				
Accessory dwelling unit* (ECC 15.540.040)	P			
Home occupations* (ECC 15.340.020)	P	P	P	P
Yard sale use	A	A	A	A
TEMPORARY LODGING				
Bed and breakfast (ECC 15.340.010)				

Table 15.310.040 Nonresidential uses

Use	R-S	C-H	I-L	I-H
RETAIL				
Auto sales, new and used		P		
Farmers' markets*				
Fruit stands*	P	P	P	
Heavy retail (ECC 15.130.080)		P	P	P
Heavy service (ECC 15.130.080)		P	P	P
Nurseries and greenhouses that are ancillary to a retail use*	P	P	P	P
Restaurants, bars, and brewpubs*		P	P	
Coffee house, espresso bar	P	P	P	
Retail, small scale (<2,000 sf floor area)	P	P		
Retail, medium scale (2,000 – 20,000 sf floor area)		P		
Retail, large scale (20,001 – 60,000 sf floor area)		P		
Retail, super scale (>60,000 sf floor area)				
Outlet center		P		
Regional retail commercial projects* (subject to the requirements in Chapter 15.390 ECC)	P	P	P	

Use	R-S	C-H	I-L	I-H
Marijuana retailer*		P		
PERSONAL AND SERVICES				
Day care I facilities*	P	P	P	
Day care II facilities*	C	P		
General service establishments (ECC 15.130.070)		P	P	
Heavy services (see Heavy retail and services definition in ECC 15.130.080)*		P	P	P
Hotels/motels*		P		
Hospitals*	C			
Offices, medical*	P	P		
Kennels*		P	P	
Nursing homes*	C			
Marijuana cooperative*	P	P	P	P
Personal service establishments*	P	P		
Places of assembly*	C		C	
Radio station (commercial)		C	C	C
Veterinary clinic		P	C	
BUSINESS SERVICE				
Conference center*		P		
Offices, business or professional*, small scale (<2,000 sf floor area)	P	P	P	
Offices, business or professional*, medium scale (2,000 – 20,000 sf floor area)	P	P	P	
Offices, business or professional*, large scale (20,001 – 60,000 sf floor area)		P	P	
Miniwarehouse facility*		C	P	P
INDUSTRIAL				
Light industry (ECC 15.130.120)			P	P
Hazardous waste treatment (off-site) (see definition of “off-site” in ECC 15.130.150)			C	C
Hazardous waste treatment (on-site) (see definition of “on-site” in ECC 15.130.150)		C	C	C
Heavy industry (ECC 15.130.080)				C

Use	R-S	C-H	I-L	I-H
Marijuana processor*			P	P
Marijuana producer*			P	P
Tow vehicle storage area*			P	P
Vehicle wrecking yard*				C

Table 15.310.040 Special uses.

Use	R-S	C-H	I-L	I-H
PARK, OPEN SPACE AND RECREATIONAL				
Cemeteries, columbarium or mausoleums	P			
Golf course	P			
Golf driving range (not associated with a golf course)	C	C		
Recreation – outdoor (commercial)*		P	C	
Recreation – indoor (commercial)*		P	C	
Recreational vehicle parks (ECC 15.340.050)				
Parks, playgrounds (public or private)	P	P	P	
CULTURAL AND ENTERTAINMENT				
Adult entertainment establishment*				
Art, performing arts, and recording studios		P		
Museums				
EDUCATIONAL				
Schools	C	C		
GOVERNMENTAL				
Court		P		
Fire facility		P		
Police facility		P	P	
Public agency or utility office*		P	P	P
Public agency or utility yard	P	P	P	P

Use	R-S	C-H	I-L	I-H
Utility facility* ⁸	P	P	P	P
Fairgrounds				
Public transportation passenger terminals		P		
RESOURCE				
Gardening or fruit raising (accessory use or noncommercial)	P	P	P	P
Agriculture*	P			
Small wind energy systems (ECC 15.340.060)	P	P	P	P
REGIONAL				
Airport				

15.310.050 Supplemental P-R zone provisions.

A.— Permitted Accessory Uses.

- 1.— Services such as food, pharmacies, gift shops, bookstores, newsstands, flower shops and similar uses, and facilities such as vehicle service and repair, storage yards, and physical plants, that are associated with a permitted use, integral to the operation of the permitted use itself, and owned and operated by the public institution involved or conducted through a lease or contract with a private individual or entity;
- 2.— Facilities accessory to an institution, such as housing and dining facilities for students, staff or faculty of colleges, universities, and hospitals, are allowed within the principal building(s);
- 3.— Retail services, such as concessions and rental facilities usually associated with public parks, fairgrounds, other public recreation facilities, and public educational institutions;
- 4.— Helipads operated in conjunction with a public hospital;
- 5.— Human medical offices, such as doctor or dentist facilities, operated in conjunction with a primary permitted use.

B.— Conditional Use. Buildings located within 100 feet of a residential zone and intended to be higher than 35 feet may be permitted within the P-R zone through the granting of a conditional use permit according to the procedures set out in ECC 15.250.040.

~~C.— Master Planning. Recognizing that some institutions require long-range development plans and consist of large areas of land with multiple land uses, a master plan may be prepared for all, or a portion, of an entity’s land area which is subject to this chapter and which master planned land encompasses an area of three acres or more. See ECC 15.250.080 for application requirements, review procedures, and decision criteria for such master plans.~~

~~D.— Rezone of P-R Property When No Longer Used for Public Purposes. Recognizing that over time some land and structures that are zoned P-R and are used for P-R purposes may change uses to non-public uses or may become obsolete or surplussed out of active public use and occupancy, the property owner may in such situations seek a rezone out of P-R zoning pursuant to the terms and processes set forth in ECC 15.250.100, subject to the following:~~

~~The rezone applicant may request that the P-R zoned property be rezoned to any zoning district classification that abuts the subject property.~~

~~1.— In the event that the P-R zoned property is developed with a structure that is not consistent with the development allowed in the abutting zones, such as a large school in the middle of a single-family residential zone, the rezone applicant may request to rezone the property to a different zoning classification other than the abutting zones; provided, that a concomitant agreement that identifies the types of future uses that will be permitted in the structure has been proposed by the applicant and agreed to by city council as part of any rezone approval.~~

~~2.— In the event that the P-R zoned property is developed with a structure that has been identified on the Ellensburg historic resource inventory and the property owner desires to demolish all or part of the structure, a certificate of appropriateness for such demolition must first be applied for and approved by the landmarks and design commission pursuant to ECC 15.280.090(D) before the rezone permit review can be initiated. [Ord. 4807 § 45, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]~~

Exhibit C-3

Chapter 15.320 BUILDING SETBACK AND INTENSITY STANDARDS

15.320.010 Purpose.

- A. To promote forms of development that reinforce and/or enhance the desired character of Ellensburg neighborhoods;
- B. To promote compatibility between developments; and
- C. To minimize environmental impacts of development. [Ord. 4807 § 46, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

15.320.020 Interpretation of tables.

- A. The building setback and intensity standards tables address the building setback and intensity of development specific to individual zoning districts. The zoning district is located on the vertical column and the form/intensity topic being addressed is located on the horizontal row of these tables.
- B. Where an ECC reference/link appears after the building setback and intensity topic, then the use is subject to standards set forth in that section or chapter.
- C. If a number appears in the box at the intersection of the column and the row, refer to the development condition with the corresponding number immediately following the table. If there are multiple numbers, then all development conditions apply.
- D. ECC 15.320.050 through 15.320.130 provide clarification and exceptions to the building setback and intensity standards herein. [Ord. 4807 § 46, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

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)	<u>4</u> <u>du/acre</u> <u>(County</u> <u>only)</u>	6 du/acre ³	8 du/acre ³	15 du/acre	8 du/acre ³

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 ft ⁵
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 ft ¹⁰
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 ft ¹⁰
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 ft ¹¹
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. ~~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. 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.

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.]

15.320.040 Building setback and intensity standards – Nonresidential zones.

Table 15.320.040 Building setback and intensity standards table – Nonresidential zones.

Standard	C-N	C-T	C-H	C-C	C-C II	I-L	I-H	P-R
DEVELOPMENT INTENSITY AND CONFIGURATION								
Minimum lot area	None ₁	None ₁	None ₁	None ₁	None ₁	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 ft ²	10 ft ²	None ₂	None ₃	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	None ₅	None ₅	None ₅	None ₅	None ₅	None ₅	None ₄
Minimum side yard (see ECC 15.520.020 for supplemental standards)	None ₅	None ₅	None ₅	None ₅	None ₅	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.]

15.320.050 Density calculations.

A. Calculations for Determining Minimum Density – Net Area. All site areas shall be used in the calculation of minimum allowed residential density or project floor area except:

1. Street rights-of-way, easements, or other areas reserved or dedicated for public use (such as parks, open space, and stormwater retention facilities) except private easements that serve as primary access to no more than five lots; and

2. Submerged lands, landslide hazard areas and buffers, Category I-IV wetlands and buffers, and Type 1, 2, 3 and 4 streams and buffers.

B. Calculations for Determining Maximum Density – Gross Developable Acreage.

1. All site areas may be used in the calculation of the maximum allowed residential density or project floor area except as outlined under the provisions of subsection (B)(2) of this section.

2. Submerged lands, landslide hazard areas and buffers, Category I-IV wetlands and buffers, and Type 1, 2, 3 and 4 streams and buffers shall not be credited toward the maximum density or floor area calculations. Property used for new roadways, trails, stormwater facilities, or other features used by residents may be counted as part of the site area for density calculations. Property transferred to the city for the construction of public roadways or other public feature shall be counted as part of the site area if the city and property owner reach such an agreement as part of the transfer.

C. Density Calculations. Minimum and maximum density for an individual site shall be calculated by multiplying the gross developable acreage by the applicable number of dwelling units. When calculation results in a fraction, the fraction shall be rounded to the nearest whole number as follows:

1. Fractions of 0.50 and above shall be rounded up.

2. Fractions below 0.50 shall be rounded down.

D. Prohibited Reduction. Any portion of a lot that was used to calculate compliance with the standards and regulations of this title shall not be subsequently subdivided or segregated from such lot. [Ord. 4807 § 46, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

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:

- 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.]

15.320.070 Setback measurements.

- A. Front Yard Setback. The front yard is measured from the street right-of-way or the edge of a surface improvement (sidewalk) which extends beyond a right-of-way, whichever is closer to the proposed structure, to a line parallel to and measured perpendicularly from the street right-of-way or the edge of the surface improvement at the depth prescribed for each zone. For dual frontage properties, the front yard is measured from the street right-of-way that is the property's street address and primary access.
- B. Side Yard Setback. The side yard setback is measured from the side lot line adjacent to another private property to a line parallel to and measured perpendicularly from the side lot lines at the depth prescribed for each zone.
- C. Rear Yard Setback. The rear yard setback is measured from the rear lot line adjacent to another private property or an alley to a line parallel to and measured perpendicularly from the rear lot lines at the depth prescribed for each zone.
- D. Corner Lots. For corner lots with two street frontages, setbacks from the addressed street side shall conform to the front yard setback for the underlying zoning district. The setbacks for the flanking side shall conform to the exterior side yard setbacks for the underlying zoning district.
- E. For measurements on a pointed or irregular lot refer to definition of lot line in ECC 15.130.120. [Ord. 4807 § 46, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

15.320.080 Permitted projections into yards.

The following structures may extend into or be located in required setbacks:

- A. Fireplace structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project 30 inches into a front or rear yard, provided such projections are:
 - 1. Limited to two per facade; and
 - 2. Not wider than 10 feet;
- B. Eaves, cornices, and signs may not project more than:
 - 1. Three feet into a front or rear yard; and
 - 2. Two feet into the side yard;

C. Porches and covered entries may project up to six feet into the front yard subject to conformance with any required site vision standards set forth in Section 3, Street Standards, of the city's public works development standards applicable to the lot;

D. Uncovered porches and decks, which exceed 18 inches above the finished grade, may project up to six feet into the front or rear yards;

E. Storefront weather protection projections into the public right-of-way are acceptable, provided they don't interfere with street trees or extend beyond the edge of the sidewalk;

F. The following features may project into any front yard:

1. Unenclosed porches and entry features may project six feet into the front yard;
2. Mailboxes and newspaper boxes;
3. Fire hydrants and associated appendages;
4. Bus shelters; and
5. Monument signs;

G. The following features may project into any yard:

1. Telephone poles and lines;
 2. Power poles and lines;
 3. Cable TV and internet lines;
 4. Light and flagpoles;
 5. Sprinkler systems;
 6. Trellises not exceeding eight feet in height, not wider than 10 feet;
 7. Culverts and underground water, sewer, and accessory facilities for the provision of utilities, such as drains;
 8. Electrical equipment cabinets and similar utility boxes and vaults;
 9. Surface and stormwater water management facilities;
 10. ~~Fences per ECC 15.320.130;~~
 11. Uncovered porches and decks not exceeding 18 inches above the finished grade;
- and
12. Rockeries, retaining walls and curbs provided these structures do not exceed a height of six feet from the property line grade; and

H. No projections are allowed into a regional utility corridor or access easement. [Ord. 4807 § 46, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

15.320.090 Setbacks from alleys.

Accessory buildings and 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. [Ord. 4807 § 46, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

15.320.100 Setback modifications.

A. In addition to providing the standard street setback, a lot adjoining a half-street or designated arterial shall provide an additional width of street setback sufficient to accommodate construction of the planned half-street or arterial.

B. For residential lots adjacent to designated local streets and built to applicable standards set forth in Section 3, Street Standards, of the city's public works development standards, setbacks shall be measured from the back of the sidewalk rather than the right-of-way edge, provided no residential structures are built within the public right-of-way.

~~C. Administrative Variance.~~

~~1. Purpose. To allow limited flexibility in the application of the development standards herein.~~

~~2. Applicability. The director may allow an administrative variance for proposals that are within 10 percent of compliance of applicable dimensional standards set forth for building height and building placement.~~

~~3. Procedures. An administrative variance is subject to the Type II review process set forth in Chapter 15.210 ECC.~~

~~4. Decision Criteria. Proposals shall fall within the scope of the definition for "variance" set forth in ECC 15.130.220, and shall meet the purpose(s) of the applicable development standards. [Ord. 4807 § 46, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]~~

15.320.110 Lot or site divided by zone boundary.

When a lot is divided by a zone boundary, the following rules shall apply:

A. When a lot contains both residential and nonresidential zoning, the zone boundary between the zones shall be considered a lot line for determining permitted building height and required setbacks on the site;

B. When a lot contains residential zones of varying density:

1. Any residential density transfer within the lot shall be allowed from the portion with the lesser residential density to that of the greater residential density;

2. Compliance with these criteria shall be evaluated during review of any development proposals in which such a transfer is proposed; and

C. Uses on each portion of the lot shall only be those permitted in each zone pursuant to Chapter 15.310 ECC. [Ord. 4807 § 46, 2018; Ord. 4656 § 1 (Exh. O2), 2013. Formerly 15.320.120.]

~~15.320.120 Fences, walls, and hedges.~~

~~A. Residential Uses and Zones.~~

~~1. Front yard and between facade and street: 42 inches maximum height. Homes with accessory day care uses are allowed fences up to 48 inches tall, provided the portion of the fence above 42 inches is at least 50 percent transparent;~~



Figure 15.320.130(A)(1). Acceptable fences and walls for the front yard of residential uses. The left image uses a picket fence. The middle image uses a low wrought iron fence. The right image uses a low masonry retaining wall.

2.— Corner lot, side yard, flanking street: 42 inches maximum fence or wall height for areas less than five feet from the property line or sidewalk, whichever is less (but not within the right-of-way). For homes with accessory day care uses, the maximum height in this area may be increased to 48 inches, provided the portion of the fence above 42 inches is at least 30 percent transparent. For areas at least five feet from the property line or sidewalk, whichever is less (but not within the right-of-way), the maximum fence or wall height is eight feet;

3.— Side and rear yards: eight feet maximum fence or wall height, except that the maximum height of any fence less than five feet from a sidewalk shall be 42 inches. For homes with accessory day care uses, the maximum height in this area may be increased to 48 inches, provided the portion of the fence above 42 inches is at least 30 percent transparent;



Figure 15.320.130(A)(2). Acceptable and unacceptable fences on corner lots for side yard/flanking streets or along reverse frontage lots where the back yard abuts a street. The left example is a low picket fence. Taller fences like that in the middle image are acceptable along the side and rear yard, but are not allowed within five feet of a sidewalk. The right image shows an acceptable example where the fence is set back away from the sidewalk to allow space for landscaping.

4.— Fences, walls and hedges less than three feet from an alley are limited to 42 inches in height. Fences or walls set back three feet or more from the alley may be up to six feet in height. Fences or walls at least 10 feet from an alley may be up to eight feet in height;

Fences directly adjacent to an alley

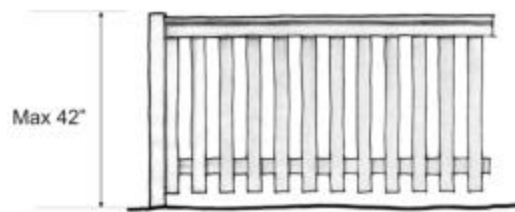


Figure 15.320.130(A)(3). Acceptable fences along an alley. The 42-inch fence on the left is allowed along the edge of an alley. The taller six-foot fence in the middle is allowed with a three-foot minimum setback from the alley.

5. ~~Residential developments are subject to edges and fences provisions as set forth in ECC 15.420.030, which addresses gated communities and reverse frontage lots; and~~

6. ~~Multifamily uses are subject to the following provisions:~~

a. ~~Side/rear yard design provisions set forth in ECC 15.520.020; and~~

b. ~~Blank wall treatment provisions as set forth in ECC 15.530.060.~~

B. ~~All Other Uses and Zones.~~

1. ~~Fences less than 10 feet from a streetfront property line or sidewalk, whichever is less (but not within the right-of-way), are limited to 42 inches in height. Day care uses are allowed fences up to 48 inches tall in this area, provided the portion of the fence above 42 inches is at least 30 percent transparent. Otherwise, the maximum height for fences shall be eight feet. Also see Section 3, Street Standards, of the city's public works development standards for sight distance requirements along streets and site access points;~~

2. ~~Nonresidential uses are subject to side/rear yard design provisions set forth in ECC 15.520.020; and~~

3. ~~Nonresidential uses are subject to blank wall treatment provisions as set forth in ECC 15.530.060.~~

C. ~~Fence and Wall Measurements.~~

1. ~~Fence and freestanding wall height shall be measured from the horizontal projection of the predominant ground level of either the finished grade where such grade has been established, or from the horizontal projection of the predominant existing grade in the vicinity of the fence; and~~

2. ~~Fence height shall be measured to the upper surface of the fence panel.~~

D. ~~Fence Material Standards.~~

1. ~~Chain Link Fences.~~

a. ~~Chain link fences are prohibited in residential zones and in yards associated with residential uses; and~~

b. ~~Chain link fences are allowed in nonresidential zones subject to height limits set forth in subsection (B) of this section. Where visible from the street, such fences taller than 42 inches shall be screened with landscaping per the blank wall treatment standards~~

~~set forth in ECC 15.530.060. Chain link fences visible from the street are encouraged to use blue or black vinyl coating.~~

~~2. No fence, wall or hedge shall contain barbed wire, electrical current or charge of electricity, broken glass or similar hazardous materials or devices except where livestock is to be contained by barbed or electrically charged wire, in which case the fence shall be located not closer than five feet from the property line. Where an adjacent existing fence, wall, or hedge on a property line dividing properties under separate ownership establishes a barrier, then such barbed wire fence or electrically charged fence may be placed on the property line with the mutual consent of the property owners. Fences enclosing storage areas in industrial zones (I-L and I-H) may use barbed wire so long as such wire is located not less than six feet above grade. [Ord. 4807 § 46, 2018; Ord. 4656 § 1 (Exh. O2), 2013. Formerly 15.320.130.]~~

Exhibit C-4

Chapter 15.550 OFF-STREET PARKING

15.550.010 Purpose.

The purpose of this chapter is to provide adequate parking for all uses allowed in this title, to reduce demand for parking by encouraging alternative means of transportation including public transit and bicycles, and to increase pedestrian mobility by:

- A. Setting minimum off-street parking standards for different land uses and districts that assure safe, convenient and adequately sized parking facilities;
- B. Recognizing that developed properties are likely to support a variety of different uses over time; and
- C. Providing for parking and storage of bicycles. [Ord. 4656 § 1 (Exh. O2), 2013.]

15.550.020 Authority and application.

- A. The regulations of this chapter apply to all off-street parking areas in all zoning districts within the city of Ellensburg.
- B. The regulations of this chapter apply to all new development applications, all new parking lot construction or enlargement. In addition, these regulations shall apply at the time of enlarging, moving or increasing the capacity of existing structures by creating or adding dwelling units, commercial or industrial floor space, or seating facilities, and shall also apply when an existing land use within an existing structure is changed to a category of land use as set forth below that is different than the category of land use (as set forth in Table 15.550.040(A)) for which the existing parking facility was designed and installed.
- ~~C. Whenever a building or use is expanded, enlarged or altered, additional off-street parking will be required for such expansion, enlargement or alteration based on the additional square footage of the expansion, enlargement or alteration, not on the total square footage of the building. However, in the event of enlargement or alteration of a structure, no additional off-street parking need be provided where the number of parking spaces required for such expansion, enlargement, or alteration is less than 10 percent of the off-street parking requirement specified in this chapter.~~
- D. Before an occupancy permit may be granted for any new or enlarged building or for a change of use in any existing building, the use shall be required to meet the provisions of this chapter.
- E. If this chapter does not specify a parking requirement for a land use, the director shall establish the minimum requirement based on a study of anticipated parking demand. Transportation demand management actions taken at the site shall be considered in determining anticipated demand. In the study the applicant shall provide sufficient information to demonstrate that the parking demand for a specific land use will be satisfied. Parking studies shall be prepared by a professional engineer with expertise in traffic and parking analyses, or an equally qualified individual as authorized by the director. [Ord. 4656 § 1 (Exh. O2), 2013.]

15.550.030 Parking plan – Building permit, surety bond, and occupancy requirements.

- A. Building Permit. No building permit nor parking lot construction or enlargement shall be issued until a parking plan showing provisions for the required off-street parking, as specified in this chapter, has been submitted and approved by the director. The plan shall clearly indicate the proposed development, including parking lot location, size, shape, design, number of spaces, curb cuts, lighting, landscaping, and other features and appurtenances required by this chapter. ~~The landscaping requirements for parking areas shall also meet the requirements of Chapter 15.570 ECC.~~ The parking plan shall show/state the number of parking spaces and handicap spaces required and provided.
- B. Surety. Before a building permit is issued for any building or structure for which this chapter requires off-street parking and where such off-street parking is not to be contained within the building for which the building permit is requested, the director may require that the applicant provide the city with a surety bond or other sufficient security approved by the city attorney guaranteeing to the city the installation and improvement of the required off-street parking within a time not to exceed six months following the completion of the building(s) for which such off-street parking is to be provided.
- C. Occupancy. All required off-street parking areas must be completed and landscaped prior to occupancy of any structure except as provided in Chapter 15.570 ECC, Landscaping. [Ord. 4656 § 1 (Exh. O2), 2013.]

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.

Category of Land Use¹	Minimum Parking Spaces Required
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

Category of Land Use¹	Minimum Parking Spaces Required
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
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

Category of Land Use ¹	Minimum Parking Spaces Required
	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

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

Category of Land Use	Minimum Parking Spaces Required
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.]

15.550.050 Continued use of required parking spaces.

A. Continued Use. Required off-street parking spaces must be available for the continued use of residents, customers, or employees of the use, and the continued use of a building or structure or property for which off-street parking is required shall be conditioned upon the continued existence of such off-street parking. If the required off-street parking ceases to exist in connection with the use for which it was reserved, and no equivalent off-street parking is provided, such occupancy and use of the building or structure or property shall become illegal and the occupancy permit shall become void.

B. Assignment Prohibited. Required off-street parking spaces may not be assigned in any way to another use on another site. ~~except as provided in ECC 15.550.060 relating to cooperative parking facilities.~~

C. Use for Non-Parking Purposes Prohibited. Required off-street parking spaces shall not be used for the parking of equipment or for storage of materials or goods or inoperable vehicles. Use of required off-street parking for commercial or other purposes in conjunction with a temporary use of a limited and specific duration shall require separate review and approval by the director in conjunction with the temporary use.

D. Maintenance Required. The off-street parking required by this chapter shall be maintained in a good and functioning condition as determined by the director. [Ord. 4807 § 60, 2018; Ord. 4804 § 3, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

~~15.550.060 Cooperative parking facilities.~~

~~Cooperative parking facilities may be provided subject to the approval of the director where two or more land uses can be joined or coordinated to achieve efficiency of vehicular and pedestrian circulation, economy of space, and a superior grouping of buildings or uses.~~

When cooperative parking facilities can be provided, the director may reduce the on-site parking requirements based on the following criteria:

A. ~~Peak demand occurs at distinctly different times.~~

B. ~~The minimum required parking for a multi-tenant facility shall be based upon the minimum amount necessary to satisfy the highest average daily peak demand generated by the uses at a single time period. In no case shall the minimum required parking for a multi-tenant facility be less than 60 percent of the total required for all uses in the facility.~~

C. ~~The continuation of the cooperative facility shall be assured by a sufficient legal document, such as a covenant or reciprocal easement agreement, or by participation in a local improvement district or parking cooperative or association. If a covenant is used, the owner of the off-site parking property shall execute a covenant in a form acceptable to the city attorney that shall clearly:~~

1. ~~Identify the legal description of the properties that are to benefit from the cooperative parking facilities and the legal description of the property that is to be encumbered in whole or in part by the covenant;~~

2. ~~Specify the terms and conditions of the such encumbrance; and~~

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

~~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. A copy of the recorded covenant shall be provided to the community development department.~~

D. ~~Shared parking associated with multi-tenant retail and commercial facilities will be considered to be a cooperative parking facility. Lease agreements recorded per subsection (C) of this section will satisfy the requirement for a sufficient legal document.~~

E. ~~In the event that the uses subject to the cooperative parking facility agreement change to different categories of use than the original uses, the new uses must be reviewed by the director to ensure that there is adequate on-site parking for the new use combined with the other uses subject to the cooperative parking facility agreement. [Ord. 4656 § 1 (Exh. O2), 2013.]~~

15.550.070 Loading space requirements.

A. Every nonresidential building engaged in retail, wholesale, manufacturing, or storage activities, excluding self-service storage facilities, shall provide loading spaces in accordance with the standards listed below:

Table 15.550.070(A). Loading space requirements for retail, wholesale, manufacturing, or storage activities, excluding self-service storage facilities.

Gross Floor Area	Required Number of Loading Spaces
10,000 to 40,000 square feet	1
40,001 to 96,000 square feet	2

Table 15.550.070(A). Loading space requirements for retail, wholesale, manufacturing, or storage activities, excluding self-service storage facilities.

Gross Floor Area	Required Number of Loading Spaces
96,001 to 160,000 square feet	3
160,001 to 196,000 square feet	4
For each additional 70,000 square feet	1 additional

B. Every building engaged in hotel, office building, restaurant, hospital, auditorium, convention hall, exhibition hall, sports arena/stadium or other similar use shall provide loading spaces in accordance with the standards listed below:

Table 15.550.070(B). Loading space requirements for hotel, office building, restaurant, hospital, auditorium, convention hall, exhibition hall, sports arena/stadium or other similar uses.

Gross Floor Area	Required Number of Loading Spaces
40,000 to 120,000 square feet	1
120,001 to 264,000 square feet	2
264,001 to 520,000 square feet	3
520,001 to 784,000 square feet	4
784,001 to 920,000 square feet	5
For each additional 200,000 square feet	1 additional

C. For storefronts and other similar buildings sited adjacent to a street without individual businesses over 10,000 square feet and no alley access, loading space may be provided by on-street designated loading zones upon approval of the public works and utilities director as a Type I decision based on access and safety considerations. A site plan, proposed conditions, and reason for on-street loading facilities shall be included in the application.

D. Each loading space required by this section shall be a minimum of 10 feet wide, 30 feet long, and have an unobstructed vertical clearance of 14 feet six inches, and shall be surfaced, improved and maintained as required by this chapter. Loading spaces shall be located so that trucks shall not obstruct pedestrian or vehicle traffic movement or project into any public right-of-way. All loading space areas shall be separated from parking areas and shall be designated as truck loading spaces.

E. Any loading space located within 100 feet of areas zoned for residential use shall be screened and operated as necessary to reduce noise and visual impacts. Noise mitigation measures may include architectural or structural barriers, beams, walls, or restrictions on the hours of operation.

F. Multi-story self-service storage facilities shall provide two loading spaces, and single-story facilities one loading space, adjacent to each building entrance that provides common access to interior storage units. Each loading berth shall measure not less than 25 feet by 12 feet with an unobstructed vertical clearance of 14 feet six inches, and shall be surfaced, improved and maintained as required by this chapter. Any floor area additions or structural alterations to a building shall be required to provide loading space or spaces as set forth in this chapter. [Ord. 4804 § 4, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

15.550.080 Parking lot design and construction standards.

A. Parking Area Access Standards. See Section 6, Parking Standards, of the city's public works development standards.

B. Parking Stall and Aisle Dimensions. See Section 6, Parking Standards, of the city's public works development standards.

C. Parking Area Development and Design Provisions.

1. For parking area surfacing standards, see Section 6, Parking Standards, of the city's public works development standards. Fire lane shall be in accordance with the International Fire Code (IFC) as adopted in ECC Title 3.

~~2. For on-site parking lot location standards along street frontages, see Chapter 15.510 ECC, Site Orientation.~~

~~3. For pedestrian access provisions within parking lots, see ECC 15.520.040, Internal pedestrian access and design.~~

~~4. For lighting standards, see Chapter 15.580 ECC, Outdoor Lighting.~~

~~5. For parking lot screening and internal landscaping, see ECC 15.570.050(A), Surface Parking Lot Landscaping. [Ord. 4656 § 1 (Exh. O2), 2013.]~~

Exhibit C-5

City/County Zoning Conversion Chart

Applicable to development of property within the City of Ellensburg Urban Growth Area

County Zone	Applicable City Zone
R -Residential UR -Urban Residential	R-S Residential Suburban
I-L Light Industrial	I-L Light Industrial
I-G General Industrial	I-H Heavy Industrial
C-G General Commercial	C-T Commercial Tourist
C-H Highway Commercial C-L Limited Commercial	C-H Commercial Highway
PUD Planned Unit Dev. (Bender/Reecer)	R-S Residential Suburban
PUD Planned Unit Dev. (the Verge)	R-H Residential High
HTC Historic Trailer Court	MHP Manufactured Home Park
F-R Forest and Range	Refer to County standards for allowable uses

LEGEND

ROAD CLASSIFICATIONS

- EXISTING PRINCIPAL ARTERIAL (Red solid line)
- EXISTING MINOR ARTERIAL (Green solid line)
- FUTURE MINOR ARTERIAL (Green dashed line)
- EXISTING MAJOR COLLECTOR (Blue solid line)
- FUTURE MAJOR COLLECTOR (Blue dashed line)
- EXISTING MINOR COLLECTOR (Orange solid line)
- FUTURE MINOR COLLECTOR (Orange dashed line)
- Urban Growth Area (Dashed line)
- City Limits (Dotted line)

Note: Alignment of future collector/arterial corridors is representative only and subject to minor location change due to topographic, environmental or engineering

UPDATED 10/12/2020

Existing & Future Arterial/Collector Corridors

All Other Streets are Local Access Streets
As Included in City of Ellensburg Comprehensive Plan





MANAGER'S REPORT

DATE: December 20, 2021
TO: Ellensburg City Council
FROM: Heidi Behrends Cerniwey, City Manager

1. Notice of Natural Gas Purchase.

Staff is notifying City Council, as required by Chapter 9.80 of the Ellensburg City Code, of a recent natural gas purchase commitment to Shell Energy North America. The purchase commitment is for 1000 MMBtu/day at \$3.85/MMBtu for the month of March 2022. The total value of the contract purchase is \$119,350.

2. Wastewater Treatment Plant Receives Outstanding Performance Award.

The City recently received from the Department of Ecology the 2020 Wastewater Treatment Plant Outstanding Performance Award. This is the seventh consecutive year the Ellensburg Wastewater Treatment Plant has received this award. Congratulations!

3. Kittitas County Developmental Disabilities Advisory Committee (DDAC) Member

Kittitas County advised that Councilmember Lillquist's position on the DDAC will expire on December 31, 2021. They are seeking the City Council's recommendation for a reappointment or new appointment for a three-year term, beginning January 1, 2022.