

COUNCIL AGENDA

Monday, December 19, 2022



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To attend the city council meeting virtually register here:

https://us02web.zoom.us/webinar/register/WN_zm0mYLQsQYza6UPk-oDQg

AMERICANS WITH DISABILITIES ACT

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

COUNCIL MEETING GUIDELINES FOR PUBLIC PARTICIPATION

All City Council meetings are broadcast on Charter/Spectrum Channel 191 and available to livestream on Ellensburg Community Television at www.ectv2.com or on YouTube at ECTV Ellensburg. You may also attend by phone, only, and listen to the meeting by following the registration instructions under "Remote testimony during the meeting," below. Once you register, you will be sent a meeting invitation with a phone number for the meeting.

City Council accepts testimony or comments in person or via remote testimony under Citizen Comment on Non-Agenda Items (Item No. 7) as well as for all other topics under the Regular Agenda. Testimony or comments will be accepted in the following manner:

SUBMISSION OF WRITTEN COMMENTS

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

PROCEDURE FOR REMOTE PARTICIPATION DURING MEETING

1. ***Advance registration is required to provide public comment or hearing testimony via remote meeting attendance.*** Anyone wishing to speak on items under the Agenda must register prior to 7 p.m. the day of the meeting. Register for the meeting at: https://us02web.zoom.us/webinar/register/WN_zm0mYLQsQYUza6UPk-oDQg - Once registered, you will receive an email with the meeting link and phone number (for those who wish to call into the meeting).
2. **Join the meeting early**, as you may need to download the app in advance to participate. Once you've joined the meeting, your camera and microphone will be muted until you are recognized by the Mayor to speak.
3. Please note that there may be several items on the City Council Agenda that will precede the agenda item you wish to address.
4. **The Mayor will identify the agenda item** and ask if anyone wishes to speak on the matter.
5. Any interested person may provide comments: 1) under Item 7 on non-agenda items, or 2) on any listed agenda items. If you wish to speak, you must:
 - a) **Raise your "virtual hand"** in the corner of Zoom application on the computer screen or press *9 on your phone. Raising your hand signals the moderator that you wish to speak.
 - b) **Wait to be called upon by the Mayor** using your name, e-mail, or phone number used to log in to the teleconference.
6. **Please state your name, address, and whether you are representing only yourself or others.**

PROCEDURE FOR IN-PERSON PARTICIPATION (COUNCIL CHAMBERS)

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

PUBLIC COMMENT RULES FOR ALL MEETING PARTICIPANTS

1. Each speaker's comments are to be limited to 3 MINUTES.
2. Speakers are cautioned not to engage in conduct that disrupts, disturbs or otherwise impedes the orderly conduct of the Council meeting.
3. Speakers may not identify themselves as candidates for elective public office or make any statements which assist or discuss the campaign of a candidate for elective office or discuss or campaign for or against a ballot proposition (unless the ballot proposition is being considered as part of the City Council agenda item).

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

CONSENT AGENDA

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

AGENDA ITEMS

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

PUBLIC HEARINGS

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

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

**CITY OF ELLENSBURG
COUNCIL AGENDA
Council Chambers
501 North Anderson Street
Ellensburg, WA 98926
And remotely via Zoom
Monday, December 19, 2022
7:00 PM - Regular Meeting**

Pledge of Allegiance

- 1. Call to Order and Roll Call**
- 2. Proclamations**
- 3. Awards and Recognitions**
- 4. Approval of Agenda** [No Public Comment]
- 5. Consent Agenda** [No Public Comment]

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

- | | |
|--|----|
| 5.A Approve Minutes of December 5, 2022 Regular Meeting
12-5-22 Regular meeting | 7 |
| 5.B Approve Minutes of December 5, 2022 Study Session
12-5-22 Study Session | 13 |
| 5.C Acknowledge Minutes of Boards and Commissions
Arts Commission 11-10-22
DEI Commission 11-18-22
Landmarks & Design Commission 11-01-22
Landmarks & Design Commission 11-15-22
Library Board 11-8-22
Lodging Tax Advisory Committee 10-4-22
Lodging Tax Advisory Committee 10-19-22
Public Transit Advisory Committee 10-18-22 | 14 |
| 5.D Professional Services Agreement for Central Transit Zero-Emissions Transition Plan

City of Ellensburg - Professional Services Agreement - HDR Engineering Inc. | 35 |

Transition Plan Scope

- 5.E Amendment #3 to Memorandum of Understanding (MOU) between City of Ellensburg, Bureau of Reclamation and Twin City Foods
MOU #3 City-TCF-BOR 12-19-2022 77
- 5.F Amendment to Interlocal Agreement between the City of Ellensburg and Kittitas County Regarding Development in its Urban Growth Area (UGA)
Ellensburg-County ILA for the UGA-Amendment 1 81
Ellensburg-Kittitas County ILA for the UGA
- 5.G Approve Voucher Listing for December 19, 2022 138
12-19-22 Voucher Listing

6. Petitions, Protests, and Communications

7. Citizen Comment on Non-agenda Issues

8. Business Requiring Public Hearings

- 8.A Rezone Application P22-075, Submitted by Jason Smith, Property Owner
Closed Record Hearing (quasi-judicial) and First Reading of Ordinance 4908
Approving the Rezone [Limited Public Comment] 139
Exhibit 1 P22-075 Smith HE Final Decision
Exhibit 1.1 Vicinity Map
Exhibit 1.2 Current Zoning Map
Exhibit 1.3 Comp Plan Map
Exhibit 1.4 Buffer Mailing Materials
Exhibit 1.5 Affidavit of publication
Exhibit 1.6 Land Use Action Sign
Exhibit 1.7 WAC
Exhibit 1.8 Electric Comments
Exhibit 1.9 PW comments
Exhibit 1.10 REZONE APPLICATION
Exhibit 1.11 NARRATIVE
Exhibit 1.12 SITE PLANS
Exhibit 1.13 703 E Helena Rezone Staff Report
Exhibit 2 Land Use Action Sign & Affidavit of Posting
Ordinance 4908 (First Reading) - P22-075 (Rezone)

9. Introduction and Adoption of Ordinances and Resolutions

- 9.A Ordinance 4904 (Second Reading) 2021/2022 Supplemental Budget Ordinance
[Public Comment Opportunity] 197
Table 1 - Supplemental Items by Fund

Table 2 - Adjustments by Fund
Ordinance 4904 -2021-2022 Supplemental Budget
Exhibits A & B - Amended Budget by Year

- 9.B Ordinance 4905 (Second Reading) for the Revision of City Code section 9.92.100
Electric Utility Fee and Credit Schedule [Public Comment Opportunity] 207
Ordinance 4905 (Second Reading) - Electric Fee Schedule Amendments
- 9.C Ordinance 4906 (First Reading) - Exclusion and Trespass from City Property [Public
Comment Opportunity] 213
Ordinance 4906 (First Reading) - Exclusion and Trespass from City Property
- 9.D Ordinance 4907 (First Reading) - Update of the Ellensburg City Code (ECC Ch.
3.12 Sign Code) [Public Comment Opportunity] 221
Ordinance 4907 (First Reading) ECC 3.12 Sign Code Update
- 9.E Resolution 2022-44 to Extend Streatery Permits [Public Comment Opportunity] 242
Resolution 2022-44 - Extend Streateries
- 9.F Resolution 2022-45 to Adopt Amended City Council Rules of Procedure [Public
Comment Opportunity] 246
Exhibit 1
Resolution 2022-45 Council Rules and Procedures 2022 update

10. Unfinished Business

11. New Business

12. Miscellaneous

- 12.A Manager's Report [No Public Comment] 278
Manager's Report 12-19-22

- 12.B Councilmembers' Reports [No Public Comment]

13. Executive Session

14. Adjournment

Next Ord. 4909
Next Res. 2022-46



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of City Council, Regular Meeting

December 5, 2022

7:00 PM

Council Chambers 501 North Anderson Street

Ellensburg, WA 98926

And remotely via Zoom

Pledge of Allegiance

The Pledge of Allegiance was led by Councilmember Beauchamp

1. Call to Order and Roll Call

Roll Call Present: Sarah Beauchamp, Rich Elliott, Nancy Goodloe, Nancy Lillquist, David Miller, Monica Miller, Adam Winn

Other present in person: City Manager Behrends Cerniwey, City Attorney Weiner, City Clerk Leader, Assistant City Attorney Reiman, Public Works & Utilities Director Lyyski, Community Development Director Ayling, Parks & Recreation Director Case, Finance Director Pascoe, Assistant Finance Director Bassett, HR Director Young, Senior Planner Henderson, Senior Electrical Engineer Meyer and approximately 16 members of the public

Others present remotely: approximately seven members of the public

2. Proclamations

3. Awards and Recognitions

4. Approval of Agenda

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

5. Consent Agenda

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

5.B. Acknowledge Minutes of Boards and Commissions

5.C. Diversity, Equity & Inclusion Commission Annual Report 2021-2022

5.D. 2022 Cured-in-Place Sewer Line Rehabilitation Project Acceptance

5.E. Resolution 2022-39 Approving Light Division Street Tree Removal Request at 701 N Pacific Street

5.F. Resolution to Reject Bid for Natural Gas Pipe Bid Call 2022-22

5.G. Project Acceptance of Bid Call No. 2020-33 - Bull Road Utility Extension Project

5.H. Collective Bargaining Agreement Between Teamsters Local 760 and the City of Ellensburg (Ellensburg Police Department)

5.I. Accept Resignation from Brian Jones from Civil Service Commission.

5.J. Approve December 5, 2022 Voucher Listing

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

6. Petitions, Protests, and Communications

6.A. Rotary Hearts Proposal - Jim Ridgway

Peggy Kahler, 1961 Strande Rd, representing the Ellensburg Downtown Rotary Club, presented information concerning the proposed project "Rotary Has Heart". Information was distributed concerning past Rotary projects and the Rotary Has Heart project.

Mayor Lillquist suggested adding this item to the January 3rd study session to discuss legality and policy issues for allowing personal messages on public property. It was suggested Rotary consider working with individual businesses for displaying signs.

6.B. Letter from Parks & Recreation Commission Regarding Use of Hostile Furniture in Public Spaces

Brad Case, Parks & Recreation Director, presented information in the staff report regarding hostile architecture.

Council consensus was to send the item back to the Parks & Recreation Commission for further review of a potential policy defining hostile architecture for Council consideration. Councilmember Goodloe also recommended staff and the Parks & Recreation Commission consider items suggested in the letter by KT Kelleher.

7. Citizen Comment on Non-agenda Issues

Arden Thomas, 731 S Thorp Hwy, spoke regarding the flood control district and discussion of flood mapping during the study session.

Pat Kelleher, 6530 Wilson Creek Rd, spoke regarding concerns with ADA accessibility in City parks.

8. Business Requiring Public Hearings

9. Introduction and Adoption of Ordinances and Resolutions

9.A. Second Reading of Ordinance 4900 - 2023/2024 Biennial Budget Ordinance
Keith Bassett, Assistant Finance Director, presented information in the staff report.

Councilmember Elliott moved to Approve conducting second reading and adoption of Ordinance 4900. **Motion Approved 7-0.**

9.B. Second Reading Ordinance 4901 Imposing an Additional One-Quarter of One Percent Real Estate Excise Tax (REET 2)
Keith Bassett, Assistant Finance Director, presented information in the staff report.

Councilmember Monica Miller moved to Approve conducting second reading and adoption of Ordinance 4901. **Motion Approved 7-0.**

9.C. Second Reading Ordinance 4902 Establishing Funds
Keith Bassett, Assistant Finance Director, presented information in the staff report.

Councilmember David Miller moved to Approve conducting second reading and adoption of Ordinance 4902. **Motion Approved 7-0.**

9.D. Ordinance 4903 (First reading) Adopting New Chapter 4.14A Streateries, Parklets, and Sidewalk Cafes
Terry Weiner, City Attorney, presented information in the staff report. Council asked questions of staff.

Stacey Henderson, Community Development Senior Planner, spoke regarding comments concerning the ordinance, submitted by Fennelle Miller.

Peggy Kahler, 1961 Strande Rd., spoke in support of streateries

Julie Peterson, 202 N Sprague St., spoke in support of streateries

Dee Anderson, 101 E Manitoba Ave., spoke in support of streateries

Fennelle Miller, 601 N 6th Ave., spoke regarding language in the ordinance

Blake Collins, 402 N Pearl St., spoke in support of the ordinance

Abby, 306 Alpine Dr., spoke in favor of streateries

Council commented concerning making amendments to the ordinance before second reading.

Councilmember Elliott moved to Approve conducting first reading of Ordinance 4903. **Motion Withdrawn.**

Councilmember Adam Winn moved to Approve scrapping the current process and start fresh next year. **Motion died due to lack of a second.**

Council consensus was for Councilmembers David Miller and Monica Miller to work with the Landmarks & Design subcommittee and provide staff guidance for updating the ordinance. Direction to staff was to submit a resolution for council approval, extending existing streateries to February 28, 2023.

9.E. Ordinance 4904 (First Reading) 2021/2022 Supplemental Budget Ordinance
Keith Bassett, Assistant Finance Director, presented information in the staff report.

Councilmember Elliott moved to Approve first reading of Ordinance 4904. **Motion Approved 7-0.**

9.F. Ordinance 4905 (First Reading) for the Revision of City Code section 9.92.100
Electric Utility Fee and Credit Schedule
Paul Meyer, Senior Electrical Engineer, presented information in the staff report.

Councilmember Monica Miller moved to Approve conducting first reading of Ordinance 4905. **Motion Approved 7-0.**

9.G. Resolution 2022-41 to Approve Fiscal Year 2022 Bad Debt Write-Offs
Jerica Pascoe, Finance Director, presented information in the staff report.

Councilmember Monica Miller moved to Approve adoption of Resolution 2022-41. **Motion Approved 7-0.**

9.H. Resolution 2022-42 - Pay Resolution for Fiscal Year 2023 for Non-Represented Employees
Lisa Young, HR Director, presented information in the staff report, which had been amended and distributed to Council on the dais.

Councilmember Elliott moved to Approve adoption of Resolution 2022-42 as amended. **Motion Approved 7-0.**

9.I. Resolution 2022-43, Multifamily Housing Limited Property Tax Exemption Agreement with Stalder Interests, Inc. for 609 N Water Street Apartments
Jamey Ayling, Community Development Director, presented information in the staff report.

Councilmember Elliott moved to Approve adoption of Resolution 2022-43. **Motion Approved 7-0.**

10. Unfinished Business

11. New Business

11.A. Notice of Intent to Commence Annexation Proceedings – Parcel 17826 Located East of Bull Road and North of Interstate 90.

Jamey Ayling, Community Development Director, presented information in the staff report.

Councilmember Elliott moved to Approve setting the annexation area as shown on the provided map; direct simultaneous adoption of zoning as provided for in the agenda report and require the assumption of all existing city or town indebtedness by the area to be annexed. **Motion Approved 7-0.**

12. Miscellaneous

12.A. Manager's Report

Heidi Behrends Cerniwey, City Manager, presented the report. She requested Council set regular study sessions for 2023.

Councilmember Elliott moved to Approve setting regular study sessions at 6 pm preceding the first council meeting of the month for 2023. **Motion Approved 7-0.**

She gave an update regarding the Ellensburg Racquet and Recreation Center and cooperation with local entities to assist with offering facilities to the community.

12.B. Councilmembers' Reports

- Councilmember Monica Miller attended Chamber Legislative Day and the Ellensburg Night Market
- Councilmember David Miller requested an excused absence for the December 19, 2022 meeting

Councilmember Winn moved to Approve an excused absence for Councilmember David Miller for the December 19, 2022 meeting. **Motion Approved 7-0.**

Councilmember Monica Miller requested an excused absence for the January 3, 2023 meeting.

Councilmember David Miller moved to Approve an excused absence for Councilmember Monica Miller for the January 3, 2023 meeting. **Motion Approved 7-0.**

- Councilmember Elliott attended the EBDA/CenterFuse meeting, Community Thanksgiving event and volunteered at the Animal Shelter
- Councilmember Beauchamp attended the Community Thanksgiving event and recognized the efforts of Katelyn Clavette for the event.
- Mayor Lillquist attended the Community Thanksgiving event, Moments to Remember, Chamber Legislative Day, Salmon Recovery Funding Board meeting, and will speak at Leadership Kittitas County. She announced the City will receive grant funding from the Transportation Improvement Board for two sidewalk projects.

13. Executive Session

14. Adjournment

Meeting adjourned 9:23 pm

Mayor

ATTEST: _____
City Clerk



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of City Council, Study Session

December 5, 2022

6:00 PM

Council Chambers 501 North Anderson Street

Ellensburg, WA 98926

And remotely via Zoom

Study Session

All Councilmembers present in person.

Others present in person: City Manager Behrends Cerniwey, City Attorney Weiner, City Clerk Leader, Public Works and Utilities Director Lyyski, Stormwater Manager Morrow, Community Development Director Ayling, Assistant City Attorney Reiman, Perteet Consultants Christina Wollman and Kirk Holmes and Kittitas County Water Resource Program Manager Arden Thomas

Floodplain Mapping in Ellensburg

Christina Wollman presented information to Council explaining Floodplain Mapping and answered questions from Council.

Adjournment

Meeting adjourned 6:51 pm

Mayor

ATTEST: _____
City Clerk



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

1. CALL TO ORDER

Co-Chair Dougherty called the meeting to order at 4:03pm

2. ATTENDANCE

PRESENT: Jerry Dougherty, Courtney Blackstock, Cassandra Town, Brian Kooser, Jeffrey Snedeker, Jill Scheffer

COUNCIL LIASON: David Miller

ABSENT: Alex Eyre

VISITOR(S): Shannon Noel

STAFF: Josephine Camarillo

3. APPROVAL OF AGENDA

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

4. CORRESPONDENCE AND CITIZEN COMMENTS

None

5. GUEST SPEAKER/PRESENTER

None

6. APPROVAL OF MINUTES

MOTION made by Scheffer to approve October 2022 minutes, seconded, motion approved.

7. BUDGET/FINANCIAL REPORT

2022 budget reviewed and discussed. Grantees need to submit their reimbursements. Dougherty will contact grantees.

8. NEW BUSINESS

Council presentation on proposed 2023 spending plan will be November 21, 2022. Eyre will be giving presentation. Poet Laureate will also give short presentation on mid-year report.

9. UNFINISHED BUSINESS

None

10. SUBCOMMITTEE BUSINESS

- A. Ellensburg Cultural Arts Program: Town not able to attend last meeting; currently working on Artist Thrive, they would like artists to help drive the vision on how to thrive in the community.
- B. Funding: 2023 grant recommendations will be going to Council on November 21, 2022.
- C. Public Art: Plaques for artwork purchased in 2020-2022 have been ordered and will be placed alongside the artwork. Need to assess value of all City artwork collection. David Miller will ask City Manager how to start process.
- D. Advocacy/Public Relations: Purpose of committee is to bring information back to Commissioner regarding art initiatives. Kooser will inquire into Inspire WA. and will send letter to Daily Record of 2022 summary of grant projects.
- E. Art Walk: New venues include John L. Scott and Blue Bear Puppet. More advertising on FFAW to be featured on social media and city website.

11. ANNOUNCEMENTS

Cassandra away for December meeting. EDE in need of harpist for Nutcracker Dec. 8-11, please let Scheffer know of any leads. EHS Pride and Prejudice performance coming up.

12. NEXT MEETING

December 8, 2022 at 4pm.

13. ADJOURNMENT

With no further discussion, meeting adjourned at 5:00pm.

Respectfully submitted,
Josephine Camarillo, Staff Liaison
Drafted: 11-10-22
Approved: 12-8-22

CITY OF ELLENSBURG

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

Date of Meeting

November 8, 2022

Time of Meeting

3:00 PM

Place of Meeting

Council Chambers, 501 North Anderson St.

Ellensburg, WA 98926

And remotely via Zoom

1. Call to Order and Roll Call

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

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

Absent: Tylene Carnell

Also present: Nicole Klauss, Public Information Officer (Recording Secretary); Maureen Rust, CWU Libraries; and Josephine Camarillo, Library Director.

2. Approval of Agenda

Commissioner Cleary moved to approve the agenda as amended. Commissioner Amos seconded the motion. The amendment was to bump Cultural Conversations presentation up so Library Director Josephine Camarillo could make it to the Library Board meeting. **Motion Approved 5-0.**

3. Approval of Minutes from October 11, 2022 Meeting

Commissioner Cleary moved to approve the October 11, 2022 meeting minutes. Commissioner Divine seconded the motion. There was no discussion. **Motion Approved 5-0.**

4. Previous Meeting Motions And To-Do List Review

The Commission reviewed the previous meeting motions.

Daniel will finalize first collaboration with CWU and City library about the Japanese American WWII heroes event. **The event will be May 3-June 10, 2023. Daniel has communicated the DEI Commission's desire to be involved.**

Mayra will talk to contacts about plans for Cinco de Mayo. **Mayra reached out to CWU's Diversity and Equity Center and MEChA, but hasn't heard any updates.**

Nancy will collaborate with ESD and offer first community conversation event/World Café. **Not complete. Event is scheduled for November 12, 2022 from 3-5 p.m. at Hal Holmes Community Center. Additional facilitators are needed.**

Nancy will review subcommittees and individual responsibilities to commission. **Not complete. Move to December agenda for new business.**

Nancy will discuss what to do with remaining funding for. **Not complete. We still have additional funds. Move to December agenda for new business.**

Nicole needs to set up time for two commissioners to go to another commission meeting. **In progress. Commissioners need to sign up for dates.**

Teresa and Mayra will set first meeting to plan participation in 2023 farmers market. **Not complete. Teresa and Mayra got an email response from the Farmers Market director and are waiting to set a meeting to discuss the plan.**

Teresa will meet with CWU Day of Action Committee. **Not complete. Planning is ongoing. The event is planned for May 11, 2023 from 1-5 p.m. The block party will start at 5 p.m.**

Tylene will finalize sponsorship of Pride 2023. **No update.**

5. Presentation About Cultural Conversations

Library Director Josephine Camarillo and Maureen Rust with CWU Libraries presented on Cultural Conversations, an event that explores different cultures. They requested one member of the DEI Commission serve on the planning committee. Commissioner Mandujano volunteered to be on the planning committee as a representative of the DEI Commission.

6. Subcommittee Reports

Commissioners Amos, Colazo, and Mandujano met to discuss the listening tours. They are proposing two listening tours with Hispanic (Latine, Latinx) populations, and are considering January for dates. They will meet again to discuss what they want to do with the listening tour results afterward, and what structural work needs to be done with the listening tours.

Klauss will send the 2020 listening tour report and additional listening tour recaps to the subcommittee for review.

7. Commission Member Reports

None.

8. New Business

Commissioner Cleary moved to approve the talking points for meetings with other City boards and commissions. Commissioner Amos seconded the motion. There was discussion about the dimensions of diversity chart and that it was included as a reference for DEI Commissioners to use while talking; it is not going to be shared with other commissions. **Motion approved: 5-0**

Commissioners volunteered for visits to other commissions. Nicole will send out updated schedule and commissioners can fill in the gaps. There should be two people per visit.

Klauss reported the City is applying for the Bicycle Friendly Community Application and there is a new section that includes questions about equity. Klauss requested a member of the DEI Commission assist with that portion of the application. Commissioners Divine and Colazo will help Klauss with the DEI portion of the application.

9. Staff Report

Klauss reminded members of the World Café on Saturday, Nov. 12 from 3-5 p.m. at Hal Holmes.

Klauss said the City Council will be revisiting the proclamation request process sometime in the future.

Chair Goodloe mentioned the Community Thanksgiving Dinner on Nov. 23 and encouraged commission members interested in volunteering to contact Katelyn at the Adult Activity Center.

10. Public Comment

None.

11. Preview Next Meeting

Goodloe reviewed items that will be on the next agenda:

- Determine if there is something to put remaining 2022 funding toward.
- Revisit the priority list established at the retreat.
- Listening Tour Subcommittee Updates

The January meeting will include a discussion about funding and members should start thinking about funding requests for projects.

Meeting adjourned at 4:05 p.m.

Nicole Klauss

Drafted: 11/10/22

Approved: 12/13/22



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of Landmarks & Design, Regular Meeting

November 1, 2022

5:45 PM

Council Chambers 501 North Anderson Street

Ellensburg, WA 98926

And remotely via Zoom

1. Call to Order and Roll Call

Roll Call Present- In Person: Fred Redmon, Marty Blackson, Amy McCoy

Roll Call Present-Via Zoom: Zane Kayner, Dorothy Stanley

Absent: Darren Reid

Also present- In Person: Stacey Henderson- Senior Planner, Ryan Kellogg- Public, John and Linda Graf- Public, Anthony Clayton- Public

Also present- Via Zoom: Jonathon Henderson- Public

2. Approval of Agenda

Commissioner Stanley moved to approve the agenda. **Motion Approved 5-0.**

3. Approval of the Minutes

Approval of Minutes from the October 18, 2022 LDC meeting.

Commissioner Stanley moved to approve the minutes. **Motion Approved 5-0.**

4. New Business

A. Public Hearing for Consideration of a Certificate of Appropriateness (COA) to construct a new courtyard roof structure on the back patio, and replace the fence along Pearl St., at 301 N. Pearl St., Ellensburg, WA.

Henderson presented the staff report. The applicant wishes to construct a new courtyard roof structure over the back patio, and replace the existing fence at 301 N. Pearl St., Parcel ID #827033, in Central Commercial (C-C) zoning. Per Exhibit B.3, the proposed design is a shed roof supported by wood posts, with open sides, along the North and East sides of the existing building. Per Exhibit B.4, the applicant is proposing a material palette of wood and dark/black metal, with wood supports, a metal roof, and a wood and metal fence to replace the existing chain link. The proposed work is located within the Downtown Ellensburg National Register Historic District, and Local Landmarks Historic District. The application (Exhibit B.1) was

received by the Department and determined to be complete per ECC 15.280.090(C)(2)(b), on October 6, 2022. In review of the criteria found in ECC 15.530.020(B)(1), staff finds that the construction of this courtyard roof and replacement of the fence will not detract from the overall historic character of the building and is compatible with the surrounding district. Therefore, this project meets the following two criteria of said section:

- a) Retains and preserve(s) the overall historic character of the building, and
- b) Ensure(s) that proposed alterations are compatible with the building's own architectural character and do not create a false historical appearance.

Staff has reviewed the criteria in the Code and recommends that the Certificate of Appropriateness (COA) be granted by the LDC for the new construction of the courtyard roof and replacement of the fence, as proposed, at 301 N. Pearl St, with no conditions.

No public comment. Commission addressed applicant. Ryan Kellogg responded to Commission. Hearing closed. Commission deliberated. Hearing reopened. Commission addressed applicant. Ryan Kellogg responded to Commission. Hearing closed. Finding of Fact read. Findings of Fact are applicable to this project:

1. Per ECC Sections 15.280.090, and 15.530.020, the LDC has jurisdiction to review this project.
2. The project has been found to be in keeping with two of the required building design standards of ECC 15.530.020, specifically that it:
 - a) Retains and preserve(s) the overall historic character of the building, and
 - b) Ensure(s) that proposed alterations are compatible with the building's own architectural character and do not create a false historical appearance.
3. The Applicant is the owner of this building and can pursue this action. The building is addressed as 301 N. Pearl St, and is located in the Ellensburg Downtown National Register District and Local Landmarks District.
4. It is in the interest of the City of Ellensburg to have historic buildings maintained and preserved. This proposal would not negatively alter the character-defining features of the historic building.

In addition, if no public comment is received during the public hearing portion of the meeting, the following Finding of Fact would also be applicable:

5. No public comment was received.

Commissioner Kayner made a motion to approve Certificate of Appropriateness for the roof structures with the following conditions:

1. Applicant shall add gutters to the roof structures.

2. Applicant shall return to a future meeting with a more specific fence material samples, full elevation drawing of the fence with accurate exits, and proposed gutter material.

Commissioner Kayner restated his amended motion to approve roof structure as proposed and applicant shall add gutters to roof design and come back to an additional meeting with fence elevation to show actual design of fence and material.

Motion approved 5-0

B. Public Hearing for Consideration of a Special Valuation for Historic Properties Application, for the rehabilitation of the house and barn at 109 East 10th Ave

Henderson presented staff report.

RCW 84.26.030 Special Valuation Criteria.

Four criteria must be met for special valuation under this chapter. The property must:

- (1) Be an historic property;
- (2) Fall within a class of historic property determined eligible for special valuation by the local legislative authority;
- (3) Be rehabilitated at a cost which meets the definition set forth in RCW 84.26.020(2)* within twenty-four months prior to the application for special valuation; and
- (4) Be protected by an agreement between the owner and the local review board as described in RCW 84.26.050(2).

State law gives the authority to the Landmarks and Design Commission, as the local review board, to approve or deny Special Valuation for Historic Properties. The City Code vests this authority in the Landmarks and Design Commission per ECC 15.280.110, as cited on pages 1 -2, herein.

The criteria that the Commission must consider in this application are found in RCW 84.26.030 (described on page 2, herein). The application meets criterion #1 and #2, as the property is over 50 years old and is listed on the Ellensburg Landmarks Register. The remaining two criteria (#3 and #4) before the commission are as follows:

1. Has the cost of the rehabilitation of the dwelling and barn at 109 E. 10th Ave. by the applicant achieved "at least 25% of the assessed valuation of the historic property, exclusive of the assessed value attributable to the land, prior to rehabilitation", per RCW 84.26.020(2), as referenced by ECC 15.280.110(C) and;
2. "Is [the building] not altered in a way which adversely affects those elements which qualify it as historically significant?"

*RCW 84.26.020(2) "Cost" means the actual cost of rehabilitation, which cost shall be at least 25% percent of the assessed valuation of the historic property, exclusive of the assessed value attributable to the land, prior to rehabilitation.

Staff has reviewed the Code and finds the application to meet all four required criteria. Therefore, staff recommends that the Special Valuation for Historic properties application be approved by the Commission for the dwelling and barn at 109 E 10th Ave, with two conditions:

1) The budget line item "Yard/Patio - \$12,320.74" be removed from the total cost of rehabilitation. This would change the total cost of rehabilitation to \$333,770.88, resulting in a rehabbing cost equal to 219% of the assessed valuation.

2. RCW 84.26.050(2)(a) thru (e):

- a. Monitor the property for its continued qualification for the special valuation;
- b. Comply with rehabilitation plans and minimum standards of maintenance as defined in the agreement;
- c. Make the historic aspects of the property accessible to public view one day a year, if the property is not visible from the public right-of-way;
- d. Apply to the local review board for approval or denial of any demolition or alteration; and
- e. Comply with any other provisions in the original agreement as may be appropriate.

Public comment opened. No public comment. Public testimony closed. Finding of fact was read. Per ECC Section 15.280.110, the LDC has jurisdiction to review this project.

The project has been found to be in keeping with the requirement of ECC 15.280.110 which incorporates the language of RCW 84.26.030 specifically that the property must:

- 1) Be an historic property;
- 2) Fall within a class of historic property determined eligible for special valuation by the local legislative authority;
- 3) Be rehabilitated at a cost which meets the definition set forth in RCW 84.26.020(2) within twenty-four months prior to the application for special valuation; and
- 4) Be protected by an agreement between the owner and the local review board as described in RCW 84.26.050

The Applicants are the owners of this property and can pursue this action. The structures are addressed at 109 E. 10th Ave. Ellensburg, WA 98926, and are listed on the Local Landmarks Historic register.

It is in the interest of the City of Ellensburg to have historic buildings rehabilitated. This project has not negatively altered the character-defining features of the dwelling, but rather, has enhanced and preserved them.

In addition, if no public comment is received during the public hearing portion of the meeting, the following Finding of Fact would also be applicable:

No public comment was received.

Commissioner Blackson made a motion to approve this special valuation with two conditions:

- 1) The budget line item “Yard/Patio - \$12,320.74” be removed from the total cost of rehabilitation. This would change the total cost of rehabilitation to \$333,770.88, resulting in a rehabbing cost equal to 219% of the assessed valuation.**
- 2) RCW 84.26.050(2)(a) thru (e):**
 - a. Monitor the property for its continued qualification for the special valuation;**
 - b. Comply with rehabilitation plans and minimum standards of maintenance as defined in the agreement;**
 - c. Make the historic aspects of the property accessible to public view one day a year, if the property is not visible from the public right-of-way;**
 - d. Apply to the local review board for approval or denial of any demolition or alteration; and**
 - e. Comply with any other provisions in the original agreement as may be appropriate.**

Motion passed 5-0.

5. Old Business

A. Plan 2023 Work Session

- Commission wanted training in January.

6. Citizen Comment

None.

7. Staff Update/Discussion Items

A. November 15- Next Meeting

8. Commission Representative Update

Commissioner Stanley addressed some historic house issues.

9. Adjournment

Chair McCoy adjourned the meeting at 7:05 p.m.



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of Landmarks & Design, Regular Meeting

November 15, 2022

5:45 PM

Council Chambers 501 North Anderson Street

Ellensburg, WA 98926

And remotely via Zoom

1. Call to Order and Roll Call

Roll Call Present- In Person: Fred Redmon, Marty Blackson, Amy McCoy

Roll Call Present-Via Zoom: Zane Kayner, Dorothy Stanley

Absent: Darren Reid

Also present- In Person: Stacey Henderson- Senior Planner, Kathy Boots-Planning Technician, Heidi Behrends Cerniwey- City Manager, Terry Weiner-City Attorney, Mollie Edson - Public, Emmie Nguyen – Public

Also present- Via Zoom: Brad Case, Brian Bishop, Karissa Withuhn, Mark Johnson, Fennelle Miller- Public., Monica Miller

2. Approval of Agenda

Commissioner Stanley moved to approve the agenda. **Motion Approved 5-0.**

3. Approval of the Minutes

Approval of Minutes from the November 1, 2022 LDC meeting.

Commissioner Stanley moved to approve the minutes. **Motion Approved 5-0.**

4. New Business

A. (P22-113) Public Hearing for Consideration of a Certificate of Appropriateness (COA) to install a door and exhaust fan on the back wall (east elevation) of the 420 N. Pearl building.

Commissioner Kayner recused himself. Henderson read staff report. The proposed door will be a light grey to blend with the wall. No public comment. Public comment closed. Discussion occurred. Commissioner Blackson motioned to approve the COA as presented. **Motion passed 4-0.**

B. (P22-115) Preliminary public meeting regarding COA P22-115

Public meeting to discuss possible alternatives to demo of bank, pavilion, and drive in downtown. The Commission will decide if they need more information to review prior to the next public meeting or if they are ready to discuss the demo at the next meeting. The applicant presented the alternatives looked at since 2018 to arrive at the decision to demo.

1. Renovate in current location. This option to convert the current bank to usable space such as a comfort station would be expensive and difficult.
2. Relocate and renovate. This option given the current condition of the building and pavilion would be unfeasible.
3. Rebuild. Build a new comfort station and permanent stage

The current art in that space would be utilized in the same area or relocated downtown. The design principles will be similar to the current downtown area. Building of the new Unity Park would not take place until CWU is out of session for the summer. The Farmers Market does not utilize this area. The current buildings proposed to be demolished are not historic, and do not contain murals. The Commission discussed and decided the project can move forward with the Public Hearing regarding the demo. At the next hearing a design and timeline will be presented. **Commission is in agreement to move forward.** Staff will send out a public notice when the applicant is ready for the next meeting.

5. Old Business

A. Review of DRAFT proposed Streatery/Parklet/Sidewalk Café ordinance merged with recommended LDC design guidelines.

Staff recapped the Commission's previous recommendations. Heidi Behrends Cerniwey- City Manager summarized the City Council decision. The design recommendations were sent to City Council. The City Council agreed with the design recommendations and merged the recommendations with the City Code. Weiner and Ayling addressed questions from the Commission. The code will address submittal requirements such as preferred and prohibited materials list. The applicants will be required to apply for a building permit and will not go before the Commission. Only submittals that fit the requirements will be accepted. If the temporary structure is not built as approved, it will become a code enforcement case. Current structures will be given three months to comply once the ordinance is adopted.

6. Citizen Comment

Fennelle Miller expressed three concerns regarding the proposed Streatery Ordinance.

- 1) In agenda packet it refers to an 8' tall wall, and Ms. Miller believes that 8' is too tall to allow and will disrupt the Character of the district.
- 2) Lighting language should be tightened up
- 3) She does not want stainless steel to be an approved material. She disagrees that it is a compatible material to the historic downtown.

7. Staff Update/Discussion Items

A. December 6- Next Meeting (Agenda had December 1, which is an error)

B. There is a new applicant for the Commission. If members would like to participate in the interview, notify Staff.

8. Commission Representative Update

- A. A few typo errors were mentioned regarding the streatory. The comments will be given to City Council.
- B. January 3, 2023 will be a work plan study session
- C. A meeting after the first of the year will be set to review CLG report.
- D. February 2, 2023 will be a DAHP training
- E. Staff will finalize revising the demo ordinance and bring it to Commission to review prior to City Council.

9. Adjournment

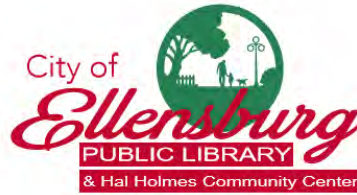
Chair McCoy adjourned the meeting at 7:07 p.m.

CITY OF ELLENSBURG

Date of Meeting:

Time of Meeting:

Place of Meeting:



LIBRARY BOARD

November 8, 2022

4:30pm

Council Conference Room / ZOOM

Marty Blackson, Chair, term expires December 31, 2022

Julie Cloninger, Co-Chair, term expires December 31, 2024

Loretta Gray, Secretary, term expires December 31, 2022

Mary James, term expires December 31, 2022

Andreina Delgado, term expires December 31, 2023

Mary Holmgren, term expires December 31, 2026

Andrea Sledge, term expires December 31, 2026

1. CALL TO ORDER

Holmgren called the meeting to order at 4:34 pm.

2. ATTENDANCE

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

COUNCIL LIASON: Sarah Beauchamp

ABSENT: Marty Blackson, Julie Cloninger

VISITOR: None

STAFF: Josephine Camarillo

3. APPROVAL OF AGENDA

Motion made by Gray to approve the agenda, seconded by Sledge, **motion approved.**

4. APPROVAL OF MINUTES

Motion made by Sledge to approve the October 2022 minutes, seconded by Gray, **motion approved.**

5. CORRESPONDENCE AND CITIZEN COMMENTS/SUGGESTIONS

None

6. REPORTS

A. Director's Report: (1) Multiple staff took sick leave during October. (2) Rez Hermann is retiring at the end of the year. (3) Both author visits were successful. (4) Youth Services has been busy with a number of programs. (5) Regina Tipton-Llamas is the new Technical Services Supervisor. (6) Collection and circulation statistics were discussed. (7) Hal Holmes continues to hold various events, many of which have technological needs that current equipment cannot meet; accommodating needs will be the focus of future discussions (e.g., improving the sound system).

- B. Budget Report: The budget is on track, roughly 83% complete.
- C. Friends of the Library Report: (1) Advertising about the FOL was increased, (2) Book sale was a big success.

7. UNFINISHED BUSINESS

- A. The first reading of the 2023-2024 Library/HH Budget was discussed. Funding for the Integrated Library System was approved, and YS Assistant summer hours were also approved. Increases for three assistants' hours were not funded.
- B. A staff model readjustment plan was discussed.

8. NEW BUSINESS

- A. KCRLB gave a budget-request presentation to the County Commissioners. The Ellensburg Public Library's request for \$115,000 was approved.

9. UPCOMING PROGRAMS/EVENTS

For November, the following are scheduled: (1) Library Book Club meeting, (2) Friends of the Library meeting, (3) Cultural Conversations, (4) Family Date Night.

10. UNSCHEDULED BUSINESS

- A. None

11. NEXT MEETING

December 13, 2022

12. ADJOURNMENT

With no further discussion, meeting adjourned by Holmgren at 5:15.

Respectfully submitted,

Loretta Gray, Secretary



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of Lodging Tax Advisory Committee, Regular Meeting

October 4, 2022

2:00 PM

Council Conference Room 501 North Anderson Street

Ellensburg, WA 98926

And remotely via Zoom

1. Call to Order and Roll Call

Roll Call Present: Adam Winn, Marie Smith, Steve Townsend (remotely), and Lacie Dawson (remotely).

Absent: None.

Also present: Heidi Behrends Cerniwey, City Manager, Nicole Klauss, Public Information Officer, Cyndi LaChappelle-Mathis, Executive Assistant, Laurie Gigstead, Executive Assistant and Matt Anderson, Director of Tourism.

1.A. The participants introduced themselves.

2. Minutes of the September 7, 2022 Meeting

Steve Townsend moved to approve the minutes as written. **Motion Approved 4-0.**

3. Correspondence and Public Comment. None

4. Unfinished Business

4.A. Budget/Financials Review

Reviewed and acknowledged.

4.B. Tourism Report

Matt gave an overview of the analytics from the My Ellensburg website. He reported on the September events that occurred and the upcoming October events. He gave a brief overview of the Strategic Plan that was completed in early 2020 and presented to Council on October 3, 2022.

5. New Business

5.A. Request to set a Special Meeting for review of the ratings of the Consolidated Lodging Tax Applications. Marie Smith moved to set a Special Meeting for October 19, 2022 at 1:00 pm.

Motion Approved 4-0.

5.B. Banner and Hardware Replacement Request. Steve Townsend moved to allocate an additional \$20,000 of lodging tax funds for the banner replacement project. **Motion Approved 4-0.**

The next regular meeting is scheduled for November 2, 2022 at 2:00 pm and the Special Meeting is scheduled for October 19, 2022 at 1:00 pm.

With no further business, the meeting was adjourned at 2:33 pm.

Respectfully Submitted,
Laurie Gigstead
Drafted: 10/05/2022
Approved: 12/13/2022



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of Lodging Tax Advisory Committee, Regular Meeting

October 19, 2022

1:00 PM

Council Conference Room 501 North Anderson Street

Ellensburg, WA 98926

And remotely via Zoom

1. Call to Order and Roll Call

Roll Call Present: Adam Winn, Marie Smith, Lacie Dawson and Steve Townsend (remotely)

Absent: None

Also present in person: Cyndi LaChappelle-Mathis, Executive Assistant and Beth Leader, City Clerk

2. Approval of Minutes

No discussion. Minutes will be approved at the next meeting.

3. Correspondence and Public Comment

None

4. Unfinished Business

5. New Business

5.A. Review and Rating of the Consolidated Lodging Tax Grant Applications for 2023 Funding Recommendations.

Members reviewed and discussed the rating averages and their individual ratings for applications received. Funding allocations were determined and discussed.

Steve Townsend moved to approve submitting the allocated funding amounts, as determined by the commission, to the County for the consolidated process. **Motion Approved 4-0**

6. Adjournment

With no further business, the meeting adjourned at 2:14 pm

Respectfully Submitted,
Cyndi LaChappelle-Mathis

Drafted: 10/20/22

Approved: 12/13/2022

PUBLIC TRANSIT ADVISORY COMMITTEE MEETING MINUTES

City of Ellensburg
Date & Time of Meeting
Place of Meeting

Minutes of PTAC Meeting
Oct 18, 2022 3:30 PM
Hybrid Meeting

1. Call to Order and Roll Call

Roll Call Present: David Miller, Josh Hackney, Joey Bryant, Bob Mersinger

Roll Call Absent: Christopher King, Yngrid Winter, Joe Burke

Also Present: Betsy Dunbar — COE, COE, Lisa LaPorte – HopeSource,

2. Approval of Agenda

- Motion by Josh Hackney to approve the October 18, 2022 PTAC Meeting Agenda.
Motion Affirmed by all.

3. Follow Up Items

- The HSTP (Human Services Transportation Plan) draft has been approved by QUADCO. The Consolidated Grant Applications are due to WSDOT and QUADCO on or before October 27th. The Ranking of projects by the 4 County Community Transportation Planning Team will be ranking the projects in November.

4. Ridership Stats

- September 2022 ridership stats were shared for all transportation services.

5. Agenda Items - None

6. Transit Marketing Updates

- A report of direct marketing events was shared.

7. Transit Updates

- Grant funding award was shared with the committee. Additional information regarding reporting ridership numbers of 18 and under passengers was requested.
- Photos of the new Alder Street turnout and newly paved 18th Ave were shared.
- CWU bus shelter artwork update was reviewed. Next 2 weeks – Call for Projects, December 1 – Projects are Due, January 4th – Notification
- The Transit Budget will be presented at the next PTAC Meeting.

9. Approval of Minutes

- Motion by Joey Bryant was made to approve the minutes of the July 19, 2022 PTAC Meeting. **Motion Affirmed by all.**

PUBLIC TRANSIT ADVISORY COMMITTEE MEETING MINUTES

10. Next PTAC Meeting:

The next regular PTAC meeting will be held on November 15, 2022.

11. Adjournment:

With no further discussion, the meeting was adjourned at 4:14 PM

Betsy Dunbar

Drafted: 10-20-2022

Approved: 12-7-2022



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 19, 2022

Item Title/Agenda Subject: Professional Services Agreement for Central Transit Zero-Emissions Transition Plan

Submitted by: Betsy Dunbar Public Works & Utilities

Recommended Action or Motion: Authorize the City Manager's signature on the Professional Services Agreement between the City of Ellensburg and HDR Engineering, Inc.

Background/Summary: The Climate Commitment Act law is part of Washington State's plan to eliminate and offset all greenhouse gas emissions by 2050. To be eligible for the Green Transportation Capital Grant program, transit agencies must adopt and implement a Zero-Emissions Transition Plan.

Staff applied for the 2022-2023 Green Transportation Supplemental Grant. Central Transit was awarded the grant funding on July 30, 2022.

Total Project Cost - \$150,000.00 | Match Requirement \$30,000.00 (20% Match) | Requested Grant Amount \$120,000.00.

A Request for Statements of Qualifications resulted in HDR Engineering, Inc. (HDR) being selected as the most qualified firm.

Previous Council Action: The Zero-Emissions Transition Plan (ZETP) will complement the City's overall plan to achieve lower emissions, the ZETP will also provide a more comprehensive plan for how to achieve those goals.

Staff will have the consulting groups coordinate for reporting consistencies where possible. The timeline of HDR's proposal fits well with the Sustainability and Energy Plan's schedule.

The Public Transit Advisory Committee (PTAC) held a special meeting on December 7, 2022 to discuss the Zero-Emissions

Transition Plan along with the Consultant's Scope, Fee, Schedule and Agreement. The PTAC recommended Council authorize the City Manager's signature on the Professional Services Agreement between the City of Ellensburg and HDR Engineering, Inc.

Analysis:

The Zero-Emissions Transition Plan would identify objectives to economically pursue and service viable fuel and power technologies, and the necessary infrastructure in order to meet the legislative mandates, support zero-emissions vehicles and improve the environmental footprint in our rural community. Having the transition plan in place will also qualify the city for additional capital grant funding opportunities.

Financial Impact:

The total cost of this Professional Agreement is one hundred and nine thousand seven hundred and two dollars \$109,702.00 of which \$109,702.00 will be paid from the \$120,000.00 grant award. The balance will cover administrative staff costs. The \$30,000.00 match will be paid from the Ellensburg Public Transit fund. This project is included in the adopted 2023/2024 Biennial Budget.

Attachments:

[City of Ellensburg - Professional Services Agreement - HDR Engineering Inc.](#)
[Transition Plan Scope](#)

**AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN THE CITY OF ELLENSBURG
AND
HDR Engineering, Inc)**

RELATING TO: (Zero-Emissions Transition Plan)

THIS COST PLUS FIXED FEE AGREEMENT is made and entered into this _____ day of _____, 2022 ("Effective Date"), by and between THE CITY OF ELLENSBURG, a non-charter code city of the State of Washington (hereinafter called the "CITY") and (HDR Engineering, Inc), a Corporation authorized to do business in the state of Washington (hereinafter called the "CONSULTANT").

1. RECITALS.

1.1. The CITY desires to obtain professional services for work related to the Zero-Emissions Transition Plan project.

1.2. The CITY has solicited for such professional services as required by law, including RCW Chapter 39.80 if applicable.

1.3. CONSULTANT represents that it is available and able to provide qualified personnel and facilities necessary for the work and services contemplated herein, and can accomplish the work and services within the required time period and in accordance with CITY's specifications, WSDOT Standard Specifications (as applicable), and professional standards.

1.4. CONSULTANT agrees to perform the work and services specified herein in accordance with the terms and conditions of this Agreement.

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

2. SCOPE OF WORK.

2.1. The scope of professional services to be performed and the results to be achieved by the CONSULTANT shall be as detailed in the attached Exhibit A and shall include all services and material necessary to accomplish the work ("Services").

2.2. The CITY may review the CONSULTANT'S work product, and if it fails to satisfy the standard set forth in Section 2.3 hereof, the CONSULTANT shall make such changes as may be required by the CITY. Such changes shall not constitute "Extra Work" as related in Section 13 of this Agreement.

2.3. The CONSULTANT agrees that all services performed under this Agreement shall be in accordance with the standards of the profession and in compliance with applicable federal, state and local laws.

2.4. The Scope of Work may be amended upon written approval of both parties.

3. TIME OF PERFORMANCE. The CONSULTANT may begin work upon the Effective Date of this Agreement by both parties, or the CITY's issuance of a Notice to Proceed, whichever is applicable, and the duration of the Agreement shall extend through May 2023. The work shall be completed in accordance with the schedule set forth in the attached Exhibit B.

4. PAYMENT. The CITY shall pay the CONSULTANT as set forth in this section of the Agreement. Such payment shall be full compensation for cost plus fixed fee work performed, services rendered, and all labor, materials, supplies, equipment and incidentals necessary to complete the work.

4.1. The CITY shall pay the CONSULTANT as set forth in this section. In no event shall the amount paid by CITY exceed the Maximum Compensation as set forth in Section 5, unless otherwise agreed to by the CITY in writing. Such payment shall be full compensation for work performed, services rendered, and all labor, materials, supplies, equipment and incidentals necessary to complete the work.

4.2. The CONSULTANT shall submit invoices to the CITY for work completed in accordance with Exhibit A. Invoices shall detail the work, and shall itemize with receipts and invoices the non-salary direct costs.

4.3. The CITY shall review the invoices and make payment for the portion of the project or tasks that have been completed less the amounts previously paid.

4.4. The CONSULTANT invoices are due and payable within 30 days of receipt. In the event of a disputed billing, only the disputed portion will be withheld from payment.

4.5. Final payment for the balance due to the CONSULTANT will be made after the completion of the work and acceptance by the CITY.

4.6. Payment for "Extra Work" performed under Section 13 of this Agreement shall be as agreed to by the parties in writing.

4.7. The CITY may desire to establish a Management Reserve Fund to provide the Agreement Administrator with the flexibility to authorize additional funds to the Agreement for allowable unforeseen costs, or reimbursing the CONSULTANT for allowable unforeseen costs, or reimbursing the CONSULTANT for additional work beyond that already defined in this Agreement. Such authorization(s) shall be in writing

and shall not exceed the lesser of \$15,000 or 10% of the Maximum Compensation as shown in Section 5 of this Agreement. The amount included for the Management Reserve Fund is \$0.00. This fund may not be replenished. Any changes requiring additional costs in excess of the Management Reserve Fund shall be made in accordance with Section 13 – Extra Work.

5. MAXIMUM COMPENSATION.

5.1. The CONSULTANT's total compensation and reimbursement under this Agreement, including labor, direct non-salary reimbursable costs and outside services, shall not exceed the maximum sum of One hundred and Nine Thousand, Seven-hundred and sixty-three dollars and no/100's (\$109,763.00). This amount is the maximum amount to be paid under this Agreement and shall not be exceeded without prior written authorization from CITY in the form of a negotiated and executed amendment of this Agreement.

5.2. The budget for each task is as set forth in the attached Exhibit D. Budgets for task(s) may be modified upon mutual agreement between the two parties, but in any event, the total payment to CONSULTANT shall not exceed the maximum amount per Section 5.1 above.

6. RELATIONSHIP OF PARTIES.

6.1. The relationship created by this Agreement is that of owner-independent contractor. Neither the CONSULTANT nor CONSULTANT's employees are employees of the CITY and are not entitled to the benefits provided by the CITY to its employees. The CONSULTANT, as an independent contractor, has the authority to control and direct the performance of the details of the services to be provided. No employee, agent, representative or subconsultant of CONSULTANT shall be or shall be deemed to be the employee, agent representative or subconsultant of the CITY. The CONSULTANT shall assume full responsibility for all wages, along with any Federal, State, and local taxes or contributions imposed or required, including, but not limited to, unemployment insurance, Social Security, and income tax, payable as a result of work performed under this Agreement.

6.2. Employees of the CONSULTANT, while engaged in the performance of any work or services under this Agreement, shall be considered employees of the CONSULTANT only and not of the CITY, and claims that may arise under the Workman's Compensation Act on behalf of said employees while so engaged, and any and all claims made by a third party as a consequence of any negligent act or omission on the part of the CONSULTANT'S employees while so engaged, on any of the work or services provided to be rendered herein, shall be the sole obligation and responsibility of the CONSULTANT. On or before the Effective Date, CONSULTANT shall file, maintain and/or open all necessary records with the Internal Revenue Service and the State of Washington, and as may be required by RCW 51.08.195, to establish CONSULTANT's status as an independent contractor.

7. OWNERSHIP OF DOCUMENTS.

7.1. The work product and all documents produced under this Agreement shall be furnished by the CONSULTANT to the CITY, and upon completion of the work shall become the property of the CITY, for use without restriction and without representation as to suitability for reuse by any other party unless specifically verified or adapted by the CONSULTANT, except that the CONSULTANT may retain one copy of the work product and documents for its records. The CONSULTANT will be responsible for the accuracy of the work, even though the work has been accepted by the CITY.

7.2. In the event that the CONSULTANT shall default on this Agreement or in the event that this Agreement shall be terminated prior to its completion as herein provided, all work product of the CONSULTANT, along with a summary of work as of the date of default or termination, shall become the property of the CITY. Upon request, the CONSULTANT shall tender the work product and summary to the CITY. Tender of said work product shall be a prerequisite to final payment under this Agreement.

7.3. CONSULTANT will not be held liable for reuse of documents produced under this Agreement or modifications thereof for any purpose other than those authorized under this Agreement without the written authorization of CONSULTANT.

8. RECORDS. As a public agency, the CITY is subject to the Public Records Act, Chapter 42.56 RCW (the "Act"). To the extent that CONSULTANT keeps records that are deemed public records and are needed for the CITY to respond to a request under the Act, as determined by the CITY, CONSULTANT agrees to make them promptly available to the CITY. Pursuant to Chapter 40.14 RCW, CONSULTANT shall retain records associated with this Agreement in accordance with the applicable retention schedule. CONSULTANT also agrees to indemnify and hold the CITY harmless from any claims or losses caused by CONSULTANT'S failure to make records available to the CITY as provided in this Agreement.

9. NONDISCRIMINATION. The CONSULTANT shall conduct its business in a manner, which assures fair, equal and non-discriminatory treatment of all persons, in particular:

9.1. The CONSULTANT shall maintain open hiring and employment practices and will welcome applications for employment in all positions, from qualified individuals who are members of minorities protected by federal equal opportunity/affirmative action requirements; and,

9.2. The CONSULTANT shall comply with all requirements of applicable federal, state or local laws or regulations issued pursuant thereto, relating to the establishment of non-discriminatory requirements in hiring and employment practices and assuring the service of all persons without discrimination as to any person's race, creed, color, religion, national origin, status as a military veteran, marital status, gender,

sexual orientation, disability or other legally protected classification.

10. SUBCONTRACTING.

10.1. The CONSULTANT shall not sublet or assign any of the work covered by this Agreement without the written consent of the CITY.

10.2. In all solicitation either by competitive bidding or negotiation made by the CONSULTANT for work to be performed pursuant to a subcontractor, including procurement of materials and equipment, each potential subconsultant or supplier shall be notified by the CONSULTANT of CONSULTANT's obligations under this Agreement, including the nondiscrimination requirements.

10.3. In performing this Agreement, the CONSULTANT shall not subcontract with or employ any CITY employee without the CITY's written consent.

11. SUPERVISION, INSPECTION AND PERFORMANCE.

11.1. Even though CONSULTANT is an independent contractor with the authority to control and direct the performance and details of the Services, the Services must meet the approval of CITY, such approval will not be unreasonably withheld or delayed, and shall be subject to CITY's general right of inspection and supervision to secure the satisfactory completion of this Agreement.

11.2. CONSULTANT represents that it has or will obtain all personnel necessary to perform the Services and that such personnel shall be qualified, experienced, and licensed as may be necessary or required by applicable laws and regulations to perform the Services. All Services shall be performed by CONSULTANT, its employees, or by subconsultants whose selection has been authorized by CITY; provided that CITY's authorization shall not relieve CONSULTANT or its subconsultants from any duties or obligations under this Agreement, or at law, to perform the Services in a satisfactory and competent manner. CONSULTANT shall ensure that all contractual duties, requirements and obligations that CONSULTANT owes to CITY shall also be owed to CITY by CONSULTANT's subconsultants retained to perform the Services.

11.3. CONSULTANT shall be responsible for the professional quality, technical adequacy, accuracy, timely completion, and coordination of the Services and all plans, designs, drawings, specifications, reports, and other work performed pursuant to this Agreement. CONSULTANT shall perform the Services in accordance with the standard of care of its profession in the same or similar localities at the time services are performed. CONSULTANT shall be responsible for the professional standards, performance, and actions of all persons and firms performing the Services under this Agreement. CONSULTANT shall, without additional compensation, correct any specific breach of a contractual obligation in the Services and revise any errors or omissions in any plans, designs, drawings, specifications, reports, and other products prepared under this Agreement.

12. CHANGES IN WORK. Other than changes directed by the CITY as set forth in Section 1 above, either party may request changes in the scope of work. Such changes shall not become part of this Agreement unless and until mutually agreed upon and incorporated herein by written amendments to this Agreement executed by both parties.

13. EXTRA WORK. The CITY may desire to have the CONSULTANT perform work or render services in connection with this project, in addition to the Scope of Work set forth in Exhibit A and minor revisions to satisfactorily completed work. Such work shall be considered as "Extra Work" and shall be addressed in a written supplement to this Agreement. The CITY shall not be responsible for paying for such extra work unless and until the written supplement is executed by both parties.

14. TERMINATION.

14.1. The CITY may terminate this Agreement in whole or in part whenever the CITY determines, in its sole discretion that such termination is in the best interests of the CITY, upon not less than ten (10) days' written notice to the CONSULTANT. Written notice will be by certified mail sent to the CONSULTANT'S designated representative at the address provided by the CONSULTANT. If this Agreement is terminated in its entirety by the CITY for its convenience, the CITY shall pay the CONSULTANT for satisfactory services performed through the date of termination, but no amount shall be allowed for anticipated profit on unperformed Services or other work.

14.2. The CITY may terminate this Agreement, in whole or in part and at any time, in writing if CONSULTANT substantially fails to fulfill any or all of its material obligations through no fault of CITY and fails to cure such failure within thirty (30) days following written notice thereof. If CITY terminates all or part of this Agreement for default, CITY shall determine the amount of Services satisfactorily performed to the date of termination and the amount owing to CONSULTANT using the criteria set forth below; provided that (a) no amount shall be allowed for anticipated profit on unperformed Services or other work, and (b) any payment due to CONSULTANT at the time of termination may be adjusted to the extent of any additional costs CITY incurs or will incur because of CONSULTANT's default. In such event, CITY shall consider the actual costs incurred by CONSULTANT in performing the Services to the date of termination, the amount of Services originally required which was satisfactorily completed to the date of termination, whether the Services or deliverables were in a form or of a type which is usable and suitable to CITY at the date of termination, the cost to CITY of either completing the Services itself or employing another firm to complete the Services in addition to the inconvenience and time which may be required to do so, and other factors which affect the value to CITY of the Services performed to the date of termination. Under no circumstances shall payments made under this provision exceed the Schedule of Charges. This provision shall not preclude CITY from filing claims and/or commencing litigation to secure compensation for damages incurred beyond that covered by withheld payments.

14.3. In the event this Agreement is terminated prior to the completion of the work, a final payment shall be made to the CONSULTANT, which, when added to any payments previously made, shall compensate the CONSULTANT for the portion of work completed. Whenever the Agreement is terminated in accordance with this Section 14, the CONSULTANT shall be entitled to payment for actual work performed up to the termination date. Upon such termination, whether for convenience or default, an equitable adjustment in the contract price will be made by the CITY for partially completed items of work, but such adjustment shall not include provision for loss of anticipated profit on deleted or uncompleted work. Termination under this Section 14 shall not constitute a breach of the Agreement by the CITY.

15. INDEMNIFICATION/HOLD HARMLESS.

15.1. CONSULTANT shall defend, indemnify and hold the CITY, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, to the extent arising out of or resulting from the negligence, violation of laws, breach of contract, or intentional misconduct of the CONSULTANT in performance of this Agreement, except for injuries and damages to the extent caused by the negligence (whether sole, or concurrent or contributory) of the CITY.

In the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the CONSULTANT and the CITY, its officers, officials, employees, and volunteers, the CONSULTANT's liability, including the duty and cost to defend, hereunder shall be only to the extent of the CONSULTANT's negligence.

15.2. It is further specifically and expressly understood that the indemnification provided herein constitutes the CONSULTANT's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties.

15.3. The provisions of this section shall survive the expiration or termination of this Agreement. Further, the indemnity obligations shall extend to claims that are not reduced to a suit and to any claims that may be compromised prior to the culmination of any litigation or the institution of any litigation. Inspection, acceptance or payment by CITY of or for any Services performed by CONSULTANT shall not be grounds for avoidance of any Indemnity Obligations.

16. INSURANCE.

16.1. The CONSULTANT shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the CONSULTANT, its agents, representatives, employees or subcontractors.

16.2. CONSULTANT'S maintenance of insurance as required by the Agreement shall not be construed to limit the liability of the CONSULTANT to the coverage provided by such insurance, or otherwise limit the CITY'S recourse to any remedy available at law or in equity.

16.3. Minimum Scope of Insurance. CONSULTANT shall obtain insurance of the types described below:

16.3.1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contract liability coverage; and,

16.3.2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors, and personal injury and advertising injury. The CITY shall be named or added as an additional insured under the Consultant's Commercial General Liability insurance policy using ISO endorsement form CG 20 26, or coverage at least as broad; and,

16.3.3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington; and

16.3.4. Professional Liability insurance appropriate to the CONSULTANT's profession.

16.4. Minimum Amounts of Insurance. CONSULTANT shall maintain the following insurance limits:

16.4.1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.

16.4.2. Commercial General Liability insurance shall be written with limits no less than \$2,000,000 each occurrence, \$2,000,000 general aggregate.

16.4.3. Professional Liability insurance shall be written with limits no less than \$2,000,000 per claim and \$2,000,000 policy aggregate limit.

16.5. Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability and Commercial General Liability insurance:

16.5.1. The CONSULTANT's insurance coverage shall be primary insurance with respect to the CITY. Any insurance, self-insurance, or insurance pool coverage maintained by the CITY shall be excess of the CONSULTANT's insurance and shall not contribute with it.

16.5.2. Any payment of deductible or self-insured retention shall be the sole responsibility of the CONSULTANT.

16.5.3. The CONSULTANT'S insurance shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respects to the limits of the insurer's liability.

16.6. Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

16.7. Verification of Coverage. CONSULTANT shall furnish the CITY with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the CONSULTANT before commencement of the work.

16.8. Cancellation. CONSULTANT will provide notice to the CITY of any cancellation of coverage by no later than three (3) days after CONSULTANT is notified by its insurer that coverage will or has been canceled, whichever occurs earliest.

16.9. CITY Full Availability of CONSULTANT Limits. If the CONSULTANT maintains higher insurance limits than the minimum amounts shown above, the CITY shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the CONSULTANT, irrespective of whether such limits maintained by the CONSULTANT are greater than those required by this Agreement or whether any certificate of insurance furnished to the CITY evidences limits of liability lower than those maintained by the CONSULTANT.

17. APPLICABLE LAW/VENUE. This Agreement shall be construed and interpreted in accordance with the laws of the State of Washington, and in the event of dispute the venue of any litigation brought hereunder shall be Kittitas County.

18. NOTICE. All communications regarding this Agreement shall be sent to the parties at the addresses listed below, or at such other address as given pursuant to this Section, and shall be effective on the next business day if sent by registered or certified mail or deposited with an overnight delivery service.

City of Ellensburg
Transit Department
Attention: Betsy Dunbar
501 N. Anderson
Ellensburg, WA 98926

HDR Engineering Inc.
1018 S 67th St
Omaha, NE 68106

19. ENTIRE AGREEMENT. The written terms and provisions of this Agreement, together with all referenced Exhibits, supersede all prior verbal statements of any officer or other representative of CITY, and such statements shall not be effective or be construed as entering into or forming a part of, or altering in any manner whatsoever, this Agreement. The entire agreement between the parties with respect to the subject matter hereunder is contained in this Agreement and the referenced Exhibits.

20. PRIORITY OF DOCUMENTS. In the event that the language and provisions of this Agreement are contrary to or conflict with any language or provisions set forth in any exhibit to this Agreement, the language and provisions of this Agreement shall control, and the contrary or conflicting language or provisions of the exhibit(s) shall be disregarded and shall be considered void.

21. MODIFICATION. No waiver, alteration, or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of CITY and CONSULTANT.

22. ASSIGNMENT. Any assignment of this Agreement by CONSULTANT without the prior written consent of CITY shall be void.

23. WAIVER. A waiver of any breach by either party shall not constitute a waiver of any subsequent breach.

24. THIRD-PARTY BENEFICIARIES. There are no third-party beneficiaries to this Agreement.

25. EXHIBITS AND SIGNATURES. This Agreement, including its exhibits, constitutes the entire Agreement, supersedes all prior written or oral understandings, and may only be changed by a written amendment executed by both parties. The following exhibits are hereby made a part of this Agreement:

Exhibit A – Scope of Work

Exhibit B – Schedule for the Work

Exhibit C – Consultant Labor Costs and Non-salary Reimbursable Costs

Exhibit D – Budget for Each Task

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

CONSULTANT:

By: 

Printed Name: Rob Berman

Title: Senior Vice President

Tax ID#: 470680568

THE CITY OF ELLENSBURG:

By: _____

Printed
Name: _____

Title: _____

ATTEST: _____
Clerk

Approved as to Form:

City Attorney

EXHIBIT A

SCOPE OF WORK

See Attachment

EXHIBIT B

SCHEDULE FOR THE WORK

Central Transit Ellensburg WA - Zero Emission Transition Strategy Project Schedule

TASKS	Oct	Nov	Dec	Jan	Feb
Task 1: Project Management					
1.1 Kickoff and Bi-Weekly Meetings; Ongoing Project Management		★	•	•	•
Task 2: Route Assessment & Analysis					
2.1 Fleet Data Evaluation			X		
2.2 Energy Consumption Analysis			X		
2.3 O&M Scenarios (Transition Scenario)			X		
2.4 O&M Impacts to Workforce			X		
2.5 Environmental Justice Analysis			X		
2.6 Policy & Legislative Impacts			X		
Task 3: Facility Infrastructure Modifications					
3.1 Capital Infrastructure Investment Needs, Costs, & Schedule				X	
3.2 Utility and Fuel Coordination				X	
Task 4: Lifecycle Economic Analysis					
4.1 Evaluation of Fuel Cost				X	
4.2 Start-Up & Lifetime Costs				X	
Task 4: Final Report & Recommendations					
4.1 Draft Report					X
4.2 Final Report					X

LEGEND: ★ Notice to Proceed • Project Meeting X Deliverable

EXHIBIT C CONSULTANT LABOR COSTS

LABOR ESTIMATE, HDR ENGINEERING STAFF Central Transit: CT ZE Transition Plan

	Project Manager	Route Modeling Specialist	Transportation Engineer 1	Technology Designer	Principal in Charge	Senior Facilities Designer	Facilities Analyst 1	Transportation Engineer 2	Transportation Engineer 3	Project Accountant	Project Manager	Facilities Analyst 2	Total Labor Hours	Total Labor Dollars
	208.53	304.79	234.56	115.87	448.20	238.15	432.97	117.41	192.79	102.82	255.41	108.16		
1 Project Management	24	2	2	6	16	4	2	6	9	34	14	2	84	\$ 16,822.56
Project Setup	8									15			15	\$ 3,092.44
Project Mgmt Plan / Quality Mgmt Plan / HASP	6				2					10			16	\$ 3,175.90
Coordination and Monitoring													0	\$ -
Invoking / Status Reporting / EV / WorkPlan										10			10	\$ 1,628.20
Bi-weekly project meetings	6	2	2		8	4	2				10	2	36	\$ 10,554.92
Project Closeout	4									4	4		12	\$ 2,267.04
2 Route Assessment & Analysis	12	26	17	78	8	4	6	6	6	6	36	6	178	\$ 26,155.88
2.1 Fleet Data Evaluation	2	15	4								4		23	\$ 4,437.97
2.2 Energy Consumption Analysis	2	15	4		2						2		25	\$ 7,334.49
2.3 O&M Scenarios (Transition Scenarios)	2	6	4	20	6	4					8		50	\$ 11,186.88
2.4 O&M Impacts to Workforce	2			20							8		30	\$ 4,777.74
2.5 Environmental Justice Analysis	2			20							8		30	\$ 4,777.74
2.6 Policy & Legislation Impacts	2			10							8		20	\$ 3,619.04
3 Facility Infrastructure Modifications & Operating Costs for Tech	6	6	14	6	4	12	6	20	20	6	6	6	78	\$ 16,181.88
3.1 Capital Infrastructure Investment Needs, Costs, Schedule			4		2	4			20				31	\$ 5,511.41
3.2 Utility and Fuel Coordination			10		2	4		20					40	\$ 7,564.56
4 Lifecycle Economic Analysis for Transit Bus Technology Scenar	6	6	6	6	4	6	16	6	6	6	4	24	58	\$ 12,543.68
4.1 Evaluation of Fuel Cost			4	4	2		8				2	4	18	\$ 4,167.64
4.2 Start-Up & Lifetime Costs			4	4	2		8				2	20	40	\$ 8,436.02
5 Recommendations & Final Report	12	4	6	20	6	4	6	12	12	6	16	12	106	\$ 21,729.88
5.1 Draft Report	10	2	4	10	4	2	4	10	10		8	10	74	\$ 15,019.52
5.2 Final Report	2	2	4	10	2	2	2	2	2		2	2	32	\$ 6,709.88
Task Total Hours	48.00	42.00	44.00	98.00	32.00	24.00	18.00	32.00	32.00	34.00	72.00	38.00	514.00	
Task Total Fee	\$ 10,009.44	\$ 12,801.18	\$ 10,320.64	\$ 11,355.26	\$ 14,344.32	\$ 5,715.60	\$ 7,793.46	\$ 3,757.12	\$ 6,169.28	\$ 3,495.88	\$ 18,389.52	\$ 4,110.08		\$ 108,261.78

EXPENSES

Central Transit: CT ZE Transition Plan

	Site Visit	Total ODC + Markup
OTHER DIRECT COSTS		
Unit Cost	\$1,500.000	

3	Facility Infrastructure Modifications & Operating Costs for Techn	
	Quantity	1
	Task Total	\$1,500.00
		\$1,500.00

Total ODC	\$ 1,500.00	\$ 1,500.00
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EXHIBIT D

BUDGET FOR EACH TASK

FEE ESTIMATE

Central Transit: CT ZE Transition Plan



Task #	Task Description	Total Labor	Total Expenses	Total For Proposal
1	Project Management	\$19,673	\$0	\$19,673
2	Route Assessment & Analysis	\$38,134	\$0	\$38,134
3	Facility Infrastructure Modifications & Opera	\$16,182	\$1,500	\$17,682
4	Lifecycle Economic Analysis for Transit Bus	\$12,544	\$0	\$12,544
5	Recommendations & Final Report	\$21,730	\$0	\$21,730
		\$108,263	\$1,500	\$109,763



Statement of Qualifications for City of Ellensburg
**Central Transit Zero-Emissions
Transition Plan**



August 17
2022



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Key Zero Emission Terms Glossary

ZEM	Zero Emissions Mobility
ZEB	Zero Emissions Bus
BEB	Battery Electric Bus
FCEB	Fuel Cell Electric Bus
O&M	Operations & Maintenance
EVSE	Electric Vehicle Supply Equipment

August 17, 2022

Betsy Dunbar, Transit Manager
City of Ellensburg
501 N. Anderson Street
Ellensburg, WA 98926

RE: Ellensburg's Central Transit Zero-Emissions Transition Plan

Dear Betsy Dunbar,

The road to zero-emissions transit is an exciting journey. As your agency responds to regulatory, societal, economic, and environmental concerns with deployment of ZEBs, HDR looks forward to helping you move towards this brighter, cleaner future. This transition to ZEBs reflects a global trend to modernize fleets, reduce greenhouse gas emissions, and create environmentally friendlier options for communities. With seven offices in Washington, including one in Pasco, we are part of the Washington community and look forward to this opportunity to help the City of Ellensburg meet local, state, and federal transition goals.

We recognize that this journey to zero-emissions transit needs a road map for success. The introduction of a new technology has the potential to affect daily operations, infrastructure, workforce, and financial performance. We will work with you to create a plan that evaluates these potential impacts and facilitates a smooth deployment, as we have with other local agencies, including **Kitsap Transit, C-TRAN, and Pierce Transit**. We have an in-depth understanding of the FTA requirements to comply with the Low or No-Emissions Vehicle Program grant and will work with you to create a plan that addresses these requirements.

With a team comprised of experienced professionals in the field of zero emissions, public transit, power, utility coordination, finance, and facility infrastructure planning and design, we bring the experience and insights to create an actionable plan, complete with vital data that will shape an economically viable, operationally sound transition to benefit your employees, riders, and community as a whole. In addition to our ability to combine focused specialists with the broad resources of our firm to address complex project challenges as they arise, we bring the following benefits:

A holistic understanding of zero-emissions needs and transit-related planning.

We know the moving parts that need to be considered in this effort, and we also see the big picture. We bring an unmatched spectrum of experts and professionals to help you—both immediately and as you advance your zero-emissions journey.

A thorough, informed planning process to guide investments.

Our demonstrated experience developing transition plans that incorporate current industry standards and reasonably foreseeable trends in a way that provides flexibility

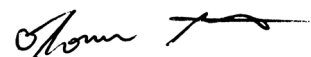
for the future is the hallmark of our work. By partnering with Ellensburg's Central Transit to provide guidance throughout the process, we can accommodate the variability inherent with emerging technologies. When it comes to ZEBs, our team is technologically agnostic. For example, as a developing technology, hydrogen has not yet been optimized for cutaway bus fleets like that of Central Transit. However, technology is changing rapidly and, although it is not likely a solution for your agency today, our state-of-the-industry analysis will provide a 360-degree view of all fueling options to assist you in making informed decisions. We are deeply knowledgeable about the most recent technologies, trends, and opportunities, but we do not promote a particular technology. This provides flexibility and allows us to present the best, most data-driven decisions without bias.

Specialty tools to shape data-driven decisions.

Zero+ Fleet Optimization is an HDR-created, in-house, industry-leading, GIS-based modeling tool that's cross-layered with operational fleet data to provide superior operating, charging, and energy cost scenarios. We pair it with our **EconMOVES** tool to determine the best solutions in line with your operating, capital, and financial plans. Better information leads to better decisions, and our tools help you move your zero-emission vision forward with confidence.

I am pleased to serve as our point of contact for this effort and can be reached at: 919.232.6645 or via email at Thomas.Stout@hdrinc.com. Please do not hesitate to contact me with any questions.

Sincerely,
HDR Engineering, Inc.



Thomas Stout, PhD
Project Manager

Planning the Right ZEB Transition— *Right from the Start*



Thomas Stout
Project Manager/
HDR Zero Emissions
Transportation Specialist

I imagine the beginning of a triathlon. The starting gun goes off and everybody dives into the water. After the swim, some participants jump out and grab their bicycles for the next phase while others look around sheepishly and ask, “We needed a bike?”

That failure to plan ahead is far-fetched, but it shows what happens when there’s a fundamental misunderstanding of the bigger picture and the end goal. Many fleet operators make a similar misstep in their transition to zero-emission vehicles. They start off too quickly or leap to an easy partial solution, then have to head back to the starting line after completing the pilot project. In a multi-stage, data-driven undertaking, it’s important to prepare for all of the phases from the beginning. Transition plans are phased approaches that can cover multiple years, but a clear road map for adapting to new technology makes more sense than returning to the starting line every time.

Through this Zero-Emissions Transition Plan effort, Ellensburg’s Central Transit is laying the groundwork for a successful transition and avoiding one of the biggest causes of lost time and money for fleet owners pursuing this transition—the scaling trap.

As current vehicles end their service life, battery electric or hydrogen fuel cell vehicles and infrastructure are introduced as funding becomes available. Conversion plans should also remain flexible and ready to adapt to new technology as it is developed and rolled out.

We will help you develop a clear road map for adapting to new technologies, allowing you to avoid missteps during the transition to a ZEB fleet.

HDR has worked with several fleet owners similar to Ellensburg’s Central Transit, studying the power and infrastructure needs of fleet conversions and drafting plans for making this switch, including requirements for an initial roll out and the upgrades needed for additional long-term capacity. A longer-range planning focus means facilities and infrastructure can be sized with future needs in mind, minimizing repeated studies, plans, and construction.

Modeling programs and complex analyses can account for the many factors faced in a transition, as well as route feasibility and more to help agencies and their electric utility partners reach informed, data-driven decisions about the best path forward.

Knowing that every operator faces different challenges, we don’t do cookie cutter plans. HDR’s **Zero+ Fleet Optimization tool** produces detailed data related to your proposed system’s energy consumption and the information needed to complete a comprehensive operational analysis or sustainability report.

For example, the Zero+ tool has been used to digitally represent clients’ transit networks and simulate every bus trip to determine the power demands of specific electric bus models and the charging strategies to accomplish your system’s desired transition.

Our modeling can also include information on effective route schedules, fleet size estimates, managed versus unlimited charging, vehicle duty cycles, and more. All of this data will be tailored to you to help you make informed decisions from the beginning about how to best proceed with your transition.

Our accompanying **EconMOVES** modeling tool allows us to evaluate and compare implementation, costs, and funding scenarios to help you determine the best fit for your needs. Together, the two tools can create realistic scenarios to forecast the financial and energy needs of your system.

Planning for transition from the very start is the way to avoid the pitfalls of the scaling zone. Functional analyses and incremental decision making will result in a successful transition and implementation plan. Our goal is to create an actionable, informative plan that results in less wasted time and investment, garners public and political support, considers your community’s needs in an equitable manner, and shows all stakeholders there is a comprehensive plan for not just the near future, but the long term.

B. FIRM EXPERIENCE

A Transition Plan - and Experienced Team - You Can Rely On

As industry-recognized experts in transportation, energy, and facility design, we'll collaborate with you on research, planning and design through operations for the full scope of your project. One stop accountability will streamline and simplify your zero-emissions transition.



Our proposed staff members have been involved in zero emissions planning and design efforts for transit providers, municipalities, and agencies both in the US and around the world. Below are just a few of the many similar projects undertaken by our proposed HDR team members that demonstrate our staff's capabilities, as well as how their experiences on these projects (**all undertaken or completed in the last five years**) align with the array of services required for a successful Zero-Emissions Transition Plan.

SIMILAR PROJECTS	Key Staff Involvement	ZEB Transition Planning	Capital Cost Estimates (Infrastructure, Equipment, & Lifecycle)	Fleet Charging Planning & Design	Route/Energy Analysis	Charging Strategies	Fuel Cell Analysis & Design	Power Supply Analysis & Design	ZEB Facility Planning & Design	ZEB Operating & Maintenance Policies	ZEB Safety & Training Implementation Plan	Future-Proofing Infrastructure
Kitsap Transit ZEB Infrastructure Study, Kitsap County, WA	●			●	●	●		●	●			●
Emory University BEB Feasibility Study, Atlanta, GA	●	●	●	●	●	●	●	●				●
C-TRAN Alternative Fuel Vehicle Feasibility Study, Vancouver, WA	●	●	●	●	●	●	●		●	●	●	●
C-TRAN BEB Charging Infrastructure Design Services, Vancouver, WA	●			●		●		●				●
King County Metro KCM Bus Base Electrification Study, King County, WA	●	●		●		●		●	●	●		●
Pierce Transit Zero Emissions Transition Strategy, Pierce County, WA	●	●	●	●	●	●	●	●	●	●	●	●
Capital Metropolitan Transportation Authority (CapMetro) Electric Vehicle Project Management, Austin, TX	●	●	●	●	●	●		●	●	●		●
Santa Maria Regional Transit (SMRT) ZEB Rollout Plan, Santa Maria, CA	●	●	●	●	●	●	●	●	●	●	●	●
NAU /Mountain Line BEB Feasibility and Infrastructure Study/HQ Renovation, Flagstaff, AZ	●	●	●	●	●	●	●	●	●	●		●
Monterey-Salinas Transit (MST) ZEB Analysis & Rollout Plan, Monterey, CA	●	●	●	●	●	●	●	●	●	●	●	●
San Mateo County Transit District (SamTrans), ZEB Transition, San Mateo, CA	●	●	●	●	●	●	●	●	●			●
Placer County Water Agency (PCWA) Light Duty Fleet Plan/Facility Review, Auburn, CA	●	●		●		●	●	●				
BC Transit BEB Transition Plan, Victoria, BC, Canada	●	●	●	●		●		●	●	●	●	●
LA Metro Harbor Gateway Transit Center, Division 9, and El Monte EVSE Infrastructure Design, Los Angeles, CA	●			●		●		●	●			
VIA Bus O&M Facility Programming/Planning & Fleet Electrification Analysis, San Antonio, TX	●	●	●	●	●	●		●	●			●
Met Council/Minneapolis Metro Transit BEB Master Services Contract, including Solar & Battery Energy Storage Research & Design, Minneapolis, MN	●					●		●	●	●		●
Southeastern Pennsylvania Transportation Authority Facility Hydrogen Bus Study, Pittsburgh, PA	●						●	●	●		●	●
Connecticut DOT Facility EVSE Network—Statewide Plan, CT	●	●	●	●		●		●	●			●
Durham Regional Transit ZEB Fleet Transition Plan, Durham, ON, Canada	●	●	●	●	●	●	●	●	●	●	●	●
Metrolinx System Modeling Planning, Ontario Region, Canada	●	●	●	●	●	●		●	●	●	●	●
Memphis Area Transit Authority Fleet Transition Plan, Memphis, TN	●	●	●	●	●	●		●	●			●
RTD East Facility BEB Charger Design, Denver, CO	●		●	●		●		●	●			●

FIRM EXPERIENCE WITHIN WASHINGTON STATE



Since many agencies struggle with electric fleet conversion due to the differences between diesel and electric vehicles—such as vehicle range, fueling versus charging time, and capital and charging costs—Kitsap Transit (KT) wanted to take an incremental approach to fleet conversion. Using HDR's **Zero+** tool, our team provided key information regarding applicable bus technology, capacity for operating electric buses on existing routes, overnight and on-route battery charging, adapting existing bases and maintenance facilities, and emergency operation.

HDR also helped provide grant assistance for infrastructure improvements. In addition to determining the number and cost of chargers at the bus base, our team coordinated with the electrical utility to determine what grid improvements were required. HDR then provided a plan to economically and efficiently transition much of KT's fleet to electric buses, while clearly communicating the limitations that need to be overcome prior to converting the entire fleet.

Following completion of the planning study and award of a Green Transportation Capital Grant, KT requested that HDR assist with the first phase implementation of the study. This design followed the grant application and will provide charging for six new electric buses at one of KT's three bus bases. Our design included a pre-purchase specification for the chargers and a construction package for new medium-voltage facilities, breaker, conduit, conductor, and charger installation. To satisfy grant requirements, the charging facilities had to be fully functional by mid-2021. In addition, to meet FTA's Low or No Emission Program requirements, KT retained HDR to review and deliver an appendix consolidating the information from this study.

PROJECT DETAILS

Project Dates: 2019-2021

Client: Kitsap Transit

Client Contact: Ed Coviello
Transportation and Land Use Planner
Phone: 360.824.4919
Email: edwardc@kitsaptransit.com

Project Highlights:

- Fleet charging planning and design
- Application of Zero+ and EconMOVES
- Infrastructure and facility reviews
- Grant application support
- EVSE design



As part of C-TRAN's planned fuel transition that will include BEBs, the transit agency received a grant for the installation of up to 10 electric bus chargers for an electric bus pilot beginning in 2022. Because C-TRAN did not have a transition plan in place, they needed support to understand where to place, how to power, and the type of chargers they would need installed at their central facility. To help during this major initial step toward a zero-emissions future, **C-TRAN enlisted HDR to design and oversee the construction of depot charging station infrastructure for heavy-duty battery electric transit buses** at its O&M facility.

HDR provided planning, design, and assistance with charger procurement, construction management, and infrastructure commissioning. We utilized our Zero+ tool to evaluate the optimal routes for charging both at the depot and the transit centers for a selection of fixed-route buses. We also helped C-TRAN select the chargers and then designed around the selected charger for the base and transit centers. We will complete construction management and infrastructure commissioning in 2022.

Based on HDR's performance on this project, our team was selected to develop C-TRAN'S Alternative Fuel Vehicle Feasibility Study, a crucial step in analyzing alternative fuels and technologies for a potential conversion of the entire fixed-route bus fleet to zero emission vehicles and infrastructure.

PROJECT DETAILS

Project Dates: 2021-Present

Client: C-TRAN

Client Contact: Tim Shellenberger
Director of Maintenance
Phone: 360.906.7371
Email: tim.shellenberger@c-tran.org

Project Highlights:

- BEB transition planning and design
- Application of Zero+ and EconMOVES
- Infrastructure and facility reviews
- EVSE design

FIRM EXPERIENCE WITHIN WASHINGTON STATE, CONTINUED



PIERCE TRANSIT, ZERO EMISSIONS BUS TRANSITION STRATEGY PIERCE COUNTY, WASHINGTON

With this study, Pierce Transit is investing in a cleaner, quieter mode of transportation that serves its diverse residents and communities, and making the community healthier for the next generation. HDR is working with Pierce Transit through this transition to examine multiple zero-emissions modes, **including electric and hydrogen fueling types**. The transition plan will cover all required subject areas outlined by the FTA, which will provide a necessary basis upon which Pierce Transit can further leverage federal funding to assist in their transition.



KING COUNTY METRO, TRANSIT SYSTEM ELECTRIFICATION PROGRAM KING COUNTY, WASHINGTON

For the past several years King County Metro has been helping lead the nation toward a more sustainable future as an early adopter of a BEB fleet. To further these efforts, HDR is providing programmatic engineering and related services for **transit system electrification planning**. Services include project management and coordination; development of a battery bus service model, conceptual layouts, a recommended delivery methodology for both base and on-route layover opportunity charging, and guidance regarding industry cost trends and viable grant opportunities. In addition, our team will analyze the feasibility of solar power generation deployment and on-site power storage.

FAMILIARITY WITH WSDOT STANDARDS

Our team members have extensive knowledge of relevant state and federal regulations and procedures used to deliver zero-emissions fleet transition projects and we are well-versed in navigating compliance with WSDOT funding requirements. For instance, we assisted Kitsap Transit in obtaining and implementing a WSDOT Green Infrastructure Grant and have helped C-TRAN implement their WSDOT Green Infrastructure funding as well. Additionally, as a full-service engineering, consulting, and architecture firm, HDR routinely supports WSDOT on a wide variety of other planning, design, environmental, construction management, and right-of-way acquisition projects.

In fact, HDR has successfully delivered hundreds of WSDOT projects and task orders since opening our first Washington office in 1974. HDR routinely serves in an owner's representative role for WSDOT, and our recent assignments have included notable programs such as WSDOT's Eastern Region GEC, the METC Mega Programs contract, the I-405 GEC, and the SR 520 Bridge Replacement and HOV Program GEC.

In addition to this experience working directly for WSDOT, we also bring significant recent experience providing zero-emissions transition services to several agencies who coordinate with WSDOT in a similar fashion to the City of Ellensburg, including Pierce Transit, C-TRAN, King County Metro, and Kitsap Transit.

ADDITIONAL FIRM EXPERIENCE



Emory University operates a mixed fleet of diesel vehicles, which, similar to Ellensburg's Central Transit, largely uses cutaway buses. Their fleet provides service along 12 routes on-campus and to a secondary campus, their medical center, and other area hospitals.

The transportation department at Emory was looking to understand the impacts of converting their fleet to zero-emissions vehicles. As required by a campus sustainability commitment, Emory needed to examine at the viability for BEBs to use in their current operations. Emory requested HDR to perform a BEB feasibility analysis, including impact to vehicles, charging infrastructure, and operations. The requirements for BEB vehicles in their service are stringent due to the critical services they provide to regional medical centers and hospitals.

As part of the feasibility study, HDR performed a route power consumption simulation modeling analysis using the **Zero+** tool. During the analysis, the team examined route power consumption requirements per vehicle block to determine battery, peak vehicle, depot charger, and power infrastructure requirements, as well as operating impacts and capital and operating costs.

HDR also provided a review of available BEB bus technology that is suitable for use in Emory's transportation system and indicated what steps would need to be taken and what advancements must occur before BEBs would be a feasible solution.

PROJECT DETAILS

Project Dates: 2021

Client: Emory University

Client Contact: Adele Clements

Senior Director, Transportation and Parking Services

Phone: 404.558.3519

Email: adele.clements@emory.edu

Project Highlights:

- BEB transition planning for a fleet of cutaway buses
- Route/power analysis/strategies
- Application of Zero+ and EconMOVES
- Georgia-specific community impacts

WHAT THEY SAID: A NOTE FROM THIS CLIENT



June 10, 2022

As a university shuttle provider looking to incorporate zero emissions vehicles into our fleet, we needed a plan that would help us overcome pitfalls and avoid any "scaling traps" and re-work. We turned to HDR to help us create a plan that would result in a data driven road map to transition to a zero emissions future.

We wanted to understand the operational, financial, and environmental impacts of converting our fleet to zero emissions vehicles. The analysis and viability for BEB had to be based on our current operations. We requested HDR to perform a BEB feasibility analysis, including impact to vehicles, charging infrastructure, and operations. As part of the feasibility study, HDR was tasked with performing a route power consumption simulation modeling analysis using HDR's specialty Zero+ Tool. During the analysis, the HDR team examined route power consumption requirements per vehicle block to determine:

- Vehicle Battery Requirements
- Peak Vehicle Requirements
- Depot Charger Requirements
- Power Infrastructure Requirements
- Operating impacts
- Capital and Operating Costs

HDR also provided a review of available BEB bus technology that is suitable for use in our transportation system. The goal was to identify if there is a feasible strategy for electrification of our existing service. In examining feasibility, HDR identified the barriers preventing this transition and indicated what steps would need to be taken and what advancements must occur before BEB are a feasible solution.

As part of the project management plan established and discussed with us during kick off and throughout the life of the project, the HDR team worked to keep us informed and updated on project progress. Our regularly scheduled meetings helped keep the project on track and on budget. We felt that HDR listened first to create a plan that spoke to our specific needs.

Through efficient and effective communication and project management, the HDR team created a quality, actionable plan on time and budget for us. Using their tools such as the Zero+ modeling tool, HDR presented us with route and vehicle data that was understandable and specific to our services.

We would recommend HDR for similar zero emissions transition projects.

Sincerely,

Adele Clements

Adele Clements

Senior Director, Transportation and Parking Services

Emory University

ADDITIONAL FIRM EXPERIENCE, CONTINUED



To help manage electrification of CapMetro's 425-bus fleet and supporting infrastructure, HDR provided services on a number of study and transition plan tasks. Our team looked at vehicle battery capacity, fleet requirements, depot and on-route charging solutions, power demand, operating impacts, infrastructure and energy costs, solar and battery energy storage system capacity, and energy/charging redundancy. Key tasks under this project contract have included:

BRT Route Power Demand Analysis

CapMetro wanted to examine options for transitioning to BEBs. To assist in this effort, HDR was tasked with conducting a power consumption analysis using our Zero+ tool to develop a modeling analysis for the Expo and Pleasant Valley Routes.

Charging and Power Resiliency Analysis

HDR completed a feasibility study related to operating two new routes using electric vehicles. HDR's Zero+ tool was used to simulate the energy consumption for vehicles along the proposed routes, which helped identify the optimum charging strategy and develop a schedule that would support on-route charging.

Solar and Battery Energy Storage Analysis

HDR was asked to evaluate the ability for solar energy and battery energy storage to support bus charging requirements.

PROJECT DETAILS

Project Dates: 2020-Ongoing

Client: Capital Metro (CapMetro)

Client Contact: Katherine Gonzalez, PMP

Program Manager

Phone: 512.389.7423

Email: katherine.gonzalez@capmetro.org

Project Highlights:

- Zero+ energy consumption modeling
- On-route charging, capital cost, solar and battery energy storage system, route resiliency, and infrastructure footprint analysis
- Charger design concept capital forecast
- Demand response fleet management study
- Paratransit/on-demand vehicle considerations
- Peer outreach and EVSE design guidebook

WHAT THEY SAID: A NOTE FROM THIS CLIENT



2910 East Fifth Street | Austin, Texas 78702
512.474.1200 | capmetro.org

Dear IndyGo,

In 2020 Capital Metro committed to transitioning our fleet to all zero emissions vehicles by 2035. It was important to us that we gathered lessons learned from our peers and understood technology options. HDR has been an excellent partner in understanding what other agencies around north America are implementing, coordinating infrastructure with vehicles, and avoiding scaling challenges and re-work.

As part of the project management plan established and discussed with us during kick off and throughout the life of the project, the HDR team worked to keep us informed and updated on project progress. Our regularly scheduled meetings helped keep the project on track and on budget. We felt that HDR listened first to create a plan that spoke to our specific needs.

As most public transit clients, we work with limited deadlines and budgets. Through efficient and effective communication and project management, the HDR team supporting us in our plan effort created a quality, actionable plan on time and budget for us. Using their tools such as the Zero+ modeling tool, HDR presented us with route and vehicle data that was understandable and specific to our services.

We were pleased by the final report, and felt it was highly graphic, readable, and useable. This report will not only help us secure funding for our transition but allowed us to understand our options as we drive towards a zero emissions future. I highly recommend the HDR Transportation Mobility Electrified Practice team for your effort.

Sincerely,



Katherine R. Gonzalez, PMP
Program Manager, Capital Metro
P: 512-389-7423 | **M:** 512-663-6889
E: katherine.gonzalez@capmetro.org
W: www.capmetro.org
A: 2910 E. 5th St., Austin, TX 78702

ADDITIONAL FIRM EXPERIENCE, CONTINUED



SMRT ZEB FLEET ROLLOUT PLAN SANTA MARIA, CALIFORNIA

HDR was selected by Santa Maria Regional Transit (SMRT) to prepare a ZEB Rollout Plan for the city of Santa Maria, CA. This plan will position SMRT to move from a diesel fleet to an all zero-emissions fleet by 2040, consistent with CARB ICT regulations. The study includes O&M analysis, financial and economic analysis, and a review of energy storage/solar options. HDR's tools and expertise have been used to identify efficiency opportunities, minimizing the additional vehicles needed to operate an all-electric bus fleet.

Key elements of the process include the **Zero+** Fleet Optimization process, EconMOVES financial decision support tool, and O&M guidance to support the BEB fleet transition, utility provider coordination, maintenance facility design considerations, fleet acquisition plan, charging infrastructure implementation road map, and CARB ICT Plan.

Along with the rollout plan for the city of Santa Maria, the extended effort includes three optional ZEB transition plans for smaller neighboring transit systems, including the cities of Guadalupe, Santa Ynez, and Lompoc. These plans are expected to be combined into one joint rollout plan for the region, consistent with CARB ICT guidelines.

As an additional task order, Santa Maria requested HDR develop an RFP for charging infrastructure procurement, design, and installation. Our understanding of the local facility allowed us to prepare a tailored RFP for design-build services, smoothing the transition between rollout plan and implementation.

PROJECT DETAILS

Project Dates: 2021-2022

Client: Santa Maria Regional Transit (SMRT)

Client Contact: Gamaliel Anguiano

Transit Services Manager

Phone: 805.925.0951

Email: ganguiano@cityofsantamaria.org

Project Highlights:

- Route/power analysis
- Application of Zero+ and EconMOVES
- Operational and staff impact considerations
- Facility impact considerations
- Charger infrastructure RFP development
- Focus on region-wide ZEB transitions



NAU/ML ZEB FEASIBILITY AND INFRASTRUCTURE STUDY FLAGSTAFF, ARIZONA

HDR's comprehensive team of architects, engineers, and technical experts were enlisted to help Northern Arizona University (NAU) and Mountain Line (ML) Transit design a new bus storage and maintenance facility to help both agencies better serve students and community riders in Flagstaff. Both agencies wished to incorporate the storage and servicing of new zero-emissions buses at this new facility.

As part of the planning process for the new facility, NAU requested that HDR's ZEM specialists perform a ZEB feasibility study, including the infrastructure, power, and charging requirements needed in the new complex.

HDR utilized the study to provide the facility planning team with a list of power delivery and charging equipment footprints as well as charging structure support equipment to be included in the conceptual building designs. As part of the BEB feasibility study, our team is performing a route power consumption simulation modeling analysis using our **Zero+** tool. During analysis, the team is examining route power consumption requirements per vehicle block to determine vehicle battery requirements, peak vehicle requirements, optimum charging options, both on-route and depot options (including power and charging strategies and infrastructure requirements), operating impacts, GHG impacts/reduction results, and capital and operating costs.

PROJECT DETAILS

Project Dates: 2020-Ongoing (facility design)

Client: NAU (in partnership with ML)

Client Contact: Kelly Davis,

Senior Project Manager

Phone: 928.523.2481

Email: kelly.davis@nau.edu

Project Highlights:

- Depot and on-route charging strategies and requirements examination
- Route/power analysis
- Application of Zero+ and EconMOVES
- Examination of facility needs related to ZEBs

C. FIRM PERSONNEL EXPERIENCE

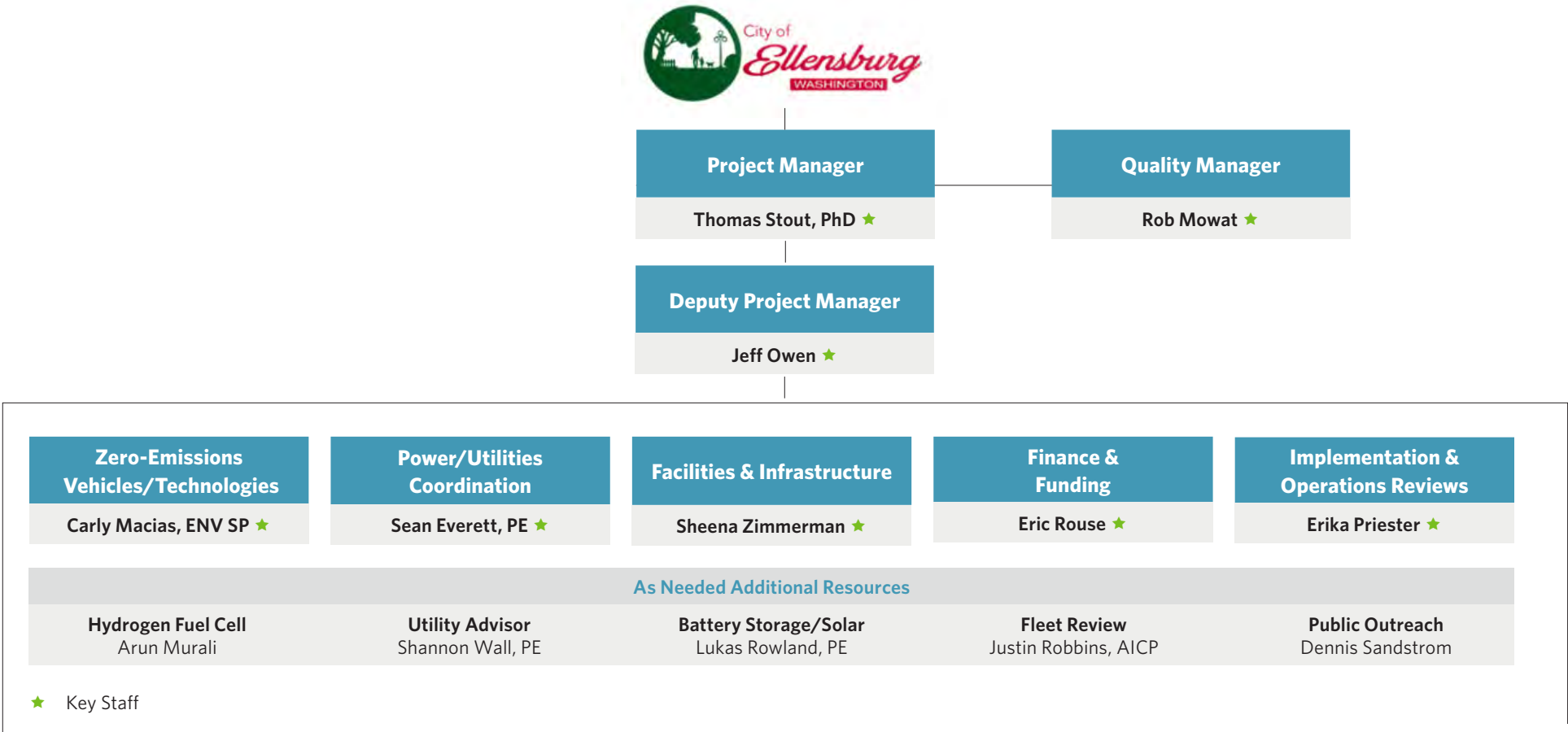
Our Dedicated Team: Committed & Available

We built our team, shown in **Figure 1** below, with multiple levels of skills and resources to assist you in any capacity. Meeting project deadlines requires not only strong leadership but a staff with the technical skills and ability to perform work on various tasks. We are committed to providing consistent management and key personnel throughout the project. As an employee-owned company, we hold ourselves accountable and take personal responsibility to see things through. Staff resumes are included on pages 10–11.

Our powerful, team-crafted tools (including our **Zero+** Fleet Optimization and **EconMOVES** tools), detailed on pages 12–13, provide greater efficiency, accuracy, and result in a data-drive plan. HDR utilizes these tools on projects around the nation, creating data-driven plans for similar transit operators and fleet owners.



Figure 1. Team Organization Chart



EXPERIENCE OF KEY PERSONNEL



Thomas Stout, PhD
Project Manager

Thomas has a versatile background as an electronic systems architect, as well as experience in the design and deployment of advanced charging technologies for electric vehicles. Throughout his career, Thomas has gained an in-depth understanding of the industry's rapidly advancing technology and deployment challenges that are associated with these new technologies. At HDR, Thomas specializes in the development of fleet transition plans. He is the lead developer of HDR's Zero+ tool and is continually refining and advancing this essential tool.

Education: PhD, Computer Engineering, North Carolina State University; MS, Electrical Engineering, Michigan Technological University; BS, Computer Engineering, Michigan Technological University

Years of Experience: 16 years

Office Location: Raleigh, NC

Project Experience:

Emory University BEB Feasibility Study, Atlanta, GA

Santa Maria Regional Transit (SMRT) ZEB Rollout Plan, Santa Maria, CA

Monterey-Salinas Transit (MST) ZEB Analysis and Rollout Plan, Monterey, CA

NAU & Mountain Line Transit ZEB Feasibility and Infrastructure Study, Flagstaff, AZ

CapMetro Electric Vehicle Project Management, Austin, TX



Jeff Owen
Deputy Project Manager

Jeff has managed zero-emission transition plans, developed multimodal and shared-travel options, and advanced sustainability for clients across the Pacific Northwest. As part of TriMet's zero-emission bus fleet transition team, he participated in the agency's BEB Task Force, formed goals with leadership, and oversaw consultant work products for fleet options, including BEBs and hydrogen fuel cell evaluations. Jeff has also worked with utilities to reduce carbon emissions on projects by more than 25%, coordinated carbon reduction actions, and overseen carbon inventories.

Education: Masters of City and Regional Planning, Georgia Institute of Technology; BLA, Landscape Architecture, University of Georgia

Years of Experience: 19 years

Office Location: Portland, OR

Project Experience:

Pierce Transit Zero Emission Bus Transition Strategy, Pierce County, WA

City of Bend, Electric Vehicle Readiness Plan, Bend OR

BC Transit Electric Bus Transition Program, Victoria, BC, Canada

TriMet ZEB Fleet Transition, Portland, OR*

SamTrans Zero Emission Transition Plan, San Mateo County, CA

*Experience prior to joining HDR



Rob Mowat
Quality Manager

Rob partners with clients and HDR's multidisciplinary teams to develop initiatives for fleet conversion and modernization of various modes of transport. He leads HDR's ZEM practice group and has spent more than 30 years in the transportation industry, beginning with managing transit systems throughout the West and Southwest US. More recently, he worked with operating companies and heavy-duty bus manufacturers, developing electric vehicles in the US and Canada. Rob brings expertise in new transit technology transitions and successful fleet electrification deployment.

Education: BA, Rhetoric and Communications, University of California at Davis; AA Liberal Arts (Highest Honors), Chabot College

Years of Experience: 34 years

Office Location: Austin, TX

Project Experience:

Emory University BEB Feasibility Study, Atlanta, GA

SMRT ZEB Fleet Rollout Plan, Santa Maria, CA

MST District ZEB Analysis and Rollout Plan, Monterey, CA

NAU & Mountain Line Transit ZEB Feasibility and Infrastructure Study, Flagstaff, AZ

CapMetro Electric Vehicle Project Management, Austin, TX



Carly Macias, ENV SP
Zero-Emissions Vehicles/Technologies

Carly is an experienced transit planning leader who has worked with transit agencies across the country to develop zero-emission bus transition plans and deployment projects. Prior to joining HDR, Carly was a senior planner at Denver RTD, where she led zero-emission bus planning for the agency. She is also the Chair of the American Public Transportation Association (APTA) Zero Emission Fleet Committee. She is passionate about making data transparent and consumable for staff and stakeholders of all backgrounds to facilitate collaboration.

Education: Masters of Urban & Regional Planning, CU Denver; BS, Civil & Environmental Engineering, UCLA

Years of Experience: 11 years

Office Location: Denver, CO

Project Experience:

C-TRAN Alternative Fuel Vehicle Feasibility Study, Vancouver, WA

Reimagine RTD ZEB Plan, Denver, CO*

Coast RTA ZEB Transition Plan, Conway, SC

Lawton Area Transit System (LATS) ZEB Analysis & Rollout Plan, Lawton, OK*

Central Ohio Transit Authority (COTA) ZEB Transition Plan, Columbus, OH*

Arlington County ZEB Study, Arlington, VA*

*Experience prior to joining HDR

EXPERIENCE OF KEY PERSONNEL, CONTINUED



Sean Everett, PE Power/Utilities Coordination

Sean specializes in complex zero-emission vehicle planning, design, and implementation efforts. He regularly works closely with electrical utilities, such as Puget Sound Energy, to evaluate power distribution needs and develop planning strategies and systems designs to maintain reliable service to their customers. Sean brings valuable experience supporting local transit clients like Kitsap Transit, C-TRAN, and King County Metro in determining their charging power and infrastructure needs for transitioning fleets. He brings strong knowledge of the latest in bus technologies and federal requirements.

Education: BS, Environmental Engineering
Registrations: Professional Engineer: WA #20102140
Years of Experience: 17 years
Office Location: Missoula, MT

Project Experience:

Kitsap Transit Electric Bus Infrastructure Study, Bremerton, WA

C-TRAN Alternative Fuel Vehicle Feasibility Study, Vancouver, WA

C-TRAN BEB Charging Infrastructure Design Services, Vancouver, WA

Pierce Transit Zero Emissions Bus Transition Strategy, Pierce County, WA

MST ZEB Analysis and Rollout Plan, Monterey County, CA



Sheena Zimmerman Facilities & Infrastructure

Sheena has served as facilities planner on more than 140 maintenance projects for transit and municipal clients. Her expertise includes programming, site and equipment selection, master planning, specifications, and layout. For Pierce Transit's Maintenance & Operations Base Improvements, she is providing concepts to accommodate electric vehicles. One of Sheena's strengths is her understanding of ZEB fleet infrastructure needs, such as overhead mezzanines for maintenance. She is skilled at designing functionally efficient facilities that prioritize worker safety.

Education: BA, Architectural Studies, Southern Illinois University
Years of Experience: 16 years
Office Location: Bellevue, WA

Project Experience:

Kitsap Transit, Electric Bus Infrastructure Study, Bremerton, WA

Pierce Transit Maintenance & Operations Base Improvements, Pierce County, WA

King County Metro South Annex Bus Base, Tukwila, WA

TriMet Powell Garage, Portland, OR

TriMet Columbia Bus Base, Portland, OR

MST ZEB Analysis and Rollout Plan, Monterey, CA



Eric Rouse Finance & Funding

Eric is a financial expert and principal consultant within our transportation economics and finance practice. He specializes in the financial, operational, and institutional analysis of existing and planned transportation systems, as well as the planning and prioritization of major capital improvement programs. As a creator of the EconMOVES tool, he applies his unique understanding of financial planning in fleet conversions, funding options (including grants and potential private-sector partnerships), starting the process early in planning for best results.

Education: MS, Regional Planning, University of Texas Austin; BS, Political Science/Government, University of Rochester
Years of Experience: 27 years
Office Location: Denver, CO

Project Experience:

C-TRAN Alternative Fuel Vehicle Feasibility Study, Vancouver, WA

Emory University BEB Feasibility Study, Atlanta, GA

MST ZEB Analysis and Rollout Plan, Monterey, CA

BC Transit BEB Transition Plan, Vancouver, BC

Region of Durham ZEB Fleet Transition Plan, Durham, ON

SMRT ZEB Fleet Rollout Plan, Santa Maria, CA



Erika Priester Implementation & Operations Reviews

Erika brings a background in transit, having worked directly for Metro Transit in Minneapolis on several project management tasks, including stakeholder coordination and facilitation, tracking/managing project costs, and project analysis and evaluation. She also brings expertise in testing and commissioning of electric bus fleets, charging infrastructure systems integration best practices, charge management software implementation, and utility demand management. She understands what is required to execute an actionable, reliable ZEB plan.

Education: BS, Industrial and Systems Engineering, University of Minnesota
Years of Experience: 4 years
Office Location: Minnesota, MN

Project Experience:

SMRT ZEB Fleet Rollout Plan, Santa Maria, CA

Metropolitan Council Minneapolis Bus Garage Solar/Battery Storage for Electric Bus Charging Infrastructure, Minneapolis, MN

Region of Durham ZEB Fleet Transition Plan, Durham, ON

SamTrans ZEB Transition Program Management, San Mateo County, CA

Connecticut DOT Electric Vehicle Support Equipment Feasibility Study, CT

Our staff-created Zero+ tool will be an integral part of our overall work process, successfully creating a data-driven ZEB Transition Plan

Converting your vehicle fleet to ZEBs can impact operations, vehicle requirements, scheduling and support staff functions. The more information you have up front to make decisions, the better you can plan, and the smoother the implementation. We know that transit is an important tool in a community's transportation toolbox, and we bring the right tools to help you create the best zero emissions transit solutions to benefit the Gainesville-Hall area community.

FORECASTING THE IMPACT OF ZEB ADOPTION

Whether you are considering diesel, electric, hydrogen fuel cell, hybrid or CNG, a study of fleet power consumption and charging/fueling infrastructure will support your phased transition.

Working with a customized version of the National Renewable Energy Laboratory's (NREL) Future Automotive Systems Technology Simulator to provide vehicle energy consumption profiles, HDR's unique **Zero+** tool uses General Transit Feed Specification (GTFS) and GPS vehicle data for enhanced accuracy.

Our **Zero+** tool incorporates your specific operational fleet data to provide in-depth analysis of operating, charging/fueling and energy cost scenarios for each vehicle. The resulting outputs will help Ellensburg's Central Transit make data-driven decisions about how to determine the most efficient and effective way to convert to zero-emissions based on key technical information, including:

- Vehicle energy consumption
- Operations viability
- Charging/fueling needs and requirements
- Facility modifications and footprints
- GHG reductions based on fleet transitions and energy source



Our Team in Action:

A successful transition plan requires a holistic examination of your diverse fleet, including buses and on-demand mobility service vehicles. This proposal and project team are experienced in evaluating both standard buses as well as paratransit and supporting fleet vehicles.

Our team specialists examined on-demand/paratransit options during our work for CapMetro in Austin, Texas, as well as during our ZEB planning for Durham Regional Transit in Canada. During these projects, we applied a mathematical modeling system to examine operational feasibility, fleet size, energy demand, and infrastructure requirements for these vehicles.

For Placer County Water Agency in California, our ZEM team is performing a light duty fleet analysis, examining needs for 125 pool vehicles, while also looking at necessary facility adaptations, charging solutions, infrastructure requirements, power demand, and conceptual charging layouts, along with capital and operating costs.

We bring this knowledge and experience with an array of vehicle types to create a holistic, informed ZEB Transition Plan.



Our Team Uses the Zero+ Tool to:



Compare ZEB type operational viability



Estimate/forecast energy requirements



Determine optimum charging/fueling locations



Provide key infrastructure requirements



Propose charging profile/fueling strategies



Forecast fleet size requirements



Determine GHG emissions



Estimate energy costs



Estimate capital expenditures and O&M costs

OUR ECONMOVES TOOL



Eric Rouse
Creator of EconMOVES

“Your ZEB Transition Plan needs to be comprehensive and look at more than just the implementation stage. It’s not just about buying new equipment; it’s also about getting the most out of the existing services, facilities, and assets you have while considering a conversion to zero emissions. Our **EconMOVES** model combines the outputs from the Zero+ tool with your existing long-range operating, capital, and financial plans to evaluate the financial implications of different transition scenarios combined with other planned capital asset management and expansion programs and operating enhancements.”



EconMOVES



One of the biggest challenges with any zero-emissions transition plan is getting decision makers to implement the recommendations. To address this challenge, we have developed a customizable decision support tool called **EconMOVES** to help operations and planning staff evaluate alternative capital and operating scenarios within defined financial parameters. From our experience with other transit systems, we can support staff by anticipating funding and implementation questions that typically come from decision makers, use **EconMOVES** to evaluate a series of “what if” scenarios based on these questions, and then assist staff in developing the key messages and presenting the findings from the scenario results to make the case for moving forward. For your project, the analysis would build off the **Zero+** results and reflect the following approach:

- **Create the Baseline Scenario:** Existing capital and operating forecasts and assumptions will be incorporated into the model to create the Baseline Scenario. The Baseline will be used to perform the potential return on investment (ROI) analysis as well as the capital, operating, and fuel cost comparisons. Existing forecasts and assumptions will include but may not be limited to: costs, revenues, fleet replacement schedules, service levels, and ridership estimates through fiscal year 2040.
- **Incorporate ZEB Transition Data:** Outputs from **Zero+** will be incorporated into **EconMOVES**. These outputs will include: initial infrastructure requirements and cost estimates, unit costs for vehicles and charging infrastructure, annual O&M cost estimates, and rehabilitation and replacement schedules and cost assumptions.
- **ZEB Transition Return on Investment Analyses:** Each of the **Zero+** outputs (including models related to start-up infrastructure, vehicles, service plan and costs) will be assigned an initial implementation schedule within **EconMOVES** in order to develop a ZEB transition cash flow. Creation of the ZEB transition cash flow will provide the ability to estimate the payback period and conduct Net Present Value (NPV) analysis relative to the Baseline Scenario. From the **EconMOVES** dashboard, we will then be able to refine the initial implementation schedule assumptions to compare different scenarios and the associated impacts on the payback period and NPV results. For example, if the fleet transition will occur in multiple phases, **EconMOVES** service planning component allows the user to input the timing for each phase, and from that, the model automatically quantifies the change in operating costs, vehicle acquisition costs, and the associated lifecycle (rehabilitation) costs.
- **ZEB Transition Financial Analysis:** In addition to comparing capital and operating costs, **EconMOVES** will evaluate the fundability of the ZEB transition scenarios. This includes providing the ability to assign potential federal, state, and private sources to mitigate capital investment needs. Based on the user inputs for these potential supplemental funding sources, **EconMOVES** will calculate the level of local investment that would be needed for each implementation scenario.

D. APPROACH

A. Understanding and Philosophy

Transitioning to a zero-emissions fleet involves more than simply buying a vehicle and a fueling system. The transition introduces new technology and requirements into day-to-day operations. Successful fleet transition plans take a holistic approach — considering operational requirements, market conditions, available power, infrastructure demands, and costs. This in-depth analysis provides fleet operators with data to guide capital programs and build key partnerships to support transition elements and expenditures.

Our goal is to identify the best alternative fuel technologies for your operations. There are three key tenets to our approach to zero-emissions projects. We look at the whole picture, **Idea to Implementation**, as driven by the agency's vision and goals. We believe that the foundations of a transition are built on solid research and planning. Doing **First Things First** allows HDR and our clients to interactively evaluate various scenarios in designing a clear road map. Finally, we believe that investments need to reflect clean, clear **Data-Driven Decisions**.

B. Approach

We have a comprehensive, tested approach to Zero-Emission Feasibility Studies

Evaluating the feasibility of ZEBs is crucial to further your commitment to reduce greenhouse emissions and decrease the agency's dependency on fossil fuels. These actions require attention and decisions, many of which are interdependent. The need for this important work was strengthened in the Bipartisan Infrastructure Law (BIL), signed by the President on November 15, 2021, which amended the statutory provisions for the Grants for Buses and Bus Facilities Competitive Program and the Low or No Emission Program. Additionally, on December 1, 2021, the FTA outlined in a **Dear Colleague letter** that any application for funding from these programs related to zero-emission vehicles and infrastructure must include a Zero-Emission Transition Plan. HDR is experienced in creating zero-emission transition plans covering all required subject areas outlined by the FTA.

Many steps in our process are overlapping and occur simultaneously, allowing our discipline specialists to focus on what they're good at and inform team decisions along the way. **Figure 2**, right, shows a brief outline of key steps for this project, demonstrating how our process and task actions are interlinked and build upon each other to create a strategy that we can use to inform the important decisions that lie ahead. To evaluate zero-emission bus technologies thoroughly and cost-effectively, we have created a project approach that is time-saving and comprehensive. In this section, we provide a detailed, step-by-step process through which we will create your Zero-Emissions Transition Plan.

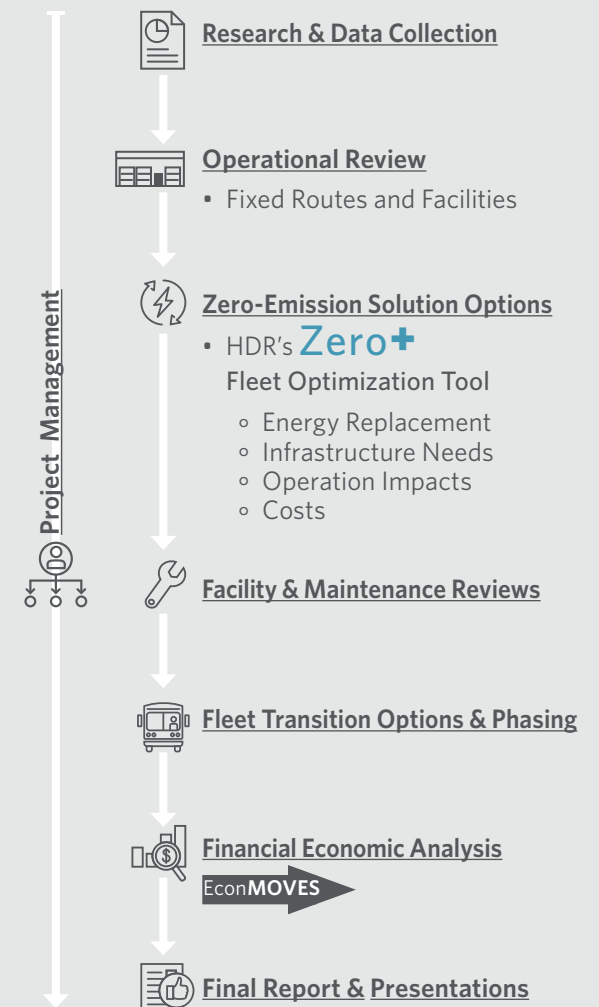


Task 1: Project Approach & Administration

All successful partnerships are built on shared goals, clear expectations, and open communication. We take these principles seriously and build them into every step of our project management approach.

Figure 2. HDR's proven steps deliver plans that are both efficient and reflect Ellensburg's Central Transit project inputs.

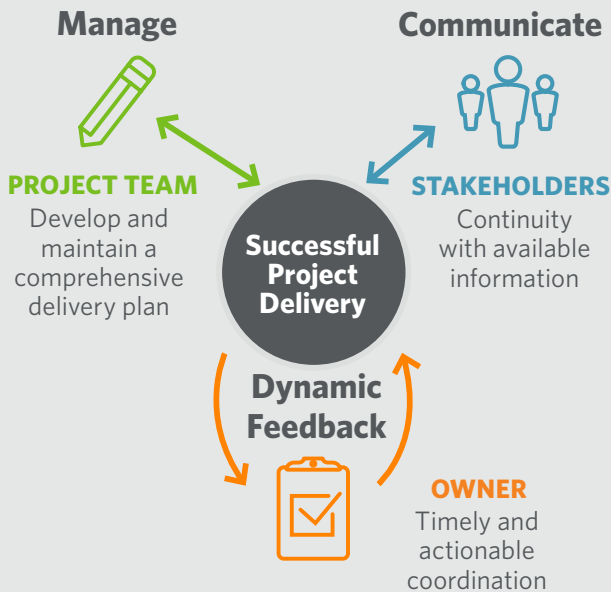
Steps in the Zero-Emissions Study



Communication is Key

Today's fast-paced project environment calls for continued, immediate communications and technological solutions to keep projects moving forward. Ongoing events, such as the COVID-19 outbreak, have taught us that effective virtual communication is key to keeping projects on track. Virtual communication tools allow us to better control your budget and accommodate your staff's busy schedules, as virtual meetings are often more flexible and cost-effective than in-person gatherings. Virtual meetings also allow teams to meet safely in the face of uncertainty related to COVID restrictions.

Whether communication is in-person or virtual, our goal is to listen carefully, capture goals and information, make certain that ideas and data are documented, and both support and hold the project team accountable. We are happy to consider in-person meetings and conduct facility reviews as needed.



1.1 PROJECT MANAGEMENT PLAN (PMP)

On notice to proceed (NTP), project manager Thomas Stout and our discipline leads will develop and deliver an overall guiding plan to manage the project and communications with you throughout the effort. Briefly, our tailored project management plan for Ellensburg's Central Transit will include:

1.1.1 The Management Plan includes appropriate staff assignments with clear direction on deliverables, scope, process, schedule, budget, and priorities. Project document control will be defined for all assignments. As part of the Management Plan, we will develop a Communication Plan, establishing communication protocols for addressing project directions, issues, or concerns. Questions and challenges will be handled quickly and effectively, resulting in minimized delays and revisions. Our core HDR leadership team meets regularly to confirm your expectations are met, that key action items are addressed, and that new action items are assigned a champion and due date. We recommend biweekly meetings with your team to provide status updates, discuss project progress, and review upcoming needs and decision points. We will provide agendas and meeting summaries for these engagements.

1.1.2 The Quality Management Plan (QMP) will make certain that the project deliverables meet HDR and the City's standards. Our quality plan includes a set of mandatory management reviews, deliverable reviews, and interdisciplinary reviews with specific milestone dates and identified senior-level reviewers (see **Figure 3**, right).

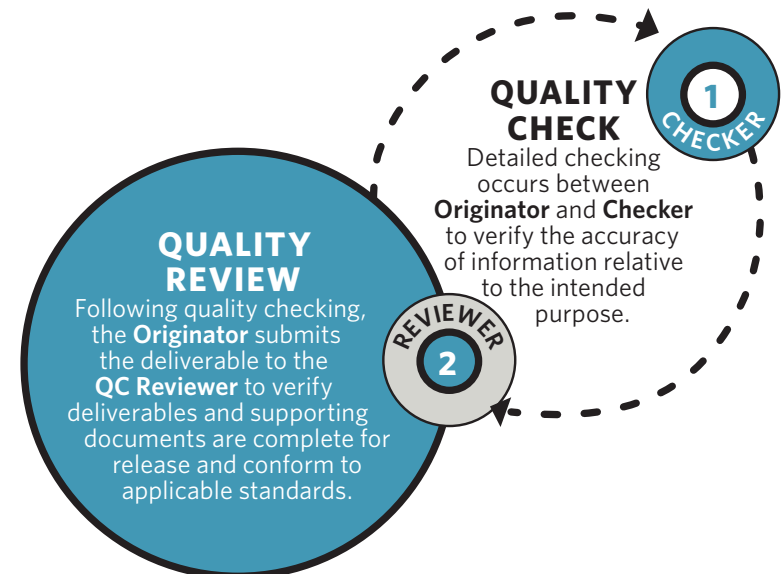
1.1.3 The Work Plan will outline each team member's responsibilities, procedures for initiating and advancing the work, and when project materials are prepared (scheduled). This document will assign clear accountability, set a firm baseline for tracking progress, and make certain that we stay on budget and schedule.

Project Initiation Meeting

HDR has a strong company commitment to listen first. To this end, our approach includes a Project Initiation Meeting with your project team members. This meeting provides a collaborative environment for HDR and Ellensburg's Central Transit staff to interact and begin their professional relationship while reviewing project goals, objectives, and to address the following key items:

- Modifications and refinements to the work plan, schedule, and milestones
- Proposed meeting schedule

Figure 3. We know that maintaining a high level of quality in our deliverables keeps projects on budget and on time.



- Ongoing communication schedule and protocols
- Transmittal of data
- Study risks, limitations, mitigations, and contingency plans

Task 1 Deliverables:

- Draft PMP and schedule
- Final PMP and schedule, including goals and objectives identified
- Virtual kick-off meeting
- Agendas for biweekly conference calls with the project team
- Quality reviews on the critical path will be performed prior to submittals to Ellensburg's Central Transit



Task 2: Route Assessment & Analysis

Transition plans shouldn't be "cookie cutter" and our approach relies on the understanding of your fleet, staff, and operational needs, which is critical to developing a customized plan.

2.1 FLEET DATA EVALUATION

All available background documents and data relevant to the study will be gathered, building from readily available information. Our team will review this information to identify any gaps. Follow-up correspondence with staff may be required to resolve data needs to inform the project. During this process, we will record and document all data received. Key data may include, but is not limited to:

- Operator blocks for weekdays and weekends
- Block and bus type assignments
- 2020 or 2021 GTFS (non-COVID service) data for transit blocks on weekdays and weekends
- Ridership data by route or block for typical weekdays and weekends (if readily available)
- Ellensburg's Central Transit 2022-2027 Transit Development Plan and 2021 Annual Report
- Background policy documents
- Operations information including revenue and deadhead hours and miles
- Current Fleet Replacement Plan
- Any drawings and as-built electronic drawings of the HopeSource operations and maintenance facility
- Any ancillary agency information, community concerns, or operating conditions to be noted in the analysis
- Agency and HopeSource maintenance costs required to develop the financial model base line
- Agency and HopeSource current scheduled maintenance and overhaul plan
- Agency financial plan

Understanding this key data, in conjunction with the financial analysis conducted under other tasks, will fulfill **Item 2 of FTA's Dear Colleague letter**.



Task 2.1 Deliverables:

- None. Data collected within this task will be analyzed and utilized for the development of the report document

2.2 ENERGY CONSUMPTION ANALYSIS

Using our powerful Zero+ tool, our team will simulate baselines of diesel operation for validation of the model against your current operations. This gives us (and you) confidence that our ZEB models aren't missing crucial pieces of data that will impact your transition. Our model includes information not only about the number of hours and miles of daily operation, but considers the specific routes traveled by each vehicle, the topography of each route, local climate, and detailed vehicle models to make certain you have the most accurate data possible to support good decision making.

Using these simulations, we will help you determine the preferred ZEB technology conversion (electric and/or hydrogen) and the preferred charging and refueling strategy (for example, examining if the optimal charging strategy is depot only, depot and on-route, or on-route only), identifying strategies that work best with your service and fleet plans. Options are simulated at the granular level so the best strategy is found for each individual vehicle, route, and for the entire fleet. Looking at each vehicle individually drives decisions for the right technology at the system, depot, route, and block level. The goal is to strike the best balance between impacts to operations, fleet size, and infrastructure requirements. This analysis will provide the data you need to determine your preferred ZEB transitional technologies and deployment pace.

FTA Dear Colleague Letter and the Zero-Emission Transition Plan



The FTA issued a Dear Colleague letter on December 1, 2021, outlining that any applications for funding related to zero-emission vehicles and infrastructure must include a Zero-Emission Transition Plan. HDR is experienced in creating such plans through a comprehensive and tested approach, covering all required subject areas outlined by the FTA. A plan must, at a minimum:

1. Demonstrate a long-term fleet management plan with a strategy for using the current request for resources and future acquisitions.
2. Address the availability of current and future resources to meet costs for the transition and implementation.
3. Consider policy and legislation impacting relevant technologies.
4. Include an evaluation of existing and future facilities and their relationship to the technology transition.
5. Describe the partnership of the applicant with the utility or alternative fuel provider.
6. Examine the impact of the transition on the applicant's current workforce by identifying skill gaps and training needs of the existing workers to operate and maintain zero-emission vehicles and related infrastructure and avoiding displacement.

Our approach will position Ellensburg's Central Transit for a competitive application to leverage federal funding requests. Upon completion of this plan, crucial federal funding support can be unlocked to assist your transition efforts.

Our Zero+ model includes an analysis of numerous factors that affect the lifecycle of batteries, fuel cells, and vehicles themselves, including energy density, degradation, operating environment, air conditioning, heating, and auxiliary loads. Using this data and existing service information, our Zero+ tool produces a block and route heat map showing the vehicle state of charge (SOC) throughout the day. This report shows which blocks and routes could perform within ZEB range capabilities and forecasts when each ZEB exceeds its range. This insight provides clear data for planning operational adjustments and fleet demands to maintain service levels and maximize ZEB utilization. Our team will determine changes that may affect riders and recommend ways to avoid or mitigate transitional impacts.

Task 2.2 Deliverables:

The Zero+ modeling outputs will be a foundation for implementation analysis, infrastructure needs, and financial projections.

These outputs will be used to generate the fleet transition feasibility report detailing the operating ZEB transition impacts, as well as the infrastructure needed to support that transition. This includes:

- For BEBs
 - Daily power demand for each charging site (garage and/or on-route)
 - BEB feasibility by route
 - Charging schedule and charging infrastructure required
 - Impacts on operations (deadhead miles, hours, fleet size)
- For FCEBs
 - Daily hydrogen demand for each garage and fueling depot
 - FCEB feasibility by route
 - Hydrogen fueling infrastructure required
 - Impacts on operations (deadhead miles, hours, fleet size)
- Existing operating parameters and schedules summarized in a table or spreadsheet
- ZEB requirements to meet existing operating parameters and schedules, passenger load, and respective lifecycles



“As we considered electrification of our shuttle fleet, we wanted a data-driven analysis demonstrating the operational and financial impact. We relied on HDR’s **Zero+** tool, which pulls in our operational data and geography. The results provide confidence that we have accurate data to inform our decision on electrification.”

Adele Clemons
Senior Director, Transportation and
Parking Services
Emory University

2.3 O&M SCENARIOS (TRANSITION SCENARIO)

We will develop a transition plan based on your preferred technology choice, fleet replacement schedules, and block feasibilities. This road map will show not only how many vehicles must be purchased each year but will also identify what infrastructure upgrades are required, when they are needed, and key milestones for when major operational adjustments (such as re-blocking) are required.

Additionally, the outputs from the model will be used to develop a financial analysis of the associated costs outlined in Task 3. We will develop planning-level order-of-magnitude estimates of both O&M revenue vehicle hour and total costs for each propulsion scenario. Modeling will be based on a 20-year time frame and will be compared with existing vehicles, operation parameters, and schedules.

We will evaluate potential risks or limitations related to each technology. For example, battery bus range is affected by extreme temperatures, terrain, and driver tendencies. The Zero+ tool factors many of these limitations into the evaluation to develop a worst-case scenario.

Task 2.3 Deliverables:

- Phasing and Modeling Technical Memorandum explaining the recommended ZEB deployment timeline, including vehicles and infrastructure
- Operational modifications, in general or route-specific, that may be needed to maintain existing level of operations and service quality
- O&M cost calculations and comparisons between zero-emission and diesel-powered fleet vehicles

2.4 O&M IMPACTS TO WORKFORCE

Based on the O&M evaluation detailed above, this task evaluates the impacts on the fleet staff due to the conversion to a zero-emission fleet. This task will identify potential skill gaps, training needs, and retraining needs of existing workers to operate and maintain the vehicles and related infrastructure to avoid displacement of the existing workforce and contracted workers with HopeSource, per **Item 6 of FTA's Dear Colleague letter**.



Task 2.4 Deliverables:

- Impacts to Workforce Memo

2.5 ENVIRONMENTAL JUSTICE ANALYSIS

As part of our route analysis, we will perform a review of environmental justice and equity factors that combine race, economic, health, and environmental burden data to highlight candidate routes for application of zero-emission technologies. Clean technologies can improve equitable outcomes through reductions in noise and emissions, while contributing to improved air quality in disadvantaged neighborhoods, alongside other local and environmental benefits.

Task 2.5 Deliverables:

- Environmental Justice Analysis Memo

2.6 POLICY & LEGISLATION IMPACTS

Our team will collect and review local, state, and federal policy and legislation relevant to the potential ZEB technologies evaluated under this study, per **Item 3 of FTA's Dear Colleague letter**. This analysis includes evaluating regulatory impacts to both battery and hydrogen technologies and would deliver a Policy and Legislation Impacts Memo.



Task 2.6 Deliverables

- Policy and Legislation Impacts Memo



Task 3: Facility Infrastructure Modifications & Operating Costs for Technology Scenarios

3.1 CAPITAL INFRASTRUCTURE INVESTMENT NEEDS, COSTS, & SCHEDULE

Our team will identify planned infrastructure projects that can and should be modified to incorporate ZEB technology based on the Zero+ model and the steps taken in Task 2. The Zero+ model results will define the infrastructure requirements for each of the technology scenarios, including fuel storage, fuel pumping requirements, electric charging equipment, maintenance facility modifications, and back-up power generating requirements.

We propose an early task progress meeting to discuss electric and hydrogen fuel cell supply options, determine local feasibility, and focus our analysis. For example, the decision to have hydrogen delivered versus self-generation or to utilize on-route chargers in place of depot charging with midday bus swaps. Each of these decisions generates a ripple effect on infrastructure, fleet size, operating and maintenance costs, real estate needs, financial projections, capital programs, and redundant fuel supply and back-up power generation.

This task includes site visits to the current and future HopeSource facilities to identify the existing capabilities and shortcomings at these facilities as they relate to zero-emissions transition.

The team will focus on the information generated in Task 2 to consider the impact of ZEB infrastructure on the operations and layout of facilities. These will be identified by the following elements:

- Facility programming and needs assessment
- Site opportunities and constraints analysis
- Facility site layout analysis and master planning

We will prepare a general estimated time frame for construction of capital infrastructure and related improvements that aligns with ZEB regulation deadlines for fleet vehicle acquisitions, planning, and operations. Other overarching issues will be carefully considered, as follows:

- Implement anticipated operations and service efficiencies realized during the programming phase
- Provide a phased infrastructure concept
- Develop cost estimates that can be expanded as your transition advances and funding becomes available
- Embrace and incorporate sustainable design opportunities

Task 3.1 will identify existing and future facilities and their relationship to the technology transition, per **Item 4 of FTA's Dear Colleague letter**.



We will develop capital cost estimates based on a combination of recently implemented ZEB projects across the country, industry research, and local conditions. The lifecycle O&M cost estimates for this infrastructure will include a comparison of in-house staff and contracted services and will also reflect a combination of recent experiences across the country and industry research.

Task 3.1 Deliverables

- Technical memo detailing the capital infrastructure required to accommodate O&M, including right-of-way acquisition and land cost impacts (if applicable)
- Tables summarizing initial capital infrastructure costs and ongoing rehabilitation using short- and long-term scenarios
- List of planned infrastructure projects that can and should be modified to incorporate ZEB technology
- General estimated time frame for construction of capital infrastructure and related improvements that align with ZEB regulation deadlines for zero-emission bus fleet vehicle acquisition and operations
- Proposed phasing plan for projects identified

3.2 UTILITY AND FUEL COORDINATION

HDR will coordinate with local utilities, including **Puget Sound Energy, Kittitas County Public Utility District, and the City of Ellensburg Electric Utility**, to evaluate the available capacity for an alternative fuel source for the zero-emission transition. We will evaluate the ability to utilize existing infrastructure whenever possible. Communications with the electric utility or potential fuel provider will help to identify how much additional capacity may be available or the necessary steps and cost to facilitate the transition.

HDR's unique range of capabilities can directly address the objective of coordinating Ellensburg's Central Transit, utilities, and governmental jurisdictions. We have ongoing projects with WSDOT, local communities, and power utilities, and a wide range of transit bus projects across the U.S. and Canada. Our team has conducted future-proofing activities to help agencies and municipalities prepare for the arrival of alternative fuel vehicles.

We know that transitioning successfully to ZEBs will require alignment of vision and actions across many key stakeholders, including transit riders. Fuel

redundancy and reliability is crucial to complete the ZEB conversion successfully. Whether through multiple utility sources, back-up power generation, or multiple fuel suppliers and methods, consideration of these supplies during normal and emergency operation must be

considered to make certain that you maintain adequate, reliable service to your customers.

Task 3.2 will describe the partnership of the applicant with the utility or alternative fuel provider, per **Item 5 of FTA's Dear Colleague letter**.



Task 3.2 Deliverables

- Technical memo summarizing the recommendations for fuel conversion and electrical capacity expansion
- Framework for coordination with utility and/or hydrogen fuel provider
- Reliability and performance analysis of baseline, FCEB, and BEB options



Task 4: Lifecycle Economic Analysis for Transit Bus Technology Scenarios

When undertaking any major transit technology and infrastructure project, the first concern is typically how much it will cost to implement. Frequently left out of the decision-making process are the costs of operating and maintaining over time, as well as the costs associated with periodic rehabilitations or replacements. These costs can become significant in the long term and may influence the decision of which alternative provides the greatest long-term value to the agency.

Through our collaborative approach, we aim to identify the most effective, feasible solution for potential zero-emission fleet conversion that aligns with local transportation and community needs and is compliant with state regulations.

For Task 4, we will compare your existing bus fleet to proposed ZEB alternatives to define the best-value alternative for the agency to meet the estimated conversion time frames. Inputs for the lifecycle economic analysis will come from the Task 2 Zero+ model results and will include the number of standard diesel transit buses that can be replaced by BEBs and/or FCEB vehicle capability.

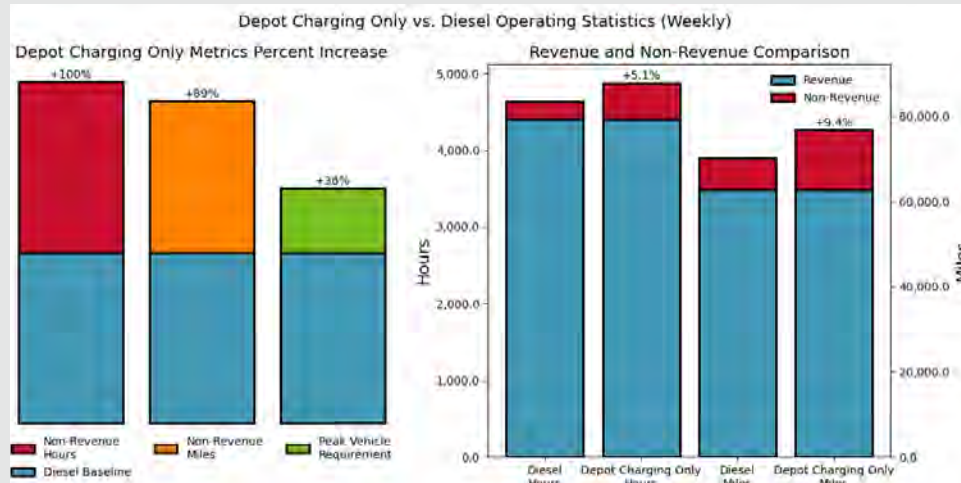
4.1 EVALUATION OF FUEL COST

The charging model component of Zero+ will identify total load by time of day for overnight and daytime BEB charging, which will support the development of electricity costs. Consulting with local utilities to obtain their insight into the trends in pricing will be critical to the evaluation of potential electricity costs, and we will take advantage of HDR's Power practice and their relationship with the local utility. To supplement this local research, the team will also

obtain forecasts from the U.S. Energy Information Administration or purchase forecasts from a private source such as Moody's Analytics. Our analysis will also include both the existing electricity cost structure paid by Ellensburg's Central Transit, as well as projected rate structures for both night-time and daytime charging, such as time-of-use specifically designed for transportation electrification.

Our Zero+ Fleet Optimization tool, which we will use on your project, produces detailed data related to your proposed system's energy consumption and the information needed to complete a comprehensive operational analysis or sustainability report.

Figure 4. Example of fuel and power comparison for depot charging. Also included in the results were depot plus 450 kW and 150 kW on-route charging.



The near-term and 20-year analysis will consider pricing and cost scenarios based on the Task 2 Zero+ model outputs, including differing bus charging scenarios such as mid-day, evening, on-route, or a combination of charging scenarios.

If hydrogen is determined to be a feasible fueling option, then the Zero+ will also generate annual hydrogen fuel requirements, which is needed to not only calculate annual fuel costs but to determine storage tank size and dispenser requirements. Our evaluation of hydrogen fuel opportunities will reflect feedback from the limited number of transit agencies that have started down the FCEB path, as well as outreach to the hydrogen industry. The analysis will include a comparison of start-up infrastructure, annual fuel costs, and long-term maintenance costs for hydrogen production and fueling availability.

Task 4.1 Deliverables:

- Zero-emissions bus requirements to meet existing operating parameters and schedules, passenger load, and respective lifecycles for bus
- Schedule of existing and forecasted costs for electricity and hydrogen fuel cell

4.2 START-UP & LIFETIME COSTS

Another output of our Zero+ tool is an estimate of the infrastructure requirements for electric and hydrogen buses, for which we will develop cost estimates. The initial infrastructure investments will then be combined with the cost forecasts developed for electricity, hydrogen, and O&M to generate a lifetime cost estimate through 2040.

Additionally, lifetime cost estimates will be prepared for your existing system to provide a baseline to compare against the BEB and FCEB

options. We will structure the analysis to allow for a comparison of costs in 2022 dollars and with different growth rate assumptions for the impact of annual inflation.

We will also develop a potential payback period analysis using the forecasted lifetime cost estimates. This analysis will determine if there are annual cost savings that offset the initial infrastructure investments for the ZEB fleet transition plan and the payback period. Based on the structure of the lifetime cost analysis, we will be able to provide three levels of cost comparison: current costs (2022 dollars), conservative inflation, and aggressive inflation. The Net Present Value (NPV) analysis will compare the future costs of your existing system with the ZEB transition plan.

The NPV analysis will use two types of discount rates—nominal and real. The nominal discount rate is used for future consumption and is the expression of dollars with an inflation rate applied to determine its spending power in a future year. The real discount rate is used for cash flows and reflects dollars of constant purchasing power related to a base year (in this case, 2022) after the effects of inflation have been removed. As a starting point, discount rate recommendations from the FHWA Life-Cycle Cost Analysis Primer will be utilized and the analysis will provide the ability to conduct sensitivity tests for variations in the discount rate.

Task 4.2 Deliverables:

- Technical memo and Excel workbook identifying lifecycle cost analysis calculations and assumptions



Two examples of the outputs from our Zero+ tool that we used to evaluate a single bus route for a transit client.

This study accounted for real world factors to generate a realistic energy use profile for each bus on the route. These factors included speed, topography, HVAC, load, rolling resistance, and others. The simulation provided details on the state of charge for each bus on the route through an entire day. The tool calculated results based on both garage and on-route charging. This allowed for an analysis to show what the minimum and maximum charge levels were throughout the day for each bus, what the power usage of the charging system was throughout the day, and what charging requirements were needed to completely fill each bus overnight at the garage.



Task 5: Recommendations & Final Report

HDR will provide a report that summarizes the findings of this study from Tasks 2, 3, and 4. This report will include a long-term, phased ZEB implementation plan that coordinates service, fleet, and infrastructure elements. We have laid out our task activities so that each step builds on the previous, providing you with data-based information to evaluate the best course of action for the transit system and the communities it serves. As noted in our per-task deliverables, findings and recommendations will be provided and reviewed routinely to make certain that project progress is on track with your expectations and the identified due dates.

In addition to providing a comprehensive plan to navigate your transition to zero-emission technology, the outcomes of this task will also provide a long-term fleet management plan summarizing how this work fulfills **Item 1 of FTA's Dear Colleague letter** to request resources for future zero-emission program expansion and acquisitions.



Progress Meeting

We will conduct a virtual meeting with the project team to discuss the assumptions, findings, structure, and content for the draft report. We will incorporate discussion and staff comments into deliverables for final submission.

5.1 DRAFT REPORT

The draft report will include a discussion of our approach, methodologies, assumptions, and findings for infrastructure, design, capital costs, and propulsion comparisons. We will provide a logical progression of actions providing pros and cons for electric and hydrogen fuel cell solutions and the key findings that led to our final zero-emissions recommendations. The draft report and presentation materials will include revisions and comments requested by Ellensburg staff and contain actionable activities and corresponding capital needs for compliance with state and federal regulations.

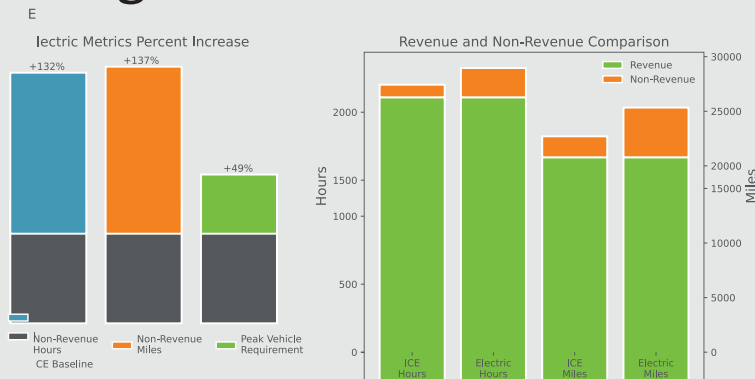
5.2 FINAL REPORT

Based on the analyses provided in the previous tasks, our team will provide a report and presentation that compiles, evaluates, and summarizes the study. The report and presentation deliverables will be engaging, visually appealing, and informative.

Task 5 Deliverables

- Draft report (PDF)
- Final report (PDF)
- PowerPoint presentation

Operation Impacts of Partially Charged Vehicle Reuse



Our team includes both technology and transit experts and is experienced in analyzing the effects of reduced range for BEBs as compared to diesel buses. Not only do we understand the fleet and schedule impacts of reduced range, but we also understand the impacts that changes in timing, interlining, or layovers can have on the customer travel experience.

Our team will guide each agency to a clear understanding of how changes in range will affect day-to-day operations. Our transit experts can also recommend adjustments to bus schedules, charging times, or operating patterns to mitigate range differences.

For Santa Maria Regional Transit, early estimates on range differences between diesel and BEBs required eight additional daily peak vehicles. HDR worked to adjust the scenarios to account for bus swaps, where buses that had finished their run with additional charge left were able to swap with vehicles with lower charge levels to complete a block. This lowered the number of additional peak vehicles from eight to three, saving the operator significant capital and maintenance costs.

E. REFERENCES

Our team brings the required knowledge and technical expertise to drive forward progress, as well as a proven record of success on similar projects.

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A MESSAGE FROM OUR PROJECT MANAGER



Thomas Stout
Project Manager

“ Mobility is being redefined and transitioning your vehicles to zero emissions is an important step to creating a brighter, healthier Ellensburg community. I know that this new paradigm of thinking requires a fresh approach to planning, designing, implementing, and operating your important transit services. HDR will partner with you to navigate the ocean of information and plot a strategic course to successfully fulfill your agency’s and community’s needs. With your zero-emissions goal as the focus, we’ll research, plan, and design a clear road map to avoid pitfalls down the road. Our team is excited to help you develop and execute a ZEM road map for sustainable, long-term success. ”

TERMS & AGREEMENT—UNDERSTANDING

We pride ourselves on our continuous efforts and desires to completely understand our clients’ needs and preferences and to provide them with professional services which not only meet, but hopefully exceed their expectations. One of the key initial steps in developing this level of understanding is the negotiation and development of a mutually acceptable agreement that properly reflects both parties’ obligations and expectations. Since we have not yet reviewed a sample professional services agreement that we would be entering into with you, should we be successful in our pursuit of your project, we look forward to the opportunity to review and negotiate the terms of that contract.

Our contract negotiations are guided by the basic premises necessary for any professional design firm to maintain the full applicability of its professional liability insurance coverage and to develop any required schedules or pricing. Those guidelines are: no guarantees or warranties (either expressed or implied); the standard of care will not be elevated beyond a normal, reasonable, negligence standard; any indemnifications will be based upon a negligence standard; there will be no requirements for the payment of consequential or indirect damages or lost profits or revenue; and any fees, pricing, or scheduling requirements will be based upon quantifiable requirements.

We sincerely look forward to the opportunity to further refine our understanding of your needs and desires and the ultimate development of a complete and accurate agreement with you and respectfully request that you allow us the opportunity to provide professional services for your project.



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 19, 2022

Item Title/Agenda Subject: Amendment #3 to 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 the Public Works and Utilities Director to execute Amendment #3 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 Schaake property). Exhibits A, B, C, D, E and F were previously included in MOU and Amendment #1 are still part of this agreement (not included in packet).

Previous Council Action: The original MOU signed July 3, 2018. Amendment #1 to MOU was signed July 7, 2020. Amendment #2 to MOU was signed December 20, 2021.

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 anticipates land exchange early in 2023. The attached MOU extends the completion date to December 31, 2023. The UAC has been advised throughout the year that the land exchange action is nearing final review and approval.

Financial Impact: None

Attachments:
[MOU #3 City-TCF-BOR 12-19-2022](#)

AMENDMENT 003

**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. Amendment 002 to this MOU was signed on December 21, 2021, which also updated the milestones and extended the MOU to December 31, 2022. Reclamation requests that this MOU be extended through December 31, 2023.
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.

- b) 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.*)
 - c) 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 2023)
 - d) Field preparation is completed by TCF (2023)
 - e) TCF begins operations on new fields (Anticipated spring 2023 provided crop is fully established)
3. Supporting documentation:
- Exhibit A: Schaake Land Exchange Map
 - Exhibit B: Schaake Land Exchange Agreement
 - Exhibit C: Confirmation Deed
 - Exhibit D: Relocation Entitlement Letter
 - Exhibit E: Irrigation System Relocation Moving Payment Determination
4. Except as specifically set forth herein, all other provisions of MOU R18MU13708 shall remain in effect.

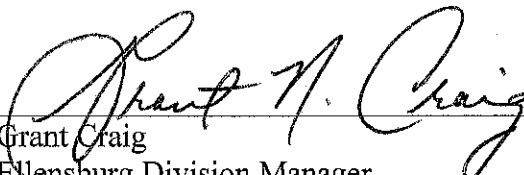
IN WITNESS WHEREOF, the Parties hereto have executed this modification as of the last date written below.

Chad Stuart
Acting 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.

12/5/2022
Date

~~ End of Document ~~



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 19, 2022

Item Title/Agenda Subject: Amendment to Interlocal Agreement between the City of Ellensburg and Kittitas County Regarding Development in its Urban Growth Area (UGA)

Submitted by: Terry Weiner City Attorney Department

Recommended Action or Motion: Authorize the City Manager to sign the Amendment allowing an extension of time for Kittitas County to implement portions of the Agreement.

Background/Summary: The City and County negotiated for over 10 years towards an interlocal agreement (ILA) to govern annexation and development in the City's Urban Growth Area (UGA). The interlocal was agreed to by the negotiating teams approved/signed by both legislative bodies in December 2021 (attached). The ILA required the County to adopt several code and comprehensive plan amendments by December 31, 2022.

Previous Council Action: None since the approval of the ILA.

Analysis: Staff from the City and County met on multiple occasions during the year to discuss how to best integrate the City's zoning and land use codes into the County code systems. The County held a public hearing in late November to consider proposed Comprehensive Plan amendments related to the ILA and voted to move the docketed items forward for adoption by ordinance this month. Unfortunately, the County did not notify the City until November that it could not move forward with also implementing the required changes to incorporate the relevant City Public Works Development Standards as well as adopting impact fees and urban road standards in the UGA, and would need until June 30, 2023 to do so.

Financial Impact: None.

Attachments:

[Ellensburg-County ILA for the UGA-Amendment 1](#)
[Ellensburg-Kittitas County ILA for the UGA](#)

AMENDMENT 1 TO THE INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF ELLENSBURG AND KITTITAS COUNTY

This AMENDMENT 1 to the Interlocal Cooperation Agreement effective December 20, 2021 (“Agreement”) is made and entered into effective the ____ day of December, 2022 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. The City and County 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, on December 20, 2021, the Parties entered into a Interlocal Cooperation Agreement Concerning Annexation and Development within the Ellensburg Urban Growth Area (“ILA”); and

WHEREAS, the ILA establishes a deadline of December 31, 2022 for the County to meet certain requirements of the ILA; and

WHEREAS, the Parties desire to extend that implementation deadline (related to Sections 5.1, 6.1, 10.2 and 13.1 of the ILA) to allow time for the County (1) to provide training on the new zoning requirements, (2) to develop urban road standards, and (3) to develop impact fee methodologies and processes.

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

AMENDMENT 1

A. The current deadline of December 31, 2022 for the County to comply with implementation of Sections 5.1, 6.1, 10.2 and 13.1 of the ILA is hereby amended to be June 30, 2023, including implementation of any other sections of the ILA that specifically incorporate reference to these specific sections;

B. The County and City agree that any proposed changes to the ILA will have to be accepted by the Parties through mutual written agreement by amendment as provided in Section 16 of the ILA.

C. Except as specifically amended herein, all other terms and conditions of the ILA remain in full force and effect.

IN WITNESS WHEREOF, the parties have signed this Agreement in duplicate, effective on the ____ day of December, 2022.

CITY OF ELLENSBURG

**COUNTY OF KITTITAS
BOARD OF COUNTY COMMISSIONERS**

City Manager

Laura Osiadacz, Chairman

Cory Wright, Vice-Chairman

Brett Wachsmith, Commissioner

ATTEST:

ATTEST:

City Clerk

Clerk of the Board

APPROVED AS TO FORM:

APPROVED AS TO FORM:

City Attorney

Deputy Prosecuting Attorney

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

**RESOLUTION
NO. 2022- 013**

**A RESOLUTION AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT
WITH THE CITY OF ELLENSBURG REGARDING DEVELOPMENT IN ITS URBAN
GROWTH AREA**

WHEREAS, Counties and Cities are required by the Growth Management Act to coordinate development within urban growth areas; and

WHEREAS, the County and the City have been negotiating the terms of an interlocal agreement that would define this coordination of development regulation for numerous years; and

WHEREAS, the resulting draft interlocal agreement protects the interests of both the County and City and sets forth a workable means of implementing development regulation within Ellensburg's urban growth area; and

WHEREAS, the Board of County Commissioners considered the matter at its January 4, 2022 agenda session and found execution of said interlocal agreement to be in the public's best interest.

Now, Therefore, Be it Resolved:

The BOCC authorizes execution of the attached interlocal agreement regarding coordination of development within Ellensburg's urban growth area.

DATED this 18th day of January, 2022, at Ellensburg, Washington.

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

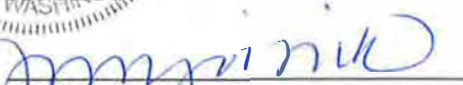

Chair


Vice-Chair


Commissioner



ATTEST


Clerk of the Board

**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 25th day of December, 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 December 20, 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:

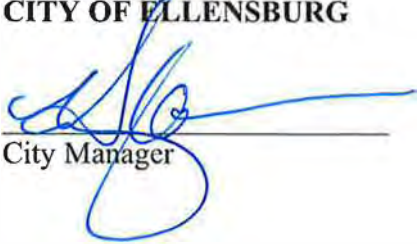
Heidi Behrends Cerniwey
City Manager
501 N. Anderson St.
Ellensburg, WA 98926

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



City Manager

**BOARD OF COUNTY COMMISSIONERS
KITITAS COUNTY, WASHINGTON**



Brett Wachsmith, Commissioner



Laura Osiadacz, Chair



Cory Wright, Vice-Chair

ATTEST:



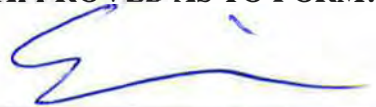
City Clerk

ATTEST:



Clerk of the Board

APPROVED AS TO FORM:



City Attorney

APPROVED AS TO FORM:

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

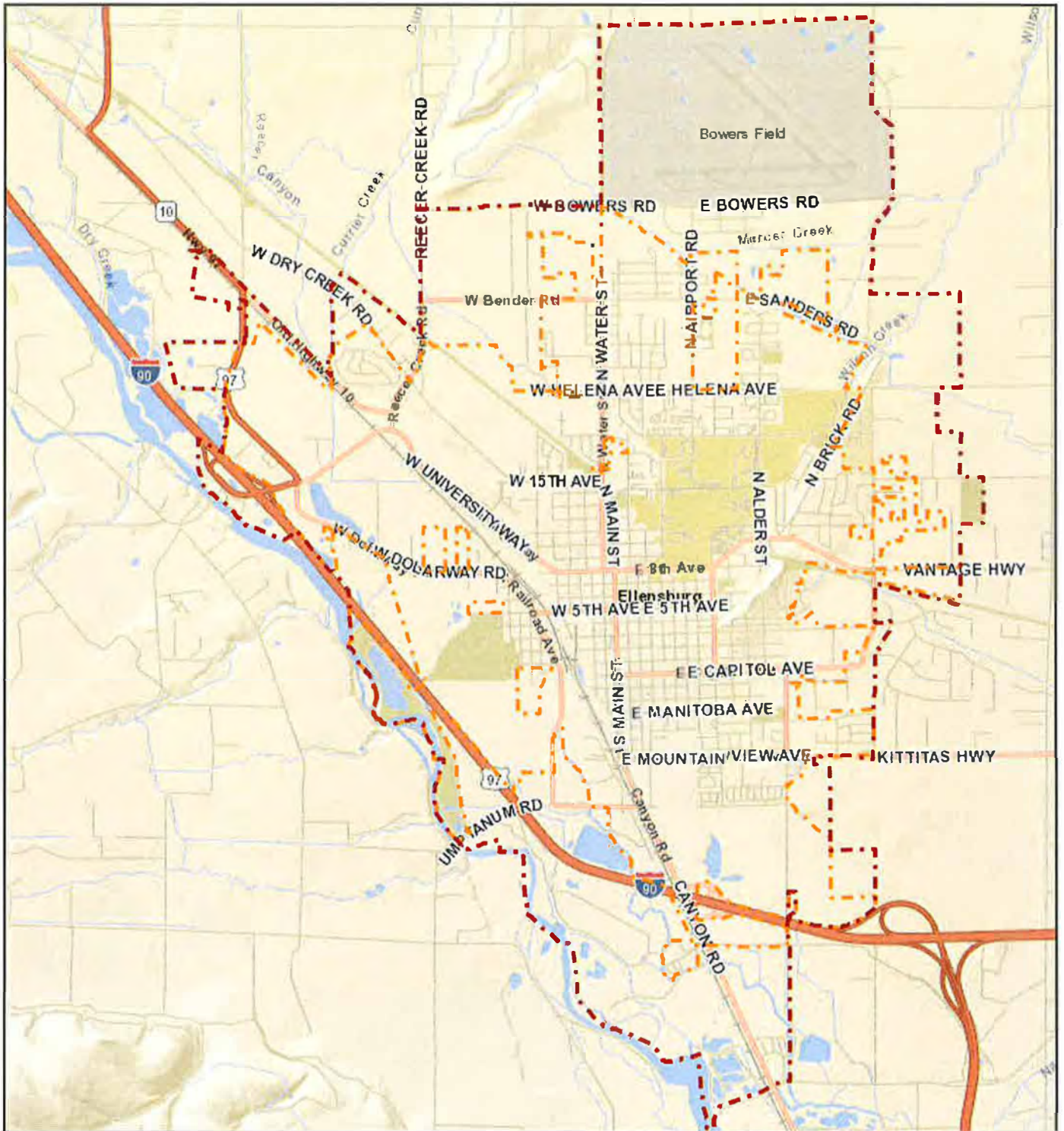
Title 9: Utilities (entire title incorporated by reference)

- 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



11/22/2021, 7:53:53 AM

- 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

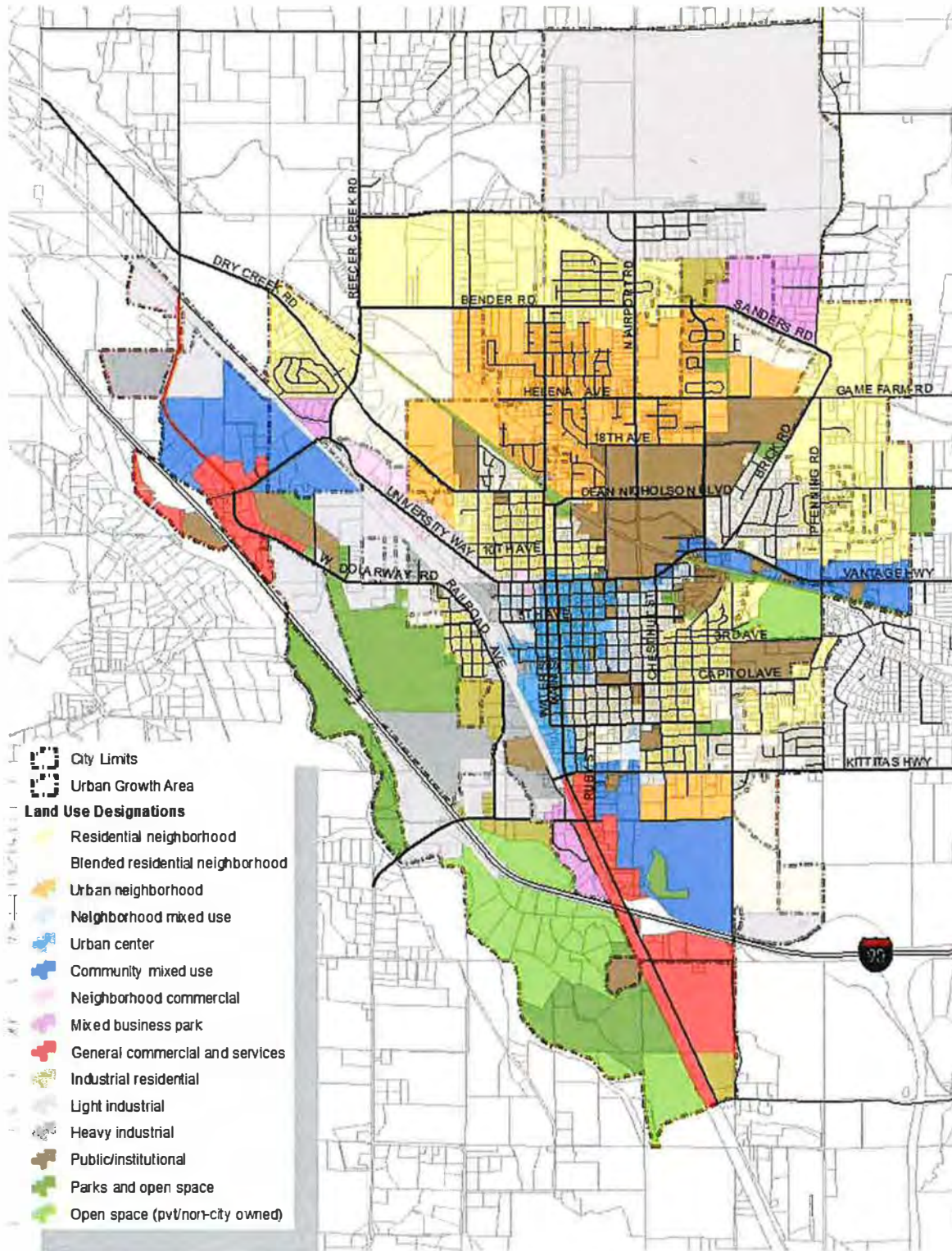


Exhibit C-1

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. 02), 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> du/acre (County only)	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

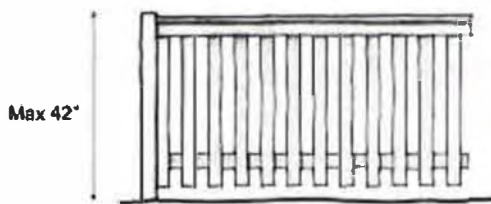


Figure 15.320.130(A)(3). Acceptable fences along an alley. The 42-inch fence on the left is allowed along the edge of an alley. The taller six-foot fence in the middle is allowed with a three-foot minimum setback from the alley.

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. 4307 § 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

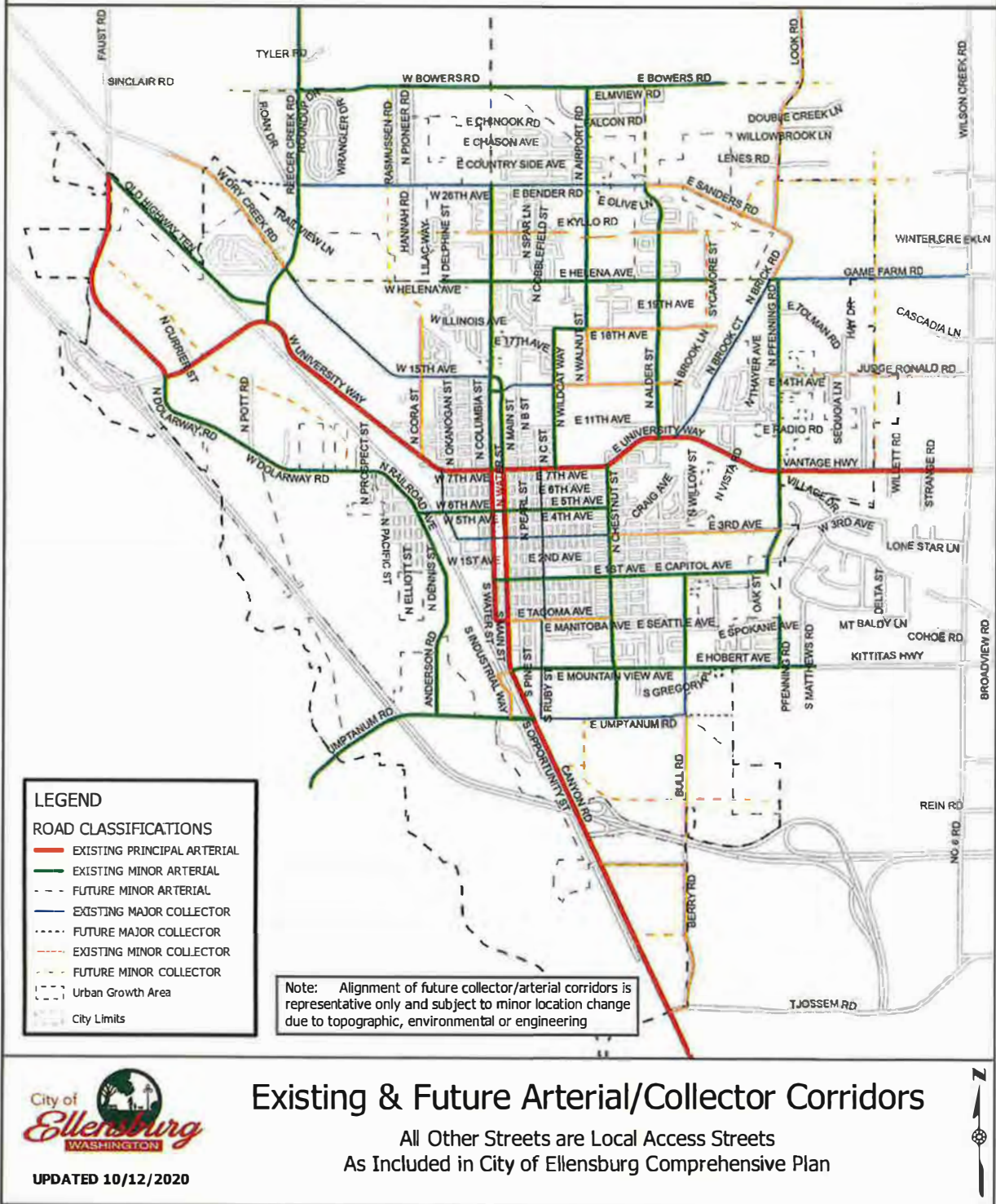
City/County Zoning Conversion Chart

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

EXHIBIT D

From the Ellensburg Public Works Development Standards, shall automatically update with most current version.



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

12/12/22
DATE

CLAIMS VOUCHERS AUDITED AND CERTIFIED BY THE AUDITING OFFICER HAVE BEEN RECORDED ON THE ATTACHED LISTING, WHICH HAS BEEN MADE AVAILABLE TO THE COUNCIL AS OF THIS **19TH DAY OF DECEMBER 2022**. THE COUNCIL, BY A VOTE, HAS APPROVED FOR PAYMENT THE VOUCHERS INCLUDED IN THE ABOVE LIST AND FURTHER DESCRIBED AS FOLLOWS:

Claims Fund				Total Amounts
Check #'s	159930	TO	160105	\$ 1,901,641.47
EFT #'s	5906	TO	5943	\$ 3,851,451.72

Payroll Fund				Total Amounts
Check #'s	95878	TO	95884	\$ 10,157.16
Direct Deposits	70781	TO	71002	\$ 399,877.55

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

ATTEST: _____
CITY CLERK



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 19, 2022

Item Title/Agenda Subject: Rezone Application P22-075, Submitted by Jason Smith, Property Owner – Closed Record Hearing (Quasi-Judicial) and First Reading of Ordinance 4908 Approving the Rezone

Submitted by: Jamey Ayling Community Development

Recommended Action or Motion: Following the closed record quasi-judicial public hearing:

- 1) Approve rezone request P22-075 from Residential Suburban to Residential Medium zoning, and adopt the Hearing Examiner's Findings of Fact, Conclusions of Law, and Decision and Conditions of Approval (Exhibit 1); and
- 2) Conduct first reading of Ordinance 4908 (attached).

Background/Summary: This is a closed record quasi-judicial hearing to consider a site-specific rezone application (P22-075) submitted by Jason Smith, property owner. The applicant seeks to rezone one parcel from Residential Suburban (R-S) to Residential Medium (R-M) for the purpose of developing a multifamily 4-plex building. A State Environmental Policy Action (SEPA) is not required for this rezone as per WAC-197-11-800 (6) (C). If the rezone application is approved by Council following the closed record hearing, staff also requests that Council proceed with first reading of Ordinance 4908 to implement the rezone.

An open record public hearing was held before Hearing Examiner Andy Kottkamp on November 15, 2022. The Hearing Examiner recommendation, received on November 16, 2022, is attached to this report as Exhibit 1, and includes 12 exhibits which are attached to this report as Exhibits 1.1 through 1.12. The November 15, 2022 staff report submitted to the Hearing Examiner is Exhibit 1.13.

During the public hearing, Jason Smith, property owner, testified on behalf of the rezone proposal before the Hearing Examiner. No testimony was received from the public. Following the public hearing, the Hearing Examiner determined

the rezone request is consistent with the City's Comprehensive Plan designation of Urban Neighborhood for the property and with the requirements of the Ellensburg City Code (ECC). He therefore recommended that City Council approve the rezone from R-S to R-M, with conditions (Exhibit 1 at pp. 6).

Previous Council Action: N/A

Analysis: Location: The parcel is located north of Helena Ave, and east of Airport Road, in Ellensburg; Kittitas County Assessor's Parcel ID #126233; addressed as 703 E Helena Avenue. (Exhibit 1.1).

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

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

- North: The property to the north is zoned Public Reserve (P-R) and consists of vacant land owned by Central Washington University.
- South: The properties to the south are zoned Residential Medium (R-M) and consist of various multi-family dwellings.
- East: The property to the east (also owned by the applicant) is zoned Residential Medium (R-M) and consists of a single-family dwelling.
- West: The properties to the west are zoned Residential Medium (R-M) and consist of various multi-family dwellings.

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

Zoning and Development Standards, ECC Title 15: Ellensburg City Code (ECC) Table 15.310.040, indicates that while single-family and cottage type dwellings are allowed in both R-M and R-S zones; duplex, townhouse, and multifamily type dwellings may be permitted in the R-S zone subject to density bonuses, and townhouses and multifamily dwellings shall not be located adjacent to existing single-family dwellings except where approved on an individual plat. In R-M zones duplex,

townhouse, and multifamily type dwellings are permitted outright.

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

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

ENVIRONMENTAL (SEPA) REVIEW

A State Environmental Policy Action (SEPA) is not required for this rezone as per WAC-197-11-800 (6) (C). (Exhibit 1.9)

HEARING EXAMINER REVIEW

Public Comments: Notice of the open record public hearing (Exhibit 1.5) was published in the legal section of the Daily Record on October 20, 2022, and the site was posted with a land use action signs on October 29, 2022 (Exhibit 1.6). On October 19, 2022, notice of the rezone was mailed to property owners within 300 feet of the proposed site (Exhibit 1.4).

No public comments on this rezone request were received.

The open record public hearing was held before the Hearing Examiner on November 15, 2022. The applicant, Jason Smith was the only person to speak at the hearing and he agreed with the staff recommendation presented to the Hearing Examiner.

CITY COUNCIL REVIEW

Public Comments: Notice of this closed record hearing before City Council was published in the legal section of the Daily Record on December 1, 2022, and the site was posted with a land use action sign on December 5, 2022 (Exhibit 2).

PROJECT ANALYSIS

A. Ellensburg City Code Requirements for Site-Specific Rezone

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

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

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

B. Analysis of Criteria for a Site-Specific Rezone

The applicant has submitted an application (Exhibit 1.8) with a narrative (Exhibit 1.9) addressing the rezone criteria found in ECC 15.250.060(C). The applicant seeks Residential Medium (R-M) zoning in order to facilitate multi-family development of the property consistent with the City of Ellensburg's Comprehensive Plan. The information submitted by the applicant is followed by staff analysis.

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

Applicant narrative: The property located at 703 East Helena is currently Zone RS and conditions have changed since the property was originally zoned. This property is currently a spot zone that is surrounded entirely by property, located within the City limits that are zoned RM.

Staff analysis: In 1992, this property was annexed into the City of Ellensburg and although the neighboring property was annexed previously in 1989 with Residential-Medium zoning, this property was subsequently zoned as Residential-Suburban (R-S). At the time of annexation, the property was in use as a residence and the comprehensive plan land use designation was Blended Residential. The current comprehensive plan land use designation is Urban Neighborhood. The site-specific rezone request is consistent with the Urban Neighborhood land use designation.

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

Applicant narrative: As a spot zone within the City limits, 703 East Helena with its current RS zoning is an inconsistent land-use that is out of alignment with the City of Ellensburg Comprehensive Plan and the current existing uses of adjacent property. Rezoning the property to RM eliminates this inconsistency and aligns with public health.

Staff analysis: The rezone to Residential Medium (R-M) will eliminate the isolated zoning of the existing parcel to provide additional contiguous higher density land for development of a multifamily housing development consisting of 4 units. The City has a responsibility under the Growth Management Act to make adequate provisions for existing and projected needs of all economic segments of the community. Based on both affordability and household size, the Ellensburg Comprehensive Plan identifies a need for more one- and two-bedroom dwellings in Ellensburg. The multifamily residential structure will conform with Ellensburg City Code and will meet the goal encouraging opportunities for infill as supported by the comp plan without increasing an unexpected demand on utilities and services. This will support the public health, safety,

and general welfare of the community by reducing pressures on the low housing supply options.

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

Applicant narrative: The proposed rezone of the property at 703 East Helena is consistent with the City of Ellensburg Comprehensive plan and underlying land use, transportation, and eliminates a spot zone in an area of multi-family development.

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

The Comprehensive Plan further indicates that in the Urban Neighborhood land use designation, implementing zoning districts for lower density housing, are appropriate adjacent to existing single family residential areas characterized primarily by detached housing units and zero lot line projects. Implementing zoning districts that accommodate higher density housing types are more appropriate adjacent to parks and the University campus, along transit routes and principal and minor arterials, on local streets adjacent to commercial areas and served by transit routes, and near recreational activity centers, shopping centers, and entertainment areas.

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

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

- Goal LU-1, “Encourage development that creates a variety of housing, shopping, entertainment, recreation, gathering spaces, employment, and services that are accessible to neighborhoods.”
Policy B, “Integrate new development with consideration to design and scale that complements existing neighborhoods and provides effective transitions between different uses and intensities.”
- Goal LU-2, “Establish land use patterns that promote walking, biking, and using transit to access goods, services, education, employment and recreation.”
Policy A, “Enhance the character, quality, and function of existing neighborhoods while accommodating anticipated growth.”
Program 2, “Encourage compact form for urban development, particularly in newly developed areas and where infill is possible.”
- Goal H-1, “Preserve, protect, and strengthen the vitality and stability of existing neighborhoods.”
Policy A, “Encourage development of an appropriate mix of housing choices through innovative land use and well-crafted regulations.”
Program 2, “Encourage infill development on vacant and underused sites.”
- Goal H-2, “Allow and encourage a variety of housing types and densities to meet housing needs of all economic segments of the community.”

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

Applicant narrative: The proposed rezone of the property at 703 East Helena from RS to RM is consistent with the development standards in the LDC for the RM Zone and eliminates an existing spot zone that is inconsistent with the surrounding property in the Zoning District.

Staff analysis: Staff finds the rezone proposal consistent with the purpose and standards of R-M zoning as set forth in ECC

15.300.040(C):

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

1. Allowing a variety of housing types including detached single-family dwellings, cottage housing, townhouses, and multifamily;
2. Providing standards and guidelines to help ensure that new infill development will be compatible in scale and character with existing development;
3. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets within the zone;
4. Providing standards and guidelines that promote the integration of usable open space for residential uses;
5. Providing a minimum density standard to avoid large-scale low-density sprawl;
6. Providing for an option for a modest floor area ratio bonus (see ECC 15.330.030) in exchange for:
 - a. Energy efficient building and site design; or
 - b. Purchase of transferable development rights (subject to the city adopting a TDR program) that help to preserve valuable resource lands outside the city; and
7. Use of this zone is appropriate for:
 - a. Areas designated mixed residential in the comprehensive plan; and
 - b. Areas characterized by a mix of single and multifamily buildings;
 - c. Areas within one-half mile of Central Washington University;
 - d. Areas located along designated arterial streets;
 - e. Areas adjacent to commercial zoned property; or
 - f. Areas located along corridors served by transit.

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

Financial Impact:

None at this time.

Attachments:

Exhibit 1 P22-075 Smith HE Final Decision
Exhibit 1.1 Vicinity Map
Exhibit 1.2 Current Zoning Map
Exhibit 1.3 Comp Plan Map
Exhibit 1.4 Buffer Mailing Materials
Exhibit 1.5 Affidavit of publication
Exhibit 1.6 Land Use Action Sign
Exhibit 1.7 WAC
Exhibit 1.8 Electric Comments
Exhibit 1.9 PW comments
Exhibit 1.10 REZONE APPLICATION
Exhibit 1.11 NARRATIVE
Exhibit 1.12 SITE PLANS
Exhibit 1.13 703 E Helena Rezone Staff Report
Exhibit 2 Land Use Action Sign & Affidavit of Posting
Ordinance 4908 (First Reading) - P22-075 (Rezone)

**CITY OF ELLENSBURG
LAND USE HEARING EXAMINER**

IN THE MATTER OF P 22-075 Smith	))))	RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND CONDITIONS OF APPROVAL
--	------------------	--

THIS MATTER having come on for hearing in front of the City of Ellensburg Hearing Examiner on November 15, 2022, the Hearing Examiner having taken evidence hereby submits the following Recommended Findings of Fact, Conclusions of Law, and Decision and Conditions of Approval as follows:

I. RECOMMENDED FINDINGS OF FACT

1. The applicant seeks to rezone the subject property from Residential Suburban (R-S) to Residential Medium (R-M) for the purpose of developing multifamily housing. A State Environmental Policy Action (SEPA) determination is not required for this rezone as per WAC 197-11-800 (6.) (C).
2. The applicant and property owner is Jason Smith.
3. The parcel is located north of Helena Ave, and east of Airport Way, in Ellensburg. Kittitas County Assessor's Parcel ID is #126233 and it is addressed as 703 E Helena Avenue.
4. The parcel is currently developed with a single-family dwelling and garage that are proposed to be demolished. Currently, this parcel has zoning of Residential Suburban. The applicant is proposing to change the parcel to R-M zoning for compatibility with multifamily development. The proposal would be to develop the site with a 4-unit multifamily building. The property is bordered by Residential-Medium (R-M) density zoning to the east, south, and west and Public-Reserve (P-R) to the north. The parcel is similar in size to the R-M zoned lot directly to the East on the same street and approximately half the size of the various multi-family dwelling lots zoned R-M to the West along Airport Road.
5. In 1992, the parcel was annexed into the City of Ellensburg. At that time, the property was zoned Residential-Suburban (R-S).
6. The site topography is relatively flat and the site has been used as a single family dwelling.
7. The zoning of the surrounding properties is further described below:

North: The property to the north is zoned Public-Reserve (P-R) and consists of a vacant land owned by Central Washington University.

South: The properties to the south are zoned Residential Medium (R-M), and consist of various multi-family dwellings.

East: The property to the east (also owned by the applicant) is zoned Residential Medium (R-M), and consists of a single-family dwelling.

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

8. Zoning and Development Standards, ECC Title 15: Ellensburg City Code (ECC) Table 15.310.040, Ellensburg City Code (ECC) Table 15.310.040, Residential-based Uses – indicates that while single-family, and cottage type dwellings are allowed in both R-M and R-S zones, duplex, townhouse, and multifamily type dwellings may be permitted in R-S zones subject to density bonuses and townhouses and multifamily dwellings shall not be located adjacent to existing single-family dwellings except where approved on an individual plat. In R-M zones duplex, townhouse, and multifamily type dwellings are permitted outright.
9. Comprehensive Plan Designations: This parcel is designated Urban Neighborhood which supports a wide range of housing types and allows for the development of transitional areas between lower density neighborhoods and higher density residential and commercial areas. The Urban Neighborhood designation accommodates a wide range of building types, from small-lot single dwellings to large-scale multistory, multi-dwelling developments. This designation is similar to the residential neighborhood designation of other properties zoned R-M across the street.
10. Access: Access to the property is from Helena Avenue
11. Subsequent to the rezone review, public notice and distribution of the site specific rezone request was undertaken.
12. Notice of the open record public hearing was published in the legal section of the Daily Record on October 20, 2022, and the site was posted with a land use action signs on October 29, 2022. On October 19, 2022 notice of the rezone was mailed to property owners within 300 feet of the proposed site. As of the date of this decision, no public comments have been received
13. The rezone and proposed future 4-unit multi-family dwelling unit project are exempt from SEPA review as per WAC 197-11-800 (6)(C). Subsequent to SEPA environmental review exemption, public notice and distribution of the full rezone application was undertaken. As a result of that effort, most departments have reserved their comments until the time of the required Pre-Application review. However, two comments were received from the Public Works Department and the Ellensburg Electric Utility (Light) Department.
14. Ellensburg City Code Requirements for Site-Specific Rezone: Per Ellensburg City Code, site-specific rezone applications are subject to the Type IV review process, and the Hearing Examiner provides a recommendation to City Council after holding an open record public hearing. To recommend approval, the Hearing Examiner must find that the application is in compliance with the decision criteria in ECC 15.250.060.
 - 14.1 The criteria for consideration of a site specific rezone are set forth in ECC 15.250.060(C). The applicant has the burden of establishing that all of the following criteria apply to the proposed rezone:
 - 14.1.1. Conditions have changed since the imposition of the zoning classification on the property;
 - 14.1.2. The proposed rezone bears a substantial relationship to the public health, safety, morals, and general welfare;
 - 14.1.3. The proposed rezone is consistent with the comprehensive plan;
 - 14.1.4. The proposed rezone to a particular zoning district shall be consistent with the development standards in the Land Development Code for the zoning district.
15. Analysis of Criteria for a Site-Specific Rezone. The applicant has submitted an application with a narrative addressing the rezone criteria found in ECC 15.250.060(C). The applicant

seeks Residential Medium (R-M) zoning in order to construct a 4-unit multifamily structure. The information submitted by the applicant is followed by the Hearing Examiner's analysis. All are recommended findings of the Hearing Examiner.

- 15.1 Conditions have changed since the imposition of the zoning classification on the property.
 - 15.1.1 The property located at 703 East Helena is currently Zone RS and conditions have changed since the property was originally zoned. This property is currently a spot zone that is surrounded entirely by property, located within the City limits that are zoned RM.
 - 15.1.2 In 1992, this property was annexed into the City of Ellensburg and although the neighboring property was annexed previously in 1989 with Residential-Medium zoning, this property was subsequently zoned as Residential-Suburban (R-S). At the time of annexation, the property was in use as a residence and the comprehensive plan land use designation was Blended Residential. The current comprehensive plan land use designation is Urban Residential. The site-specific rezone request is consistent with the Urban Residential land use designation.
- 15.2 The proposed rezone bears a substantial relationship to the public health, safety, morals, and general welfare.
 - 15.2.1 As a spot zone within the City limits, 703 East Helena with its current RS zoning is an inconsistent land-use that is out of alignment with the City of Ellensburg Comprehensive Plan and the current existing uses of adjacent property. Rezoning the property to RM eliminates this inconsistency and aligns with public health.
 - 15.2.2 The rezone to Residential Medium (R-M) will eliminate the isolated zoning of the existing parcel to provide additional contiguous higher density land for development of a multifamily housing development consisting of 4 units. The City has a responsibility under the Growth Management Act to make adequate provisions for existing and projected needs of all economic segments of the community. Based on both affordability and household size, the Ellensburg Comprehensive Plan identifies a need for more one- and two-bedroom dwellings in Ellensburg. The multifamily residential structure will conform with Ellensburg City Code and will meet the goal encouraging opportunities for infill as supported by the comp plan without increasing an unexpected demand on utilities and services. This will support the public health, safety, and general welfare of the community by reducing pressures on the low housing supply options.
- 15.3 The proposed rezone is consistent with the comprehensive plan.
 - 15.3.1 The proposed rezone of the property at 703 East Helena is consistent with the City of Ellensburg Comprehensive plan and underlying land use, transportation, and eliminates a spot zone in an area of multi-family development.
 - 15.3.2 The current Comprehensive Plan Designation for the parcel is Urban Neighborhood which is consistent with the rezone request to residential medium density (R-M) as depicted in the attached Comprehensive Plan Future Land Use Designation map (Exhibit 3). In the Comprehensive Plan the description of Urban Neighborhood indicates that it supports a wide range of housing types and allows for the development of transitional areas between lower density neighborhoods and higher density residential and

- commercial areas. The Urban Neighborhood designation accommodates a wide range of building types, from small-lot single dwellings to large-scale multistory, multi-dwelling developments.
- 15.3.3 The Comprehensive Plan further indicates that in the Urban Neighborhood land use designation, implementing zoning districts for lower density housing are appropriate adjacent to existing single family residential areas characterized primarily by detached housing units and zero lot line projects. Implementing zoning districts that accommodate higher density housing types are more appropriate adjacent to parks and the University campus, along transit routes and principal and minor arterials, on local streets adjacent to commercial areas and served by transit routes, and near recreational activity centers, shopping centers, and entertainment areas.
- 15.3.4 The parcel for this proposed rezone is addressed along East Helena Avenue which is designated as a minor arterial. East Helena Avenue is served by transit from Water Street to Alder Street, making it appropriate for higher density types of housing.
- 15.3.5 In addition, the Hearing Examiner finds the request for R-M zoning to be in keeping with the following goals, policies and programs of the Comprehensive Plan:
- 15.3.5.1 Goal LU-1, "Encourage development that creates a variety of housing, shopping, entertainment, recreation, gathering spaces, employment, and services that are accessible to neighborhoods."
- 15.3.5.2 Policy B, "Integrate new development with consideration to design and scale that complements existing neighborhoods and provides effective transitions between different uses and intensities."
- 15.3.5.3 Goal LU-2, "Establish land use patterns that promote walking, biking, and using transit to access goods, services, education, employment and recreation."
- 15.3.5.4 Policy A, "Enhance the character, quality, and function of existing neighborhoods while accommodating anticipated growth."
- 15.3.5.5 Program 2, "Encourage compact form for urban development, particularly in newly developed areas and where infill is possible."
- 15.3.5.6 Goal H-1, "Preserve, protect, and strengthen the vitality and stability of existing neighborhoods."
- 15.3.5.7 Policy A, "Encourage development of an appropriate mix of housing choices through innovative land use and well-crafted regulations."
- 15.3.5.8 Program 2, "Encourage infill development on vacant and underused sites."
- 15.3.5.9 Goal H-2, "Allow and encourage a variety of housing types and densities to meet housing needs of all economic segments of the community."
- 15.4 The proposed rezone to a particular zoning district shall be consistent with the development standards in the LDC for the zoning district.
- 15.4.1 The proposed rezone of the property at 703 East Helena from RS to RM is consistent with the development standards in the LDC for the RM Zone and eliminates an existing spot zone that is inconsistent with the surrounding property in the Zoning District.

- 15.4.2 The Hearing Examiner finds the rezone proposal consistent with the purpose and standards of Residential Medium (R-M) zoning as set forth in ECC 15.300.040(C).
- 15.5 The applicant seeks R-H Residential High density zoning to eliminate a split zone of the existing parcel and expand opportunities for multifamily development with a greater maximum building height than what is allowed in the R-M residential medium zone.
- 15.6 The Hearing Examiner finds the rezone proposal consistent with the purpose and standards of R-M zoning as set forth in ECC 15.300.040(C):
16. The R-M zone is intended to provide for a mixture of housing types in a walkable neighborhood setting. These purposes are accomplished by:
 - 16.1. Allowing a variety of housing types including detached single-family dwellings, cottage housing, townhouses, and multifamily;
 - 16.2. Providing standards and guidelines to help ensure that new infill development will be compatible in scale and character with existing development;
 - 16.3. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets within the zone;
 - 16.4. Providing standards and guidelines that promote the integration of usable open space for residential uses;
 - 16.5. Providing a minimum density standard to avoid large scale low density sprawl;
 - 16.6. Providing for an option for a modest floor area ratio bonus (see ECC 15.330.030) in exchange for:
 - 16.6.1 Energy efficient building and site design; or
 - 16.6.2 Purchase of transferable development rights (subject to the city adopting a TDR program) that help to preserve valuable resource lands outside the city; and
 - 16.7. Use of this zone is appropriate for:
 - 16.7.1 Areas designated mixed residential in the comprehensive plan; and
 - 16.7.2 Areas characterized by a mix of single and multifamily buildings;
 - 16.7.3 Areas within one-half mile of Central Washington University;
 - 16.7.4 Areas located along designated arterial streets;
 - 16.7.5 Areas adjacent to commercial zoned property; or
 - 16.7.6 Areas located along corridors served by transit.
17. The applicant seeks Residential Medium (R-M) zoning for developing multifamily dwellings. The applicant would be responsible for meeting all development standards under the Land Development Code.
18. The Hearing Examiner finds the proposal to be consistent with the criteria outlined in 15.250.050 pertaining to rezones.
19. An open record public hearing was held on November 15, 2022.
20. The following exhibits were admitted into the record:
 - 20.1 Ex. 1: Vicinity Location Map;
 - 20.2 Ex. 2: Current Zoning Map;
 - 20.3 Ex. 3: Comprehensive Plan Land Use Designation;
 - 20.4 Ex. 4: Area of Notification Map with 300 foot Buffer Notification List
 - 20.5 Ex. 5: Legal Notice of Open Record Public Hearing;
 - 20.6 Ex. 6: Affidavit of Posting and Land Use Action Signs;

- 20.7 Ex. 7: November 2, 2022 memo from City of Ellensburg Utility Electric Department;
- 20.8 Ex. 8: November 4, 2022 memo from City of Ellensburg Public Works Department
- 20.9 Ex. 9: WAC 197-11-800 6. (C) SEPA Exemption Code Language
- 20.10 Ex. 10: Rezone Application;
- 20.11 Ex. 11: Rezone Application Narrative;
- 20.12 Ex.12: Rezone Site Plan; and
- 20.13 Ex. 13: Staff Report
21. Appearing and testifying was Jason Smith, property owner and applicant. Mr. Smith testified that he agreed with all representations in the staff report and that the proposed Condition of Approval was acceptable.
22. No member of the public testified at the hearing.
23. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located.
24. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
25. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. RECOMMENDED CONCLUSIONS OF LAW

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

III. RECOMMENDED DECISION

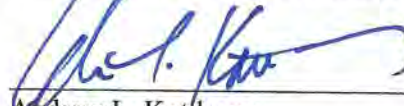
The Hearing Examiner found the proposal to be consistent with the criteria outlined in 15.250.060 pertaining to rezones. The Hearing Examiner recommends approval of the rezone request, from Residential Suburban (R-S) to Residential Medium Density (R-M) zoning to the City Council pursuant to the Recommended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

IV. RECOMMENDED CONDITION OF APPROVAL

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

Dated this 16 day of November, 2022.

CITY OF ELLENSBURG HEARING EXAMINER



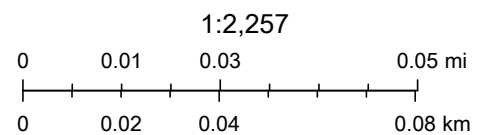
Andrew L. Kottkamp

703 E Helena Ave EXHIBIT 1.1



10/25/2022, 10:28:03 AM

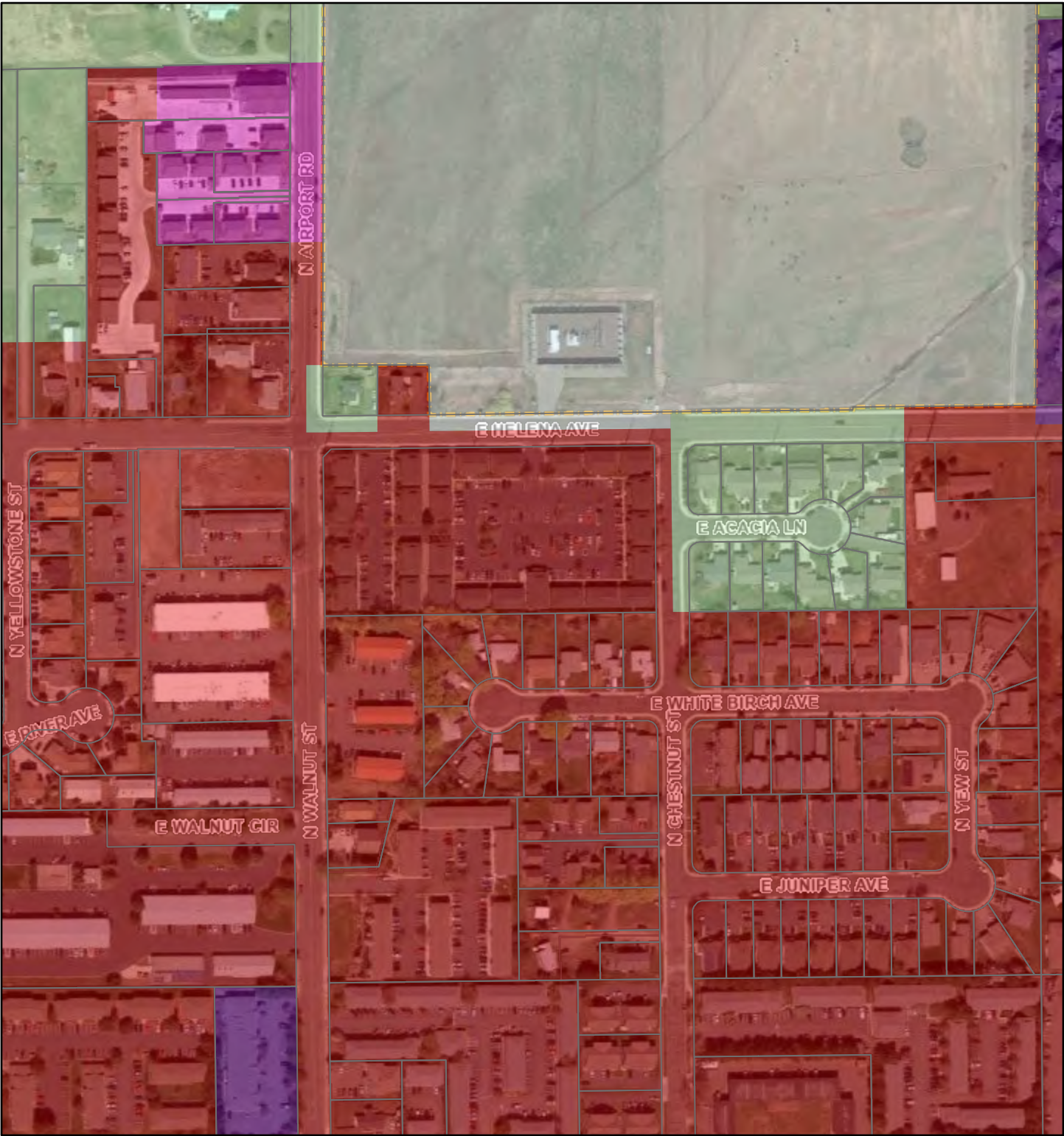
- County Parcels
- Urban Growth Area
- Major Arterial
- Parcels
- City Limits
- Lot Lines



Google Maps

Zoning Map

EXHIBIT 1.2



11/9/2022, 10:27:20 AM

County Parcels

Zoning

RS

RM

RH

PUD

CN

U-INC

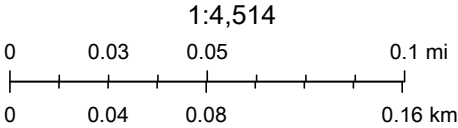
Road

Major Arterial

City Limits

Urban Growth Area

Parcels



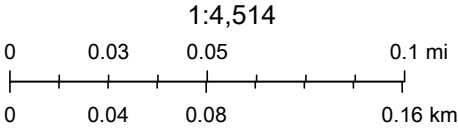
Google Maps

Comp Plan Future Land Use Map EXHIBIT 1.3

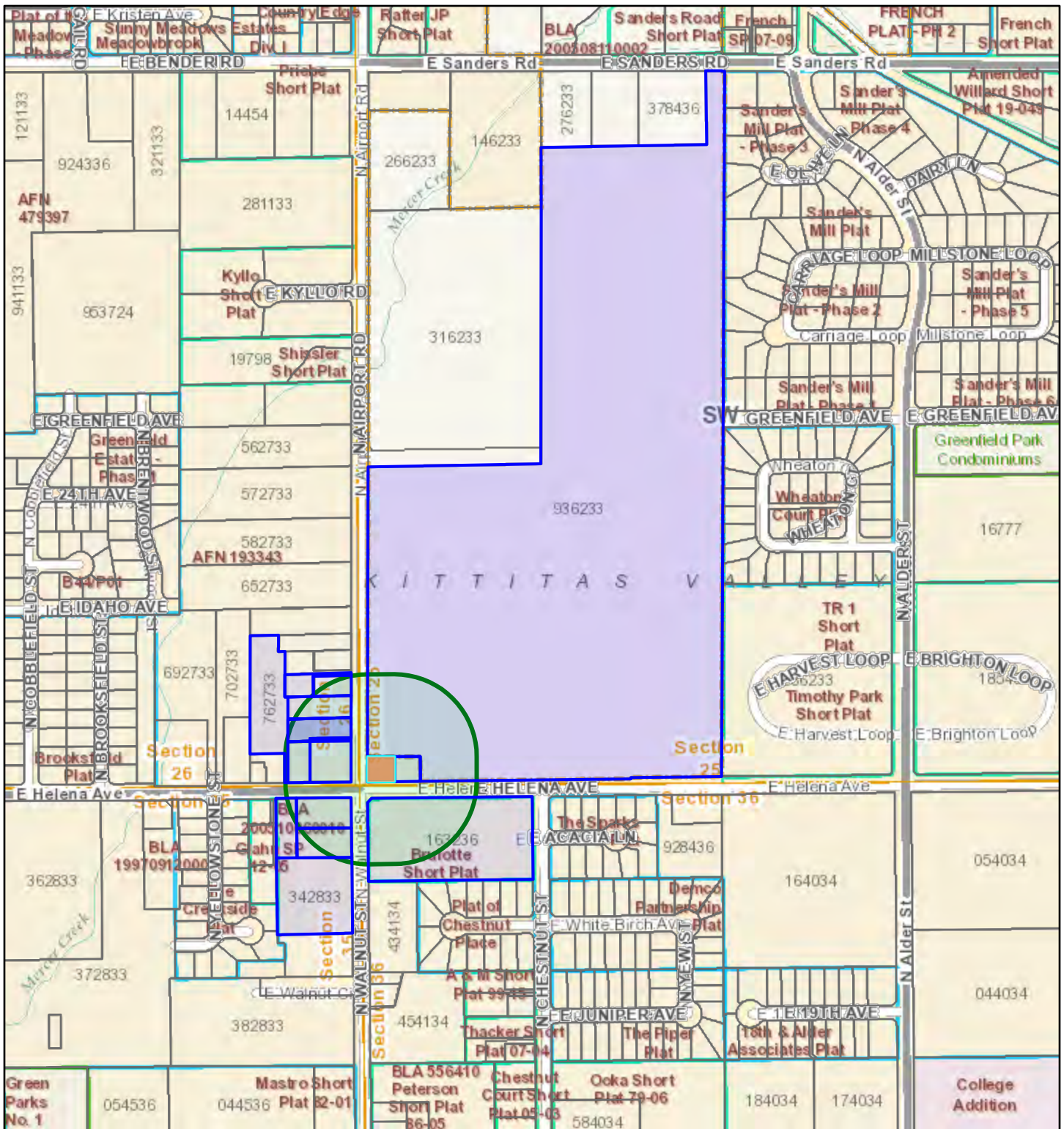


11/9/2022, 10:33:06 AM

- | | |
|---|---|
|  County Parcels |  Neighborhood mixed use |
|  Road |  Urban center |
|  Major Arterial |  Community mixed use |
|  Residential neighborhood |  Industrial residential |
|  Blended residential neighborhood |  Neighborhood commercial |
|  Urban neighborhood |  Mixed business park |
| |  General commercial and services |



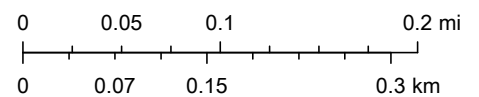
Google Maps



10/19/2022, 9:00:50 AM

1:9,028

- County Parcels
- City Limits
- Road
- Urban Growth Area
- Major Arterial
- Parcels



Kittitas County GIS

SMITH, JASON W & TERESA L
PO BOX 1357
ELLENSBURG WA 98926-1904

SILVERWOOD APARTMENTS LLC
120 SORENSON RD
ELLENSBURG WA 98926-5267

BOE INVESTMENTS LLC
1851 DRY CREEK RD
ELLENSBURG WA 98926-6535

KITTITAS CO HOUSING AUTHORITY
107 W 11TH ST
ELLENSBURG WA 98926

MILLER, JORDAN
601 E HELENA AVE
ELLENSBURG WA 98926-2054

LAUB, JOSEPH MICHAEL
120 SORENSON RD
ELLENSBURG WA 98926

STATE OF WASH (CWU) FAC. MGMT
DEPT
MAIL STOP # 7523
ELLENSBURG WA 98926-7502

UNIVERSITY COURT APTS LLC
200 GALLOWAY DR
YAKIMA WA 98908-9023

AUFFRAY, ANTHONY & BEVERLY R
24102 SE 45TH PL
ISSAQUAH WA 98029-7524

JOHNSTON PROPERTIES HELENA LLC
1211 N VUECREST
ELLENSBURG WA 98926-9576

SMITH, JASON W & TERESA L
2514 CARRIAGE LOOP
ELLENSBURG WA 98926-5458

BLUE AGATE APARTMENTS LLC
2001 N WALNUT ST STE 195
ELLENSBURG WA 98926-2181

HARPER CAMBRIDGE LLC
18919 S TAPPS DR E
LAKE TAPPS WA 98391-8969

P22-075
CERTIFICATE OF TRANSMITTAL

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

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

Date

Signed

10/19/22

Kathy Boots



COMMUNITY DEVELOPMENT DEPARTMENT

501 N. Anderson St., Ellensburg WA 98926

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

Jamey Ayling, Interim Director

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

October 19, 2022

RE: Notice of Application and Open Record Public Hearing for Rezone Application, case # P22-075, submitted by Jason Smith, Property Owner

Dear Property Owner,

NOTICE IS HEREBY GIVEN that an application has been received from Jason Smith to rezone parcel number 126233 at 703 E Helena N from Residential Suburban (R-S) to Residential Medium Density (R-M). The comment period is 14 **calendar days** beginning on the day following the date of notice of application. The Community Development Department must **receive all public comments** on the notice of application **by 5:00pm on Thursday, November 3, 2022**. Comments may be mailed, emailed, faxed, or personally delivered.

The original application was received on June 28, 2022. Additional application materials were received on September 2, 2022, and determined complete on September 16, 2022. The notice of application and public hearing will be published in the Daily Record on October 20, 2022.

NOTICE IS ALSO HEREBY GIVEN that an **Open Record Public Hearing** has been scheduled before the Ellensburg Hearing Examiner for **Tuesday, November 15, 2022 at 10:00 am** to consider Rezone Application, P22-075. The hearing will be held both in person and remotely via Zoom.

Project Location: The parcel is located at 703 E Helena Ave, Kittitas County Assessor's Parcel Number 126233.



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

The City of Ellensburg strives to make our meetings and activities readily accessible by individuals with disabilities. Please furnish your request in sufficient time for the City to provide a reasonable accommodation. A "Request for Accommodation" form may be obtained from the City Clerk (First Floor – City Hall).

WRITTEN COMMENTS: The public is encouraged to review and comment on this proposed project. Comments must be submitted in writing by 5:00pm on Thursday, November 3, 2022. All interested persons may participate at the Open Record Public Hearing on Tuesday, November 15, 2022 at 10:00 am and provide verbal testimony for or against this matter.

Questions about this rezone may be directed to the Community Development Department, 501 North Anderson Street, or via [email: johnsons@ci.ellensburg.wa.us](mailto:johnsons@ci.ellensburg.wa.us).

Sincerely,

Shannon D. Johnson

Shannon D. Johnson

Senior Planner

AFFIDAVIT OF PUBLICATION

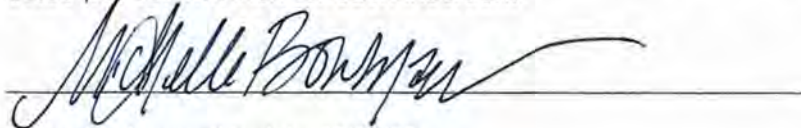
State of Washington, County of Kittitas, ss: The undersigned being first duly sworn on oath, deposes and says: That he/she is the representative of The Daily Record, a daily newspaper. That said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the superior court in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

CITY OF ELLENSBURG-COMMUNITY DEVELOPMENT
P22-075 Rezone

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

10/20/22

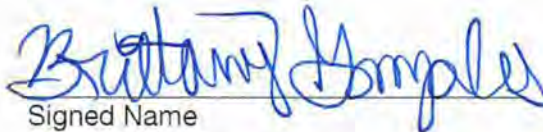
All dates inclusive and that such newspaper were regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of \$92.65 the rate of \$8.80 per column inch for each insertion.



Subscribed to me this date: 10/25/22



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

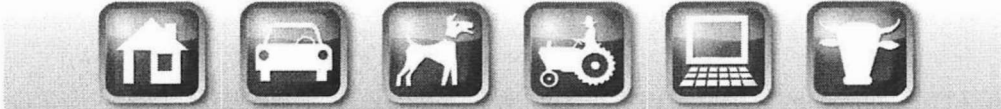


Signed Name

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CAREERS

Help Wanted



Looking for a motivated individual with experience in customer service and sales to expand our advertising team in Ellensburg. The Multi-Media Advertising Executive works with people and businesses to increase sales and build their brands. We provide an array of marketing solutions, from print to digital.

EXPECTATIONS

- Excellent communication skills written and verbal.
- Ability to absorb, retain, and relay information written and verbal.
- Basic computer skills with the ability to learn industry-specific software.
- Independently motivated and capable of self-management.
- Punctual and reliable attendance.
- Organization and time management skills.
- Charming, friendly, and approachable personality.
- Valid driver's license and reliable transportation.

Full-time, Monday-Friday, \$2,500 - \$4,200 monthly dependent on commission. This position offers medical, dental and group benefits, along with a 401K plan and Paid-Time-Off. To apply, email resume and cover letter to: Amy Kaiser at ajkaiser@recordnews.com. The Daily Record is an Equal Opportunity Employer.

Buy & Sell
Selling!



The Housing Authority of Kittitas County
Looking for a full-time temporary Maintenance Repairer. Must have experience in minor electrical, plumbing, carpentry and trades related to general building maintenance. Position requires a valid Washington State Driver's License, cell phone, physical capacity test, drug screening test and a 10 year background check performed.

Applications can be picked up at the Housing Authority of Kittitas County office at 107 W 11th Avenue, Ellensburg, WA 99926 between the hours of 8:00 AM to 12:00 PM and 1:00 PM to 4:00 PM Monday thru Thursday. Please return resume with the completed application. Position closes at 3:00 PM on Wednesday, November 2, 2022. Please apply in person. EOE

Help Wanted

NEW TODAY



CWU, Office of the Provost, is recruiting an Administrative Assistant 2. The AA3 coordinates general office operations for the Office of the Provost, providing administrative support to the Provost, Faculty Relations Coordinator, and other members of the team, demonstrating professionalism, courtesy and confidentiality. All employees are expected to support CWU's commitment to diversity and inclusion. Salary: DOE from \$36,952 - \$50,599 annually plus benefits. <https://careers.cwu.edu> Search Job ID: 8263 CWU is an EEO/AA/Title IX/Violent/Disability Employer

NEW TODAY

SUBSTITUTE TEACHERS
\$500.00 per day
Wahkiakum School District
Mattawa, WA is in need of cert. substitute teachers on a regular basis, all grades. May consider those with teaching cert at \$165 or \$175/day. Job details and app avail at <https://wahkiakum.org>
509-925-1565. EOE

MERCHANDISE

Furniture

FOR SALE

Presto 23 quart pressure cooker/never been used 380 10x10 blue canopy-never been used \$75. mini fridge-freezer \$40. Ryobi 410V 2 cycle garden cultivator with paper corner manual \$40. painted wood Adirondack chairs-red, yellow and turquoise \$50 each. Call 509-925-3557 text for pictures

Miscellaneous

Need some "stay-at-home" HALLOWEEN fun for young children? Enjoy reading "Pumpkin City" with them. This cute story is about a little pumpkin who travels to Pumpkin City in the hopes of improving his chances of being picked for Halloween by a family that will like him the best. He tries almost every gimmick offered in Pumpkin City (being scary, out-dits, talent contest, going to the dentist to get a better smile, etc.) but nothing works. So, he heads back home feeling like a total failure. Find out what a friendly pumpkin fairy tells him that changes everything. This 45-page fully illustrated paperback book is available for purchase on Amazon.com. Just enter: "Katharine Winnett in books and select Pumpkin City. Enjoy!

ELIMINATE GUTTER CLEANING FOREVER! LeafFilter: the most advanced debris-blocking gutter protection. Schedule a FREE LeafFilter estimate today. 20% off Entire Purchase. 10% Senior & Military Discounts. Call 1-888-360-1682

NOTICES, CHILD CARE

Announcements

PREPARE FOR POWER OUTAGES! Trade with a WINSTON brand sturdy generator. 30 meters down + low monthly payment options. Request a FREE Quote! Call now before the next power outage! 1-888-674-7053.

Legals

NOTICE OF APPLICATION & PUBLIC HEARING REZONE REQUEST

NOTICE IS HEREBY GIVEN that the Hearing Examiner for the City of Ellensburg will hold an open record public hearing at 10:00 am on Tuesday, November 15, 2022 to consider a Rezone application (P22-075) submitted by Jason Smith, property owner. The Rezone request is for property identified by Parcel ID # 126233 addressed as 703 E Helena Avenue, Ellensburg. The applicant seeks to have it rezoned from Residential Suburban (R-S) to Residential Medium (R-M).

NOTICE IS FURTHER GIVEN that all persons interested in these matters may attend in person or remotely. Written comments may be filed with the Community Development Dept, City Hall, 501 N. Anderson St., Ellensburg, WA 98926, attention: Senior Planner Shannon Johnson, or to her email johnsonsa@ci.ellensburg.wa.us. Comments must be submitted in writing by 5:00 pm on Thursday, November 3, 2022 in order to be included in the staff report provided to the Hearing Examiner in advance of the hearing. All interested persons may participate at the Open Record Public Hearing on Tuesday, November 15, 2022 at 10:00 am and provide verbal testimony for or against this matter.

The City of Ellensburg strives to make our meetings and activities readily accessible by individuals with disabilities. Please furnish your request in sufficient time for the City to provide a reasonable accommodation. A "Request for Accommodation" form may be obtained from the City Clerk (First Floor - City Hall) or by calling 509-925-8614. PUBLISH: Daily Record October 20, 2022 / LEGAL # 294973

Public Notice Kittitas County, Ellensburg WA

The Board of Kittitas County Commissioners will meet at 2:00 pm on November 1, 2022, at 205 W. 5th Ave. Room 109 Ellensburg, WA to consider Adopting Fees for Certain Superior Court Filings and Adding a New Chapter to Title 4 of the Kittitas County Code

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

Julie Kiorsvik
Clerk of the Board

PUBLISH: Daily Record: October 20 & 27, 2022 / LEGAL # 294878

Public Notice Kittitas County, Ellensburg WA

The Board of Kittitas County Commissioners will meet at 2 pm on November 1, 2022 at 205 W. 5th Ave. Rm 109, to consider adopting a new chapter of Kittitas County Code Title 9, regarding regulating public camping.

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

Julie Kiorsvik
Clerk of the Board

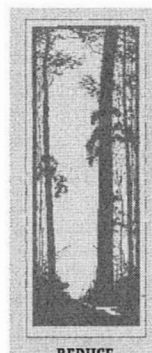
PUBLISH: Daily Record: October 20 & 27, 2022 / LEGAL # 294816

Personals

DONATE YOUR CAR TO CHARITY. Receive maximum value of vehicle for your taxes. Running or not! All conditions accepted. Free pickup. Call for details. 855-635-4225.



REDUCE, REUSE, RECYCLE



REDUCE, REUSE, RECYCLE

Legals

NOTICE OF APPLICATION

Project File Number (s): LP-22-00005
Project Name: Suncadia Phase 2 Division 8
Authorized Agent: Steven Lathrop, LWHSD

Location: SEC. 11 and 14, TWP. 20, RGE. 14; Parcel Numbers 770236, 11854, 16196, 770236, 11839, 11840, 11841, 11842, 16210, 962679, 962676, Assessor's Map numbers 20-14-11000-0004, -0006, -0014, and -0015, 20-14-14000-0005, -0006, -0007, -0008, and -0013, 20-14-13052-0213 and -0216

Proposal: Steven Lathrop, authorized agent for New Suncadia, LLC, landowner, submitted an application for a 72 detached residential lot (primarily second or vacation homes) plat with associated roadways, a clubhouse and pool amenity, as well as an open space and service tracks on approximately 290.3 acres of land that is zoned Master Planned Resort. The proposed lots range in size from 8,400 to 38,000 square feet. In conjunction with this preliminary plat application, a site development plan was submitted for Suncadia Phase 2 Division 8.

Materials Available for Review: The submitted application and related filed documents may be examined by the public at the Kittitas County Community Development Services (CDS) office at 411 N. Ruby, Suite 2, Ellensburg, Washington, 98926, or on the CDS website at <http://www.co.kittitas.wa.us/cdsland-use/default.aspx> and navigating to "Long Plats" then the "Project File Number" as indicated in this notice. Phone: (509) 962-7506

Written Comments on this proposal can be submitted to CDS any time prior to 5:00 p.m. on Friday, November 4, 2022. Any person has the right to comment on the application and request a copy of the decision once made.

Environmental Review: Kittitas County finds this proposal to be consistent with the Final Environmental Impact Statement (FEIS) issued by Kittitas County in April 2000 and the EIS Addendum issued in June 2000; therefore, no additional SEPA review is required. This proposal is part of a Planned Action and is consistent with the provisions of Ordinance 2000-17 and the Suncadia Conceptual Master Plan.

Public Hearing: An open record hearing will be scheduled before the Kittitas County Board of County Commissioners on December 20, 2022 at 2:00 pm in the Commissioner's Auditorium 205 W 5th Ave. Rm. 109, Ellensburg, WA 98926. This hearing shall be open to all members of the public; testimony will be taken, and written comments may be submitted. Interested parties are encouraged to confirm proceedings prior to the hearing date.

Required Permits: Preliminary and Final Plat approval, Site Development Plan approval, and building permits

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

Notice of Application: Thursday, October 20, 2022
Application Received: Friday, September 9, 2022
Application Complete: Monday, October 17, 2022

Publish Daily Record: Thursday, October 20, 2022 and Thursday, October 27, 2022
NKC Tribune: Thursday, October 20, 2022
PUBLISH: Daily Record October 20, 27, 2022 / LEGAL # 294523

Public Notice Kittitas County, Ellensburg WA

The Board of Kittitas County Commissioners will meet at 2:00pm on November 1, 2022 in the Commissioners' Auditorium, 205 West 5th Avenue, Room 109, Kittitas County Courthouse, Ellensburg, WA to consider a Road Vacation request of a portion of White Road public right-of-way.

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

Julie Kiorsvik
Clerk of the Board

PUBLISH: Daily Record October 20 & 27, 2022 / LEGAL # 294873

Ads with a price ALWAYS generate more sales!

NOTICE OF APPLICATION & PUBLIC HEARING REZONE REQUEST

NOTICE IS HEREBY GIVEN that the Hearing Examiner for the City of Ellensburg will hold an open record public hearing at **10:00 am on Tuesday, November 15, 2022** to consider a Rezone application (P22-075) submitted by Jason Smith, property owner. The Rezone request is for property identified by Parcel ID # 126233, addressed as 703 E Helena Avenue, Ellensburg. The applicant seeks to have it rezoned from Residential Suburban (R-S) to Residential Medium (R-M).

NOTICE IS FURTHER GIVEN that all persons interested in these matters may attend in person or remotely. Written comments may be filed with the Community Development Dept, City Hall, 501 N. Anderson St., Ellensburg, WA 98296, attention: Senior Planner Shannon Johnson, or to her email: johnsons@ci.ellensburg.wa.us. **Comments must be submitted in writing by 5:00 pm on Thursday, November 3, 2022 in order to be included in the staff report provided to the Hearing Examiner in advance of the hearing. All interested persons may participate at the Open Record Public Hearing on Tuesday, November 15, 2022 at 10:00 am and provide verbal testimony for or against this matter.**

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Please Publish: **Thursday, October 20, 2022**

Shannon Johnson

From: Smith, Jason (Seattle) <Jason.Smith6@jacobs.com>
Sent: Saturday, October 29, 2022 12:30 PM
To: Shannon Johnson
Subject: [Ext] 703 Helena Rezone

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

Shannon

Below are the certification and pictures for your record of the posted land-use action at 703 Helena. Both are printed on weather proof board stock. One is posted on the Helena St. frontage and the other on Airport St. Both were posted on the morning of October 29, 2022.

Please provide confirmation of receipt of the certification and let me know if you need me to drop off the hard copy or if this scanned version is adequate.

Thank you



CITY OF ELLensburg
WASHINGTON

COMMUNITY DEVELOPMENT DEPARTMENT
501 N. Anderson St, Ellensburg WA 98926
Land Use Permitting (509) 962-7231 Construction Permitting (509) 962-7239
Jamey Ayling, Director
Phone: (509) 962-7232 Fax: (509) 925-8835 E-Mail: aylingj@ci.ellensburg.wa.us

AFFIDAVIT OF POSTING

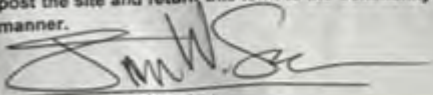
The Ellensburg City Code requires that all Type IV Projects (such as site-specific Rezones) shall have a notice posted at the site of the project. Per ECC 15.220.050, the following shall apply:

1. The posting of a weather-resistant sign posted on the subject property, visible to members of the public who may be passing on nearby public rights-of-way, and free from obstructions.
2. If the project abuts more than one public right-of-way, more than one sign may be required as determined by the responsible official.
3. The responsibility for the posting of the sign shall be upon the project applicant.
4. The sign shall be at least two feet by three feet in size, have a written description of the proposal, include a site drawing which shows the proposed project, have the date listed when comments are due, and where comments are to be mailed.

DATE: October 26, 2022	PLANNER: Shannon Johnson, Senior Planner
PROJECT NAME: Rezone of Parcel 126233, from R-S to R-M	FILE NUMBER: P22-075

PLEASE COMPLETE THE FOLLOWING:

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


 Signature

10/28 2022
 Date

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









Jason W. Smith
Jacobs Engineering Group

Sent from my iPhone, please excuse any spelling errors.

NOTICE - This communication may contain confidential and privileged information that is for the sole use of the intended recipient. Any viewing, copying or distribution of, or reliance on this message by unintended recipients is strictly prohibited. If you have received this message in error, please notify us immediately by replying to the message and deleting it from your computer.

State Environmental Policy Act Exemption Criterion 197-11-800:

197-11-800

(6) **Land use decisions.** The following land use decisions shall be exempt:

(a) Land use decisions for exempt projects, except that rezones must comply with (c) of this subsection.

(b) Other land use decisions not qualified for exemption under subsection (a) (such as a home occupation or change of use) are exempt provided:

(i) The authorized activities will be conducted within an existing building or facility qualifying for exemption under WAC 197-11-800 (1) and (2); and

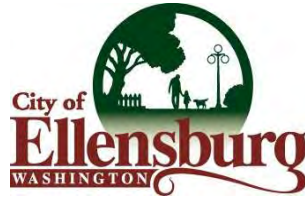
(ii) The activities will not change the character of the building or facility in a way that would remove it from an exempt class.

(c) Where an exempt project requires a rezone, the rezone is exempt only if:

(i) The project is in an urban growth area in a city or county planning under RCW 36.70A.040;

(ii) The proposed rezone is consistent with and does not require an amendment to the comprehensive plan; and

(iii) The applicable comprehensive plan was previously subjected to environmental review and analysis through an EIS under the requirements of this chapter prior to adoption; and the EIS adequately addressed the environmental impacts of the rezone.



CITY OF ELLENSBURG

City Light Department

501 North Anderson Street; Ellensburg, WA 98926

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

www.ci.ellensburg.wa.us

Memorandum

Date: November 2nd, 2022

To: Shannon Johnson, Office of Community Development

From: Tyler Goeden, Project Engineer

Re: P22-075 Rezone 703 E. Helena

The following are the City of Ellensburg Electric Utility (City Light) comments for the P22-075 Rezone 703 E. Helena.

Electric:

The single family homes at 703 & 705 E Helena are currently served by a single run of underground conductor that goes up a power pole on the property line between the two properties, and splits off overhead to each existing single family house. If the applicant plans to demolish the single family homes and build apartments or multi-unit homes, they will need to have power converted to underground and they will likely need to upgrade the existing City Light facilities on-site to accommodate the higher electric demand caused by this change. Any modifications of City Light facilities due to the applicants changes from single family homes to multi-family homes or apartments will be done at applicants cost.

Any new buildings proposed on these properties will need to fill out applications for electric service which can be found on our website here : <https://ci.ellensburg.wa.us/1030/Electric-Utility>



CITY OF ELLENSBURG

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

Memorandum

Date: November 4, 2022

To: Shannon Johnson, Senior Planner

From: Craig Jones, Development Coordinator *CJ*

Thru: Derek Mayo, City Engineer *DKM*

Re: 703 E Helena Ave - Re-Zone – P22-075

The Public Works Department has no direct comment at this time on the Re-Zone of 703 E Helena Ave from R-S to R-M. Applicant is cautioned that any development on the property may trigger improvements consistent with Public Works Development Standards. Including but not limited to frontage improvements, water sewer upgrades, parking lot, alley paving and traffic impact analysis. Public Works will comment on all future development of the property at time of development.

Cc: File 22-031



Site Specific Rezone Permit Application Form

RECEIVED
PA-04 APPLICATION
JUN 28 2022

Community Development Department

501 N. Anderson, Ellensburg, WA 98926

(509) 962-7239 (Building) permits@ci.ellensburg.wa.us (509) 962-7231 (Planning) comdev@ci.ellensburg.wa.us

COMMUNITY DEVELOPMENT

A pre-application meeting is required prior to submitting a Rezone application. Site-specific rezones to change the current zoning of a property to a new zoning category that is consistent with the comprehensive plan land use designation for the property are reviewed as Type IV processes. Type V reviews involve the legislative revisions to the zoning map for area-wide changes including comprehensive plan updates and those proposed to implement subarea plans.

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

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

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

OFFICIAL USE ONLY:

Staff Person:	AW
Date Submitted:	6/28/22
Fee Total:	\$1800.00
FILE #:	P22-075
Associated Permit File #:	

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

Legal Owner Name(s):	Jason Smith Teresa Torrance-Smith	Day Phone:	509 312 9398
Mailing Address:	2514 Carriage Loop Ellensburg WA 98926		
E-mail:	smithjw 1970 @ hot mail. com	Cell Phone:	509 312 9404

*APPLICANT:		☒ Owner	☐ Contractor	☐ Tenant	☐ Other	
Name:	Jason Smith	Day Phone:	5093129398			
Mailing Address:	2514 Carriage Loop					
E-mail:	smithjw1970@hotmail.com	Cell Phone:	Same			

CONTACT PERSON:		☒ Owner	☐ Contractor	☐ Tenant	☐ Other	
Name:	same as above			Day Phone:	same	
Mailing Address:						
E-mail:				Cell Phone:		

PROJECT INFORMATION:

Parcel Number(s) of Site:	1818250300012	126233 / 306233
Site Address (if any):	703 East Helena Avenue Ellensburg	
Current City Zoning Designation:	RS	Requested City Zoning Designation: RM

PROJECT INFORMATION:

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

(INCLUDE RESPONSES AS AN ATTACHMENT TO THIS APPLICATION)

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

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

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

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

The burden of this demonstration is on the rezone applicant.

3. Site Plan Requirements:

- The proposed project and dimensions in relation to the property boundaries. Show how the property is located in reference to existing streets, alleys and sidewalks.
- The proposed project and dimensions in relation to all existing and proposed development on the property. Show all existing buildings or structures on subject property and those proposed to be located on property with setback dimensions and distances between buildings.
- Show present and additional "off-street" parking, if required.

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

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

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

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

Signature of Legal Owner:
(or Authorized Agent)

Jason W Smith

Date:

6/27/22

EXHIBIT 1.11

RECEIVED

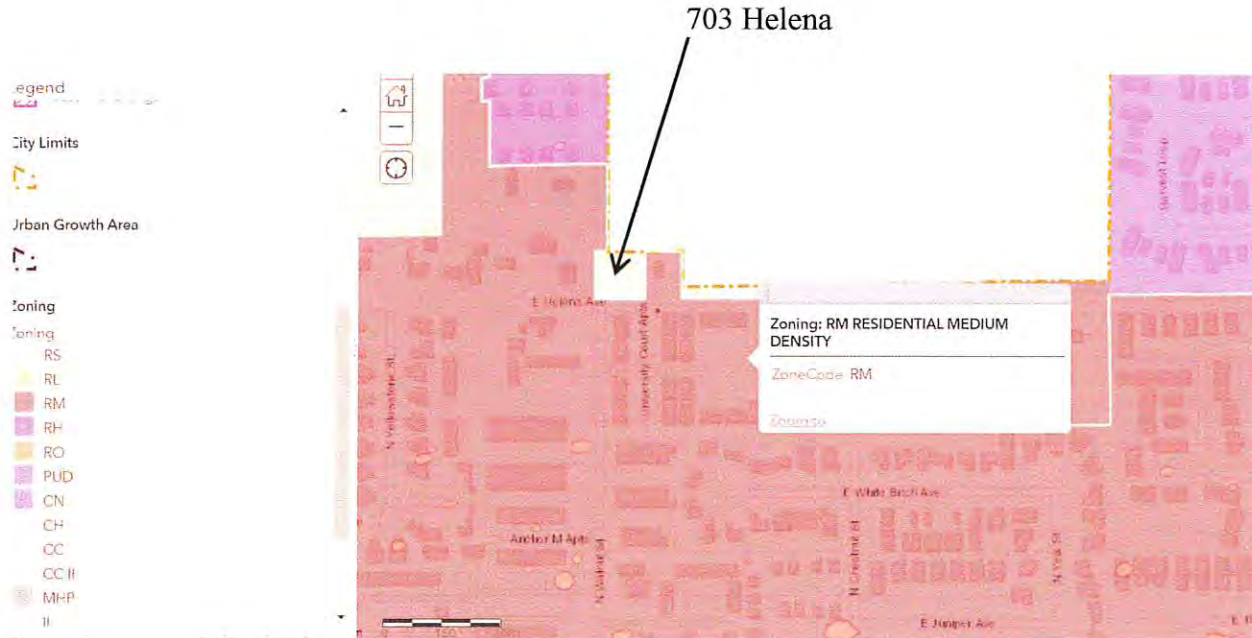
AUG 31 2022

COMMUNITY DEVELOPMENT

Site Specific Rezone Narrative 703 East Helena.

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

The property located at 703 East Helena is currently Zone RS and conditions have changed since the property was originally zoned. This property is currently a spot zone that is surrounded entirely by property, located within the City limits that are zoned RM (see section of the City of Ellensburg Zoning Map below).



2. Proposed rezone bears a substantial relationship to the public health.

As a spot zone within the City limits, 703 East Helena with its current RS zoning is an inconsistent land-use that is out of alignment with the City of Ellensburg Comprehensive Plan and the current existing uses of adjacent property. Rezoning the property to RM eliminates this inconsistency and aligns with public health.

3. The proposed rezone of the property at 703 East Helena is consistent with the City of Ellensburg Comprehensive plan and underlying land use, transportation, and eliminates a spot zone in an area of multi-family development.
4. The proposed rezone of the property at 703 East Helena from RS to RM is consistent with the development standards in the LDC for the RM Zone and eliminates an existing spot zone that is inconsistent with the surrounding property in the Zoning District.

Site Specific Rezone Narrative 703 East Helena – Applicant Jason and Teresa Smith

State Environmental Policy Act Exemption Criterion:

Please consider SEPA exemption WAC 197-11-800 (6)(C) (a) and (c)(i-iii) that I believe the application is eligible for consideration by the City of Ellensburg's SEPA Responsible Official. See Below:

197-11-800

(6) Land use decisions. The following land use decisions shall be exempt:

(a) Land use decisions for exempt projects, except that rezones must comply with (c) of this subsection.

(b) Other land use decisions not qualified for exemption under subsection (a) (such as a home occupation or change of use) are exempt provided:

(i) The authorized activities will be conducted within an existing building or facility qualifying for exemption under WAC 197-11-800 (1) and (2); and

(ii) The activities will not change the character of the building or facility in a way that would remove it from an exempt class.

(c) Where an exempt project requires a rezone, the rezone is exempt only if:

(i) The project is in an urban growth area in a city or county planning under RCW **36.70A.040**;

(ii) The proposed rezone is consistent with and does not require an amendment to the comprehensive plan; and

(iii) The applicable comprehensive plan was previously subjected to environmental review and analysis through an EIS under the requirements of this chapter prior to adoption; and the EIS adequately addressed the environmental impacts of the rezone.

In summary, I believe that my rezone request meets these elements of 197-11-800(6)(C) (a) and in that all three criterion under (c)(i-iii) are met with a determination that the property at 703 Helena was annexed in 1991 as RS and the adjacent parcels were annexed at other times as RM. The adjacent parcels as shown in the excerpt from City GIS below were determined consistent with the

comprehensive plan when it was enacted circa 1994 and where SEPA compliance would have been required and all subsequent Comprehensive Plan Amendments since the initial plan would have further evaluated the consistency of the adjacent land uses and their current zoning of RM.

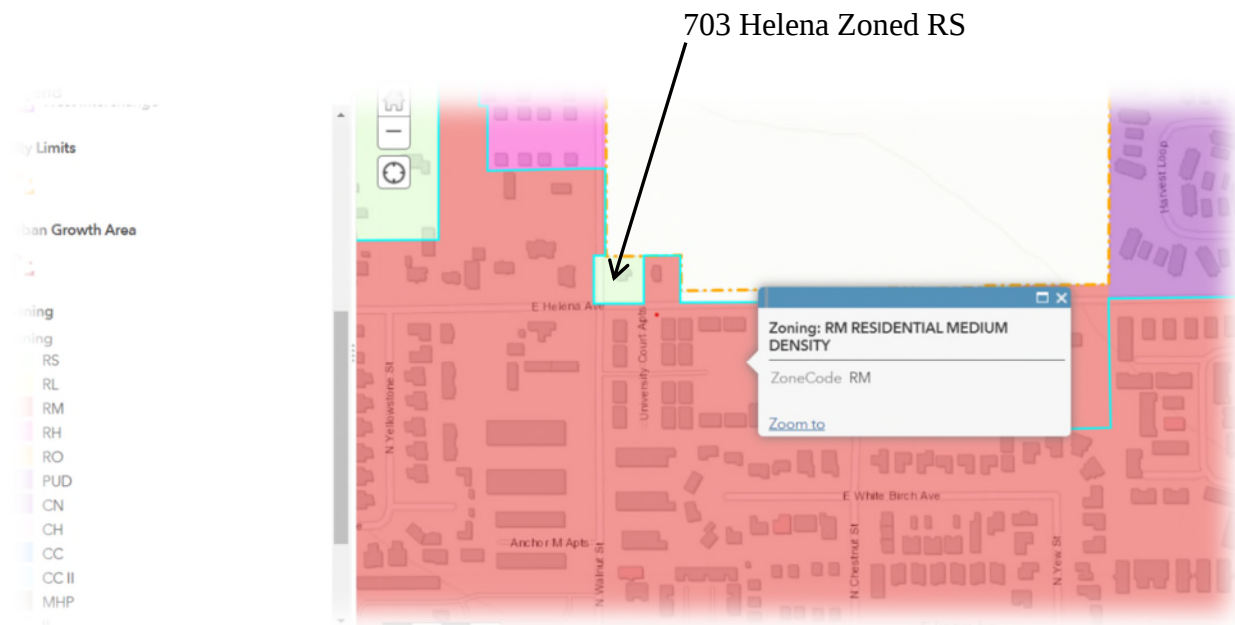
This rezone request with the proposed change from RS to RM eliminates the inconsistency of the current underlying zone on the 703 East Helena property.

As such the approval of this exemption and re-zone application allows for alignment of these previous comprehensive plans and brings this parcel located at 703 East Helena into compliance with the surrounding land use of my neighbors.

Ellensburg City Code (ECC) section 15.250.060(C), Site-Specific Rezone Decision Criteria – Subpart C sections 1-4:

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

The property located at 703 East Helena is currently Zone RS and conditions have changed since the property was originally zoned. This property is currently a spot zone that is surrounded entirely by property, located within the City limits that are zoned RM (see section of the City of Ellensburg Zoning Map below).



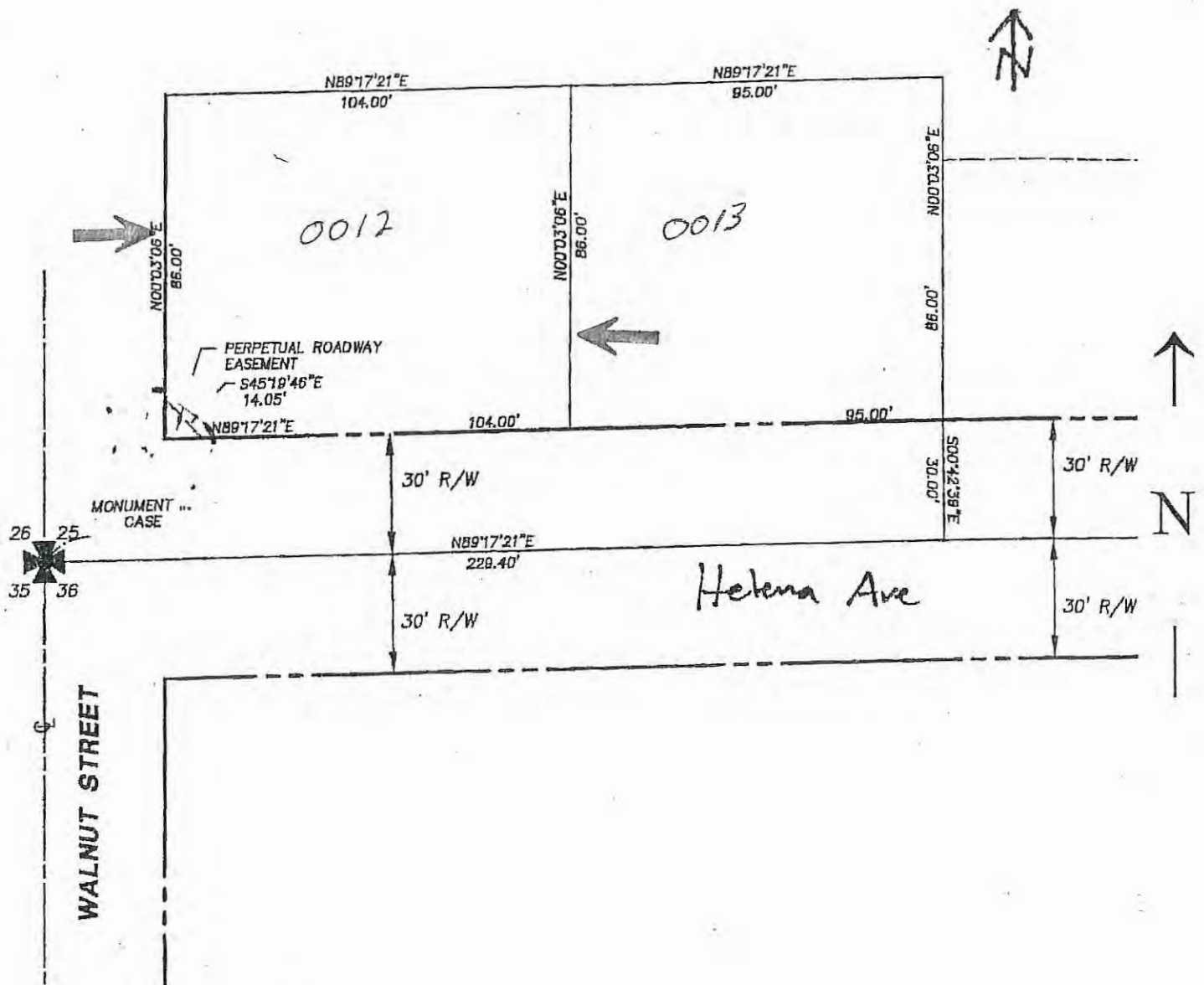
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JUN 28 2022

COMMUNITY DEVELOPMENT

stewart

title of kittitas county

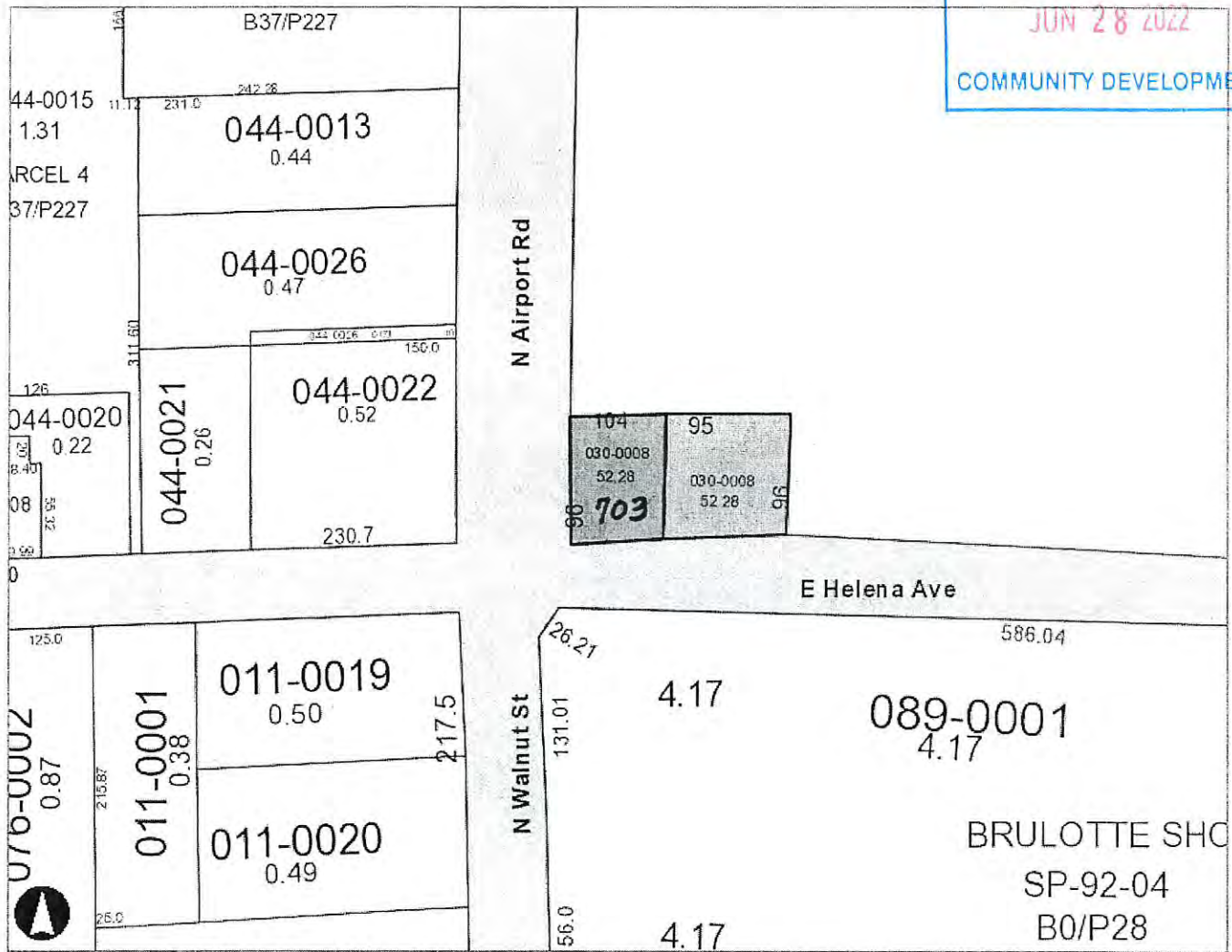


This sketch does not purport to show all highways, roads, or easements affecting said property. No liability is assumed for variations in dimensions and location, and is not based upon a survey of the property described in this order. It is furnished without charge, solely for the purpose of assisting in locating the described premises. The Company assumes no liability for inaccuracies therein.

RECEIVED

JUN 28 2022

COMMUNITY DEVELOPMENT



Kittitas County Disclaimer

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

STAFF REPORT

TO: Andrew Kottkamp, City of Ellensburg Hearing Examiner

FROM: Shannon Johnson, Senior Planner
City of Ellensburg Community Development Department

RE: Open Record Public Hearing for Rezone Application P22-075, from Residential Suburban (R-S) to Residential Medium (R-M) Zoning, Submitted by Jason Smith, property owner.

DATE: Tuesday, November 15, 2022 10:00 am via Zoom.

I. GENERAL INFORMATION

Applicant: Jason Smith, property owner.

Requested Action: The applicant seeks to rezone the subject property from Residential Suburban (R-S) to Residential Medium (R-M) for the purpose of developing multifamily housing. A State Environmental Policy Action (SEPA) is not required for this rezone as per WAC 197-11-800 (6.) (C). (**Exhibit 7**)

Location: The parcel is located north of Helena Ave, and east of Airport Way, in Ellensburg; Kittitas County Assessor's Parcel ID #126233; addressed as 703 E Helena Avenue. (**Exhibit 1**).

II. BACKGROUND AND SITE INFORMATION

Site History: The parcel is currently developed with a single-family dwelling and garage that are proposed to be demolished. Currently, this parcel has zoning of Residential Suburban. The applicant is proposing to change the parcel to R-M zoning for compatibility with multifamily development. The proposal would be to develop the site with a 4-unit multifamily building. The property is bordered by Residential-Medium (R-M) density zoning to the east, south, and west; and Public-Reserve (P-R) to the north as shown in **Exhibit 2**.

The parcel is similar in size to the R-M zoned lot directly to the East on the same street and approximately half the size of the various multi-family dwelling lots zoned R-M to the West along Airport Road.

In 1992, the parcels were annexed into the City of Ellensburg. At that time, the property was zoned Residential-Suburban (R-S).

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

Surrounding Properties: A zoning map of the surrounding properties is attached as **Exhibit 2**. The zoning of the surrounding properties is further described below.

North: The property to the north is zoned Public-Reserve (P-R) and consists of a vacant land owned by Central Washington University.

South: The properties to the south are zoned Residential Medium (R-M), and consist of various multi-family dwellings.

East: The property to the east (also owned by the applicant) is zoned Residential Medium (R-M), and consists of a single-family dwelling.

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

Access: Access to the property is from Helena Avenue.

Zoning and Development Standards, ECC Title 15: Ellensburg City Code (ECC) Table 15.310.040, Ellensburg City Code (ECC) Table 15.310.040, Residential-based Uses – indicates that while single-family, and cottage type dwellings are allowed in both R-M and R-S zones; duplex, townhouse, and multifamily type dwellings may be permitted in R-S zones subject to the density bonuses and townhouses and multifamily dwellings shall not be located adjacent to existing single-family dwellings except where approved on an individual plat. Furthermore, the R-S zone limits density to 6 dwelling units per acre. In R-M zones duplex, townhouse, and multifamily type dwellings are permitted outright with no density limitations.

Comprehensive Plan Designations: A map of the comprehensive plan future land use designations is attached as **Exhibit 3**. This parcel is designated Urban Neighborhood which supports a wide range of housing types and allows for the development of transitional areas between lower density neighborhoods and higher density residential and commercial areas. The Urban Neighborhood designation accommodates a wide range of building types, from small-lot single dwellings to large-scale multistory, multi-dwelling developments. This designation is similar to the residential neighborhood designation of other properties zoned R-M across the street.

Public Comments: Subsequent to the SEPA environmental review exemption, public notice and distribution of the site specific rezone request was undertaken.

Notice of the open record public hearing (**Exhibit 5**) was published in the legal section of the Daily Record on October 20, 2022, and the site was posted with a land use action sign on October 29, 2022 (**Exhibit 6**). On October 19, 2022 notice of the rezone and open record public hearing was mailed to property owners within 300 feet of the proposed site (**Exhibit 4**). No public comments have been received.

III. ENVIRONMENTAL (SEPA) REVIEW

The rezone and proposed future 4-unit multi-family dwelling unit project are exempt from SEPA review as per WAC 197-11-800 (6)(C) as shown in **Exhibit 7**.

Subsequent to SEPA environmental review exemption, public notice and distribution of the full rezone application was undertaken. As a result of that effort, most departments have reserved their comments until the time of the required Pre-Application review however, two comments have been received from the following: the Public Works Department and the Ellensburg Electric Utility (Light) Department (**Exhibits 8-9**).

IV. PROJECT ANALYSIS

A. Ellensburg City Code Requirements for Site-Specific Rezone

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

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

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

B. Analysis of Criteria for a Site-Specific Rezone

The applicant has submitted an application (**Exhibit 10**) with a narrative (**Exhibit 11**) addressing the rezone criteria found in ECC 15.250.060(C). The applicant seeks Residential Medium (R-M) zoning in order to construct a 4-unit multifamily structure. The information submitted by the applicant is followed by staff analysis.

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

Applicant narrative: *The property located at 703 East Helena is currently Zoned RS and conditions have changed since the property was originally zoned. This property is currently a spot zone that is surrounded entirely by property, located within the City limits that are zoned RM.*

Staff analysis: In 1992, this property was annexed into the City of Ellensburg and although the neighboring property was annexed previously in 1989 with Residential-Medium zoning, this property was subsequently zoned as Residential-Suburban (R-S). At the time of annexation, the property was in use as a residence and the comprehensive plan land use designation was Blended Residential. The current comprehensive plan land use designation is Urban Residential. The site-specific rezone request is consistent with the Urban Residential land use designation.

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

Applicant narrative: *As a spot zone within the City limits, 703 East Helena with its current RS zoning is an inconsistent land-use that is out of alignment with the City of Ellensburg Comprehensive Plan and the current existing uses of adjacent property. Rezoning the property to RM eliminates this inconsistency and aligns with public health.*

Staff analysis: The rezone to Residential Medium (R-M) will eliminate the isolated zoning of the existing parcel to provide additional contiguous higher density land for development of a multifamily housing development consisting of 4 units. The City has a responsibility under the Growth Management Act to make adequate provisions for existing and projected needs of all economic segments of the community. Based on both affordability and household size, the Ellensburg Comprehensive Plan identifies a need for more one- and two-bedroom dwellings in Ellensburg. The multifamily residential structure will conform with Ellensburg City Code and will meet the goal encouraging opportunities for infill as supported by the comp plan without increasing an unexpected demand on utilities and services. This will support the public health, safety, and general welfare of the community by reducing pressures on the low housing supply options.

- C. The proposed rezone is consistent with the comprehensive plan.

Applicant narrative: *The proposed rezone of the property at 703 East Helena is consistent with the City of Ellensburg Comprehensive plan and underlying land use, transportation, and eliminates a spot zone in an area of multi-family development.*

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

The Comprehensive Plan further indicates that in the Urban Neighborhood land use designation, implementing zoning districts for lower density housing are appropriate adjacent to existing single family residential areas characterized primarily by detached housing units and zero lot line projects. Implementing zoning districts that accommodate higher density housing types are more appropriate adjacent to parks and the University campus, along transit routes and principal and minor arterials, on local streets adjacent to commercial areas and served by transit routes, and near recreational activity centers, shopping centers, and entertainment areas.

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

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

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

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

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

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

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

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

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

Program 2, “Encourage infill development on vacant and underused sites.”

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

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

Applicant narrative: *The proposed rezone of the property at 703 East Helena from RS to RM is consistent with the development standards in the LDC for the RM Zone and eliminates an existing spot zone that is inconsistent with the surrounding property in the Zoning District.*

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

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

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

1. Allowing a variety of housing types including detached single-family dwellings, cottage housing, townhouses, and multifamily;
2. Providing standards and guidelines to help ensure that new infill development will be compatible in scale and character with existing development;
3. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets within the zone;
4. Providing standards and guidelines that promote the integration of usable open space for residential uses;
5. Providing a minimum density standard to avoid large scale low density sprawl;
6. Providing for an option for a modest floor area ratio bonus (see ECC 15.330.030) in exchange for:
 - a. Energy efficient building and site design; or
 - b. Purchase of transferable development rights (subject to the city adopting a TDR program) that help to preserve valuable resource lands outside the city; and
7. Use of this zone is appropriate for:
 - a. Areas designated mixed residential in the comprehensive plan; and
 - b. Areas characterized by a mix of single and multifamily buildings;
 - c. Areas within one-half mile of Central Washington University;
 - d. Areas located along designated arterial streets;
 - e. Areas adjacent to commercial zoned property; or
 - f. Areas located along corridors served by transit.

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

V. RECOMMENDATION

Staff finds the proposal to be consistent with the criteria outlined in 15.250.050 pertaining to rezones. As such, staff recommends that the Hearing Examiner recommend approval of the rezone request, from Residential Suburban (R-S) to Residential Medium Density (R-M) zoning to the City Council with the following condition:

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

EXHIBITS:

1. Vicinity Location Map
2. Current Zoning Map
3. Comprehensive Plan Future Land Use Designation Map
4. Area of Notification Map with 300-Foot Buffer Notification List
5. Legal Notice of Public Hearing
6. Land Use Action Sign and Affidavit of Posting
7. November 2, 2022 memo from City of Ellensburg Utility Electric Department
8. November 3, 2022 memo from City of Ellensburg Public Works Department
9. WAC 197-11-800 6. (C) SEPA Exemption Code Language
10. Rezone Application
11. Rezone Application Narrative
12. Rezone Site Plan

Shannon Johnson

From: Smith, Jason (Seattle) <Jason.Smith6@jacobs.com>
Sent: Monday, December 5, 2022 11:33 AM
To: Shannon Johnson; Jamey Ayling
Cc: Teresa Torrance-Smith
Subject: [Ext] Jason Smith Rezone Application Proof of Posting on site at 703 Helena Ellensburg, WA.

Importance: High

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

Shannon –

Attached is the proof of Posting for the new signs at 703 Helena for the Closed Record Rezone Hearing.

Please let me know if you need anything else.

Thank you

Jason

Jason W. Smith | Jacobs |
US West Environmental Science and Planning Director |
Email: Jason.Smith6@jacobs.com
M:+1.509.312.9398

**We do things right. We challenge the accepted.
We aim higher. We live inclusion.**



COMMUNITY DEVELOPMENT DEPARTMENT

501 N. Anderson St. Ellensburg WA 98926
Land Use Permitting (509) 962-7231 Construction Permitting (509) 962-7239
Jamey Ayling, Interim Director
Phone: (509) 962-7232 Fax: (509) 925-8655 E-Mail: aylingj@ci.ellensburg.wa.us

AFFIDAVIT OF POSTING

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

1. The posting of a weather-resistant sign posted on the subject property, visible to members of the public who may be passing on nearby public rights-of-way, and free from obstructions.
2. If the project abuts more than one public right-of-way, more than one sign may be required as determined by the responsible official.
3. The responsibility for the posting of the sign shall be upon the project applicant.
4. The sign shall be at least two feet by three feet in size, have a written description of the proposal, include a site drawing which shows the proposed project, have the date listed when comments are due, and where comments are to be mailed.

DATE: June 24, 2022	PLANNER: Shannon Johnson, Senior Planner
PROJECT NAME: Rezone of Parcel 126233, from R-S to R-M	FILE NUMBER: P22-075

PLEASE COMPLETE THE FOLLOWING:

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

[Signature]
Signature

Dec. 5 2022
Date

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







Jason W. Smith
Jacobs Engineering Group

Sent from my iPhone, please excuse any spelling errors.

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ORDINANCE NO. 4908

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

WHEREAS, on February 15, 2022 the City received an application (P22-075) from Jason Smith, property owner, requesting a rezone of a parcel located at 703 E Helena Avenue, Parcel ID Number 126233 (“application”); and

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

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

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

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

WHEREAS, the Ellensburg City Council held a duly noticed closed record hearing on December 19, 2022 and at the conclusion of the hearing approved a motion to adopt the Hearing Examiner’s Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval, and to approve the applicant’s request to rezone the subject property from R-S to R-M;

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

Section 1. The City Council adopts the findings of fact and conclusions based thereon, made and entered by the Hearing Examiner in support of the recommendation to the City Council for approval with regard to the rezone for the hereinafter described property located at 403 E Helena Avenue, with Parcel ID Number 126233 as set forth in the Hearing Examiner’s “Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval,” dated November 16, 2022, attached as Exhibit A.

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

ACRES .21, CD. 8673; SEC. 25; TWP. 18; RGE. 18; SW1/4 SW1/4 TAX NO. 4 LESS THE S. 10'; .02@ RD.

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

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

Section 5. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance.

Section 6. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

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

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 3rd day of January, 2023.

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. 4908 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, that Ordinance No. 4908 was published as required by law.

Beth Leader



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 19, 2022

Item Title/Agenda Subject: Ordinance 4904 (Second Reading) 2021/2022 Supplemental Budget Ordinance

Submitted by: Keith Bassett Finance Department

Recommended Action or Motion: Conduct Second Reading and Adoption of Ordinance 4904.

Background/Summary: The Ordinance adopts amendments to the 2021-2022 Biennial Budget to reflect changes in operational requirements and adjustments to capital project plans approved through prior Council action along with other modifications to the Biennial Budget as proposed by the City Manager. The amendments principally update expenditures to reflect increased prices for infrastructure maintenance and construction, increased utility and energy costs, and expenditure of grants awarded this year.

Since first reading, several additions have been added to reflect anticipated increased expenditures for Snow and Ice Control in the Street Fund, costs related to the loss of the Ellensburg Racquet and Recreation Center, and costs for claims paid in the Health and Benefits Internal Service Fund.

Previous Council Action: Council adopted the 2021-2022 Biennial Budget via Ordinance 4864 on December 7, 2020, appropriating funds and providing expenditure authority for the two-year period beginning January 1, 2021. Council subsequently amended the 2021-2022 Biennial Budget via Ordinance 4875 on September 9, 2021, Ordinance 4881 on December 6, 2021, and Ordinance 4886 on May 16, 2022.

Council regularly reviews and approves additional budget adjustments as part of its ongoing review and approval of contracts and purchases. Council conducted first reading of Ordinance 4904 at the December 5, 2022, regular meeting.

Analysis: Since the prior supplemental budget was adopted, items have been approved by City Council that require a supplemental

budget adjustment in order to be implemented. The anticipated budget impacts are presented as part of the City's standard agenda reports that accompany the initial request. The proposed ordinance will officially authorize expenditures in support of previously approved projects and program changes. Additional budget adjustments were identified as a result of a review of anticipated expenditures, expenditure trends, and current expenditure authority. These items provide the necessary budget to maintain the programs and projects previously adopted by City Council, comply with external regulations, and update originally budgeted amounts to current forecasts.

Items previously approved by Council include \$144,000 for professional services to support replacement of the City's utility billing & customer information system, replacement of outdated meter reading equipment, additional professional services costs associated with the transition to contracted shelter services, snow and ice control supplies, construction bid overrun of Gateway I (University Way), lodging tax funded banners on key streets, and installation of athletic field lights at Rotary Park.

Many items include additional grant revenue, including telecommunications infrastructure extension to the city's wells west of town, Brick Road improvements design, the Helena Ave. Complete Streets Improvement Project, and additional grant funding for the Gateway I project.

Other items added to sustain previously approved projects and programs include additional funding for snow and ice control, increased expenditures for risk management and insurance premiums, additional costs for providing Fire Relief & Pension and LEOFF 1 long term care and unreimbursed medical costs, costs associated with increased fuel and natural gas prices, and a preliminary transfer of Geographic Information Systems (GIS) related fund balance from the Information Technology Internal Service Fund to the proposed GIS Internal Service Fund.

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

Table 2.

Financial Impact:

The proposed ordinance amends the Biennial Budget increasing budgeted 2022 expenditures by \$6,207,934 and revenue by \$4,326,839. The effect of these amendments on the budgeted 2022 ending fund balance is a decrease of \$1,881,095.

Attachments:

[Table 1 - Supplemental Items by Fund](#)

[Table 2 - Adjustments by Fund](#)

[Ordinance 4904 -2021-2022 Supplemental Budget](#)

[Exhibits A & B - Amended Budget by Year](#)

Table 1 - 2021-2022 Supplemental Budget Items by Fund (Second Reading)

Fund / Item	2022			Impact to Ending Fund Balance
	Beg. Fund Balance	Revenues	Expenditures	
General Fund				
CIS Replacement Project Professional Services	\$0	\$0	\$144,000	-\$144,000
Mobile Data Collection System and ERT Programmers	\$0	\$0	\$30,387	-\$30,387
Temporary HR Specialist	\$0	\$0	\$9,412	-\$9,412
PW Development Supervisor (Reclassification)	\$0	\$0	\$2,200	-\$2,200
City Hall Facility Space Use Design	\$0	\$0	\$64,241	-\$64,241
Animal Shelter Contract	\$0	\$0	\$25,000	-\$25,000
Other - Fire Relief & Pension & LEOFF1 Long Term Care/Unreimbursed	\$0	\$0	\$5,000	-\$5,000
Other - General Fund Revenue Forecast Update	\$0	\$287,000	\$0	\$287,000
Youth Services Staffing (transition from AmeriCorps)	\$0	\$0	\$21,000	-\$21,000
General Fund Total	\$0	\$287,000	\$301,240	-\$14,240
Street Fund				
Gateway I	\$0	\$0	\$104,854	-\$104,854
Snow and Ice Control Supplies	\$0	\$0	\$135,000	-\$135,000
Other - Increased Transfer Station Costs for Street Sweepings	\$0	\$0	\$55,000	-\$55,000
Other - Snow & Ice Control Staffing	\$0	\$0	\$280,000	-\$280,000
Street Fund Total	\$0	\$0	\$574,854	-\$574,854
Arterial Street Fund				
Gateway I	\$0	\$104,854	\$1,105,059	-\$1,000,205
Gateway I State Grant Due to Construction Bid Overrun	\$0	\$522,756	\$0	\$522,756
Helena Ave Complete Streets Improvemets Project	\$0	\$0	\$68,359	-\$68,359
Brick Road Improvements Design	\$0	\$120,000	\$191,131	-\$71,131
Arterial Street Fund Total	\$0	\$747,610	\$1,364,549	-\$616,939
Park Acquisition Fund				
Rotary Park Field Lights Installation	\$0	\$0	\$336,304	-\$336,304
Reed Park Master Plan Carryforward	\$0	\$0	\$33,210	-\$33,210
Park Acquisition Fund Total	\$0	\$0	\$369,514	-\$369,514
Art Acquisition Fund				
Skatepark Murals	\$0	\$0	\$2,500	-\$2,500
Art Acquisition Fund Total	\$0	\$0	\$2,500	-\$2,500
Lodging Tax Fund				
Lodging Tax Banners	\$0	\$10,000	\$20,000	-\$10,000
Lodging Tax Fund Total	\$0	\$10,000	\$20,000	-\$10,000
Sidewalk Fund				
Sidewalk Fund Residential Sidewalk Repair Program	\$0	\$0	\$32,593	-\$32,593
Other - Sidewalks Projects	\$0	\$0	\$101,695	-\$101,695
Sidewalk Fund Total	\$0	\$0	\$134,288	-\$134,288
Telecom Utility Fund				
Gateway I	\$0	\$140,376	\$140,376	\$0
Fiber Extension and Fixed Wireless Broadband Project (Hayward Hill W	\$0	\$546,966	\$546,966	\$0
Telecom Utility Fund Total	\$0	\$687,342	\$687,342	\$0
Natural Gas Utility Fund				
Natural Gas Purchases & Cumulative Revenue Adjustments	\$0	\$2,254,496	\$1,952,200	\$302,296
Natural Gas Utility Fund Total	\$0	\$2,254,496	\$1,952,200	\$302,296
Electric Utility Fund				
Reecer Creek Floodplain/Dolarway Bridge Utilities Relocation	\$0	\$0	\$10,894	-\$10,894
Electric Utility Fund Total	\$0	\$0	\$10,894	-\$10,894

Table 1 Continued - 2021-2022 Supplemental Budget Items by Fund (Second Reading)

Fund / Item	2022			Impact to Ending Fund Balance
	Beg. Fund Balance	Revenues	Expenditures	
Water Utility Fund				
Water System Plan	\$0	\$0	\$24,999	-\$24,999
Reecer Creek Floodplain/Dolarway Bridge Utilities Relocation	\$0	\$0	\$41,544	-\$41,544
Water Utility Fund Total	\$0	\$0	\$66,543	-\$66,543
Shop & Warehouse Fund				
Fuel and Other Motor Pool Costs	\$0	\$0	\$79,000	-\$79,000
Shop & Warehouse Fund Total	\$0	\$0	\$79,000	-\$79,000
Health & Benefits Fund				
Other - Employee Health & Benefits Self Insurance	\$0	\$0	\$266,616	-\$266,616
Health & Benefits Fund Total	\$0	\$0	\$266,616	-\$266,616
Risk Management Fund				
Other - Risk Management and Unemployment Costs	\$0	\$0	\$34,672	-\$34,672
Ellensburg Racquet and Rec Center Deductible	\$0	\$0	\$25,000	-\$25,000
Risk Management Fund Total	\$0	\$0	\$59,672	-\$59,672
IT Service Fund				
GIS Internal Service Fund Preliminary Transfer	\$0	\$0	\$314,822	-\$314,822
IT Service Fund Total	\$0	\$0	\$314,822	-\$314,822
Fire Relief and Pension Fund				
Other - Fire Insurance Premium Tax	\$0	\$25,569	\$0	\$25,569
Other - Fire Relief & Pension & LEOFF1 Long Term Care/Unreimbursed	\$0	\$0	\$3,900	-\$3,900
Fire Relief and Pension Fund Total	\$0	\$25,569	\$3,900	\$21,669
GIS Internal Service Fund				
GIS Internal Service Fund Preliminary Transfer	\$0	\$314,822	\$0	\$314,822
GIS Internal Service Fund Total	\$0	\$314,822	\$0	\$314,822
Grand Total	\$0	\$4,326,839	\$6,207,934	-\$1,881,095

Table 2
City of Ellensburg
2022 Summary of Budget Adjustments

Fund/Department	Budgeted Beg Fund Balance	2022 Revenues	2022 Expenditures	Budgeted Ending Fund Balance
Total General Fund	0	287,000	301,240	-14,240
Budgeted General Sub-Funds				
Sales Tax	0	0	0	0
Economic Development	0	0	0	0
CARES/ARPA Grants	0	0	0	0
Art Acquisitions	0	0	2,500	-2,500
Total Budgeted General Sub-Funds	0	0	2,500	-2,500
Special Revenue Funds:				
Street	0	0	574,854	-574,854
Arterial Street	0	747,610	1,364,549	-616,939
Traffic Impact Fee	0	0	0	0
Ellensburg Public Transit	0	0	0	0
Criminal Justice	0	0	0	0
Drug	0	0	0	0
CATV Ops. and & Maint.	0	0	0	0
Park Acquisitions	0	0	369,514	-369,514
Lodging Tax	0	10,000	20,000	-10,000
Housing & Related Services	0	0	0	0
Total Special Revenue Funds	0	757,610	2,328,917	-1,571,307
Debt Service Funds				
Capital Imprv. Debt	0	0	0	0
2010 Maintenance Bond	0	0	0	0
Library Bond Debt	0	0	0	0
LID Guarantee Fund	0	0	0	0
Total Debt Service Funds	0	0	0	0
Capital Project Funds				
Capital Imprv. Bond Projects	0	0	0	0
Sidewalk Improvements	0	0	134,288	-134,288
Total Capital Project Funds	0	0	134,288	-134,288
Trust & Agency Funds				
Library Trust	0	0	0	0
Hal Holmes Trust	0	0	0	0
Fire Relief & Pension Trust	0	25,569	3,900	21,669
Total Trust & Agency Funds	0	25,569	3,900	21,669
Enterprise Funds				
Stormwater	0	0	0	0
Stormwater Bond	0	0	0	0
Telecommunications	0	687,342	687,342	0
Gas	0	2,254,496	1,952,200	302,296
Gas Construction	0	0	0	0
Light	0	0	10,894	-10,894
Water	0	0	66,543	-66,543
Water Construction	0	0	0	0
Sewer	0	0	0	0
Total Enterprise Funds	0	2,941,838	2,716,979	224,859
Internal Service Funds				
Shop & Equipment	0	0	79,000	-79,000
Health Insurance	0	0	266,616	-266,616
Risk Management	0	0	59,672	-59,672
IT Fund	0	0	314,822	-314,822
GIS Fund	0	314,822	0	314,822
Total Internal Service Funds	0	314,822	720,110	-405,288
Grand Total	\$0	\$4,326,839	\$6,207,934	-\$1,881,095

ORDINANCE NO. 4904

AN ORDINANCE AMENDING THE 2021-2022 BIENNIAL BUDGET OF THE CITY OF ELLENSBURG AS SET FORTH IN ORDINANCE NO. 4864 AND PREVIOUSLY AMENDED AS SET FORTH IN ORDINANCE NO. 4875, ORDINANCE NO. 4881, AND ORDINANCE NO. 4886 TO ADJUST APPROPRIATIONS IN THE CITY'S FUNDS.

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

WHEREAS, the City Council approved Ordinance No. 4875, which adopted amendments to the biennial budget for fiscal years 2021-2022; and

WHEREAS, the City Council approved Ordinance No. 4881, which adopted amendments to the biennial budget for fiscal years 2021-2022; and

WHEREAS, the City Council approved Ordinance No. 4886, which adopted amendments to the biennial budget for fiscal years 2021-2022; and

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

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

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

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

Section 1. **2021-2022 Supplemental Budget.** The 2021-2022 biennial budget for the City of Ellensburg for the period January 1, 2021 through December 31, 2022, as authorized in Ordinance 4864 and previously amended in Ordinance 4875, Ordinance 4881, and Ordinance 4886 is hereby amended as revised in attached Exhibits A and B, and are hereby appropriated for expenditure at the fund level during the 2021-2022 biennium.

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

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

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

The foregoing ordinance was passed and adopted at regular meeting of the City Council on this 19th day of December, 2022.

Mayor

Attest:

City Clerk

Approved as to form:

CITY ATTORNEY

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4904 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, that Ordinance No. 4904 was published as required by law.

Beth Leader, City Clerk

Ordinance 4904 - Exhibit A (Supplemental Budget Ordinance)

City of Ellensburg

2021 Budget Table - All Funds as Amended

Fund/Department	Budgeted Beg Fund Balance	2021 Revenues	2021 Expenditures	Budgeted Ending Fund Balance
Total General Fund	4,178,154	15,762,197	17,090,601	2,849,750
Budgeted General Sub-Funds				
Sales Tax	2,449,720	4,855,497	4,730,073	2,575,144
Economic Development	0	706,814	4,000	702,814
CARES/ARPA Grants	296,806	2,946,546	3,243,352	0
Art Acquisitions	26,994	80,703	92,134	15,563
Total Budgeted General Sub-Funds	2,773,520	8,589,560	8,069,558	3,293,522
Special Revenue Funds:				
Street	1,894,258	2,330,028	2,985,173	1,239,113
Arterial Street	1,448,872	10,038,645	10,976,282	511,235
Traffic Impact Fee	793,183	386,618	609,376	570,426
Ellensburg Public Transit	2,392,579	2,569,855	1,933,995	3,028,438
Criminal Justice	2,241,725	1,170,118	1,392,147	2,019,696
Drug	31,899	3,100	15,000	19,999
CATV Ops. and & Maint.	115,277	80,420	104,171	91,526
Park Acquisitions	461,566	546,711	175,000	833,277
Lodging Tax	310,751	361,000	302,351	369,400
Housing & Related Services	1,571,051	568,547	1,722,500	417,098
Total Special Revenue Funds	11,261,162	18,055,041	20,215,995	9,100,208
Debt Service Funds				
Capital Imprv. Debt	362,378	203,184	203,184	362,378
2010 Maintenance Bond	39,772	1,922,064	1,901,019	60,817
Library Bond Debt	95,848	175,000	181,100	89,748
LID Guarantee Fund	138,523	0	0	138,523
Total Debt Service Funds	636,522	2,300,248	2,285,303	651,467
Capital Project Funds				
Capital Imprv. Bond Projects	536,090	0	536,090	0
Sidewalk Improvements	736,926	416,000	430,101	722,825
Total Capital Project Funds	1,273,017	416,000	966,192	722,825
Trust & Agency Funds				
Library Trust	320,865	6,900	8,800	318,965
Hal Holmes Trust	107,052	10,000	10,000	107,052
Fire Relief & Pension Trust	588,075	165,169	147,944	605,300
Total Trust & Agency Funds	1,015,992	182,069	166,744	1,031,317
Enterprise Funds				
Stormwater	1,143,393	1,701,629	2,035,265	809,757
Stormwater Bond	119,433	1,283,612	1,400,000	3,045
Telecommunications	247,248	401,083	399,397	248,934
Gas	2,536,896	10,366,317	8,935,306	3,967,908
Gas Construction	0	0	0	0
Light	10,197,773	19,395,762	21,089,317	8,504,217
Water	6,503,314	11,045,312	11,834,578	5,714,048
Water Construction	0	3,200,000	3,200,000	0
Sewer	3,598,477	8,796,404	9,920,506	2,474,375
Total Enterprise Funds	24,346,534	56,190,118	58,814,368	21,722,284
Internal Service Funds				
Shop & Equipment	8,312,481	2,378,390	3,172,638	7,518,233
Health Insurance	997,240	3,082,926	3,053,071	1,027,095
Risk Management	1,201,903	686,902	740,261	1,148,544
IT Fund	1,227,608	1,948,438	1,958,948	1,217,098
Total Internal Service Funds	11,739,232	8,096,656	8,924,918	10,910,970
Grand Total	\$57,224,132	\$109,591,890	\$116,533,679	\$50,282,343

Ordinance 4904 - Exhibit B (Supplemental Budget Ordinance)

City of Ellensburg

2022 Budget Table - All Funds as Amended

Fund/Department	Budgeted Beg Fund Balance	2022 Revenues	2022 Expenditures	Budgeted Ending Fund Balance
Total General Fund	4,599,474	15,551,392	17,884,229	2,266,637
Budgeted General Sub-Funds				
Sales Tax	3,519,653	5,787,000	5,108,871	4,197,782
Economic Development	703,662	0	75,000	628,662
CARES/ARPA Grants	2,298,554	2,946,546	5,245,100	0
Art Acquisitions	28,851	51,000	65,500	14,351
Total Budgeted General Sub-Funds	6,550,721	8,784,546	10,494,471	4,840,796
Special Revenue Funds:				
Street	2,040,667	2,642,558	3,433,439	1,249,787
Arterial Street	2,012,891	14,277,379	16,774,850	-484,580
Traffic Impact Fee	789,714	386,618	909,820	266,512
Ellensburg Public Transit	2,583,130	2,356,529	2,131,771	2,807,889
Criminal Justice	2,419,459	1,439,400	1,527,765	2,331,095
Drug	31,616	3,100	22,146	12,570
CATV Ops. and & Maint.	111,769	99,283	101,340	109,712
Park Acquisitions	921,421	267,261	569,514	619,168
Lodging Tax	565,799	697,000	350,313	912,486
Housing & Related Services	2,342,278	764,000	1,432,500	1,673,778
Total Special Revenue Funds	13,818,744	22,933,128	27,253,456	9,498,416
Debt Service Funds				
Capital Imprv. Debt	362,378	562,327	562,327	362,378
2010 Maintenance Bond	60,818	212,800	212,800	60,818
Library Bond Debt	90,806	175,000	186,000	79,806
LID Guarantee Fund	138,653	0	0	138,653
Total Debt Service Funds	652,656	950,127	961,127	641,656
Capital Project Funds				
Capital Imprv. Bond Projects	521,635	0	521,635	0
Sidewalk Improvements	987,297	426,000	791,243	622,054
Total Capital Project Funds	1,508,932	426,000	1,312,878	622,054
Trust & Agency Funds				
Library Trust	322,005	7,500	8,800	320,705
Hal Holmes Trust	129,472	10,000	10,000	129,472
Fire Relief & Pension Trust	638,541	190,738	136,522	692,757
Total Trust & Agency Funds	1,090,018	208,238	155,322	1,142,934
Enterprise Funds				
Stormwater	1,185,060	1,752,473	2,536,922	400,611
Stormwater Bond	2,119,433	0	1,539,045	580,388
Telecommunications	248,934	1,043,243	1,035,303	256,874
Gas	3,810,759	9,303,400	10,517,860	2,596,299
Gas Construction	0	0	0	0
Light	11,367,894	19,368,781	24,841,492	5,895,183
Water	5,863,862	6,147,505	8,476,833	3,534,533
Water Construction	0	5,148,461	3,341,846	1,806,615
Sewer	2,248,514	11,921,743	9,790,722	4,379,534
Total Enterprise Funds	26,844,456	54,685,605	62,080,023	19,450,038
Internal Service Funds				
Shop & Equipment	9,638,388	2,423,410	3,252,617	8,809,182
Health Insurance	1,316,650	2,551,069	2,917,459	950,260
Risk Management	1,417,745	686,902	773,779	1,330,868
IT Fund	2,159,050	1,543,293	2,764,136	938,207
GIS Fund	0	314,822	0	314,822
Total Internal Service Funds	14,531,834	7,519,496	9,707,991	12,343,339
Grand Total	\$69,596,834	\$111,058,533	\$129,849,498	\$50,805,870



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 19, 2022

Item Title/Agenda Subject: Ordinance 4905 (Second Reading) for the Revision of City Code section 9.92.100 Electric Utility Fee and Credit Schedule

Submitted by: Paul Meyer Public Works & Utilities

Recommended Action or Motion: Approve second reading and adoption of Ordinance 4905 to revise Ellensburg City Code section 9.92.100 - Electric Utility Fee and Credit Schedule

Background/Summary: Staff, in conjunction with the Cost of Service Analysis (COSA) consultant, reviewed the methods for determining the charges for the installation of new residential overhead, underground and temporary electrical services. The COSA showed the existing Electric Utility service estimates, invoices and fees do not accurately reflect the actual cost of services and recommends revisions to the Electric Utility Fee and Credit Schedule.

The fee schedule also includes fees for a third party to license the use of Light Division owned conduits. Light Division staff has determined that licensing the use of City-owned conduit is not a benefit to the utility or its customers and to date no conduit licensing has taken place. Light Division staff wishes to remove this portion of the fee schedule from City Code.

An update to the Inspection fee has been made removing "serviceperson wage" and replacing it with "Inspector rate".

Previous Council Action: Ordinance 4776 ECC 9.92 No Show Amendments - utility fee and credit schedules 10-16-17
Ordinance 4791 Electric and Telecomm. Utility Fees Schedules Amendments 3-19-18

The Utility Advisory Committee provided a favorable recommendation at the November 17, 2022 meeting.

First Reading of Ordinance 4905 for Revision of ECC Section 9.92.100 Electric Utility Fee and Credit Schedule took place at

the December 5, 2022 meeting

Analysis:

For new residential underground services, it is advised that City Light charge a flat fee trip charge of (3) three hours of service crew rate to install the service, plus an estimated material charge.

For new residential overhead services, it is advised that City Light charge a flat fee trip charge of (1.5) one and a half hours of service crew rate to install the service, plus an estimated material charge.

For standard overhead temporary services, it is advised that City Light charge a flat fee trip charge of (1.5) one and a half hours of lineperson rate to install the service, plus an estimated material charge.

For standard underground temporary services, it is advised that City Light charge a flat fee trip charge of (1.5) one and a half hours of lineperson rate to install the service.

For non-standard temporary services, it is advised that City Light charge based on estimated costs determined by engineering at the time of design.

The language related to third party licensing of City Light Dept. conduit has been removed.

Financial Impact:

It has been determined that the old cost structure did not evenly distribute costs for the many different types of services resulting in customers underpaying for their services. The proposed revisions better reflect actual costs associated with the service types and will have a positive financial impact. Currently there is no City-owned conduit being licensed and no prospect that there will be in the near future. Removing these fees from the Electric Utility Fee and Credit Schedule will have no financial impact.

Attachments:

[Ordinance 4905 \(Second Reading\) - Electric Fee Schedule Amendments](#)

ORDINANCE NO. 4905

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO CHAPTER 9.92 “UTILITY FEE AND CREDIT SCHEDULES” AND AMENDING SECTION 9.92.100 “ELECTRIC UTILITY FEE AND CREDIT SCHEDULE” OF THE ELLENSBURG CITY CODE.

WHEREAS, the City of Ellensburg has established a variety of fees for conducting normal day to day utility business; and

WHEREAS, the City of Ellensburg and their consultant has completed a Cost of Service Analysis; and

WHEREAS, the cost of service analysis has shown the existing Electric Utility service estimates, invoices and fees does not accurately reflect the actual cost of services; and

WHEREAS, a new fee structure is recommended when a customer requests a utility service extension or a utility meter to be installed; and

WHEREAS, the City of Ellensburg instituted a fee schedule for a third party to license the use of Light Division owned conduits; and

WHEREAS, Light Division staff has determined that licensing the use of city owned conduit is not a benefit to the utility or its customers and to date no conduit licensing has taken place, and staff therefore wish to remove this portion of the fee schedule from City Code; and

WHEREAS, to clarify customer charges Light Division staff is replacing any references to “wage” with “rate.”

WHEREAS, the amendments in this ordinance were reviewed by the City’s Utility Advisory Committee at its November 17, 2022 meeting, which recommended adoption of the changes by the City Council;

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

Section 1. Section 9.92.100 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4791, is hereby amended to read as follows:

9.92.100 Electric utility fee and credit schedule.

Effective Date: ~~04/01/18~~ 01/01/23

Service Credit	\$1.00 per amp of panel size
Extension Credit	\$750.00

Maintenance Credit	Variable
Reconnect Fee	1 hour at serviceperson wage rate
Unauthorized Service Fee	1.5 hours at serviceperson wage rate
After Hours Reconnect Fee	2 hours at serviceperson overtime wage rate
Meter Testing Fee	1 hour at meterperson wage rate
Inspection Fee	Hourly serviceperson wage <u>inspector rate</u> , 1 hour minimum
<u>Underground Service (Less than 400 Amps) Installation Fee</u>	<u>3 hours at service crew rate plus materials</u>
<u>Overhead Service (Less than 400 Amps) Installation Fee</u>	<u>1.5 hours at service crew rate plus materials</u>
<u>Underground Or Overhead Service (400 Amps Or Larger) Installation Fee</u>	<u>Estimated costs</u>
<u>Standard Overhead Temporary Service Fee</u>	Actual cost <u>1.5 hours at lineperson rate plus materials</u>
<u>Standard Underground Temporary Service Fee</u>	<u>1.5 hours at lineperson rate</u>
<u>Non-standard Temporary Service Fee</u>	<u>Estimated costs</u>
Plant Investment Fee	None
Reimbursement Fee	Varies by agreement and/or cost paid by city
Developer Reimbursement Application Fee	\$50.00
Net Metering Interconnection Application Fee	Up to 25.9 kW = \$200.00 26.0 kW to 100 kW = \$500.00
Customer-Generator System Impact Study Fee	Actual cost
Conduit Licensing Fee	-
1.5—3 inch joint use conduit	\$0.30 per 100 lineal feet per month
4 inch joint use conduit	\$0.40 per 100 lineal feet per month
6 inch or greater joint use conduit	\$0.70 per 100 lineal feet per month
1.5—3 inch spare conduit	\$1.30 per 100 lineal feet per month
4 inch spare conduit	\$1.50 per 100 lineal feet per month
6 inch or greater spare conduit	\$2.80 per 100 lineal feet per month

Fee if Customer Has Not Prepared the Site in Accordance with the Public Works Development Standards for Electrical Work, or Is Not Present at the Scheduled Appointment

1/2 hour at serviceperson ~~wage~~ rate

Locate Fee for Repeated Requests

1/2 hour at serviceperson ~~wage~~ rate or actual cost if greater

[Ord. 4791 § 1, 2018; Ord. 4776 § 1, 2017; Ord. 4761 § 1, 2016; Ord. 4722 § 3, 2016; Ord. 4684 § 5, 2014; Ord. 4555 § 11, 2009; Ord. 4503 § 2, 2007.]

Section 2. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

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

Section 4. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the _____ day of December, 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. 4905 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4905 was published as required by law.

BETH LEADER



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 19, 2022

Item Title/Agenda Subject: Ordinance 4906 (First Reading) - Exclusion and Trespass from City Property

Submitted by: Terry Weiner City Attorney Department

Recommended Action or Motion: Approve first reading of Ordinance 4906, which will allow for the exclusion and trespass of persons from City property.

Background/Summary: The City has limited options for dealing with behavior by persons utilizing City property and facilities when it violates codes of conduct or other rules but is non-criminal or involves situations where the conduct is not witnessed by law enforcement. There are also situations where the person may be criminally cited, but there is still a need to exclude them from City property. The problem is particularly problematic at City parks, the Library and occasionally at City Hall. Each department handles these matters in a generally consistent manner, but there is no formal City policy or ordinance that provides guidance to employees on when and how long to temporarily exclude a person from City property when they have violated rules of conduct or engaged in conduct that, while not rising to a criminal level is nonetheless concerning for an employee's personal safety.

Staff has been exploring options for addressing these issues over the past several months, including meeting with residents concerned about such behaviors at various public parks. After reviewing options, there was consensus to move forward with the proposed ordinance allowing for exclusion of individuals from City property and facilities under certain conditions.

Previous Council Action: None.

Analysis: Ordinance 4906 would create a new chapter 5.72, Exclusion and Trespass from City Property, in the Ellensburg City Code. The ordinance allows law enforcement or designated City staff to exclude a person from specified City property if they:

1. Violate any posted rule of conduct for a city park, city property, or city facility; or
2. Violate any provision of this chapter; or
3. Violate any provision of the Ellensburg City Code or Revised Code of Washington.

The ordinance requires that a written notice of the exclusion be delivered either in person or by a combination of regular and certified mail to their last known address.

The length of the exclusion depends on whether the person has been previously excluded from City property during a one-year period:

1. For the first exclusion notice issued within a period of one year, a period not exceeding thirty (30) days.
2. For the second exclusion notice issued within a period of one year, a period of more than thirty (30) days, but not more than ninety (90) days.
3. For the third exclusion notice issued within a period of one year, and for all subsequent exclusion notices, a period of more than 90 days, but not more than one year.

The exclusion is limited to the specific City property where the conduct occurred unless it involves illegal conduct that is threatening or endangers persons or property. Such conduct may also result in immediate exclusion for up to one year instead of the tiered exclusion periods above.

The ordinance also provides for a process to appeal the exclusion notice to an independent hearing examiner at no cost to the appellant. The City would be required to prove a violation by a preponderance of evidence.

Although the ordinance provides the mechanism and procedures for exclusion from City property, it also provides that education, de-escalation and voluntary compliance shall be prioritized whenever reasonably possible so the inadvertent minor violations can be corrected without exclusion. However, if a person has been served with an exclusion notice and subsequently violates the notice, they may be arrested for criminal trespass as provided in state law.

Financial Impact:

Minimal financial impact is expected. Costs related to any appeals are anticipated to be paid from existing operating budgets for city facilities and properties.

Attachments:

[Ordinance 4906 \(First Reading\) - Exclusion and Trespass from City Property](#)

ORDINANCE NO. 4906

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO USE OF CITY PROPERTY AND ADDING A NEW CHAPTER “5.72 EXCLUSION AND TRESPASS FROM CITY PROPERTY” TO THE ELLENSBURG CITY CODE.

WHEREAS, the safety of the general public and providing a secure workplace for our employees are both very high priorities for the City of Ellensburg; and

WHEREAS, all individuals have the right to use and enjoy public property and parks, and to engage with City departments and employees, so long as their behavior is not threatening, dangerous, or unreasonably disruptive; and

WHEREAS, as an employer, the City also has a duty to protect its employees from any potential risks of harm from individuals who engage in such behavior; and

WHEREAS, the City seeks to adopt a civil exclusion process that can be used when a person’s behavior involves activity which is in violation of other people’s rights to peaceful enjoyment of public spaces and/or a safe workplace; and

WHEREAS, the proposed new chapter authorizes law enforcement officers and other city employees to issue civil exclusions under purposely narrow guidelines that balance all individuals’ rights to engage in legitimate activities while preserving public safety and a safe workplace; and

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

Section 1. Findings. The City Council hereby finds that the recitals set forth above are hereby adopted as findings for this Ordinance and incorporated herein as such.

Section 2. A new chapter entitled “5.72 Exclusion and Trespass from City Property” is hereby added to the Ellensburg City Code to read as follows:

Chapter 5.72

Exclusion and Trespass from City Property

5.72.010 Purpose, authority, and applicability.

5.72.020 Exclusion from city property.

5.72.030 Duration of exclusion.

5.72.040 Appeal procedure.

5.72.050 Education and de-escalation.

5.72.060 Violation - trespass - penalty.

5.72.010 Purpose, authority, and applicability.

A. The purpose of this chapter is to adopt a legally sound policy and process for excluding from city property individuals whose behavior is dangerous, unsafe, illegal, or unreasonably disruptive to other users while recognizing the rights of individuals to engage in legitimate activities that may occur on city-owned property. This chapter is enacted as an exercise of the city's authority to protect and preserve the public health, safety and welfare, and to further the city of Ellensburg's policy of providing a safe workplace for its employees.

B. The city manager is authorized to adopt rules and procedures consistent with this chapter.

5.72.020 Exclusion from city property.

A. Any city police officer or employee designated by the city manager or city department head may, by delivering an exclusion notice in person to the offender, or by First Class Mail and Certified Mail to the offender at the offender's last known address, exclude from city property, anyone who upon or within city property:

1. Violates any posted rule of conduct for a city park, city property or city facility; or
2. Violates any provision of this chapter; or
3. Violates any provision of the Ellensburg City Code or Revised Code of Washington.

B. The offender need not be charged, tried, or convicted of any crime or infraction in order for an exclusion notice to be issued or be effective. The exclusion may be based upon observation by the police officer, city employee or upon civilian reports that would ordinarily be relied upon by police officers in the determination of probable cause.

C. The exclusion notice shall be in writing and shall contain the date of issuance, the length and place(s) of exclusion, and be signed by the issuing police officer or city employee. Warning of the consequences for failure to comply shall be prominently displayed on the notice.

5.72.030 Duration of exclusion.

A. When the exclusion notice is issued due to illegal conduct that presents a danger to persons or property, or is issued due to dangerous or unsafe conduct, or is issued as a result of a violation of an existing exclusion notice, then the warning may exclude the person for a period of up to one year.

B. When an exclusion notice is issued due to any conduct other than that identified in subsection (A) of this section, then the duration of exclusion shall be as follows:

1. For the first exclusion notice issued within a period of one year, a period not exceeding thirty (30) days.
2. For the second exclusion notice issued within a period of one year, a period of more than thirty (30) days, but not more than ninety (90) days.
3. For the third exclusion notice issued within a period of one year, and for all subsequent exclusion notices, a period of more than 90 days, but not more than one year.

C. An exclusion notice for a certain place or places must not prohibit access to another place or places that are unrelated to or not a part of the place(s) where the conduct that is the subject of the exclusion notice occurred. Notwithstanding the foregoing, conduct included in subsection A above may result in exclusion from more than place.

D. Only the hearing examiner after a hearing may rescind, shorten, or modify an exclusion notice.

5.72.040 Appeal procedure.

A. An offender receiving an exclusion notice may seek a hearing to have the exclusion notice rescinded, the period of exclusion shortened, or the areas of exclusion reduced. The request for a hearing shall be delivered to the city clerk or postmarked no later than ten (10) calendar days after the issuance date of the exclusion notice. The request for hearing shall be in writing and shall be accompanied by a copy of the exclusion notice on which the hearing is sought. It shall include the appellant's name, address and phone number, if any. No fee shall be required to file the appeal. The city clerk shall take reasonable steps to notify the appellant of the date, time, and place of the hearing.

B. Appeals shall be heard by a hearing officer pursuant to Chapter 1.70A of the Ellensburg City Code.

C. The appeal hearing shall be conducted as follows:

1. At the hearing, the violation must be proved by a preponderance of the evidence in order to uphold the exclusion notice.
2. If the exclusion notice was issued because of the alleged violation of any criminal law, the offender need not be charged, tried, or convicted for the exclusion notice to be upheld.
3. The exclusion notice establishes a prima facie case that the offender committed the violation as described. The hearing examiner shall consider a sworn report, or a declaration made under penalty of perjury, written by the individual who issued the exclusion notice, without further evidentiary foundation.

4. The hearing examiner may consider information that would not be admissible under the evidence rules in a court of law but which the hearing examiner considers relevant and trustworthy.

5. The hearing examiner may consider whether the offender was afforded reasonable warnings that their conduct might lead to an exclusion notice, and reasonable opportunities to correct their conduct, and weigh these factors against the egregiousness of the conduct itself.

D. If the violation is proved, the exclusion notice shall be upheld; but upon good cause shown, the hearing examiner may shorten the duration of the exclusion or reduce the areas covered by the exclusion. If the violation is not proved by a preponderance of the evidence, the hearing examiner shall rescind the exclusion. If the hearing examiner rescinds an exclusion, the exclusion shall not be considered a prior exclusion for the purposes of section 5.72.030(B) of this chapter.

E. The decision of the hearing examiner shall be in writing and is final. An offender seeking judicial review of hearing examiner's decision must file an application for a writ of review in the Kittitas County Superior Court within fourteen (14) days of the date the decision is issued.

F. The exclusion shall remain in effect during the pendency of the appeal or any subsequent judicial proceeding.

G. No determination of facts made by a person conducting a hearing under this section shall have any collateral estoppel effect on a subsequent criminal prosecution or civil proceeding and shall not preclude litigation of those same facts in a subsequent criminal prosecution or civil proceeding.

5.72.050 Education and de-escalation.

A. In the application of this chapter's provisions, law enforcement and city staff shall prioritize education, de-escalation, and voluntary compliance whenever reasonably possible so that inadvertent minor violations can be corrected without resort to an exclusion notice. This may include explaining the rules, providing warnings of potential consequences for rule violations, and giving people who violate rules an opportunity to correct their behavior.

B. Whenever reasonably possible, the issuance of an exclusion notice to a person should be used after other techniques and de-escalation attempts have proved ineffective.

C. Nothing in this section is intended to preclude law enforcement or city staff from immediately issuing an exclusion notice to a person when that person's conduct jeopardizes or threatens to jeopardize the safety of others, involves criminal behavior, or is so egregious that there is no reasonable solution short of an exclusion notice.

5.72.060 Violation - trespass - penalty.

Any person who is found on city property or in a city facility in violation of an exclusion notice issued in accordance with this chapter, except as otherwise provided in this chapter, may be arrested for trespassing, pursuant to RCW 9A.52.070, 9A.52.080, and any other applicable statutes. The penalty under this chapter is cumulative of any other penalties that may apply under state or local law.

Section 3. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

Section 4. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

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

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 3rd day of January, 2023.

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. 4906 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4906 was published as required by law.

BETH LEADER



CITY COUNCIL AGENDA REPORT

City Council Meeting Date:	December 19, 2022
Item Title/Agenda Subject:	Ordinance 4907 (First Reading) - Update of the Ellensburg City Code (ECC Ch. 3.12 Sign Code)
Submitted by:	Jamey Ayling Community Development
Recommended Action or Motion:	Conduct first reading of Ordinance 4907, updating the City's Sign Code.
Background/Summary:	In 2015 the U.S. Supreme Court upended the constitutional standards applicable to local sign regulation. The court held unanimously that a sign code in the Town of Gilbert, Arizona, violated the First Amendment because it treated signs differently based on their content (<i>Reed v. Town of Gilbert</i>). The Supreme Court held that the town's sign code was a content-based regulation of speech. This means that an observer would have to read the text of a sign to know which regulation applied. In an effort to establish a content neutral sign code, the City of Ellensburg has utilized many resources such as MRSC and outside Legal Counsel in addition to city staff to propose amendments to the existing sign code to eliminate references to content-based restrictions. The Planning Commission conducted a public hearing at their regular meeting on September 22, 2022 to gather public comment and recommended the proposed amendments to City Council for consideration and adoption.
Previous Council Action:	Council last amended the sign code in June of 2022 where references to specific zoning districts were removed and new zoning district references were added. At that time the ordinance was not developed to remove the content-based regulations.
Analysis:	The amendments presented in the ordinance are fairly minor in nature. The proposed amendments remove definitions that are no longer used or referenced in the code, remove content-based regulations and add a new section on legislative findings to reiterate that the code is not intended nor designed to restrict or control signs for the purpose of promoting or stifling

any message that might appear on them. Minor text amendments appear throughout the ordinance eliminating the content-based references and adding gender neutral references in the authority section. Sign heights were revisited and a section that was removed unintentionally with the adoption of Ordinance 4890 was modified and re-inserted allowing the height of on-premises freeway-oriented signs in the C-H zone to be up to 100 feet tall. Electronic signs were also amended for dimensions of electronic signs that are allowed. Several fuel stations utilize electronic signs displaying the price of fuel, these signs were all non-conforming to the existing sign code. Staff measured all the existing electronic signs at fuel stations and concluded by increasing the size allowance from 3 square feet to 16 square feet most of the existing signs will comply with that requirement. With the recommended changes the code will satisfy the intent of the Supreme Court requirements for the sign code regulations to be content-neutral.

Financial Impact: None

Attachments:

[Ordinance 4907 \(First Reading\) ECC 3.12 Sign Code Update](#)

ORDINANCE NO. 4907

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO SIGNS, AMENDING CHAPTER 3.12 “SIGN CODE” AND AMENDING SECTIONS 3.12.020, 3.12.060, 3.12.080, 3.12.090, 3.12.100, 3.12.140, 3.12.160, 3.12.180, 3.12.240, 3.12.290, 3.12.300, 3.12.340, 3.12.360 AND ADDING A NEW SECTION ENTITLED 3.12.030 “LEGISLATIVE FINDINGS” TO THE ELLENSBURG CITY CODE.

WHEREAS, cities have the responsibility to regulate and control certain aspects relating to signs within their jurisdiction and ensure that the public health, safety and welfare are maintained; and

WHEREAS, the recent United States Supreme Court case of *Reed v. Town of Gilbert* has changed the law regarding a local government’s regulation of signs; and

WHEREAS, City staff worked with the Planning Commission at numerous meetings developing amendments for a content neutral sign code; and

WHEREAS, following a duly noticed public hearing held during a regularly scheduled Planning Commission Meeting on September 22, 2022 regarding the proposed amendments, the Planning Commission recommended forwarding the amendments on to City Council for consideration and adoption;

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

Section 1. Chapter 3.12 of the Ellensburg City Code, as last amended by Section 4 of Ordinance 4804, is hereby amended to read as follows:

**Chapter 3.12
SIGN CODE**

Sections:

3.12.020 Purpose.

3.12.040 Scope.

3.12.030 Legislative findings.

3.12.060 Definitions.

3.12.080 Administration.

3.12.090 Rates and fees.

- 3.12.100 Violations and penalties.**
- 3.12.120 Severability.**
- 3.12.140 Permit required.**
- 3.12.160 Powers and duties of the administrator.**
- 3.12.180 Materials and structural requirements.**
- 3.12.200 Landmarks and design review.**
- 3.12.220 Projecting signs.**
- 3.12.240 On-premises signs.**
- 3.12.260 Off-premises signs.**
- 3.12.280 Electrical signs.**
- 3.12.290 Electronic signs.**
- 3.12.300 Other signs.**
- 3.12.320 Preexisting signs.**
- 3.12.340 Temporary and special signs.**
- 3.12.360 Exempt signs.**
- 3.12.380 Maintenance.**
- 3.12.400 Removal of certain signs.**
- 3.12.440 Uniform Sign Code.**

3.12.020 Purpose.

The purpose of this chapter is to promote the health, safety, and welfare of the citizens of Ellensburg by establishing standards to ensure the placement of safe, effective signage in all the land use zones within the city. Specific standards contained within this code are meant to:

- A. Ensure that signs erected under this chapter are constructed of safe, durable materials and secured in a manner adequate to withstand the physical stresses that will be present.
- B. Eliminate possible confusion or conflict between different types of commercial signage and traffic control signals, signs, or devices.

C. Reduce the potential visual obstruction signs may cause to the views of pedestrians, visibility of other signs and building facades when such signs are inappropriately designed or located.

D. Aid the development of a stronger business climate. [Ord. 3402 § 1, 1983.]

3.12.030 Legislative findings.

In conjunction with the adoption of the purposes set forth above and the regulations of this chapter, the city council makes the following findings:

A. Unlike oral speech, signs may cause harm by taking up space, obstructing views, distracting motorists, displacing alternative uses of land, and endangering the safety of persons or property. The city has a substantial and compelling interest in all of the purposes set forth above and has a substantial and compelling interest in regulating signs in such a way that harms caused by signs might be reduced or mitigated.

B. Regulation of the size, height, number and spacing of signs throughout the city is necessary to protect the public safety, to ensure compatibility of signs with surrounding land uses, to enhance the business and economy of the city, to protect public investment in streets and highways, to maintain a tranquil environment in residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, to provide ample, meaningful opportunities for persons who desire to display information by means of a sign to have their information seen and understood, and to provide for the orderly and reasonable display of advertising and other messages for the benefit of all persons in the city.

C. These regulations do not apply to every form and instance of visual speech that may be displayed anywhere within the jurisdictional limits of the city. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one of more of the purposes set forth above.

D. These regulations do not entirely eliminate harms that may be created by the installation and display of signs. Rather, they attempt to strike an appropriate balance that preserves ample channels of communication by means of visual display while reducing and mitigating the extent of the harms caused by signs.

E. Some signs have aspects that make identifying such signs by description impossible without referring to other functional characteristics. For instance, an off-premise sign is one that contains a message related to a facility, service, or business located on premises other than the site of the sign itself. Off-premise signs are commonly large freestanding structures that are designed to stand out and apart from their surroundings. If they are allowed to proliferate, they can cause confusion and implicate greater impacts on safety and aesthetics compared to signs located on the site of the referred-to facility, service or business. It is essential to public safety and the

public welfare to regulate off-premises signs. Wherever a sign is described, in part, by referring to the function it serves, the provisions of this title that regulate such signs are designed to be content neutral with respect to the content of the speech appearing on said sign.

F. These regulations are neither intended nor designed to restrict or control signs for the purpose of promoting or stifling any message that might appear on them.

3.12.040 Scope.

The standards contained in this chapter are meant to apply to signs intended to be viewed from the public rights-of-way. This chapter is not intended to regulate traffic control devices and signs not visible from public rights-of-way. [Ord. 3402 § 1, 1983.]

3.12.060 Definitions.

“A-frame/sidewalk sign” means any sign constructed in such a manner as to be highly mobile and which is placed only on the ground but not permanently fixed to the ground. Said signs are constructed often to function as a folding structure with two separate display faces or as a double-faced surface suspended between two separate supports mounted at each end of the sign face. A-frame/sidewalk signs are further designed to support their own weight as they rest directly on the ground without the use of permanent anchors or other exterior supports.

“Awning” means a covering structure constructed of canvas, cloth, or other flexible material projecting horizontally from and attached to a building.

~~“Consumable commodity” means any food or beverage product which is offered for human or animal consumption.~~

“Electrical sign” means a sign whose sign face is illuminated by a separate electrical light source. Each electrical light source, whether mounted externally or internally to the sign face and frame, shall be designed to light the entire sign face or a portion of the sign face. Light sources in electrical signs shall not be used to change or animate individual portions of the text or other features of the sign face.

“Electronic sign” means a sign containing a display that can be changed by an electrical, electronic or computerized process.

“Flashing sign” means an electric sign or a portion thereof which changes light intensity in a transitory burst or which switches on and off in a constant or irregular pattern.

~~“Franchise sign” means a sign whose display surface contains copy advertising of a specific product brand occupies 50 percent or more of the display surface.~~

“Freestanding sign” means a sign supported by poles or braces and not attached to any building.

“Freeway-oriented sign” means a sign within 1,000 feet of a freeway right-of-way that has its sign face parallel to, perpendicular to, angled toward, or otherwise readable from the freeway right-of-way.

“Height” means the vertical distance measured from the highest point of the sign to the grade of the adjacent street or ground beneath the sign, whichever point is lower.

“IBC standards” means those standards in the adopted edition of the International Building Code published by the International Conference of Building Officials.

“Marquee” means an immobile covering structure projecting horizontally from and attached to a building and constructed of material other than cloth, canvas or other fabrics.

“Marquee sign” means a single-faced sign attached to the front of a marquee whose sign face is parallel to the wall which supports the marquee.

“Multiple occupancy building” means a single structure housing two or more separate retail, industrial, office, service or other commercial ventures. Occupants in such buildings share common walls and have distinct, individual business entrances either on the exterior wall or leading from a common exterior/common egress door. Ventures occupying open floor space without separate structural walls and separate entrances are not considered to be multiple occupants.

“Off-premises sign” means a sign relating to ~~which~~ advertises a business, activity, use, merchandise, product or service at a place other than the property on which said sign is located. A supplemental directional sign as defined below, ~~that is~~ required as a condition of participation in the Washington State Department of Transportation’s “Motorist Information Sign Program” is not an “off-premises sign.”

“On-premises sign” means a sign relating to ~~which only~~ advertises a lawful use of the property on which the sign is located, ~~including signs indicating the business transacted, services rendered and goods sold or produced or name of the business.~~

~~“Political sign” means a sign advertising a candidate or candidates for public office or elective office or a political party or urging a particular vote or action on a public issue decided by ballot.~~

“Premises” means a specified lot or tract of land under single ownership.

“Project” means to extend out beyond a given line or distance.

“Projecting sign” means a sign, other than a wall sign, which is supported by a wall of a building or structure and projects over any public right-of-way.

“Roof sign” means a sign supported by the roof or wall of a building which projects above the highest part of the roof or parapet wall.

“Sign” means any communication device intended to attract attention to the subject matter thereof ~~and advertise a business, service, activity, product, idea or concept~~. Such definition includes any letters, figures, symbols, trademarks or other copy ~~meant to aid in such advertisement~~. For the purpose of this chapter, a sign shall not be considered to be a building.

“Sign area” means the entire area of a sign on which copy is to be placed. The structure supporting the sign is not included in determining the area of the sign unless the structure is designed in a way to form an integral background for the display. Sign area shall be calculated by measuring the perimeter enclosing the extreme limits of the module or background containing the advertising message, copy, graphic symbols or nonstructural trim.

~~“Supplemental directional sign” is a sign that is required under the Washington State Department of Transportation “Motorist Information Sign Program” to provide supplemental direction to assist interstate travelers to locate businesses advertised on interstate information signs through the State program. Such signs shall be no more than 24 inches by 12 inches in size, shall be of similar color and design as required under the state program for motorist information signs, and may be located at off premises locations within the city.~~

“Temporary banner and poster” means any nonpermanent banner or poster displayed on the exterior of a building or other structure on a lot of record. Such banner or poster shall be constructed primarily of nondurable material such as paper, vinyl, canvas, nylon or other similar flexible, nonrigid material. Temporary banners and posters shall be distinguished from other types of temporary decorations in their use of square or rectangular shapes and presence of letters and figures that display a message that is intended to be read by those who view the banner or poster.

“Temporary decorations” means pennants, balloons, flags and other such nonpermanent display which is displayed on the exterior surface of a building or lot of record. Such temporary decorations shall be constructed primarily of nondurable material such as paper, vinyl, canvas, nylon or other similar flexible, nonrigid material. Temporary decorations as defined herein shall be distinguished from other types of temporary signs, banners and posters by their wide variety of shapes and forms and their lack of letters or figures that display a message which is intended to be read by those who view the temporary decoration.

“USC standards” means those standards in the adopted edition of the Uniform Sign Code published by the International Conference of Building Officials.

“Wall sign” means any sign painted on or attached to an exterior wall of a building with the exposed face of the sign in a plane parallel to the plane of said wall and not projecting from said wall a distance of more than 18 inches. [Ord. 4519 § 1, 2008; Ord. 4395, 2004; Ord. 4393, 2004; Ord. 3825 § 1, 1992; Ord. 3402 § 1, 1983.]

3.12.080 Administration.

The administrator of this chapter shall be the city manager or ~~his~~ their designee who is hereby authorized and directed to carry out all provisions of this sign code. Upon presentation of proper credentials, the administrator may enter at reasonable times any building, structure or premises in the city to perform any duty imposed upon ~~him~~ them by this chapter.

The requirements of this chapter shall supersede the requirements and provisions of any other code in cases of conflicts or language contradiction. [Ord. 3402 § 1, 1983.]

3.12.090 Rates and fees.

The schedule of rates and fees for sign permits shall be as follows, ~~effective July 1, 1992:~~

Sign Permit Fees	
	Fee
For each electrical sign	\$50.00
For each nonelectrical sign	\$35.00

[Ord. 3799 § 9, 1992.]

3.12.100 Violations and penalties.

It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter or continue to use any sign in the city of Ellensburg contrary to or in violation of any provision of this chapter. Any person, firm or corporation violating any of the provisions of this chapter shall be required to remove the illegal sign or modify said sign to conform ~~with~~ to the provisions of this chapter. Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall be deemed guilty of a separate offense for each and every day or portion thereof during any violation of any of the provisions of this chapter. Upon conviction of any

violation, such a person shall be punished by a fine of \$150.00 for each separate offense. [Ord. 3402 § 1, 1983.]

3.12.120 Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be termed a separate, distinct and independent provision and the holding shall not affect the validity of the remaining portions thereof. [Ord. 3402 § 1, 1983.]

3.12.140 Permit required.

A. All activity to construct, erect, replace, or otherwise change any sign in the city of Ellensburg after adoption of the ordinance codified in this chapter shall require a valid sign permit issued in accordance to this chapter. A sign permit fee shall be paid in accordance with the schedule established by ordinance adopted by the city council. If the work authorized under a permit has not been completed within one year after the date of issuance, the said permit shall become null and void. Permits shall be nontransferable. Any person installing signs in the city of Ellensburg, unless the owner of the premises to which the sign relates ~~business being advertised~~, shall be a bona fide general or specialty contractor as set forth in Chapter 18.27 RCW.

B. Whenever a sign projects over or rests upon a public right-of-way, the owner of the sign shall file with the administrator a written agreement to save the city harmless of any damage or injuries sustained as a result of the construction, operation or maintenance of the sign. The owner of the sign shall also submit proof that he is protected by liability and property damage insurance in a sum of not less than \$25,000 for damage and \$50,000 for personal injury caused by the construction, operation, or maintenance of said signs. [Ord. 3402 § 1, 1983.]

3.12.160 Powers and duties of the administrator.

A. All signs for which a permit is required shall be subject to inspection by the administrator of this chapter at ~~his~~ their discretion.

B. The administrator shall order the modification or removal of any sign that does not meet the requirements of this chapter. [Ord. 3402 § 1, 1983.]

3.12.180 Materials and structural requirements.

- A. All signs erected or altered under the provisions of this chapter shall meet the requirements of the International Building Code, the National Electrical Code and the ~~1991~~ 1997 Edition of the Uniform Sign Code, or any superseding edition adopted by the city.
- B. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or stand pipe.
- C. No sign shall obstruct any openings to such an extent that light or ventilation is reduced to a point below that required by any other city code.
- D. Signs shall be located to provide clearance from overhead electrical conductors as provided in the Electrical Construction Code of the State of Washington and the National Electrical Code. [Amended during 2007 codification; Ord. 3402 § 1, 1983.]

3.12.200 Landmarks and design review.

All signs erected in the C-C and C-C II zones shall undergo a design review process prior to the issuance of said sign permit according to the following requirements, except for those signs erected on buildings or premises which are identified as landmarks or are situated within a landmarks district which shall be governed by the requirements of the landmarks and design ordinance, Chapter 15.280 ECC.

- A. The applicant for the sign permit shall submit a scaled drawing of the sign along with information regarding the type of material involved, color scheme, type of lettering or symbols used, method of illumination and proposed location of mounting.
- B. The landmarks and design commission review will take into account the appropriateness of the design and appearance of the sign as it relates to the buildings and area surrounding the location.
- C. The landmarks and design commission shall meet and review with the applicant the proposed sign within 15 days from the date a written application for a sign permit is received by the city. The landmarks and design commission shall respond in writing to the applicant no later than five working days after the expiration of the said 15-day review period. The administrator shall not approve any sign permit application undergoing the design review until a written recommendation is received by the applicant or expiration of the above 20-day time limit, whichever comes first. The applicant's compliance with any recommendation made by the landmarks and design commission shall be voluntary. [Ord. 4573 § 3, 2010; Ord. 4245, 2000; Ord. 3402 § 1, 1983.]

3.12.220 Projecting signs.

All projecting signs erected or changed after adoption of the ordinance codified in this chapter shall meet the following requirements:

- A. Sign area of projecting signs in the C-C and C-C II zones shall not exceed 25 square feet on any single sign face. Multifaced signs shall not exceed a maximum of 50 square feet in total sign area.
- B. Projecting signs erected or changed in any zone shall maintain a minimum clearance of 14 feet between the lowest portion of the sign and the ground surface immediately below the sign if said area is a public right-of-way and used for vehicular movement or parking. Signs projecting over any public right-of-way shall maintain a minimum nine-foot clearance between the lowest portion of the sign and the public right-of-way below, unless such signs are hung from marquees or awnings, in which case said clearance shall be a minimum of seven and one-half feet.
- C. Projecting signs shall not project more than six feet into the public right-of-way in the C-C and C-C II zones or 10 feet in any other zoning district in the city.
- D. Businesses shall be allowed no more than one projecting sign for their use. For businesses which have building frontage on two different streets, a maximum of one projecting sign may be located on each separate street frontage. [Ord. 3402 § 1, 1983.]

3.12.240 On-premises signs.

All on-premises signs shall adhere to the following conditions:

- A. The maximum height for all on-premises signs in all zoning districts shall be 35 feet; provided, however, that wall signs shall be permitted to extend to the top of a building wall.
- B. Notwithstanding the forgoing, the maximum height for all on-premises freeway-oriented signs in the C-H zone shall be 100 feet.
- ~~B.C.~~ The maximum sign area of any on-premises sign, unless otherwise provided in this chapter, shall be 300 square feet, with multifaced signs not exceeding a maximum of 600 square feet. [Ord. 3402 § 1, 1983.]

3.12.260 Off-premises signs.

No off-premises signs shall be allowed. [Ord. 4890 § 3, 2022.]

3.12.280 Electrical signs.

Electrical signs shall conform to the following requirements:

- A. No electric sign shall revolve or be animated in any way.
- B. No electric sign shall flash on and off or alternate between varying light intensities.
- C. The light emitted from any electrical sign or any light source used to illuminate the face of a sign shall be so shaded, shielded or directed that light intensity shall not adversely affect nearby premises or the safe vision of operators of vehicles.
- D. Electrical equipment used in connection with signs shall be installed in accordance with the requirements of the National Electrical Code. [Ord. 4395, 2004; Ord. 3825 § 2, 1992; Ord. 3402 § 1, 1983.]

3.12.290 Electronic signs.

Electronic signs shall conform to the following requirements:

A. Electronic signs shall be allowed as display on any building in any C-C II, C-H, I-L or I-H zoned property in the city subject to the following conditions:

- 1. No electronic sign shall revolve, emit sound, or be physically animated in any way;
- 2. No electronic sign shall exceed a total sign face area size of sixteen square feet; and
- 3. Businesses in the C-C II, C-H, I-L, and I-H zones shall be limited to one electronic sign per street frontage of the business. Buildings with multiple business occupancies, allowed through lease or other arrangements, shall be limited to one electronic sign per street frontage for the multiple-occupancy building.

B. Electronic signs shall be allowed in the public reserve zones and public rights-of-way in the city and on non-public reserve zoned land that is leased for public purposes by a municipal corporation or other agency of the state or federal government subject to the following conditions:

- 1. Such public reserve land or public rights-of-way must be owned by a municipal corporation or other agency of the state or federal government or such non-public reserve zoned land must be leased for public purposes by a municipal corporation or other agency of the state or federal government;
- 2. Placement of electronic signage must be pursuant to the specific approval of the city of Ellensburg, state or federal governmental agency;

3. Maximum area of all faces of the electronic display portion of the sign shall not exceed a total of 64 square feet;
4. Maximum number of electronic signs shall be one per street frontage;
5. The display of the sign shall not change more rapidly than once every three seconds. No message shall require more than 10 seconds to be displayed in its entirety;
6. The display shall not appear to flash, undulate, pulse, blink, bounce, contract or expand, or otherwise appear to move toward or away from the viewer;
7. All such electronic signs shall be equipped with ambient light monitors and shall at all times allow such monitors to automatically adjust the brightness level of the electronic sign based on ambient light conditions;
8. Maximum brightness levels for electronic signs shall not exceed the brightness levels recommended by the manufacturer of the sign; and
9. No electronic sign shall revolve, emit sound, or be physically animated in any way.
10. In addition to conditions in subsections (B)(1) through (9) of this section, the placement of electronic signs on non-public reserve zoned land that is leased for public purposes by a municipal corporation or other agency of the state or federal government shall be subject to the following additional conditions:
 - a. The leased land and the proposed sign location must abut University Way or Canyon Road; and
 - b. The electronic sign shall be removed within 30 days from the date the land is no longer leased by the municipal corporation or other agency of the state or federal government for public uses. [Ord. 4563 § 1, 2010; Ord. 4395, 2004; Ord. 4393, 2004.]

3.12.300 Other signs.

- A. Roof signs or other building-mounted signs which project above the roof line of the building on which the sign is mounted shall be prohibited in all zones except the C-H zone, where they shall not exceed 35 feet in height from ground level.
- B. The total maximum area of any sign located on the premises of a lot with advertising or ~~located~~ a residential apartment use in the ~~PUD~~, R-H, R-L, R-M, or R-O zones shall be eight square feet except as provided for in subsection (C) of this section.

C. The total maximum area of any sign ~~located on the premises of a lot with advertising or~~ located on the premises of a lot with advertising or ~~located~~ an approved office or professional service use in the R-O ~~or PUD~~ zones shall be 25 square feet; provided, however, the sign area and number of signs located on the premises of advertising a lot with residential apartment, office or professional service use in the R-O zone, when such use is located on a lot of record with frontage on Mountain View Avenue, shall be governed by the same sign requirements that apply to the C-H zone.

D. The total maximum area of any sign located on the premises of a lot with advertising or ~~located~~ a single-family or home occupation use in the ~~PUD~~, R-H, R-S, R-L, R-M, or R-O zones shall be three square feet.

E. Businesses and all multiple-occupancy buildings in all zones shall be allowed no more than one freestanding sign per street frontage with the maximum of two freestanding signs, with the following exceptions: that

1.—~~B~~businesses in the C-H zone shall be allowed one additional freestanding sign if the property has a minimum of 180 feet of frontage on a single street and is a minimum of one acre in area and another freestanding sign if the business successfully obtains a conditional use from the planning commission for the construction of a freeway-oriented sign.

2.—~~Businesses in the T C C T zone shall be allowed two freestanding signs per lot plus one additional sign if the property has a minimum of 180 feet of frontage on a single street and is a minimum of one acre in area for a total maximum of three freestanding signs.~~

~~F.— All signs advertising a consumable commodity in any zone shall be limited to advertising the consumable commodity with a maximum of 25 percent of the total sign area. A minimum of 75 percent of the total sign area shall be used to advertise the business which offers the consumable commodity for sale~~

~~F.G.~~ Individual signs allowed by this chapter shall not be combined in such a way as to create one large sign, which combination sign is larger than the allowable area for any individual sign provided for in this chapter. [Ord. 4395, 2004; Ord. 4307, 2001; Ord. 3402 § 1, 1983.]

3.12.320 Preexisting signs.

Signs which were existing and in lawful use prior to the adoption of the ordinance codified in this chapter, except temporary or special signs which are not subject to preexisting sign status, shall be considered nonconforming signs and may continue in use subject to the following requirements:

- A. Said signs are properly maintained in the manner set forth in ECC 3.12.380, Maintenance.
- B. Businesses with preexisting nonconforming signs shall not be eligible for any additional signs until the preexisting signs be made to conform to the requirements of this chapter.
- C. No alterations are made to said preexisting signs to enlarge or change their original appearance or location in a manner which is held to increase their degree of nonconformity. Such preexisting signs may change the copy and design of the sign face without affecting their nonconforming status if no changes are made to the sign frame or structure.
- D. If any of the above alterations are made or if any said signs are removed by the owner, the resulting alterations or new replacement signs shall conform to the requirements of this chapter. [Ord. 3402 § 1, 1983.]

3.12.340 Temporary and special signs.

Temporary and special signs or displays are nonpermanent in nature and are intended for use only for a limited period of time. The category includes any banner, pennant, flag or ~~advertising~~ display constructed of canvas, fabric, wood, plastic, metal or other material. All such temporary or special signs are allowed provided they meet the following respective requirements:

- A. Signs displayed prior to, during, and after elections ~~Political signs, posters or bills promoting or publicizing candidates for public office or issues that are to be voted upon in a general or special election~~ shall not exceed a maximum sign area of 10 square feet in the R-S, R-L, R-M, R-O, and MHP ~~and MHS~~ zones. In all other zones, said ~~political~~ signs shall conform to the sign area requirements applicable to the type of sign used. Such ~~Political~~ signs shall be displayed only on private property of consenting property owners. Such signs shall be removed within seven days after the election, except that a candidate who wins a primary election and advances to a general election may continue to display such ~~political~~ signs until seven days after the general election. It will be the responsibility of the appropriate campaign manager or candidate for office to remove their ~~political~~ signs within the above time.
- B. Signs for properties with active cConstruction signs identifying the architects, engineers, contractors, or other individuals or firms involved in the construction of a building must obtain a sign permit and specify the amount of time the sign is to be displayed, which in no event shall extend beyond the time a valid building permit for such activity is in effect. Only one such ~~construction~~ sign is allowed per site not to exceed 48 square feet in size in the R-S, R-L, R-M, and R-O zones. In all other zones, said signs shall conform to the sign area requirements applicable to the type of sign used.
- C. Temporary banners and posters as defined in this chapter shall be allowed for use in any commercial or industrial zone, subject to the following limitations. Each business address shall

be limited to the display of no more than seven banners or posters at any one time. The aggregate area of all banners or posters displayed at any one time shall not exceed 250 square feet. For the purposes of this chapter, a business address shall be considered a single building or complex or related buildings housing a single business or multiple businesses. Multiple businesses in one building or a related complex of buildings shall be treated as a single business address. The display of such banners and posters shall take place entirely on private property, shall not cause any sight distance or other public safety problems for motorists, pedestrians, or bicyclists, and shall conform to the height requirements for the zone in which located.

D. Temporary decorations as defined in this chapter shall be allowed for use in any business or industrial zone, subject to the following limitations. Each business address shall be limited to the display of temporary decorations which total surface area of all such temporary decorations shall not exceed a total of 250 square feet at any one time. For the purposes of this chapter, a business address shall be considered a single building or complex of related buildings housing a single business or multiple businesses. Multiple businesses in one building or a related complex of buildings shall be treated as a single business address. The display of such temporary decorations shall take place entirely on private property, shall not cause any sight distance or other public safety problems for motorists, pedestrians, or bicyclists and shall conform to the height requirements for the zone in which located.

E. Signs for property for sale or rent ~~Real estate signs which advertise for sale, lease, or open house information~~ for any lot or property in the city shall be located on said property for the time such sale or lease is offered. In the R-S, R-L, R-M, R-O, MHP, ~~MHS~~, and C-N zones, such ~~real estate~~ signs shall not exceed eight square feet in total sign area. If said ~~real estate~~ signs overhang public rights-of-way, they shall be subject to the provisions of ECC 3.12.220(B). In the C-C, C-C II, C-H, I-L, and I-H zones, such ~~real estate~~ signs shall not exceed 48 square feet in total sign area.

F. Banners for community events ~~which advertise civic activities such as the Ellensburg Rodeo and Kittitas County Fair and other activities which~~ that may from time to time be approved by the city council may be supported on those steel strain poles in two locations in the public right-of-way which were constructed for that specific purpose. “Community events” are nonprofit, governmental or charitable festivals, contests, programs, fairs, carnivals, or recreational contests conducted within the city. One set of strain poles is authorized on University Way between N. Walnut Street and N. Anderson Street and one set is authorized on 4th Avenue between Main Street and Pearl Street.

G. A-frame signs as defined in this chapter shall be allowed for use in any commercial or industrial zone, subject to the following limitations. For the C-H, C-N, I-L, and I-H zones, each business address shall be allowed for the use of a maximum of one A-frame sign at any one time. For the purposes of this chapter, a business address shall be considered a single building or complex of related buildings housing a single business or multiple businesses. Multiple

businesses in one building or complex of related buildings shall be treated as a single business address. Each A-frame sign displayed in the C-H, C-N, I-L and I-H zones shall not exceed a total sign area of 32 square feet on one side and 64 square feet total sign area on all faces and shall be placed a minimum of two feet behind the inside edge of an existing curb if no sidewalk is present. If no sidewalk or curb is present, the A-frame sign shall be placed a minimum of eight feet behind the edge or road pavement. Further, such A-frame sign shall not cause any sight distance or other public safety problems for motorists, pedestrians, or bicyclists.

For the C-C and C-C II zones, each business shall be allowed the use of a maximum of one sidewalk sign at any one time. For the purposes of this chapter, in the C-C and C-C II zones each business which has been issued a separate city business license shall be entitled to the use of one sidewalk sign at any one time. Each sidewalk sign displayed in the C-C or C-C II zones shall not exceed a height of three feet and a width/length of two feet and shall be adequately anchored against movement or overturning due to wind. Such signs shall not cause a hazard or impediment to pedestrians, vehicles, or bicyclists.

H. All signs placed on vehicles, trailers, or portable supports which are parked or located for the primary purpose of displaying said signs are prohibited. This does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business.

I. ~~Community Welcome~~ banners, pennants, signs, windsocks, flower baskets, or other displays ~~connoting a welcome~~ from the city of Ellensburg to visitors of the city may, upon prior approval of the council of the city of Ellensburg, be displayed over or on publicly owned land or rights-of-way at a minimum clearance of at least 20 feet for a renewable period of one year, said right to display being subject to the annual review and approval of the council. [Ord. 4395, 2004; Ord. 3582 § 1, 1987; Ord. 3402 § 1, 1983.]

3.12.360 Exempt signs.

The following signs or displays are exempted from coverage under this chapter:

~~A. Traffic or pedestrian control signs or signals or signs indicating scenic or historic buildings or points of interest which are erected by the order of a public officer.~~

~~A.B.~~ Signs and public notices required or directed by law including traffic control signs.

~~C. Official public notices, official court notices, or official sheriff's notices.~~

~~D. The flag of a government or public institution.~~

BE. Exterior building signs not visible from streets or other public rights-of-way.

~~CF.~~ Interior building signs. Nothing in this section shall allow any electrical sign which does not meet the requirements of ECC 3.12.280.

~~DG.~~ Historic or memorial pPlaques, tablets, or inscriptions ~~indicating the name of a building, its date of construction or other commemorative information which that are attached flat to a the building, are not illuminated,~~ and do not exceed three square feet in total area.

~~H.~~ ~~Incidental signs conveying warning or other public service information messages which shall not exceed three square feet in total sign area.~~

~~I.~~ ~~Seasonal decorations within the appropriate holiday season.~~

~~J.~~ ~~Sculptures, fountains, mosaics, or other art which do not incorporate advertising or identification.~~

~~KE.~~ Signs which are painted or mounted on delivery vehicles or other operable commercial vehicles which are primarily used for transportation and commerce.

~~L.~~ ~~Structures intended for a separate use such as phone booths, containers for charitable donations, and product dispensing machines.~~

FM. Signs required under the Washington State Department of Transportation “Motorist Information Sign Program” ~~Supplemental directional signs as defined in ECC 3.12.060~~ are subject to the following conditions:

1. The sign must be a requirement for participation in the Washington State Department of Transportation “Motorist Information Sign Program,” and a participating business shall not be allowed to locate within the city any more than the minimum number of such signs required for its participation in the Motorist Information Sign Program;
2. The sign must comply with the requirements of that program, and shall be no larger than 24 inches by 12 inches in size and shall be of similar color and design as required under the state program for motorist information signs;
3. The sign may be located at off-premises locations within the city but shall be located only within the city’s right-of-way and at a location as approved by the public works and utilities director or her/his designee to ensure traffic and pedestrian safety, with the city reserving the right to require relocation of the sign to an alternative location in order to address maintenance and traffic or pedestrian safety issues that may arise in the future. The installation, relocation and removal of the sign will be at the business’s sole expense and shall be performed in a manner approved by the public works and utilities director or her/his designee; and
4. The sign shall be removed within 30 days of termination of the business’s participation in the Motorist Information Sign Program or the city shall remove said sign

at the business's sole expense. [Ord. 4804 § 4, 2018; Ord. 4519 § 2, 2008; Ord. 3402 § 1, 1983.]

3.12.380 Maintenance.

All signs, including preexisting signs, shall be constantly maintained in a state of security, safety and repair. If any sign is found not to be so maintained or is insecurely mounted or otherwise dangerous, it shall be the duty of the owner of the premises to repair or remove it. The premises surrounding a freestanding sign shall be kept clear of rubbish or weeds. [Ord. 3402 § 2, 1983.]

3.12.400 Removal of certain signs.

A. Any sign now or hereafter existing which, for a period of 60 days, no longer advertises a bona fide business conducted or product sold shall be taken down and removed by the owner, agent or person having the beneficial use of the building, lot or structure upon which such sign may be found. This requirement shall not apply to seasonal businesses unless such businesses have not operated for a period of two consecutive years or more.

B. Upon failure to comply with this provision, the building official is hereby authorized to cause removal of the sign. Any expense incident thereto shall be paid by the owner of the premises or filed as a lien against the property. [Ord. 3402 § 1, 1983.]

3.12.440 Uniform Sign Code.

The 1997 Edition of the Uniform Sign Code, published by the International Conference of Building Officials, is hereby adopted by reference and incorporated as a part of the Ellensburg City Code, except Section 402(c), Restrictions on Combustible Materials, and Section 402(d), Nonstructural Trim, thereof, which are hereby specifically adopted only as amended to read as follows:

Section 402(c) Restrictions on Combustible Materials. No combustible materials other than approved plastics shall be used in the construction of electric signs.

Section 402(d) Nonstructural Trim. Section Eliminated.

[Ord. 3799 § 10, 1992; Ord. 3402 § 1, 1983.]

Section 2. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

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

Section 4. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 3rd day of January, 2023.

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. 4907 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4907 was published as required by law.

BETH LEADER



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 19, 2022

Item Title/Agenda Subject: Resolution 2022-44 to Extend Streatery Permits

Submitted by: Terry Weiner City Attorney Department

Recommended Action or Motion: Adopt Resolution 2022-44, extending permits for existing streateries through February 28, 2023.

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 Streatery permits to restaurants in certain areas of the downtown area. Ultimately, four restaurants in downtown Ellensburg received streatery permits and three are still currently operating those streateries.

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 streatery permits through December 31, 2021.

Following a November 15, 2021 Study Session and discussion regarding the future of streateries at its December 20, 2021 meeting, Council adopted Resolution 2021-20, which extended the permits for the three existing streateries through June 30, 2022. An ad hoc committee was also formed to study the development of permanent streatery regulations, which met several times this year.

Following a June 6, 2022 City Council meeting to review a draft streateries ordinance, Council then adopted Resolution 2022-26 to provide for an additional extension of the existing streateries permits through November 1, 2022. Resolution 2022-33 extended that date again to December 31, 2022.

Analysis: An ordinance providing for permanent streatery, parklet and sidewalk café regulations was presented to Council for consideration at its June 6, 2022 meeting. After discussion,

Council instructed staff to research additional changes for potential revisions to the ordinance. Following the receipt of recommendations from the Landmarks and Design Commission. A revised version of the ordinance was presented for Council consideration at its December 5, 2022 meeting. Council did not proceed with first reading nor could it reach consensus on further direction to provide to staff on revising the ordinance. As a result, Council appointed a subcommittee to draft additional revisions for incorporation into a third version of the ordinance. This work will not be completed before the current extension of the temporary permits expire on December 31.

The proposed resolution extends the existing streateries permits until February 28, 2023, or until the adoption of permanent regulations, whichever occurs first.

Financial Impact:

A minimal amount of Leasehold Excise Tax will be incurred and paid by the City on behalf of the existing lessees from the General Fund.

Attachments:

[Resolution 2022-44 - Extend Streateries](#)

RESOLUTION NO. 2022-44

A RESOLUTION of the City Council of Ellensburg, extending the ability of restaurants in certain areas of downtown Ellensburg to continue operating streateries on a temporary basis pending the development and adoption of permanent regulations.

WHEREAS, a state of emergency still exists in Washington State due to the current COVID-19 outbreak, and

WHEREAS, due to the rising number of COVID-19 cases in Washington in 2020-21, 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 November 1, 2022 by City Council Resolution 2022-26; and

WHEREAS, following the issuance of Management 2020-03, three restaurants in downtown Ellensburg obtained permits from the City to operate temporary streateries, and currently remain in operation; 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; and

WHEREAS, City Council adopted Resolution 2021-40 on December 20, 2021, extending the temporary permits for all streateries allowed under City Management Order 2020-03, as amended, to continue operation until June 30, 2022, or such time as the effective date of an ordinance regulating “streateries” on a permanent basis that City Council may adopt, whichever occurs first; and

WHEREAS, during its June 6, 2022 meeting, City Council considered an ordinance regulating streateries and at that time requested staff make additional changes to the proposed ordinance, including incorporation of design standards to be recommended by the Landmarks and Design Commission, and later approved Resolution 2022-26 at its June 21, 2022 meeting to extend permits for the three streateries currently operating under City Management Order 2020-03 to continue operation until November 1, 2022; and

WHEREAS, design standards for “streateries” recommended by the Landmarks and Design Commission following their September 7, 2022 were discussed with City Council during its October 3, 2022 study session, additional direction regarding the proposed “streateries” ordinance was given to City staff by the City Council, which requires additional time for staff to prepare and present to Council for consideration of adoption; and

WHEREAS, staff presented City Council with a revised ordinance for consideration at its December 5, 2022, the Council did not move the ordinance forward with first reading and could not agree on what direction to provide staff on further revisions to ordinance, and therefore designated a subcommittee to review and propose additional revisions of the ordinance;

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 February 28, 2023, or such time as the effective date of an ordinance City Council may adopt 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. Upon request from the City’s Public Works & Utilities Department, restaurants may be required to remove their streatery for scheduled and/or emergency road or utility maintenance.

Adopted by the City Council of the City of Ellensburg this 19th day of December, 2022.

MAYOR

Attest:

CITY CLERK



CITY COUNCIL AGENDA REPORT

City Council Meeting Date:	December 19, 2022
Item Title/Agenda Subject:	Resolution 2022-45 to Adopt Amended City Council Rules of Procedure
Submitted by:	Terry Weiner City Attorney Department
Recommended Action or Motion:	Adopt Resolution 2022-45 updating the City Council Rules of Procedure.
Background/Summary:	The Rules and Procedures for the Ellensburg City Council (Council Rules) were last amended in December 2021. At its November 7, 2022, City Council expressed interest in revising the rules pertaining to proclamations. In addition, staff is proposing revisions to the "voting" section of the Council Rules.
Previous Council Action:	The Council Rules were last revised by adoption of Resolution 2021-39 at the December 20, 2021 City Council meeting.
Analysis:	The Council Rules currently only provide minimum guidance for adoption of proclamations in Rule 4.3: "A proclamation is defined as an official announcement made by either the City Council or the Mayor." There are no procedures adopted for a person or organization to propose proclamations, nor guidance on what subjects are appropriate to be considered for proclamations. In addition, Chapter 8 - Council Action - provides in Rule 8.3 that, "Proclamations" are issued solely under the Mayor's authority. It is not required that they be read or presented at a Council meeting." It was felt more appropriate to move the new rules out of Chapter 8 and into Rule 4.3 since Council will not be voting on proclamations under the proposed revised rule. The proposed revisions to Rule 4.3 were drafted with input from the Mayor, City Manager and City Attorney, and after reviewing similar rules from other Washington cities. As proposed, the Mayor will be responsible for selecting proclamations to be signed as well as which ones will be read at Council meetings, without a vote of the City Council. The revised rule also provides that.

- a. The person(s) or organization making the request must submit a completed Application Requesting a City Proclamation and submit a copy of the proposed Proclamation to the City Clerk's office at least thirty calendar days before the proclamation is desired.
- b. The sponsor must be a city resident.
- c. Proclamations must have citywide significance and demonstrate relevancy to Ellensburg.
- d. Proclamations should have a positive message and should not promote political, ideological or religious positions.
- e. The Mayor shall not recognize groups or individuals who seek economic benefit by endorsement or for-profit commercial events or endeavors.
- f. The City retains the right to modify, edit, or otherwise amend the proposed proclamation to meet its requirements, needs, or policy determinations. The proclamation shall not exceed one page of text.
- g. The Mayor may consult with City Boards, Commissions or other subject matter experts when considering appropriate proclamation language.
- h. The Mayor retains the right to limit the number of proclamations at a City Council meeting.
- i. The Mayor, in consultation with the City Manager and City Attorney, will determine if the proposed proclamation meets the intent of this policy.

Finally, based on input from Ann McFarlane following her July 5, 2022 presentation to Council on "Great Local Government Meetings," Rule 9.5(c), "Votes on Motions," has been revised to clarify that a councilmember who has a conflict of interest will announce the conflict when the agenda item is presented and state their abstention from voting. Although they will no longer be required to leave the Council Chambers, they will be prohibited from participating in discussion of the matter. Rule 9.5(d), abstentions are not counted

Rule 9.5(d) already provides that abstentions are not counted with the remaining votes so that the question must pass by a majority of the remaining votes.

Attached to this report is Exhibit 1, an excerpt of the Council Rules showing changes to only the rules proposed for revision.

Financial Impact: None.

Attachments:

[Exhibit 1](#)

[Resolution 2022-45 Council Rules and Procedures 2022 update](#)

EXHIBIT 1

4.3 Proclamations. A proclamation is defined as an official announcement made by ~~either the City Council or the Mayor~~. It is the policy of the City Council for the Mayor to consider requests to proclaim certain events or causes when such proclamations pertain to a City of Ellensburg event, person, organization, or cause with local implications. The Mayor will consider requests that are timely, have potential relevance to the Ellensburg community, and either forward positive messages and/or call upon the support of the community. The Mayor will choose proclamations to read at a Council meeting subject to the following guidelines. The Mayor may act on requests for proclamations without a vote of the City Council. In addition:

- a. The person(s) or organization making the request must submit a completed Application Requesting a City Proclamation and submit a copy of the proposed Proclamation to the City Clerk's office at least thirty calendar days before the proclamation is desired.
- b. The sponsor must be a city resident.
- c. Proclamations must have citywide significance and demonstrate relevancy to Ellensburg.
- d. Proclamations should have a positive message and should not promote political, ideological or religious positions.
- e. The Mayor shall not recognize groups or individuals who seek economic benefit by endorsement or for-profit commercial events or endeavors.
- f. The City retains the right to modify, edit, or otherwise amend the proposed proclamation to meet its requirements, needs, or policy determinations. The proclamation shall not exceed one page of text.
- g. The Mayor may consult with City Boards, Commissions or other subject matter experts when considering appropriate proclamation language.
- h. The Mayor retains the right to limit the number of proclamations at a City Council meeting.

i. The Mayor, in consultation with the City Manager and City Attorney, will determine if the proposed proclamation meets the intent of this policy.

9.5 **Voting and Motions**

a. 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 for a councilmember, such member shall ~~disqualify him or herself~~ announce their conflict and abstention from voting prior to any discussion of the matter, and shall ~~leave the Council Chambers~~ be prohibited from participating in discussion of the matter. 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.

RESOLUTION NO. 2022-45

A RESOLUTION relating to the Ellensburg City Council, replacing the Rules and Procedures for the Ellensburg City Council, and repealing Resolution No. 2021-39.

WHEREAS, Resolution 2021-39 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. 2021-39, 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 19th day of December, 2022.

Mayor

Attest:

City Clerk

City of Ellensburg
City Council Rules of Procedure
December 19, 2022

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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 the Mayor. It is the policy of the City Council for the Mayor to consider requests to proclaim certain events or causes when such proclamations pertain to a City of Ellensburg event, person, organization, or cause with local implications. The Mayor will consider requests that are timely, have potential relevance to the Ellensburg community, and either forward positive messages and/or call upon the support of the community. The Mayor will choose proclamations to read at a Council meeting subject to the following guidelines. The Mayor may act on requests for proclamations without a vote of the City Council. In addition:

- a. The person(s) or organization making the request must submit a completed Application Requesting a City Proclamation and submit a copy of the proposed Proclamation to the City Clerk's office at least thirty calendar days before the proclamation is desired.
- b. The sponsor must be a city resident.
- c. Proclamations must have citywide significance and demonstrate relevancy to Ellensburg.
- d. Proclamations should have a positive message and should not promote political, ideological or religious positions.
- e. The Mayor shall not recognize groups or individuals who seek economic benefit by endorsement or for-profit commercial events or endeavors.
- f. The City retains the right to modify, edit, or otherwise amend the proposed

proclamation to meet its requirements, needs, or policy determinations. The proclamation shall not exceed one page of text.

g. The Mayor may consult with City Boards, Commissions or other subject matter experts when considering appropriate proclamation language.

h. The Mayor retains the right to limit the number of proclamations at a City Council meeting.

i. The Mayor, in consultation with the City Manager and City Attorney, will determine if the proposed proclamation meets the intent of this policy

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 **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.

8.4 **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 for a councilmember, such member shall announce their conflict and abstention from voting prior to any discussion of the matter, and shall be prohibited from participating in discussion of the matter. 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.



MANAGER'S REPORT

DATE: December 19, 2022

To: Ellensburg City Council

FROM: Heidi Behrends Cerniwey, City Manager

1. Public Hearing – Update 2023-2028 Six Year Transportation Improvement Plan.

Staff would like to advise Council that the Public Works and Utilities Department has received confirmation of two grant awards through the Washington State Transportation Improvement Board. One grant in the amount of \$1,390,000 for sidewalk improvements north of Vantage Hwy on Pfenning Road and a second in the amount of \$608,200 for Main Street Overlay from 3rd Street to University Way. Staff advises Council that a public hearing has been set for January 3, 2023, to amend the Six Year Transportation Improvement Plan to reflect the recent grant awards.

2. A Year End Thank You to City Staff

A great deal of work happens every day in Ellensburg to deliver essential public services to the community. The City provides drinking water, wastewater treatment, functional streets, transit, reliable energy, safe buildings, parks and trails, recreation services, library, public safety, financial stewardship, and partnerships for other amenities. As City Manager, it has been my honor and pleasure to serve with a team of talented and dedicated employees that works—often behind the scenes and in challenging conditions—to make a difference and sustain or improve our infrastructure, programs/services, and the quality of life in Ellensburg. Together, we accomplished a great deal this year. Thank you to all City employees. Your service is appreciated.