

ORDINANCE NO. 4832

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, EXTENDING INTERIM REGULATIONS IN ORDINANCE 4823, ENTITLED "15.395 WIRELESS COMMUNICATIONS FACILITIES," RELATING TO WIRELESS COMMUNICATION FACILITIES, TO BE ADDED TO THE ELLENSBURG CITY CODE UPON FINAL APPROVAL.

WHEREAS, Ordinance 4823 was passed and adopted by the Ellensburg City Council on February 4, 2019, which established interim regulations for small wireless facilities for a period of six months; and

WHEREAS, after holding the public hearing on the interim regulations required by RCW 36.70A.390 and RCW 35A.63.220, the City Council affirmed adoption of the interim regulations on April 1, 2019; and

WHEREAS, pursuant to RCW 35A.63.220 and 36.70A.390 the City of Ellensburg ("City") has authority to establish interim zoning controls in circumstances such as those described above; and

WHEREAS, pursuant to RCW 36.70A.390 the City may extend interim regulations for a period of six (6) months following a duly notified public hearing; and

WHEREAS, the City's Public Works & Utilities Department has adopted development standards for small wireless facilities, and the City's Community Development Department continues to work diligently on permanent small wireless facilities regulations, but additional time is needed for review of the proposed regulations by the City's Planning Commission and to submit the regulations for review by the Washington State Department of Commerce, after which they will be submitted to the Ellensburg City Council for consideration of permanent adoption; and

WHEREAS, the Ellensburg City Council held a public hearing on extending the interim regulations in Ordinance 4823 on August 5, 2019;

WHEREAS, the circumstances which led to the adoption of Ordinance 4823 continue to exist today and will continue to exist until permanent small wireless facilities regulations are adopted by the City Council to address the issues that led to the interim regulations; and

WHEREAS, the Ellensburg City Council therefore finds that it is prudent to extend the interim regulations adopted by Ordinance 4823 until February 5, 2020 in order to complete the permanent regulations;

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

Section 1. Findings. The recitals of this ordinance are hereby adopted as the Ellensburg City Council's findings justifying extension of the interim small wireless facilities regulations for an additional six months.

Section 2. Regulations Extended. The interim regulations established by Ordinance 4823 are hereby extended for an additional six months. The interim regulations shall expire on February 5, 2020 unless they are permanently adopted, amended or repealed according to 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 codifiers of this ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 5. Emergency and Effective Date. For the reasons set forth above, the City Council hereby finds and declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage for the protection of the public health, public safety, public property, or public peace. Failure of the City to correct conflicts or gaps between its code and the preemptive federal "shot clocks" could deprive the City of its regulatory authority regarding certain facilities. Without the extension of interim zoning regulations, wireless communication facilities could locate and operate in the City without restriction, eventually leading to the establishment or operation of such use in locations or conditions that might later be restricted or prohibited in the zoning regulations eventually adopted by the City of Ellensburg.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 5th day of August, 2019.


MAYOR

ATTEST:


City Clerk

Approved as to form:


CITY ATTORNEY

Publish: 8-8-2019

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4832 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4832 was published as required by law.


BETH LEADER