

## RESOLUTION NO. 2022-33

**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, 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, 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;

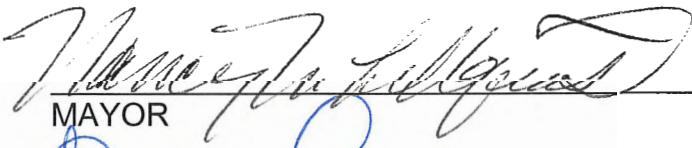
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ellensburg, Washington, as follows:

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 December 31, 2022, 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 17<sup>th</sup> day of October, 2022.

  
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MAYOR

Attest:   
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CITY CLERK.