

COUNCIL AGENDA

Tuesday, September 7, 2021



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To attend the city council meeting virtually register here:
https://us02web.zoom.us/webinar/register/WN_4bnHP2OSTKi0O8QVLvAszg

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](https://www.youtube.com/channel/UCtV2QSTKi0O8QVLvAszg). You may also attend by phone, only, and listen to the meeting by following the registration instructions under "Remote testimony during the meeting," below. Once you register, you will be sent a meeting invite with a phone number for the meeting.

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

SUBMISSION OF WRITTEN COMMENTS

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

PROCEDURE FOR REMOTE PARTICIPATION DURING MEETING

1. **Advance registration is required to provide public comment or hearing testimony via remote meeting attendance.** Anyone wishing to speak on items under the Agenda must register prior to 7 p.m. the day of the meeting. Register for the meeting at: https://us02web.zoom.us/webinar/register/WN_4bnHP2OSTKi0O8QVLvAszg. 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)

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

PUBLIC COMMENT RULES FOR ALL MEETING PARTICIPANTS

1. Each speaker's comments are to be limited to 3 MINUTES.
2. Speakers are cautioned not to make comments of a personal, impertinent or derogatory nature.
3. Speakers may not identify themselves as candidates for elective public office or make any statements which assist or discuss the campaign of a candidate for elective office, or discuss or campaign for or against a ballot proposition (unless the ballot proposition is being considered as part of the City Council agenda item).

Please note: City Council Rules provide that no action will be taken by the Council at the meeting at which a subject is first introduced during the citizen comment period (Item 7 on the Agenda). You may wish to concisely state your concern and request placement of your matter on a future agenda.

CONSENT AGENDA

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

AGENDA ITEMS

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

PUBLIC HEARINGS

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

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

AMERICANS WITH DISABILITIES ACT

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

**CITY OF ELLENSBURG
COUNCIL AGENDA
Council Chambers
501 North Anderson Street
Ellensburg, WA 98926
And Remotely via Zoom
Tuesday, September 7, 2021
7:00 PM - Regular Meeting**

Pledge of Allegiance

1. Call to Order and Roll Call

2. Proclamations

- | | |
|--|----|
| 2.A Childhood Cancer Awareness Month Proclamation
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| 2.B 9-1-1 Day Proclamation
911 Day Proclamation | 9 |
| 2.C Constitution Day and Citizenship Day 2021 Proclamation
Constitution Day and Citizenship Day 2021 | 10 |
| 2.D Hispanic Heritage Month Proclamation
Hispanic Heritage Month '21 Spanish
Hispanic Heritage Month '21 English | 11 |

3. Awards and Recognitions

4. Approval of Agenda

5. Consent Agenda

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

- | | |
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| 5.A Approve Minutes of August 16, 2021 Regular Meeting
8-16-21 Council Minutes Regular Mtg | 13 |
| 5.B Approve Minutes of August 16, 2021 Study Session
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| 5.C Acknowledge Minutes of the Diversity, Equity and Inclusion Committee - July 27, | |

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5.I Dolarway (D1) Substation Design and Improvements Agreement for Professional Services Agreement for Professional Services Dolarway (D1) Substation Design and Improvements - Project No. 3682 R2	33
5.J Pearl Street Promenade Analysis and Budget Adjustment ECONorthwest Scope of Work-Ellensburg Pearl St	55
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Resolution 2020-16 and Agreement for Patricia Place LLC Final Certificate of Tax Exemption	
5.L Approve Voucher Listing for September 7, 2021	72
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6. Petitions, Protests, and Communications	
6.A COVID-19 Update	
6.B Ellensburg Police Department 2020 Crime Report EPD 2020 Crime Report	73
6.C Board and Commission Applications. B and C Agenda Report Chart	88
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7. Citizen Comment on Non-agenda Issues

8. Business Requiring Public Hearings

- 8.A Public Hearing to Consider Annexation Request parcels 916833, 708633, 698633 & 528633 located on the west side of Anderson Rd approximately 900 feet north of Umptanum Rd. (legislative) and first reading of an ordinance approving petition for annexation P21-066 92

Anderson Annexation Ordinance First Reading

Exhibit 1 Proposed Annexation Area

Exhibit 2 zoning map

Exhibit 3 future land use map

Exhibit 4 Petition for annexation

Exhibit 5 assessor verification

Exhibit 6 Public Works Comments Anderson Rd Annexation P21-066

Exhibit 7 Order Confirmation-Legal Notice

Exhibit 8 Certificate of mailing

Exhibit 9 Affidavit of Posting

- 8.B Public Hearing (legislative) and First Reading of an Ordinance for proposed amendments to Ellensburg City Code pertaining to Frequently Flooded Areas Regulations in Title 15, the Land Development Code 119
Ordinance - Frequently Flooded Areas Regulations Update (First Reading)

9. Introduction and Adoption of Ordinances and Resolutions

- 9.A Second Reading of Ordinance 4875 - Amending the 2021/2022 Biennial Budget 175
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- 9.B Ordinance 4876 Second Reading for Title 14, Traffic Impact Fees (TIF) Revisions 190
4876 - Traffic Impact Fee Update (09-07-21)
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10. Unfinished Business

- 10.A Affordable Housing Commission Recommendation on City Property Contribution for Affordable Housing. 221
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11.A 2021/2022 Arts Commission Spending Plan 258

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12.A Manager's Report 264
9-7-21 MANAGERS REPORT

12.B Councilmembers' Reports

13. Executive Session

14. Adjournment

Next Ord 4877
Next Res 2021-28



PROCLAMATION

CHILDHOOD CANCER AWARENESS MONTH

WHEREAS, each year in the United States more than 15,780 children from birth to 19 years old are diagnosed with cancer, equal to about 42 childhood cancer diagnoses each day; and

WHEREAS, approximately one in 285 children in the United States will be diagnosed with cancer before their twentieth birthday with this number increasing each year; and

WHEREAS, each year worldwide, there are more than 300,000 new childhood cancer diagnoses, equal to about every 3 minutes a family will hear the words 'Your child has cancer'; and

WHEREAS, although the five-year survival rate for childhood cancers has reached 84 percent, nearly 1,500 American children under the age of nineteen still die each year from cancer, making it the leading killer of children by disease; and

WHEREAS, two thirds that do survive will face at least one chronic health condition later in life – not limited, but including – heart, liver, lung damage, infertility, secondary cancers and growth deficits; and

WHEREAS, the causes of childhood cancer are largely unknown, and more studies are needed to understand which treatments work best for children; and

WHEREAS, cancer treatment for children often must differ from traditional adult treatments to take into account children's developmental needs and other factors – there are more types/variances of childhood cancers than adult cancers; and

WHEREAS, there are hundreds of children being treated for cancer in Washington State with locations at Seattle Children's Hospital (Seattle), Mary Bridge Hospital (Tacoma) and Shriners Hospitals for Children (Spokane); and

WHEREAS, Washington is a caring state and community that supports children and families;

NOW, THEREFORE, the City Council of Ellensburg hereby proclaims September 2021 as CHILDHOOD CANCER AWARENESS MONTH.

Signed this 7th day of September, 2021.

Mayor

Attest: _____
City Clerk



City of Ellensburg

PROCLAMATION

9-1-1 Day

Whereas, 9-1-1 Emergency Telephone Number Systems provide residents with one, easy-to-remember, telephone number for reporting police, fire, and medical emergencies; and

Whereas, residents of Ellensburg and Kittitas County can access the Enhanced 9-1-1 Emergency Telephone Systems statewide; and

Whereas, adults and children need to know what to expect and how to use the 9-1-1 emergency telephone system; and

Whereas, the Enhanced 9-1-1 Emergency Telephone System assists in identifying the location of the caller and routes emergency calls to a public safety jurisdiction, helping to provide faster and more accurate response by public safety personnel; and

Whereas, when calling 9-1-1, we rely upon public safety personnel throughout the state to save our lives, property, and environment, and

Whereas, public safety personnel deserve our recognition and a salute for thousands of jobs well done each year; and

Now, Therefore, the City Council of the City of Ellensburg does hereby proclaim September 11, 2021 as

9-1-1 Day

in Ellensburg, and urge all people in our community to join us in recognizing the importance of 9-1-1 service to our health and safety and offer our gratitude to the thousands of public safety providers on whom we rely every day

Signed this 7th day of September, 2021.

Bruce Tabb
Mayor

Attest: _____
City Clerk



City of Ellensburg

PROCLAMATION

Constitution Day and Citizenship Day 2021

Whereas, the Constitution of the United States of America, which guarantees priceless freedoms to us as citizens of the United States and to our posterity and sets forth a concept of liberty that has been an inspiration to freedom-loving people everywhere; and

Whereas, by joint resolution approved December 8, 2004 (36 U.S.C. 106), the Congress of the United States has designated the 17th day of September of each year as Constitution Day and Citizenship Day in commemoration of the signing on September 17, 1787, of the Constitution of the United States and in recognition of all who, by coming of age or by naturalization have become citizens; and

Whereas, the aforesaid resolution urges the civil and educational authorities of states, counties, cities, and towns to make plans for the proper observance of Constitution Day and Citizenship Day; and

Whereas, every year thousands of candidates for citizenship commemorate Constitution Day and Citizenship Day by becoming American citizens. These persons have studied our laws, learned our history, and have served in our military; and

Whereas, we laud the desire of anyone to fulfill the dream of becoming a citizen of the United States of America and support those efforts which create legal pathways to citizenship for all, and we welcome all who become citizens of our community to join us in writing the next great chapter of the American story; and

Whereas, all applicants for citizenship must take an oath that states, in part, that they will support and defend the Constitution of the United States, and will faithfully discharge their duties and responsibilities as a citizen of the United States; and

Whereas, a celebration of Constitution Day and Citizenship Day is planned and scheduled to be held on September 17, 2021 from 3:00 to 7:00 pm and all residents and visitors in Kittitas County are invited to attend;

Therefore, the City Council of the City of Ellensburg proclaims September 17, 2021 as Constitution Day and Citizenship Day in Ellensburg and encourages all residents of Kittitas County to join us in attending the Constitution Day and Citizenship Day celebration at Rotary Park to reaffirm our commitment to a strong adherence to the foundational principles put forth in our Constitution and laws for naturalization citizenship.

Signed this 7th day of September, 2021.

Bruce Tabb
Mayor

Attest: _____
City Clerk



City of Ellensburg **PROCLAMATION**

MES DE LA HERENCIA HISPANA

Esperanza: una celebración de la herencia hispana y la esperanza
Desde el 15 de septiembre al 15 de octubre de 2021

Considerando que el Concejo Municipal de Ellensburg es cordial e inclusivo y está comprometido a mejorar la calidad de vida de aquellos a los que servimos,

que la semana de la Herencia Hispana que comenzó en 1968 bajo la presidencia de Johnson, fue ampliada por el Presidente Reagan en 1988 para abarcar un período de 30 días a partir del 15 de septiembre, por lo tanto, Estados Unidos celebra el Mes de la Herencia Hispana,

que el Mes de la Herencia Hispana celebra las historias, culturas y contribuciones latinoamericanas de aquellos cuyos ancestros fueron indígenas de América del Norte, así como ancestros de España, México, el Caribe y América Central y del Sur, y

que su propósito es generar conciencia de las contribuciones de las personas de herencia hispana a la cultura estadounidense. Muchas personas de herencia hispana son líderes del movimiento por los derechos civiles y activistas de la comunidad, políticos, maestros, periodistas, socorristas, artistas, profesionales de la salud, atletas, inventores, artistas y más.

Considerando que en los primeros días de esta comunidad la mano de obra hispana permitió la construcción de las vías férreas que nos conectaban con el resto del estado,

que los hispanos enriquecen el crecimiento político, económico y social de nuestra comunidad y nuestro estado y

que al conmemorar el Mes de la Herencia Hispana, el Concejo Municipal anima a todos los miembros de nuestra comunidad a reconocer los logros y las contribuciones de los latinoamericanos, así como la importancia de la justicia social y la justa representación de la comunidad latinoamericana en todos los aspectos de la vida y la experiencia de la ciudad.

Por lo tanto, yo, Bruce Tabb, Alcalde de la ciudad de Ellensburg, en nombre del Concejo Municipal, proclamo el período desde el 15 de septiembre al 15 de octubre de 2021 como el Mes de la Herencia Hispana.

Firmado el 7 de septiembre de 2021.

Bruce Tabb, Alcalde

Atestigua: _____
Secretario Municipal



City of Ellensburg **PROCLAMATION**

HISPANIC HERITAGE MONTH

Esperanza: A Celebration of Hispanic Heritage and Hope
September 15 — October 15, 2021

Whereas, Ellensburg City Council is welcoming and inclusive and dedicated to improving the quality of life for those we serve; and

Whereas, what began in 1968 as Hispanic Heritage Week under President Johnson and was expanded by President Reagan in 1988 to cover a 30-day period starting on September 15, the United States observes Hispanic Heritage Month; and

Whereas, Hispanic Heritage Month celebrates the Latin American histories, cultures and contributions of those whose ancestors were indigenous to North America as well as Spain, Mexico, the Caribbean, and Central and South America; and

Whereas, the purpose of Hispanic Heritage Month is to create awareness of the contributions of people of Hispanic Heritage to the American culture. Many people of Hispanic Heritage serve as civil rights leaders and community organizers, politicians, teachers, journalists, first responders, artists, healthcare professionals, athletes, inventors, entertainers, and more; and

Whereas, we know that the Hispanic workforce in the early days of this community enabled the construction of the railroads connecting us with the rest of the state; and

Whereas, Hispanics enrich the political, economic and social growth of our community and state; and

Whereas, as we observe Hispanic Heritage Month, the City Council encourages all members of our community to recognize the accomplishments and contributions of the Latin Americans, and the importance of social justice and fair representation for the Latin American community in all aspects of City life and experience;

Now, Therefore, I, Bruce Tabb, Mayor of the City of Ellensburg, on behalf of the City Council, do hereby proclaim September 15 - October 15, 2021 as Hispanic Heritage Month.

Signed this 7th day of September, 2021.

Bruce Tabb, Mayor

Attest: _____
City Clerk



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of City Council, Regular Meeting

August 16, 2021

7:00 PM

**Council Chambers 501 North Anderson Street
Ellensburg, WA 98926
and remotely via Zoom**

Pledge of Allegiance

1. Call to Order and Roll Call

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

Present remotely via Zoom: Tristen Lamb

Others present in person: City Manager Behrends Cerniwey; City Attorney Weiner; City Clerk Leader; Executive Assistant Gigstead; Community Development Director Sackett; Engineering Manager Mayo; Sr. Financial Analyst/Budget Officer Bassett; Transit Manager Dunbar; and six members of the public

Others present remotely via Zoom: two members of the public

2. Proclamations

3. Awards and Recognitions

4. Approval of Agenda

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

5. Consent Agenda

5A. Approve Minutes of August 2, 2021 Regular Meeting

5B. Acknowledge Minutes of the Affordable Housing Commission - June 2 and July 7, 2021

5C. Acknowledge Minutes of Diversity, Equity and Inclusion Commission - July 13, 2021

5D. Acknowledge Minutes of the Lodging Tax Advisory Committee - July 7, 2021

5E. Acknowledge Minutes of the Planning Commission - July 15, 2021

5F. Approve University Way Banner Request for Kittitas County 4-H - October 4 - 17, 2021

5G. Consideration of Approving the Service of Alcohol at the Ellensburg Downtown Association (EDA) sponsored Hoedown in the Downtown Event

5H. Wastewater Treatment Facility Roof and HVAC Replacement contract award.

5I. Award Bid Call 2021-10 – Tree Pruning to Basin Tree Services & Pest Control, Inc.

5J. Approve Voucher Listing for August 16, 2021

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

6. Petitions, Protests, and Communications

6A. Introduction of KITTCOM Director, George Long
KITTCOM Director, George Long, introduced himself and gave a KITTCOM update.

6B. Resolution to provide enforcement of the Ellensburg Double Cross Resolution.
Diana Tasker, Ellensburg Rotary Cowboys, gave background of the Double Cross Resolution

Councilmember Nancy Lillquist moved to Approve adoption of Resolution 2021-24.
Motion Approved 7-0.

6C. COVID-19 Update
Cambron Walker, with Kittitas County Health Dept, reviewed the incident rates and additional information concerning vaccine outreach.

6D. Board and Commission Appointments
Laci Harrison, Parks and Recreation Commission Chair, provided an overview of the interview process to select applicants for recommendation to Council. The three applicants recommended for appointment were:

- Nikki Pollock, introduced herself and spoke regarding her interest in serving on the Parks and Recreation Commission.
- Kathleen Kelleher introduced herself and spoke regarding her interest in serving on the Parks and Recreation Commission.
- Ali Burton was not present at the meeting, and Parks and Recreation Chair, Laci Harrison, provided background information.

Councilmember Rich Elliott moved to Approve the Mayor's recommendation to appoint Nikki Pollock, Kathleen Kelleher and Ali Burton to the Parks and Recreation Commission. **Motion Approved 7-0.**

7. Citizen Comment on Non-agenda Issues

There were no comments from the public.

8. Business Requiring Public Hearings

8A. Public Hearing to consider adoption of the Transit Development Plan 2021 and acceptance of the 2020 Annual Report.

The Mayor opened the public hearing. Betsy Dunbar, Transit Manager, presented information in the staff report.

With no questions or comments from the public or Council, the Mayor closed the public hearing.

Theresa Plue, 140 Woodhouse Loop, commented regarding the poor sound quality of the meeting.

Councilmember Rich Elliott moved to Approve adoption the Transit Development Plan for 2021-2026. **Motion Approved 7-0.**

Councilmember Rich Elliott moved to Approve the 2020 Transit Annual Report. **Motion Approved 7-0.**

8B. Closed Record Hearing (quasi-judicial) to consider Resolution to Approve Application for Preliminary Plat Approval (P21-044) submitted by Patrick Sullivan (Habitat for Humanity) – Stuart Meadows Plat

The Mayor opened the public hearing. Jamey Ayling, Planning Manager, presented information in the staff report.

With no questions or comments from the public or Council, the Mayor closed the public hearing.

Councilmember Nancy Lillquist moved to Approve Resolution 2021-25 approving the Preliminary Plat application of Stuart Meadows Subdivision, submitted by Patrick Sullivan, agent for Habitat for Humanity, and incorporating the Hearing Examiner's July 8, 2021, Recommended Findings of Fact, Conclusion of Law, Decision and Conditions of Approval. **Motion Approved 7-0.**

8C. Public Hearing for a Proposed Ordinance Amending the 2021/2022 Biennial Budget
The Mayor opened the public hearing. Keith Bassett, Budget Analyst, presented information in the staff report.

With no questions or comments from the public or Council, the Mayor closed the public hearing.

Councilmember Nancy Lillquist moved to Approve first reading of Ordinance 4875. **Motion Approved 7-0.**

9. Introduction and Adoption of Ordinances and Resolutions

9A. Proposed Ordinance – First Reading for Title 14, Traffic Impact Fees (TIF) Revisions

Derek Mayo, City Engineering Manager, presented information in the staff report and Kenda Breiland & Michael Adamson with Fehr & Peers provided a presentation.

Council asked questions of staff and the consultants.

Councilmember Rich Elliott moved to Approve first reading of Ordinance 4876. **Motion Approved 7-0.**

10. Unfinished Business

11. New Business

12. Miscellaneous

12A. Manager's Report

The City Manager reviewed the report.

12B. Councilmembers' Reports

- Councilmember Morgan attended the Lodging Tax Advisory Committee and KITTCOM Board meetings;
- Councilmember Lillquist attended the Yakima Basin Fish & Wildlife Recovery Board meeting;
- Councilmember Lamb attended the Senior Citizen Advisory Committee meeting;
- Councilmember Goodloe gave an update regarding the DEI Commission and attended the National Night Out event and the Civil War Veterans ceremony;
- Councilmember Elliott spoke regarding vaccinations, fire staffing and confirmed the City Commissions he would serve as liaison;
- Mayor Tabb participated in a meeting with Governor Inslee and attended the Affordable Housing commission and the Civil War Veterans ceremony.

13. Executive Session

14. Adjournment

Meeting adjourned at 8:45pm

Mayor

ATTEST:

City Clerk



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of City Council, Study Session

August 16, 2021

6:00 PM

Council Chambers 501 North Anderson Street

Ellensburg, WA 98926

and remotely via Zoom

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

Councilmember Goodloe arrived at 6:15 pm

Others Present in person: City Manager Behrends Cerniwey; City Attorney Weiner; City Clerk Leader; Community Development Director Sackett and Engineering Manager Mayo

1. Updated Floodplain Regulations Briefing

Briefing on upcoming Floodplain Development Ordinance
Community Development Director, Kirsten Sackett, presented information in the staff report and reviewed information regarding floodplain regulation updates.

2. Part 2: Housing Action Plan Interim Update

Housing Action Plan Strategies
Community Development Director, Kirsten Sackett, presented information for strategies in the Housing Action Plan. There was discussion regarding the strategies listed in the Agenda and Council asked questions of staff.

3. Council Retreat Overview

City Council Retreat Overview
City Manager, Heidi Behrends Cerniwey, reviewed the information presented in the Agenda.

4. Adjournment

Meeting adjourned at 6:51pm

Mayor

ATTEST:

City Clerk



DIVERSITY, EQUITY & INCLUSION COMMISSION (DEI)
July 27, 2021 Regular Meeting
(3:00 to 4:30 p.m.) Remote Meeting via Zoom

Members Present: Veronica Acevedo, Daniel Amos, Delores (Kandee) Cleary, Tylenne Carnell, Landis Hanson, Sara Omrani, and Nancy Goodloe (chair)

Members Absent: None.

Also present: Kirsten Sackett, Community Development Director; Stacey Henderson, Senior Planner; Nicole Klauss, Public Information Officer (Recording Secretary); Heidi Behrends Cerniwey, City manager; and three members of the public.

1. CALL TO ORDER / INTRODUCTIONS

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

Motion: Commissioner Landis Hanson motioned to approve the agenda as presented. Commissioner Daniel Amos seconded. All in favor; motion passed.

2. APPROVAL OF MINUTES FROM JULY 13, 2021 MEETING

Motion: Commissioner Kandee Cleary moved to approve the minutes from the July 13, 2021 DEI Commission Meeting, and Commissioner Tylenne Carnell seconded. Chair Goodloe called for discussion and suggested amending the minutes to add a sentence that the DEI Commission emphasized it was not an interview but a listening session. Both Carnell and Cleary accepted the friendly amendment. Commissioner Hanson moved to approve the amendment to the motion, and Commissioner Cleary seconded the amendment. All voted in favor of the amendment to the motion. All in favor of the amended motion; motion passed.

NEW BUSINESS

3. REVIEW COMPREHENSIVE PLAN

Community Development Director Kirsten Sackett gave a general overview on the comprehensive plan. The introduction chapter explores the current situation and trends being experienced in the community. Then the commission will look at goals, objectives and programs and how those will be developed.

Community Development Senior Planner Stacey Henderson shared the draft introduction to the chapter. Henderson said she wrote the intro and wanted it to be a starting point for the commission. She also included information that the City intends to build upon this as we have more listening tour sessions. The elevating community voices section was intended to introduce the different outreach tools, such as the listening tours, the DEI commission, Be Heard Eburg. Commissioner Amos worked with Henderson on the initial draft. Henderson also received feedback from Sackett, Klauss and Goodloe.

Chair Goodloe thanked Henderson and said she liked the order of the draft. Goodloe said it would be helpful to sit with Henderson and provide a different perspective on language that could be used to polish it up.

Commissioner Hanson agreed that the draft was well done and had a few suggestions on rephrasing sections to avoid pushback.



Commissioner Carnell also thanked Henderson, and said it was nice to have a draft to look at to figure out how to take it to the next level. Carnell also has some ideas to add importance and impact on what it is we're trying to say and being more direct.

Chair Goodloe asked about the timeline. Sackett said we will want a good draft before the SEPA process, and starting the SEPA process no later than the end of August. Sackett said the commission should provide Henderson with as much feedback as they can. Staff will vet the document and will send it to the City Attorney for review. Then a final version will be shared with the commission for one final look. Commission members should send feedback to Henderson by Thursday, August 5, so she can work them into the draft before the meeting on August 10.

Henderson reviewed the first draft of goals, policies and programs for the chapter, and asked for feedback. Commissioner Hanson suggested using language that is more inviting than mandatory when it comes to DEI training. Chair Goodloe said it's important to start thinking about how we're going to have conversations that lead to systemic change in the community.

Commissioner Cleary asked if the initiatives or programs will be assessed because the language used could be influenced by that. Goodloe said part of the commission's charge from Council is to produce a report. Sackett said to suggest every idea they have because not everything has to go in the comprehensive plan, but some could still be a focus for the commission.

4. LISTENING TOUR PLAN UPDATES

Earlier in the meeting Chair Goodloe explained the process of a listening session. Chair Goodloe and Klauss are planning a listening session on Thursday, August 5 with people over 65. Commissioner Carnell is planning a listening session for August 3. Commissioner Amos has done preliminary work but needs to schedule a listening session. Goodloe encouraged commission members to work with a partner to manage the meeting and take notes. Commissioner Hanson connected with the synagogue in Yakima and is hoping to connect with some members of the Jewish community locally. Commissioner Amos said he is interested in connecting with the Latter-Day Saints.

5. HOUSING ACTION PLAN

Sackett provided an update on the Housing Action Plan. The City has a visual preference survey out to help see where people are comfortable with having types of housing be built that provide density. The survey is available at beheardeb.org.

6. PUBLIC COMMENT

Chair Goodloe called for public comment; there was none.
The meeting adjourned at 4:31 p.m.

Respectfully Submitted by
Nicole Klauss
Recording Secretary
Drafted: 7/28/21
Approved: 8/10/21



DIVERSITY, EQUITY & INCLUSION COMMISSION (DEI)
August 10, 2021 Regular Meeting
(3:00 to 4:30 p.m.) Council Conference Room & Virtual via Zoom

Members Present: Veronica Acevedo, Delores (Kandee) Cleary, Tylene Carnell, Landis Hanson, Sara Omrani, and Nancy Goodloe (chair)

Members Absent: Daniel Amos (excused)

Also present: Ben Faubion, IT & Telecomm Manager; Drew Houck, IT Systems Administrator; Nicole Klauss, Public Information Officer (Recording Secretary); Heidi Behrends Cerniwey, City manager; and 2 members of the public.

1. CALL TO ORDER / INTRODUCTIONS

Chair Nancy Goodloe called the meeting to order at 3:01 p.m.

Motion: Commissioner Sara Omrani motioned to approve an excused absence for Commissioner Daniel Amos. Commissioner Kandee Cleary seconded. All in favor; motion passed.

2. APPROVAL OF MINUTES FROM July 27, 2021 MEETING

Motion: Commissioner Landis Hanson moved to approve the minutes from the July 27, 2021 DEI Commission Meeting, and Commissioner Veronica Acevedo seconded. All in favor of the motion; motion passed.

NEW BUSINESS

3. COMMISSION CITY EMAILS

City IT staff introduced themselves and talked about the DEI Commissioners getting City email accounts. IT Systems Administrator Drew Houck provided instructions on how to log into their City email address, and walked through a demonstration with one of the commissioner's accounts.

4. REVIEW COMPREHENSIVE PLAN CHAPTER UPDATES

The Commission reviewed the Goals, Policies and Programs from the draft Diversity, Equity & Inclusion Chapter of the Comprehensive Plan. The Commission recommended changing references of diversity and gender equity training to diversity, equity & inclusion training.

The Commission discussed Goal 2, Policy B and suggested reworking it to address systemic issues that create barriers for participation for the whole community, and not just calling out a couple of institutions. They also suggested adding the word "belonging." They suggested changing the wording from "encourage" to "collaborate with" when talking about other agencies like CWU and Ellensburg schools. The Commission suggested adding a fourth program to encourage the development of framework to address systemic inequalities within our institutions.

There was discussion about specifically calling out nonprofits in a section, but Goal 3 addressed human services and local resources.



Under Action Items there was discussion about changing wording from Develop training for City staff and elected officials to collaborate to provide training... because develop makes it sound like the City is creating the training instead of utilizing facilitators or existing resources.

The Commission recommended adding two action items to develop a framework of accountability and to develop a work plan for the Diversity, Equity & Inclusion Commission.

Commissioner Tylen Carnell asked if we have received feedback on the BeHeardEburg.com listening tour questions. City PIO Nicole Klauss said feedback has been received and is visible to anyone who looks at the website.

5. LISTENING TOUR TRAINING & UPDATES

This item was bumped due to time and was moved to the next meeting agenda for August 24, 2021. Commissioner Carnell indicated she had attended a listening tour with commissioner Amos and would provide the notes and feedback to Klauss, to be discussed at a future meeting.

6. REVIEW PROCLAMATIONS

The Commission reviewed provided feedback on the Hispanic Heritage Month proclamation and the Constitution/Citizenship Day proclamation that will both be read at the September 7, 2021 Ellensburg City Council meeting. The Commission recommended reading the Hispanic Heritage Month proclamation in Spanish first before reading it in English. Chair Nancy Goodloe and Commissioner Omrani are reaching out to their networks to find someone to read the proclamation in Spanish.

7. PUBLIC COMMENT

Chair Goodloe called for public comment; there was none.
The meeting adjourned at 4:45 p.m.

Respectfully Submitted by
Nicole Klauss
Recording Secretary
Drafted: 8/11/21
Approved: 8/24/21



Centerfuse

Ellensburg Business Development Authority BOARD OF DIRECTORS MEETING MINUTES

Regular meeting held synchronously in-person and virtually

Wednesday, July 14, 2021

4:00-5:30 PM

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

Excused: Grant Clark, Treasurer

Others present: Stacey Engel, Ellensburg City Council Liaison, Heidi Behrends Cerniwey, City Manager and Margaret Reich, Executive Director

1. Meeting Called To Order

Meeting was called to order at 4:03 PM

2. Approval of Agenda

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

3. Approval of Minutes

Motion to approve June 2021 regular meeting minutes by Del Bankston, second by John Perrie. Motion approved by unanimous vote.

4. Board Business

a. Financial Reports

Executive Director, Margaret Reich, presented financial reports.

In consultation with Board Treasurer Grant Clark, Margaret Reich asked the board to consider directing staff to write-off \$17.12 past due on the Foundry Hardware account. Motion to approve write-off of \$17.12 by Del Bankston, second by John Perrie. Motion approved by unanimous vote.

b. Strategic Plan Implementation Update

Board Chair James Jankowski provided an update on the sale of the Prospect Building. Margaret Reich, Executive Director, shared information about bonding.



Jared Vallejo introduced the board to the development website for CenterFuse. Board members are requested to click through the website and provide updates to staff. Business recruitment activities include work on broadband, onboarding meeting with Enapter, progress reporting on proposed new developments and meetings with local partners.

The board reviewed, discussed, and amended a resolution directing staff to pursue a grant application to the National Telecommunications and Information Administration's Broadband Infrastructure Program. Motion to approve pursuit of grant application by John Perrie, second by Garrett Poshusta. Motion approved by unanimous vote.

City Manager Heidi Behrends Cerniwey provided updates to the emerging Ellensburg Economic Development Fund. The balance in the fund is \$706,000. Ellensburg City Council is allocating \$75,000 to support hiring an economic development strategy consultant in partnership with Kittitas County; the balance of the fund is frozen until a countywide economic development strategic plan is in place. Manager Cerniwey also talked about the next steps with the updates to the Economic Development chapter of the Ellensburg Comprehensive Plan.

c. Strategic Plan Timeline Review

Board Chair Jankowski shared the updated Gantt timeline for implementation of the strategic plan.

5. Items for Future Consideration

The board started a discussion about the need for the Board Chair to be physically located in Ellensburg. The board asked to continue this discussion at the August 2021 board meeting.

6. Adjournment – time 5:44 Motion to adjourn by Del Bankston.

Drafted: 6/15/2021

Approved:



Submitted by: Margaret Reich



CITY OF ELLENSBURG

Utility Advisory Committee

Date of Meeting

July 15, 2021

Time of Meeting

3:30 PM

Place of Meeting

Virtual Conference

Nancy Lillquist, Chairperson, term expires May 31, 2022

Ed Barry, Vice Chairperson, term expires May 31, 2023

Nancy Goodloe, City Council, term expires May 31, 2024

Gary Gleason, CWU, term expires May 31, 2022

Bryan Clark, KITTCOM, term expires May 31, 2023

Jim Goeben, Telecommunications Utility customer. term expires May 31, 2023

Nate Sitton, City Utility Customer, term expires May 31, 2023

1. CALL TO ORDER

Chair Lillquist called the meeting to order at 3:30 pm.

2. ROLL CALL

Members present: Nancy Lillquist, Chair; Ed Barry, Vice Chair; Nancy Goodloe, City Council; Gary Gleason, CWU; Nate Sitton, City Utility Customer; Jim Goeben, Telecom; Bryan Clark, Telecom.

Also present: Ryan Lyyski, Public Works & Utilities Director; Darren Larsen, Assistant Utilities Director; Darin Yusi, Gas Engineer; Kim Caulkins, Operations Analyst; Buddy Stanavich, Power & Gas Manager; Mike Helgeson, Assistant PW Director; Nicole Klauss, Public Information Officer. Derek Mayo, Engineering Services Manager; Ben Faubion, IT & Telecomm Manager; Willie Longmire, GIS Coordinator; Terry Weiner, City Attorney; Heidi Behrends Cerniwey, City Manager; Michele Campbell, RH2 Engineering; Zach Schrempp, RH2 Engineering.

3. APPROVAL OF MINUTES

3.A. Approve minutes - June 17th, 2021 regular meeting minutes

Ed Barry moved to approve the minutes. Gleason seconded. All in favor; **motion approved.**

4. APPROVAL OF CONSENT AGENDA

The Committee agreed to address 7.A.first, due to time constraints.

5. CORRESPONDENCE AND CITIZEN COMMENTS ON NON-AGENDA ITEMS

5.A. Hybrid Public Meeting Discussion

Darren Larsen informed the committee the City will be holding hybrid meetings beginning August 2nd. He also shared the City Council held an ad hoc sub-committee meeting discussing term limits for boards and commissions that will be presented to City Council for review on July 19th.

6. TELECOMMUNICATIONS UTILITY DISCUSSION ITEMS

6.A. Telecom Utility July Update - Verbal Report

Ben Faubion gave an information only report for telecommunications. Chair Lillquist requested to review the NoaNet agreement.

6.B. Telecommunication Issues & Updates – *Ben Faubion shared verbal updates for Telecommunications.*

7. ELECTRIC, NATURAL GAS, WATER, WASTEWATER, STORMWATER UTILITY DISCUSSION ITEMS

7.A. Water System Plan Final Draft

RH2 Engineering summarized the draft water system plan that will be submitted to the Department of Health, Department of Ecology, Kittitas County and adjacent water systems for comments.
Information only.

7.B. Annual Natural Gas Safety Survey Report

Darin Yusi shared the survey results of the natural gas safety report by Blue Otter Solutions.
Information only.

7.C. Bonneville Power Administration Conservation Agreement

Ed Barry moved the Committee forward a favorable recommendation to City Council to authorize the Mayor to sign the amendment to extend the City's energy conservation agreement with Bonneville Power Administration. Gleason/Sitton seconded. All in favor; **motion approved.**

7.D. 2021 Comprehensive Multi-Utility Rate Study Update

Nate Sitton moved the Committee forward a favorable recommendation to City Council that authorizes the Mayor to sign the attached professional services agreement with FCS Group to update the Cost of Service Analysis (COSA) models for the light, gas, water and sewer utilities. Goodloe seconded. All in favor; **motion approved.**

7.E. BPA's Fourth and Final Purchase Period for Future Tier 2 Power Supply

Buddy Stanavich presented power supply options for the City of Ellensburg fourth purchase period of 2024-2028.

Gary Gleason moved the Committee forward a favorable recommendation to City Council to proceed with serving the City's future Tier 2 power supply needs with the BPA short-term product for the contract's fourth purchase period. Goodloe seconded. All in favor; **motion approved.**

Chair Lillquist asked why the City isn't building solar farms as backup to the system. Staff informed the Committee, for example, to add a resource stack of 1 MW, due to geographic location, 3 MW's would be needed and be backed up resource support services (RSS). An estimated cost has not been calculated.

8. INFORMATIONAL ITEMS

8.A. Public Works & Utilities Issues and Updates

Buddy Stanavich shared past due utility account information. Ryan Lyyski gave an update on the Bull Rd. project. A broken sewer pipe on 10th & Cora caused a sink hole that has been fixed. The Water Department rebuilt a clay valve and replaced telemetry at 18th & Walnut. Stormwater attended a meeting discussing the Reecer Creek levee project will be CORE/FEMA certified. Darren Larsen shared Gas and Light Department updates.

9. NEXT MEETING

9.A. August 19th, 2021 at 3:30 pm

10. ADJOURNMENT

With no further discussion, the meeting adjourned at 5:17 pm.

Kim Caulkins
Recording Secretary
Drafted: 7/19/2021
Approved: 8/19/2021



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: September 7, 2021

Item Title/Agenda Subject: Resolution 2021-27 - 201 W 10th Ave. – David and Emily Johnson street tree removal

Submitted by: Gordon Crane Public Works & Utilities

Recommended Action or Motion: Adopt the attached resolution authorizing David and Emily Johnson to remove the aforementioned tree.

Background/Summary:

Background/Summary:

David and Emily Johnson are requesting permission to remove one street tree on the Main Street frontage at 201 W 10th Ave. The tree is a very large Black Locust, located in the planter strip.

Tree Condition: The tree is fully mature, and still has good vigor with only a few relatively smaller dead branches. It has two large diameter co-dominant stems with included bark that extend to ground level. It has been topped decades ago, and has also had several additional large diameter branch removal cuts. Like many older Black Locust trees, when I sounded the base of the trunk with a mallet, it has multiple areas of cambial dieback and internal decay, hidden under the outer bark.

City Infrastructure damage: minimal. One panel of sidewalk has been ground down. There is no curb at this location.

Tree Maintenance activity by City: none known.

Species suitability to location: Black Locust are not good urban trees. They often have poor branching architecture (one example is major co-dominant stems with included bark) that are prone to branch or main stem failures.

Private damage claims processed by the City: None known.

Previous Council Action: None at this location.

Analysis: Removal of the tree is appropriate. It has major co-dominant stems with included bark, and multiple areas of cambial dieback and internal decay. It is an undesirable species, on the “do not plant” list.

Financial Impact: None for the City. The cost will be borne by the applicant.

Attachments:

[201 W 10th Ave - Johnson - tree removal request](#)

[201 W 10th Ave - Johnson - tree removal graphics](#)

[Resolution 2021-27 - 201 W 10th Ave - Johnson - street tree removal](#)

David and Emily Johnson
201 W 10th Ave.
Ellensburg, WA. 98926

August 18, 2021

Re: Potentially Dangerous Tree/Hazardous Tree Removal

Dear Mr. Crane,

My family and I live at 201 W 10th Ave., Ellensburg, WA.. I am writing regarding the concerns I have about the potentially hazardous tree(s) on our property.

The tree that I am concerned about is a Black Locust located on the Northeast corner of our Lot. I am especially worried about this tree because of the size and location of the trunk which creates a vehicular sight issue at our driveway, and that the size and location of the tree is a concern of our homeowner's insurance company.

With that being said, we are respectfully requesting that this tree be removed. I would be grateful if you would consider this matter as soon as possible.

Thank you in advance for your help and input on this matter.

Kind regards,

Dave and Emily Johnson

201 W 10th Ave – Johnson Tree removal request



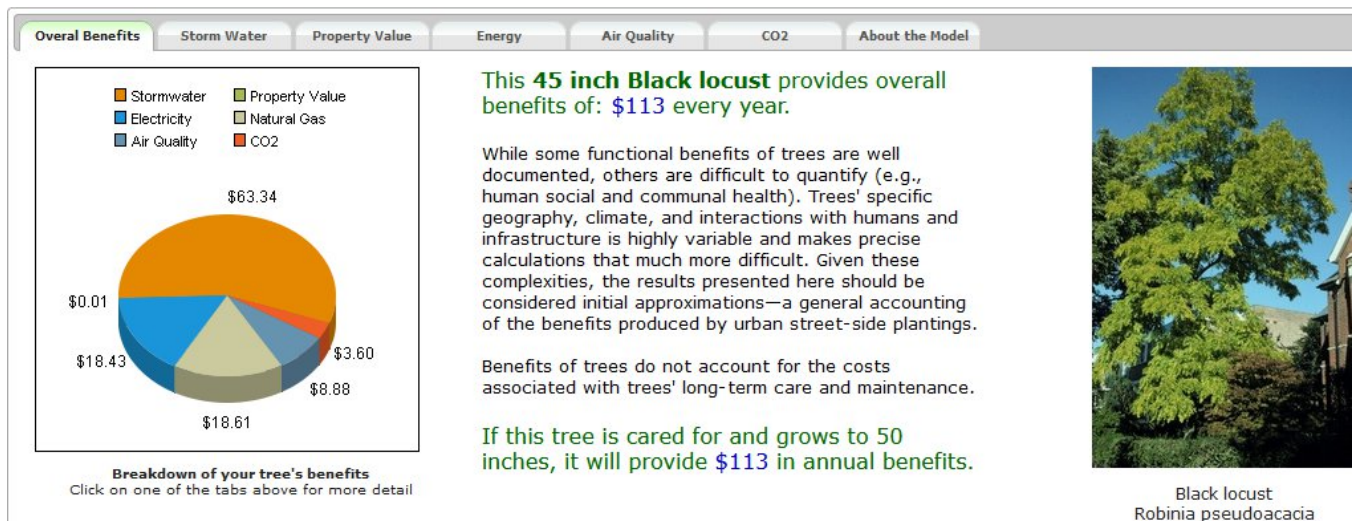
Black Locust on Main St. frontage



co-dominant stems to ground level

National Tree Benefit Calculator

Beta



RESOLUTION NO. 2021-27

A RESOLUTION authorizing David and Emily Johnson to remove one street tree located at 201 W 10th Ave.

WHEREAS, ECC 4.36.380 requires that any person, firm or corporation may apply for the removal of street trees, subject to city council approval, under such conditions and requirements as set forth in the Ellensburg City Code;

WHEREAS, David and Emily Johnson have requested permission to remove one street tree;

WHEREAS, the City Arborist has reviewed the condition of the tree and the proposed replanting of the tree, and recommends the City Council authorize removal of the tree;

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

Section 1. David and Emily Johnson are authorized to remove one street tree located at 201 W 10th Ave. Approval is conditioned upon David and Emily Johnson first receiving a Street Tree Permit and Public Works Permit from the City of Ellensburg Public Works & Utilities Department for removal of the tree at David and Emily Johnson's expense including removal of the stump, and replanting one street tree from the City's Street Tree List in the City right of way in an approved location, within one year.

Section 2. A \$400 refundable deposit shall be posted prior to the issuance of the Street Tree Permit to assure replacement of the tree and the removal of the stump.

Section 3. Removal of the stump shall be done within 30 days of the removal of the tree.

ADOPTED by the City Council of the City of Ellensburg this September 7, 2021.

MAYOR

CITY CLERK



CITY COUNCIL AGENDA REPORT

City Council Meeting Date:	September 7, 2021
Item Title/Agenda Subject:	Consideration of Approving the Service of Alcohol at the CASA Rocks - Cornhole Tournament
Submitted by:	Brad Case Parks and Recreation
Recommended Action or Motion:	Approve the service of alcohol at Unity Park for the CASA Rocks Cornhole Tournament scheduled for September 25, 2021 from 2pm-7pm.
Background/Summary:	Council is being requested to approve the service of alcohol at Unity Park for the Court Advocates for Children CASA Rocks Cornhole Tournament held Saturday, September 25, 2021, from 2:00 p.m. - 7:00 p.m. The activities associated with this event also include the service of food and music.
Previous Council Action:	N/A
Analysis:	Section 6.64.260 of the Ellensburg City Code requires Council approval for any special event held on City property at which alcoholic beverages are served, subject to compliance with all the requirements set forth in Special Event Chapter 6.64 of the Ellensburg City Code, which have been met by the event organizers.
Financial Impact:	There is no financial impact associated with this request.



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: September 7, 2021

Item Title/Agenda Subject: Dolarway (D1) Substation Design and Improvements Agreement for Professional Services

Submitted by: Paul Meyer Public Works & Utilities

Recommended Action or Motion: Authorize the City Manager to sign and execute the attached Dolarway (D1) Substation Design and Improvements Professional Services Agreement with D. Hittle & Associates.

Background/Summary: As a continuing effort to improve electric utility reliability for our current and future customers, the Electric Division is scheduled to begin engineering design and construction to replace and relocate the Dolarway D1 transformer. The D1 transformer was manufactured in 1959 and has reached its end of life. It is currently the oldest and smallest substation transformer in our system. The transformer is owned by the City and located on land located within the adjacent BPA Ellensburg substation. After the City completes this project, the BPA land lease can be terminated. The Electric Utility System Plan recommended the City remove the D1 transformer from service within the BPA Ellensburg substation, and purchase a new transformer that would be installed at the City's adjacent Dolarway Substation.

Previous Council Action: At its August 19, 2021 meeting, the Utility Advisory Committee recommended the City Council execute the attached Dolarway (D1) Substation Design and Improvements Agreement for Professional Services with D. Hittle & Associates.

Analysis: Staff issued a request for qualifications to select consultants from the consultant roster list. The City received three submittals and selected two for follow-up interviews. Staff selected D. Hittle & Associates as the most qualified consultant. D. Hittle has extensive experience in the design of substations and is local with an office in Kennewick. They were also the team that designed the original Dolarway substation completed in 2007, giving them existing knowledge and prior experience with this project site.

Financial Impact:

A total of \$432,000 was included in the 2021-2022 Light Fund budget for consultant services and BPA design costs. The consultant has provided a not to exceed cost of \$250,000 for the scope of work identified in the attached agreement. Adequate funds exist within the Light fund to cover this and any additional costs.

Attachments:

[Agreement for Professional Services Dolarway \(D1\) Substation Design and Improvements - Project No. 3682 R2](#)

**AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN THE CITY OF ELLENSBURG
AND
D. Hittle & Associates**

RELATING TO: Dolarway (D1) Substation Design and Improvements

THIS COST NOT TO EXCEED AGREEMENT is made and entered into this ____ day of _____, 2021 ("Effective Date"), by and between THE CITY OF ELLENSBURG, a non-charter code city of the State of Washington (hereinafter called the "CITY") and D. Hittle & Associates Inc., a Corporation/LLC/Sole Proprietorship 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 Dolarway (D1) Substation Design and Improvements 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 is not satisfactory, 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 December 31, 2024. 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 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.

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 \$250,000 Plus applicable sales taxes. 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 sub-consultant of CONSULTANT shall be or shall be deemed to be the employee, agent representative or sub-consultant 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. The summary of work done shall be prepared at no additional cost to the CITY.

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 the event any subcontracting is approved, the subcontractor and its employees shall be required to execute the Non-Disclosure Agreement prior to being given access to any confidential information regarding the CITY's computer system.

10.3. 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 sub-consultant or supplier shall be notified by the CONSULTANT of CONSULTANT's obligations under this Agreement, including the nondiscrimination requirements.

10.4. 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 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 sub-consultants whose selection has been authorized by CITY; provided that CITY's authorization shall not relieve CONSULTANT or its sub-consultants 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 sub-consultants 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. 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, arising out of or resulting from the acts, errors or omissions of the CONSULTANT in performance of this Agreement, except for injuries and damages caused by the sole negligence of the CITY.

However, should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, 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, Professional 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
Department of Energy Services
Attention: Paul Meyer Senior Electrical Engineer
501 N. Anderson
Ellensburg, WA 98926

D. Hittle & Associates Inc.
Attention: Randel G. Valerio Senior Principal Engineer
7515 West Deschutes Ave.
Kennewick, WA 99336

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: _____

Title: _____

Tax ID#: _____

THE CITY OF ELLENSBURG:

By: _____

Printed Name: _____

Title: City Manager

ATTEST: _____
City Clerk

Approved as to Form:

City Attorney

EXHIBIT A
AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN THE CITY OF ELLENSBURG
AND
D. HITTLE & ASSOCIATES, INC. (DHA)

RELATING TO: Dolarway (D1) Substation Design and Improvements

26. SCOPE OF WORK.

- A. Design requirements to install a new 115/12.47KV power transformer/LTC, 115kV circuit switcher, 12.47kV Circuit Breaker and supporting equipment in the CITY's Future D1 substation. Layout design of the new substation should be similar or match the existing D2 substation layout design with similar equipment.

Design to include the following:

26.1. MAIN EQUIPMENT:

- a. New 115kV/12.47kV Transformer/LTC combination, foundation, structures, etc. The foundation must include oil containment pad tied into either a new Oil Separator or existing Oil Catch basin, to be determined by DHA.
- b. New 115kV Circuit Switcher, foundation, structure, etc.
- c. New 12.47kV Circuit Breaker, foundation, structures, etc. (W/Bypass Capability)
- d. New 12.47kV Disconnect switches, foundation, structures, etc.

26.2. SUPPORTING EQUIPMENT:

- a. DHA must verify that the existing AC Panel, DC Panel, Primary/Alternate service transformer, battery bank, etc. is sufficient to support the new equipment related to the D1 Substation. DHA must either design a new DC Panel, AC Panel, Battery Bank, etc. or if sized correctly, integrate them into the existing facilities for all supporting equipment required for the D1 substation. The alternate service will be relocated to match the existing D2 substation layout.
- b. Equipment requirements for CT's, PT's, surge arrestors, lightning arresters, static wires and all other supporting equipment. DHA must use BPA specifications in designing CT's and PT's for their new revenue meter.
- c. Design of the new BPA revenue meter CT's, PT's, meter equipment and relay rack. BPA revenue metering shall be per BPA's requirement, and must be reviewed and approved by BPA.

26.3. RELAY/CONTROLS:

- a. Design a new Relay Rack configuration, or re-use of the existing Relay Rack if space is available, in order to install new annunciator panel, over-current relay, circuit breaker relay, differential relay, Lockout relay, C.S. control switch, test switches and supporting devices for the installation of D1 substation, including but not limited to Circuit Switcher, transformer, LTC, disconnect switch feedbacks, PT's, CT's, circuit breaker, etc.
- b. DHA will be required to provide all relay settings and programming requirements for all new and existing relays and devices and to properly perform the fuse/trip coordination between devices.
- c. Design a new relay rack with new recloser control relays for feeders 1,2,3,4,5,6,9 and 10. Existing recloser controls (Form 5) are past their useful life and, need to be replaced. New controls and associated control wire will be relocated into the new control house.
- d. DHA will provide options and recommendations for the installation of a SCADA system. This scope is not currently included in the consultant costs for this project, costs associated with this scope item will be part of a future amendment to the agreement.

26.4. BUSWORKS:

- a. New 115kV and 12.47kV buswork, structures, foundation, jumpers, connections, etc.
- b. Feeder 4, 5, 9 and 6 for D1 Transformer and Feeder 1, 2, 3 and 10 for D2 Transformers recloser sections will remain in place and will not be moved or relocated. DHA will be responsible for determining if the existing bus work and connectors for Feeder 4, 5, 9 and 6 section and Feeder 1, 2, 3 and 10 sections are adequate for the New/Existing Loads and make recommendations and design changes if they are not. If new bus work is required in the existing recloser sections, the consultant will be responsible for designing new buswork, structures, foundation, etc. for this section or verify that the existing structures and foundation are adequate for the new buswork.
- c. Currently there is no way to tie the bus between D1 and D2 together in the D2 substation yard. DHA will be required to design and include the requirements needed to tie the D1 and D2 12.47kV bus section together via existing switch DT-LO.

26.5. GROUNDING:

- a. Ground grid and grounding plan for all new equipment and any requirements/ties to existing equipment/ground grid. Existing ground grid at D2 substation will need to be verified if design is to attached to and/or use existing ground grid.

26.6. SITE:

- a. Site Plan, equipment layout and survey requirements.
- b. Soil samples, earthwork design and seismic testing requirements of site.
- c. Perimeter fencing, signage and lighting requirements (New/Existing)
- d. Site grading, fill, crushed rock surfacing, new access road/entrance, top soil and landscaping.
- e. Additions to, updates to and removal of portions of the CITY's existing SPCC Site plan for D1, D2 and BPA #1 substations.
- f. DHA must verify that the existing oil containment for SPCC is adequate for both D1 and D2 transformers and determine if a New Oil containment is needed. DHA will be responsible for the design of the Oil Containment either new or tying into the existing one.
- g. Conduit run and vault requirements.
- h. Control and power cable design to/from and between each piece of new and existing equipment.

26.7. MISC.:

- a. Update the CITY's existing Arc Flash analysis for D1 Substation.
- b. DHA will be required to develop testing requirements for a third party substation-commissioning agency for startup of the substation.
- c. DHA will be required to design all structural steel, foundation, framework, etc. and determine load requirements for all equipment related to the items included in this scope of work.
- d. DHA will be required to create a concrete testing plan to verify the spec requirement that will be executed by the contractor during construction.
- e. DHA will be responsible with writing technical specifications to allow the CITY to purchase major equipment as indicated under 26.1 Main Equipment.
- f. DHA will be required to design for the installation of a new circuit breaker in the existing D2 lineup including revised protection settings.
- g. DHA will provide a design for the replacement of the existing brown glass substation switches with polymer or similar switches.

- B. Design requirements needed to remove/demo including transportation requirement and proper disposal procedures of the following:

These requirements must meet the current agreement between the BPA and City of Ellensburg.

- a. Removal of all equipment associated to the BPA #1 substation that include the Fuse Section, Transformer, Circuit Breaker, Service Transformers, all overhead

bus, cables etc. including foundation removal, structure/tower removal, everything down the bare substation rock remaining at the BPA substation yard downstream of the Fuse Sections.

- b. Removal of all feeder ties between the BPA #1 substation and existing D2 Substation, including Poles, tower, cables, etc.
 - c. Repeat the above scope Items, (a - b) for the old BPA Feeder 2 substation that used to be located in the BPA substation yard. The Transformer, Circuit Breaker and Fuses were already removed, only support structures, foundations, towers, etc. remain.
 - d. Removal of the D1R regulator and buswork/switches located in the D2 Substation yard.
 - e. Removal/cleaning of substation rock and soil, if required. DHA will verify soil sample test procedures, etc. in determining if the substation rock and soil needs to be removed/cleaned.
 - f. Replacement/installation of any ground grid requirements in the BPA yard after the removal of any foundations, structures, etc. or to bring it up to current standards.
- C. Coordinate the removal and installation of the BPA control house main/temp services:
- a. Currently the BPA's control house is served off a bank of pole mount transformers fed off of the existing BPA #1 transformer. In sequence with this project, BPA will need a different main service feed due to the removal of the BPA #1 Transformer.
 - b. DHA will help design, coordinate and schedule this outage/transition of the main/temp service ties between BPA and the City during the construction of the D1 Substation.
- D. Assist the CITY in developing a sequence and schedule of this work for the City's contractor and BPA, and to provide the CITY with an estimated Engineering cost for the construction and equipment for the project. The construction is assumed to be a phased approach to minimize outages and down time.
- E. Determine any and all permits that pertain to the project that the City of Ellensburg and/or contractor may need. Including but not limited to Federal, State, Local and Environmental permits.
- F. Design and Develop a construction contract bid for all of the items referenced in the Anticipated Scope of Work/Above items to include the following:
- a. Construction Bid Specifications Section.
 - b. Bill of materials section.
 - c. Construction Drawings

- d. The City of Ellensburg will develop the Main Bid Document Template. The above items will be attached as Appendices.
- G. DHA will be required to answer questions throughout the Construction phases from start to finish and be present on site during major milestones throughout the construction process. It is anticipated that DHA will be onsite 1 day per week during the construction process and during milestones of concrete pours, rebar installations, ground grid installation, transformer delivery and others as requested by the CITY.
- H. DHA will be required to provide detailed equipment manuals, in both electronic copy and three ring binder form, for each piece of new equipment installed that is to include Installation Instruction, User Manual and Maintenance Manuals.
- I. DHA will be required to maintain an FTP site for the duration of the project. This site will be used to exchange documents between the CITY and DHA.
- J. DHA will be responsible for updating all construction drawings that will be provided by the contractor after construction is complete. These construction record drawings will be organized into a final construction drawing package and provided to the CITY in both PDF and AutoCAD (version 2020 in dwg format or newer).
- K. DHA will be required to develop a power point presentation and be on site to present the D1 Substation improvements to City Council at a future meeting prior to bid.
- L. All documents provided by DHA shall be for the CITY's unrestricted use.
- M. Submittal/Review process;
 - a. DHA shall issue the Construction Bid Specification Section, Bill of Materials and Construction drawings to the CITY for review and should follow the format below with an estimated 5 stage review/approval process. Any and all comments and recommendations from the CITY for specific changes should be accounted for in the consultants estimate cost;
 - i. Pre Design, 20% complete.
 - ii. Schematic designs, 50% complete.
 - iii. Construction Documents, 90% complete.
 - iv. Final Design, 98% complete.
 - v. Bid Documents, 100% complete.

EXHIBIT B
AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN THE CITY OF ELLENSBURG
AND
D. HITTLE & ASSOCIATES, INC.

RELATING TO: Dolarway (D1) Substation Design and Improvements

Design Schedule

Notice to Proceed – Mid September 2021
Pre Design, 20% complete – Mid October 2021
Schematic designs, 50% complete – Mid November 2021
Construction Documents, 90% complete – Mid January 2022
Final Design, 98% complete – Mid February 2022
Bid Documents, 100% complete – End of February 2022.

Construction Support Schedule

Answer Bid Questions – March and April 2022
Procurement Assistance – April through November 2022
Submittal Reviews – October through December 2022
Construction Support On-site – November 2022 through March 2023
Commissioning Support – April 2023
BPA Removal Support – May 2023
Project Closeout – May through July 2023

EXHIBIT C
AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN THE CITY OF ELLENSBURG
AND
D. HITTLE & ASSOCIATES, INC.

RELATING TO: Dolarway (D1) Substation Design and Improvements

D. HITTLE & ASSOCIATES, INC.
COMPENSATION SCHEDULE – AUGUST 2021

<u>Professional Services</u>	<u>Dollars Per Hour</u>
Senior Principal Engineer/Senior Consultant	\$140-225
Principal Engineer	\$130-200
Senior Engineer/Consultant	\$125-225
Engineer/Associate Consultant	\$80-150
Assoc. Eng./Sr. Elec. Designer	\$70-160
Jr. Engineer	\$60-140
Work Order Inspections	\$130
 <u>Non-Professional Services</u>	
Electrical Designer	\$70-110
Engineering Aide/Draftsman/CADD Operator	\$55-90
Secretary/Office Aide/Analyst	\$50-90

Other Expenses

All out-of-pocket travel expenses properly chargeable to the work, including living and transportation charges while in the status of travel will be billed at actual costs plus applicable taxes. Use of a passenger car will be billed at the IRS rate per mile. All incidental reproduction, telephone and postage costs are included in the above fees.

Charges for production of check plots will be \$15 each, final ink plots will be \$25 each and plot copies will be \$10 each. Total Station charge per day is \$100.00 and Meter charge per day is \$50.00.

HOURLY BILLING RATE
D. HITTLE & ASSOCIATES, INC.
AUGUST 2021

		<u>Current Hourly Rate</u>
Eliason, Paul	Senior Designer	\$150.00
Heberling, John	Senior Consultant	\$190.00
Kelly, Wally	Senior Engineer	\$130.00
Lucke, Dave	Senior Engineer	\$190.00
Schneider, Bob	Senior Engineer	\$190.00
Steckline, Sandi	Analyst	\$90.00
Valerio, Kevin	Junior Engineer	\$120.00
Valerio, Randy	Senior Principal Engineer	\$190.00
Wharton, Gary	Senior Designer	\$140.00

EXHIBIT D
AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN THE CITY OF ELLENSBURG
AND
D. HITTLE & ASSOCIATES, INC.

RELATING TO: Dolarway (D1) Substation Design and Improvements

Design Fee

Including Pre Design, Schematic Design, Construction Documents, Final Design, Bid Documents and Material Procurements Specifications is \$150,000.

Construction Support Fee

Including Answer Bid Questions, Bid Evaluation Support, Procurement Assistance, City Council Meeting, Submittal Reviews, Construction Support On-site visits, Commissioning Support, BPA Removal Support and Project Closeout is \$100,000.

Additional Site Visits requested are \$2,000 per visit to include up to 6 hours of on site time (10 total hours including travel).



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: September 7, 2021

Item Title/Agenda Subject: Pearl Street Promenade Analysis and Budget Adjustment

Submitted by: Brad Case Parks and Recreation

Recommended Action or Motion: Authorize staff to move forward with a Professional Services Agreement for the analysis of the potential closure of Pearl Street between 4th and 5th Avenues for transformation into a pedestrian promenade, and authorize the necessary budget adjustments.

Background/Summary: The Ellensburg City Council, at its July 19, 2021 meeting, received a request from the Ellensburg Downtown Association (EDA), through the city's annual comprehensive plan documenting process, to change Pearl Street between 4th Avenue and 5th Avenue into a pedestrian only zone. The EDA believes that this change, along with the future development of Unity Park, will result in a economic vitality throughout the downtown, create a destination zone and attract new businesses to the downtown, and enhance the downtown music, culture, and arts scene.

The opportunity to study the closure of Pearl Street is timely with the Unity Park master planning process scheduled to resume this fall. Work on the Pearl Street closure analysis would be completed by November, which would then allow the Unity Park planning effort to incorporate any decisions by City Council related to Pearl Street into the final park design. One of the main strategies with the Unity Park design is to determine how the park could best interface with 4th Avenue and Pearl Street.

Previous Council Action: At its July 19 meeting, Council voiced support of studying the impacts of the Pearl Street closure between 4th & 5th Avenue but voted against docketing the proposal as a part of their annual comprehensive plan update process. There was a desire from Council to have this issue brought back by staff for further discussion.

Analysis:

If authorized, the consultant, ECONorthwest, will focus the analysis to look at case studies from other cities similar in size to Ellensburg where investments have been made in street activation, which is the concept that through design you can create spaces that people want to visit and stay, and the lessons learned from those investments. Other areas to be explored through the study are: event programming, parking and alley use impacts, and valuation of the rights-of-way and operations. The analysis work would begin in September and be completed in early November.

Financial Impact:

A 2021 budget adjustment of up to \$15,000 will be required for the project in the City's General Fund, with funding directed from the Sales Tax Reserve Fund.

Attachments:

[ECONorthwest Scope of Work-Ellensburg Pearl St](#)

DATE: August 17, 2021
TO: City of Ellensburg, WA
FROM: Andres Arjona and Emily Picha
SUBJECT: Scope of Work - Evaluation Framework for Pedestrianizing Pearl Street

Project Understanding

Pearl Street, especially the stretch between 4th Avenue and 5th Avenue, serves as the heart of downtown Ellensburg. In 2019, the City of Ellensburg acquired land on the corner of 4th Ave and Pearl Street to create a public park. Historically, the street has also hosted public events such as Jazz in the Valley, Hoedown in Downtown, the Farmer's Market, and the Rodeo Kickoff Breakfast. Some of these public events require the City to close the adjacent Pearl Street between 4th and 5th Avenue to vehicular traffic.

The City, key businesses, and the Ellensburg Downtown Association have sought ways to enliven downtown streets to bolster downtown's visitor numbers. Like business districts across Washington, the COVID-19 pandemic severely disrupted business activities in downtown Ellensburg. Some restaurants in the area created street eateries in the public right of way, which have become a popular way to help businesses remain financially viable. As a long-term investment, the Ellensburg Downtown Association has proposed that the City explore closing Pearl Street from 4th to 5th Avenues. The City of Ellensburg is interested in understanding the implications of closing Pearl Street between 4th and 5th to vehicular traffic, either seasonally or year-round. In particular, the City is interested in understanding the impacts to traffic, vehicular circulation, business activities, and overall business district health.

Approach

There is a diverse set of businesses and residents in Downtown Ellensburg, each of which uses the public right of way and off-street parking differently. This project would consider the impacts of closing Pearl Street might have for businesses and residents. For businesses, ECONorthwest would consider the impacts a closure might have for their customers, employees, and deliveries. For residents, we would consider the impacts on their parking and property value. We will also consider broader impacts to downtown transportation connectivity.

Work Program

Task 1 - Case Study Research on Pedestrianized Streets

Targeted case study research will help to tell the story of how in-street commerce can positively impact local communities and business districts. We will develop three case studies of communities similar to Ellensburg that have made comparable investments in street activation, and the lessons learned from those investments. We will focus on economic impacts and benefits of in-street commerce to look at where costs and benefits accrue for different parties and users of the right-of-way.

Deliverable: A memorandum summarizing the case study investments and key takeaways for Ellensburg.

Task 2 - Investment Decision Framework

The purpose of this task will be to develop a high-level, preliminary framework that the City can use as it thinks through possible investments in Pearl Street. To inform the framework, we will draw upon the case study findings in Task 1 and initiate a set of up to five interviews/small group meetings with the Downtown Association and a limited number of businesses or other downtown stakeholders (to be discussed with the City). The framework will consider the following:

- **Programming and Street Activation:** We will use the case study review and interviews as a baseline to evaluate how closing the street could (1) activate the business district and (2) create synergies with the proposed new park adjacent to Pearl Street. We will explore the following research questions:
 - **What types of businesses succeed on a pedestrianized street?** We will identify the types of businesses that are naturally positioned to take advantage of a street closure by expanding their business' footprint into the right-of-way (i.e. "streeteries").
 - **What programming should the City consider on Pearl Street and its new park for optimal activation?** We will glean ideas from the case studies and stakeholder interviews. The goal of this work will be to inform the park design work starting in 2022.
 - **What are some of the possible street closure configurations?** We will look into the tradeoffs of closing Pearl Street, fully or partially, for different types of businesses.
- **Vehicle Curb Space Needs:** We will explore the following research questions:
 - **How might removing street parking impact businesses? Are there other areas with surplus parking in downtown that could accommodate the displaced parking supply?** We will complete a high-level review of the downtown parking plan and other applicable documents to help identify possible effects of street closure on parking demand and supply. This will include an evaluation of seasonal impacts, including when the college students are not in town during the summer season.
 - **How do Pearl Street businesses use alley space used for circulation, freight, and deliveries?** We will look into how freight and service vehicles might be impacted by a full or partial closure of Pearl Street.
- **Valuation of the Right-of-Way and Operations:** We will explore the following research questions:
 - **What are options for how the City could value its right-of-way for business use?** We will conduct a high-level evaluation of how to value the space and general willingness to pay by business owners. We will hear from downtown stakeholders about their thoughts for possible valuation of the public right-of-way.

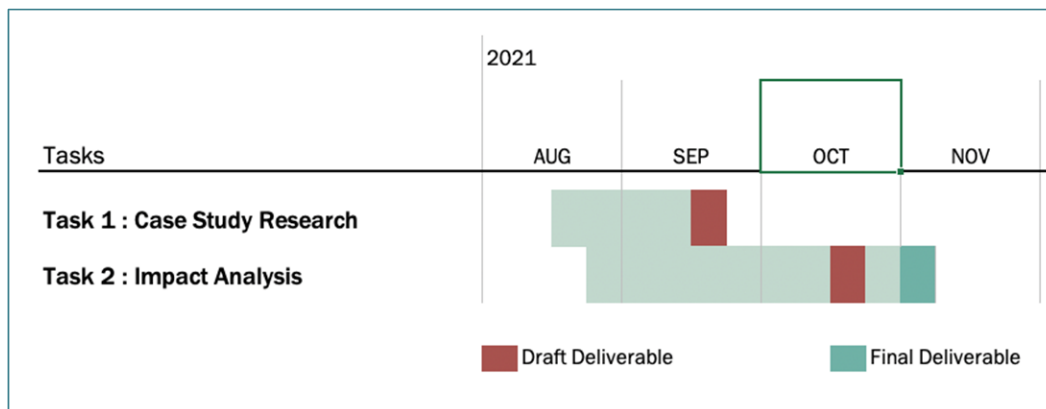
- **What implementation considerations does the City need to account for?** We will outline some options for who could maintain the closed street, and options for what a permit process could look like for business use of the ROW.

Deliverable: A technical memorandum that outlines an evaluation framework for the proposed Pearl Street closure, including trade-offs to businesses, customers, and residents of converting Pearl Street for pedestrianization. We will also evaluate the tradeoffs of a year-round versus seasonal closure.

Schedule and Budget

We proposed to complete this scope of work on a time and materials basis, for a not-to-exceed amount of \$10,000. Below is our proposed timeline.

Figure 1: Schedule



ECONorthwest Team

- Tyler Bump, Project Director
- Emily Picha, Project Manager
- Andrés Arjona, Project Associate



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: September 7, 2021

Item Title/Agenda Subject: Multifamily Housing Limited Property Tax Exemption Final Certificate for Patricia Place Center

Submitted by: Jamey Ayling Community Development

Recommended Action or Motion: Staff recommends that the City Council authorize the City Manager to sign the final certificate of tax exemption for Patricia Place Center.

Background/Summary: Patricia Place, LLC has requested to receive the final certificate for the Multifamily Housing Tax Exemption (MFTE) for the development known as Patricia Place Center. The project located at 407 N. Water Street contains 16 multi-family units, and has been issued a certificate of occupancy under Building Permit number B19-278. The MFTE would allow for the value of the new housing construction to be exempt from ad valorem property taxation for a period of eight successive years, beginning January 1st of the year immediately following the calendar year of issuance of the certificate. The tax exemption does not include the value of the land or any non-housing related improvements.

Consistent with the planning goals of the Growth Management Act (GMA), the State of Washington has provided various means of promoting affordable housing, including multifamily housing, in urban centers. One such incentive is provided through offering tax exemptions for multifamily developments in urban centers that meet the specific criteria outlined in Chapter 84.14 RCW. The purpose statement in RCW 84.14.007 reads as follows:

...It is further the purpose of this chapter to stimulate the construction of new multifamily housing and the rehabilitation of existing vacant and underutilized buildings for multifamily housing in urban centers having insufficient housing opportunities that will increase and improve residential opportunities, including affordable housing opportunities, within these urban centers. To achieve these purposes, this chapter

provides for special valuations in residentially deficient urban centers for eligible improvements associated with multiunit housing, which includes affordable housing. It is an additional purpose of this chapter to allow unincorporated areas of rural counties that are within urban growth areas to stimulate housing opportunities and for certain counties to stimulate housing opportunities near college campuses to promote dense, transit-oriented, walkable college communities.

The City has enacted Ellensburg City Code (ECC) Chapter 2.30 Multifamily Housing Tax Incentives in response to the exemption opportunity allowed for by the State. Multifamily projects that provide at least 20 percent of the units as affordable housing units are eligible for a 12-year exemption. Multifamily projects that do not include an affordable housing component are eligible for the exemption for a lesser period of 8 years. The Central Commercial (C-C) Zone has been designated by Council as the “Residential Targeted Area” within the City of Ellensburg. Since the adoption of the MFTE ordinance, four multifamily projects have received the multifamily housing tax exemption.

Previous Council Action: City Council approved the attached Resolution 2020-16 at the July 6, 2020 Council meeting. The resolution authorized the City Manager to sign the Agreement with Patricia Place Center for property tax exemption, which was attached as Exhibit A to the resolution.

Analysis: Patricia Place Center submitted an application to receive the 8-year tax exemption for the new 16-unit apartment complex located at 407 N. Water Street. A vacant house was previously located on the site.

The eligibility requirements and procedures for approving a MFTE project are described in Chapter 2.30 ECC. The project has been found to meet the eligibility requirements of ECC 2.30.060, and a contract with the City was executed July 6, 2020, pursuant to ECC 2.30.060(B).

The Developer has completed the improvements agreed upon in the contract between the applicant and the city, and the applicant has requested a final certificate of tax exemption, pursuant to ECC 2.30.080.

Per ECC 2.30.090 the request for final certificate of tax exemption shall be filed with the County Assessor if the director determines the project has been completed in accordance with the contract between the city and the applicant.

Financial Impact:

The exemption of the property tax will delay the increase in the amount of property tax associated with this development collected by the County over an 8-year period beginning in 2022. The estimated property tax revenue reduction to the city based on improvement value of \$2.5 million would be approximately \$4,500 each year through 2029.

Attachments:

[Resolution 2020-16 and Agreement for Patricia Place LLC](#)
[Final Certificate of Tax Exemption](#)

RESOLUTION NO. 2020-16

A RESOLUTION of the City Council of the City of Ellensburg approving an agreement with Patricia Place, LLC for property tax exemption.

WHEREAS, the City of Ellensburg desires to stimulate new construction of multifamily housing in the downtown, in order to encourage increased residential opportunities within the central commercial zone, to stimulate new construction or rehabilitation of existing vacant and underutilized buildings for multifamily housing in the central commercial zone to increase and improve housing opportunities, and to reduce development pressure on single-family residential neighborhoods; and

WHEREAS, the City is interested in promoting new housing in the downtown area of the City of Ellensburg; and

WHEREAS, the City has, pursuant to authority granted to by Chapter 84.14 RCW, designated the Central Commercial zoned area of the city as a Residential Target Area for the provision of limited property tax exemptions for new multifamily residential housing; and

WHEREAS, the City has, as set forth at Chapter 2.30 of the Ellensburg City Code (“ECC”), enacted a program whereby property owners may qualify for a Final Certificate of Tax Exemption which certifies to the Kittitas County Assessor and Treasurer that the Applicant is eligible to receive a limited property tax exemption; and

WHEREAS, Patricia Place LLC (Applicant) is interested in receiving a limited property tax exemption for the construction of new multifamily residential housing within the central commercial zone, which is a designated “Residential Target Area” identified in Chapter 2.30 ECC; and

WHEREAS, the Applicant has submitted to the City a complete application for the City’s limited tax exemption program outlining the development of new multifamily residential housing being constructed on property addressed as 407 N. Water Street Ellensburg, WA, Parcel ID # 357833, and more particularly described as CD. 1421; TWN EBURG; DEPOT ADD. S 55 FT OF LOT 9 BLK 13 (“Property”); and

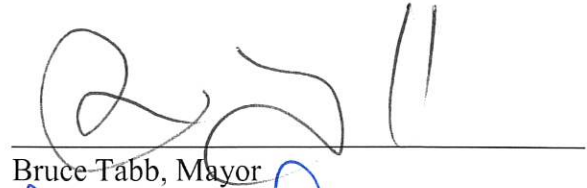
WHEREAS, the City has determined that the improvements to the Property satisfy the requirements for a Final Certificate of Tax Exemption.

NOW THEREFORE, the City Council for the City of Ellensburg do resolve as follows:

Section. 1. The Multifamily Housing Limited Property Tax Exemption Agreement attached hereto as Exhibit A between Patricia Place, LLC and the City of Ellensburg, a Washington Municipal Corporation, is approved.

Section 2. The City Manager of the City of Ellensburg or his designee is authorized to execute the attached Exhibit A.

ADOPTED by the City Council of the City of Ellensburg on 6th day of July, 2020.



Bruce Tabb, Mayor

ATTEST:



Beth Leader, City Clerk

Exhibit "A"

**MULTIFAMILY HOUSING LIMITED PROPERTY TAX EXEMPTION
AGREEMENT**

THIS AGREEMENT is entered into this 6th day of July, 2020, by and between PATRICIA PLACE LLC, a Washington Limited Liability Corporation (hereinafter referred to as "Applicant"), and the CITY OF ELLENSBURG, a Washington municipal corporation (hereinafter referred to as "City").

WITNESSETH:

WHEREAS, the City desires to stimulate new construction of multifamily housing in the downtown, in order to encourage increased residential opportunities within the central commercial zone, to stimulate new construction or rehabilitation of existing vacant and underutilized buildings for multifamily housing in the central commercial zone to increase and improve housing opportunities, and to reduce development pressure on single-family residential neighborhoods, and

WHEREAS, the City is interested in promoting new housing in the downtown area of the City of Ellensburg, and

WHEREAS, the City has, pursuant to authority granted to by Chapter 84.14 RCW, designated the Central Commercial zoned area of the city as a Residential Target Area for the provision of limited property tax exemptions for new multifamily residential housing, and

WHEREAS, the City has, as set forth at Chapter 2.30 of the Ellensburg City Code ("ECC"), enacted a program whereby property owners may qualify for a Final Certificate of Tax Exemption which certifies to the Kittitas County Assessor and Treasurer that the Applicant is eligible to receive a limited property tax exemption, and

WHEREAS, the Applicant is interested in receiving a limited property tax exemption for constructing units of new multifamily residential housing, to be known as "The Patricia Place Center", within the Central Commercial zoning district, which is a Designated Residential Target Area identified in ECC 2.30.020, and

WHEREAS, the Applicant has submitted to the City a complete application for the City's limited tax exemption program outlining the development of new multifamily residential housing being constructed on property addressed as 407 N. Water Street Ellensburg, WA, Parcel ID # 357833, and more particularly described as CD. 1421; TWN EBURG; DEPOT ADD. S 55 FT OF LOT 9 BLK 13 ("Property"), and

WHEREAS, the City has determined that the improvements to the Property will, if completed as proposed, satisfy the requirements for a Final Certificate of Tax Exemption,

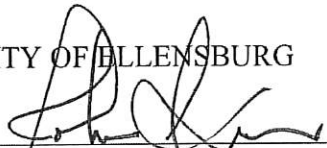
NOW THEREFORE, the City and Applicant mutually agree as follows:

1. The City agrees to issue the Applicant a Conditional Certificate of Acceptance of Tax Exemption.
2. The Applicant agrees to construct on the site multifamily residential housing units as described in the approved site plans, floor plans, and elevations on file with the City as of the date of City Council approval of this agreement.
3. The Applicant agrees that the property must satisfy any eligibility conditions contained in Chapter 2.30 ECC for the duration of the tax exemption.
4. The Applicant is requesting an X EIGHT or a TWELVE year (check one) limited property tax exemption. (If a twelve year exemption, the Applicant commits to renting or selling at least twenty percent (20%) of the multifamily housing units constructed on the site as housing units affordable for low or moderate-income households as defined by ECC 2.30.015).
5. The Applicant agrees to complete construction of the agreed upon improvements within three years from the date the City issues the Conditional Certificate of Acceptance of Tax Exemption, or within any extension thereof granted by the City.

6. The Applicant agrees, upon completion of the improvements and upon issuance by the City of a temporary or permanent certificate of occupancy, to file with the City's Community Development Director ("Director") the following:
 - (a) A statement of expenditures made with respect to each multifamily housing unit and the total expenditures made with respect to the entire property;
 - (b) A description of the completed work and a statement of qualifications for the exemption;
 - (c) A statement that the work was completed within the required three-year period or any authorized extension.
7. The City agrees, conditioned on the Applicant's successful completion of the improvements in accordance with the terms of this Agreement and on the Applicant's filing of the materials described in Paragraph 6 above, to file a Final Certificate of Tax Exemption with the Kittitas County Treasurer and Assessor within forty days.
8. The Applicant agrees, within 30 days following the first anniversary of the City's filing of the Final Certificate of Tax Exemption, and each year thereafter for a period of eight years, to file a notarized declaration with the Director indicating the following:
 - (a) A statement identifying the total number of occupied and vacant multifamily units receiving a property tax exemption;
 - (b) A certification that the property continues to be in compliance with this Agreement, Chapter 2.30 ECC, and Chapter 84.14 RCW;
 - (c) A description of any subsequent improvements or changes to the property constructed after the issuance of the certificate of tax exemption;
 - (d) The total monthly rent for each unit; and
 - (e) Documentation of the income of each renter household at the time of initial occupancy.
9. The applicant agrees to maintain the property including all improvements in compliance with all applicable City codes and requirements.
10. The Applicant agrees to maintain records supporting all information provided to the City and to make those records and the multifamily units available for inspection by the City. Failure to submit the annual declaration identified in Paragraph 8 or to maintain adequate records may result in the tax exemption being canceled.

11. If the Applicant converts to another use any of the new multifamily residential housing units constructed under this Agreement, the Applicant shall notify the Kittitas County Assessor and Treasurer and the Director within 60 days of such change in use.
12. The Applicant agrees to notify the Director promptly of any transfer of the Applicant's ownership interest in the site or in the improvements made to the site under this Agreement.
13. The City reserves the right to cancel the Final Certificate of Tax Exemption should the Applicant, its successors and assigns, fail to comply with any of the terms and conditions of this Agreement. Cancellation of the Final Certificate of Tax Exemption may subject the Applicant to potential tax liability as further described in Chapter 84.14 RCW. No modifications of this Agreement shall be made unless mutually agreed upon by the parties in writing.
14. In the event that any term or clause of this Agreement conflicts with applicable law, such conflict shall not affect other terms of this Agreement which can be given effect without the conflicting term or clause, and to this end, the terms of this Agreement are declared to be severable.
15. Applicant agrees that this Agreement is subject to the Ellensburg MultiFamily Housing Tax Exemption set forth in Chapter 2.30 of the Ellensburg City Code.

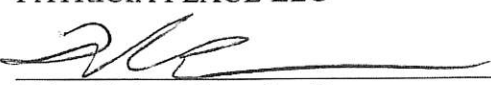
CITY OF ELLENSBURG



John Akers, City Manager

Date: 7-6-2020

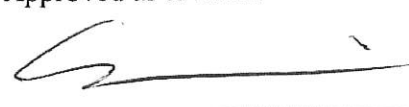
PATRICIA PLACE LLC



Tyler Glahn, Managing Partner

Date: 7-9-2020

Approved as to form:



Terry Weiner, City Attorney

STATE OF WASHINGTON)
) ss.
County of Kittitas)

On this day personally appeared before me, the undersigned Notary Public, in and for the State of Washington, duly commissioned and sworn, John Akers, the City Manager of the CITY OF ELLENSBURG, a Washington municipal corporation, which executed the within and foregoing instrument, and acknowledge the said instrument to be the free and voluntary act and deed of said city, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument.

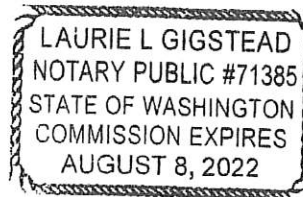
Dated this 7th day of July, 2020.

Laurie L. Gigstead

Printed Name: Laurie L. Gigstead

Notary Public in and for the State of Washington, residing at Ellensburg, WA

My Commission Expires: 8-8-2022



STATE OF WASHINGTON)

) ss.

County of Kittitas)

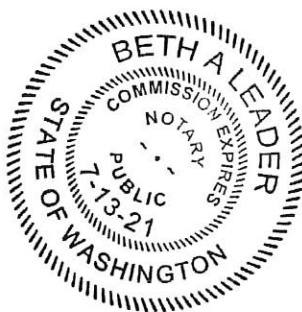
On this day personally appeared before me, the undersigned Notary Public, in and for the State of Washington, duly commissioned and sworn, TYLER GLAHN, Authorized Signatory for PATRICIA PLACE LLC, who executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said property, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

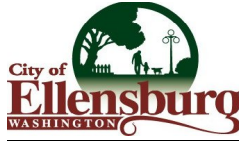
Dated this 9th day of July, 2020.

Printed Name: Beth Leader

Notary Public in and for the State of Washington, residing at Elensburg

My Commission Expires: 7-13-2021





COMMUNITY DEVELOPMENT DEPARTMENT

501 N. Anderson St., Ellensburg, WA 98926

Kirsten Sackett, Director

Phone: (509) 962-7232 Fax: (509) 925-8655 E-Mail: sackettk@ci.ellensburg.wa.us

FINAL CERTIFICATE OF TAX EXEMPTION

Kittitas County Assessor's Parcel #: 357833

Application No.: MFH Tax Exempt 20-01

Project Name: Patricia Place Center

Project Type: 16-Unit, 3-story Apt. bldg. with underground parking

Address: 407 N. Water St., Ellensburg, Washington 98926

Owner's Name: Patricia Place, LLC, Tyler Glahn, principle

Owner's Address: PO Box 454, Ellensburg, WA 98926

The City of Ellensburg City Council finds that the requirements for tax exemption in Chapter 84.14 of the Revised Code of Washington (RCW) and the Ellensburg City Code (ECC) Chapter 2.30 have been met for an eight (8) year exemption from ad valorem property taxation for multifamily housing (Market-Rate Rental Housing) in the Central Commercial (C-C) Zone, on the following described property:

CD 1421, TWN EBURG; DEPOT ADD. SOUTH 55 FT OF LOT 9 BLK 13 (B42/P144);
Map Code #17-18-02055-1309

Therefore, this Final Certificate of Tax Exemption is hereby granted to the property owner of the described parcel, to begin **January 1, 2022**, for a term of **eight (8) years**.

Signed: _____, 20____

Print name _____ Title: _____

VOUCHER APPROVAL

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


AUDITING OFFICER

9/30/21
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 **7TH DAY OF SEPTEMBER 2021**. THE COUNCIL, BY A VOTE, HAS APPROVED FOR PAYMENT THE VOUCHERS INCLUDED IN THE ABOVE LIST AND FURTHER DESCRIBED AS FOLLOWS:

Claims Fund			Total Amounts	
Check #'s	154285	TO	154503	\$ 823,572.31
EFT #'s	5005	TO	5033	\$ 1,641,865.51

Payroll Fund			Total Amounts	
Check #'s	95372	TO	95376	\$ 4,286.57
Direct Deposits	63218	TO	63444	\$ 404,870.00

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

ATTEST: _____
CITY CLERK



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: September 7, 2021

Item Title/Agenda Subject: Ellensburg Police Department 2020 Crime Report

Submitted by: Ken Wade Police

Recommended Action or Motion: Informational Report Only

Background/Summary: In past years, the Ellensburg Police Department has provided crime statistics as part of its annual report, utilizing statistics collected from the Spillman Record Management System. Although the information and the year to year comparisons provided in that report were accurate, they were not comparable to other communities. For 2020, the Ellensburg Police Department created a crime report. This Crime Report utilizes the FBI's National Incident-Based Reporting System, a system developed to collect data nationally, using defined terminology and reporting.

Previous Council Action: None

Analysis: 2020 was a year of many challenges and opportunities. The department looked at its messaging and felt it could improve the information being provided to our community and local leaders. As a result, EPD has created a report focused specifically on crime in Ellensburg and the surrounding community.

Reviewing the crime data in Ellensburg showed an increase as a whole, but with substantially decreased crimes in several areas. **The crime rate is expressed as the number of crimes for each 1,000 people.** The serious crimes (Group A) increased by 7% while less serious crimes (Group B) decreased by 29.1%. The overall crime rate of 75.9 in 2019 increased by 2.6 in 2020. The statewide crime-rate is 65.3 (10.6 lower). Arrests were lower with 85 (12%) fewer.

2020 also brought with it a surge in violent crimes. We had one murder (gunshot) and one attempted murder (stabbing). We

also experienced five drive-by shootings and 35 aggravated assaults, one being a gang related stabbing. There were nine assaults on Ellensburg Police Officers in 2020.

Mental Health calls increased 10.7% compared to 2019, which is a 230% increase compared to 2013. Suicide calls decreased by 7% compared to 2019 but compared to 2013 they have increased 80%.

In 2020 there were 29 overdose calls, 4 of which were fatal drug overdoses, three involving Fentanyl, which is a 100% increase in deaths compared to 2019.

Kittitas County wide, during 2020 EPD again had the most arrests, with 71.35% of the county-wide total, leaving 28.65% for the remaining three departments (Kittitas Police - not reported since 2017). Also, during 2020, EPD again had the most group "A" and "B" crimes with 61.53% of the county-wide total, leaving 38.47% for the remaining three departments (Kittitas Police - not reported since 2017).

There have been several significant police reform and drug possession laws which took effect this year which will create significant challenges on how we keep our community safe. Changes to the use-of-force standards and restrictions placed on enforcement tools will have the most impact. Several others, like the new pursuit requirements, restrictions on chokeholds, and reporting requirements will have less impact as these new laws were already consistent with our existing policies and practices.

EPD continues to monitor crimes in our community and has seen some improvements for 2021, however, there are several areas which raise concerns. Gang activity has increased. Drugs are having a more devastating effect. And, the community is growing weary of the 1-1/2 years of changes and uncertainty associated with COVID-19.

Financial Impact: None

Attachments:
[EPD 2020 Crime Report](#)



ELLENSBURG POLICE DEPARTMENT 2020 -CRIME REPORT

ABSTRACT

The 2020 Crime Report was developed to measure and report the department's efforts on the crimes that most effect our community and its visitors. This report utilizes the Federal Bureau of Investigations (FBI) Unified Crime Reporting (UCR), utilizing the National Incident-Based Reporting System (NIBRS). Each law enforcement agency reports crime information utilizing this system with standardized definitions and reporting process.

Chief Ken Wade

Ellensburg Police Department

Serving with Pride, Compassion and Excellence.

Welcome:

This document contains crime statistics for the city of Ellensburg, reported to the FBI by the Ellensburg Police Department utilizing the National Incident-Based Reporting System. The information contained within this report is for the 2020 reporting year. The information presented is utilized to measure crime trends and department efforts towards reducing the victimization of our community. We will continue to strive towards providing the highest quality services to our community in support of a safe, healthy and economically strong environment.

Previous year's crime statistics were presented during the department's Annual Report. The crime statistics collected and reported during previous reports were collected through our internal records management system (Spillman). Due to reporting requirements and definitions, Spillman crime data is not comparable to the NIBRS data presented in this report.

This document and the 2020 Crime in Washington Report are a component of our department's strategic goals to reduce crime and improve safety and build trust within our community.

STRATEGIC GOALS:

1. Reduce crime and improve traffic safety within our community.
2. Provide quality community services.
3. Provide leadership and resources.
4. Build trust within our community.

We hope you find this information informative.

Chief Ken Wade.

2020 Crime in Washington Report Introduction: For forty-one (41) years there has been an annual publication of the Washington State Uniform Crime Reporting (UCR) Program report of criminal offenses, arrests, law enforcement officers killed or assaulted, and full-time law enforcement employees. Funding for the Washington State UCR Program is provided through contract with the Washington State Criminal Justice Training Commission (CJTC) and administration of the program is the responsibility of the Washington Association of Sheriffs and Police Chiefs (WASPC) Criminal Justice Information Support (CJIS) Department. The Washington State UCR Program is unique in that it is sponsored, administered, and supported by an organization of contributing agency administrators rather than a bureau or department of state government.ⁱ

The 2020 Crime in Washington Report utilizes 3 categories: Crimes Against Persons, Crimes Against Property and Crimes Against Society. Additionally, there are group “A” offenses and group “B” offenses. The Ellensburg Police Department Crime Report utilized the data contained within this WASPC report.

Group “A” offenses

<u>Crimes Against Persons</u>	<u>Crimes Against Society</u>	<u>Crimes Against Property</u>
Murder	Animal Cruelty	Robbery
Negligent Manslaughter	Drug/Narcotic	Burglary/Breaking &
Rape	Violations	Entering
Sodomy	Drug Equipment	Larceny/Theft Offenses*
Sexual Assault w/Object	Violations	Motor Vehicle Theft
Fondling	Gambling Offenses*	Arson
Aggravated Assault	Pornography	Destruction of Property
Simple Assault	Prostitution Offenses*	Counterfeiting/Forgery
Intimidation	Weapon Law	Fraud Offenses*
Kidnapping	Violations	Embezzlement
Incest		Extortion/Blackmail
Statutory Rape		Bribery
Human Trafficking		Stolen Property
Offenses*		Offenses
Violation of Protection/ No Contact Order		

* Specific offenses exist within the crime category.

Group “B” Offenses.

Bad Checks	Family Offenses	Drunkenness
Curfew/Vagrancy	Liquor Law Violations	DUI
Disorderly Conduct	Peeping Tom	Trespass
All Other Offenses		

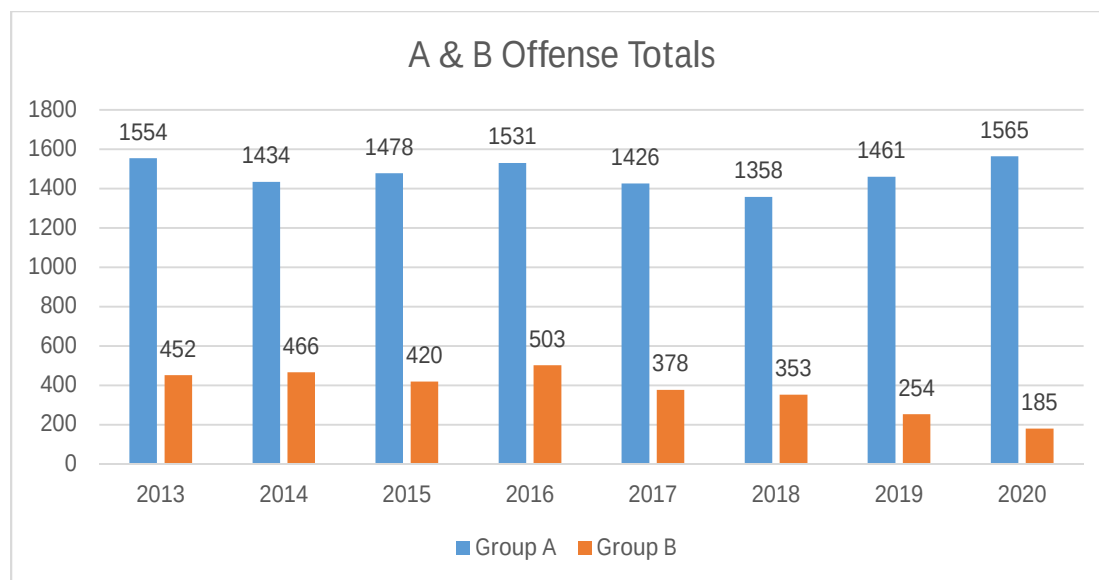
For the complete 2020 Crime in Washington Report, please visit
<https://www.waspc.org/assets/CJIS/Crime%20In%20Washington%202020-small.pdf>

Ellensburg at a Glance:

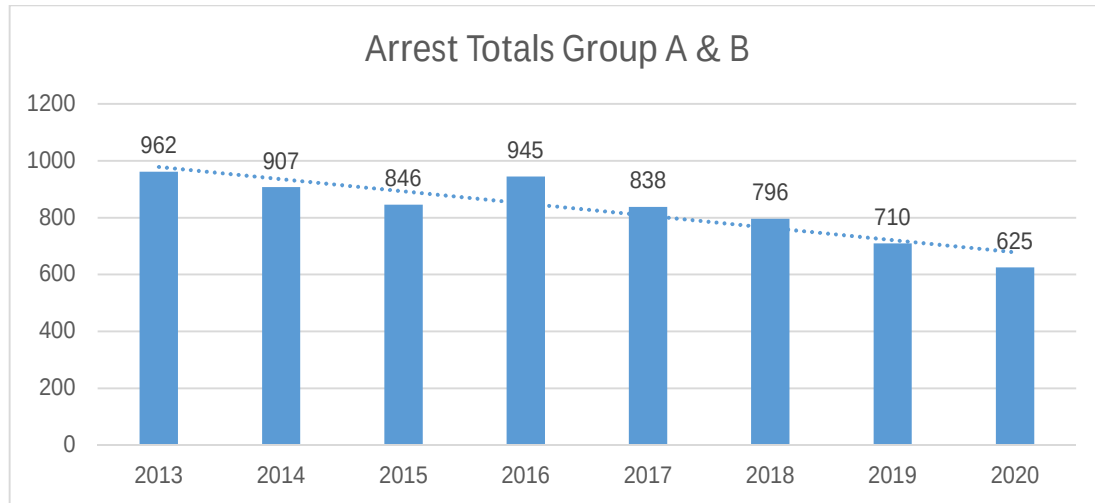
- Handled 15,142 calls in 2020. (Avg. 582 calls per officer)
- Reported 1745 NIBRS crimes.
- Made 625 NIBRS related arrest.
- Highest reported crime categories in 2020 and over the last 8 years:
 - o Aggravated Assaults - 35
 - o Robbery - 7
 - o Forgery - 28
 - o Fraud – 101 (Unemployment fraud primary cause of increase)
 - o Extortion - 4
 - o Weapon Violations - 28
 - o Trespassing – 52
- Lowest reported crime categories in 2020 and over the last 8 years:
 - o Motor vehicle thefts – 25
 - o Arsons – 1
 - o Disorderly – 10
 - o DUI – 38
 - o Liquor Violations – 37
- Crime rate increased 2.6 to 75.9

Ellensburg NIBRS Data (8 years)

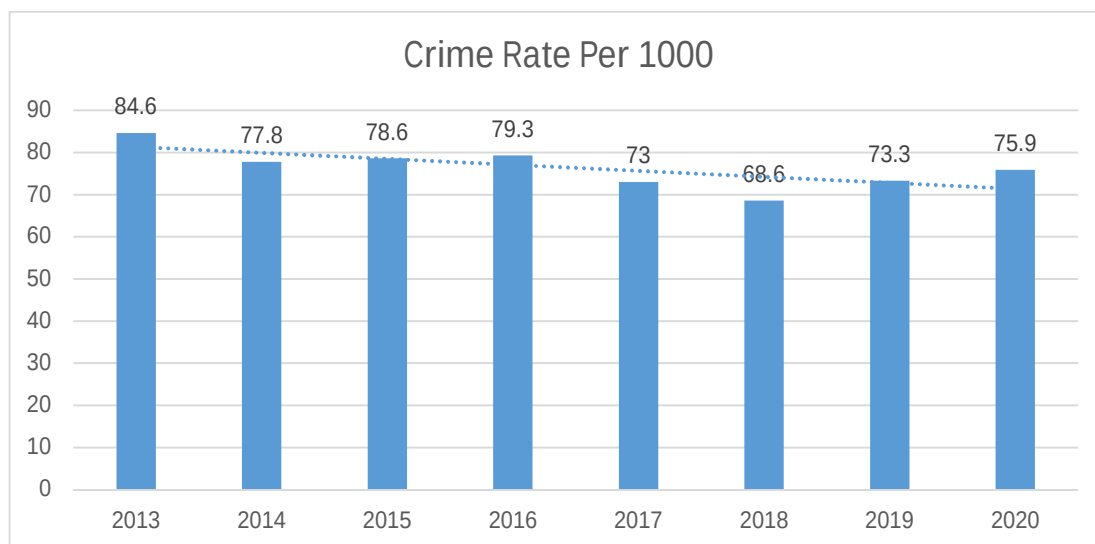
	2013	2014	2015	2016	2017	2018	2019	2020
Murder	0	0	0	0	1	0	0	2
Manslaughter	0	0	0	0	0	1	0	0
Rape	9	6	4	8	11	13	11	9
Sodomy	0	0	1	0	0	1	0	0
Sexual Assault w/object	0	0	0	0	0	1	0	0
Fondling	4	4	9	5	7	13	5	12
Agg. Assault	17	16	14	12	16	23	30	35
Simple Assault	189	185	193	195	177	143	162	169
Intimidation	12	13	13	14	8	6	6	9
Kidnapping	1	0	0	0	1	0	1	1
Incest	0	0	0	0	0	0	0	0
Stat. Rape	1	5	5	0	0	2	0	0
Human Trafficking	0	0	0	0	0	0	0	0
Viol. No-Contact Order	51	70	77	103	73	83	75	62
Robbery	7	3	7	6	4	2	2	7
Burglary	112	94	96	88	64	87	86	90
Larceny-Theft	574	524	461	515	471	506	557	494
Motor Vehicle Theft	34	25	31	40	50	36	29	25
Arson	3	4	3	2	3	5	2	1
Destruction of Property	378	287	315	251	247	191	232	337
Counterfeiting/Forgery	15	9	9	17	23	13	20	28
Fraud	14	23	54	68	69	56	81	101
Embezzlement	0	0	0	0	0	5	3	3
Extortion/Blackmail	2	1	2	1	1	2	0	4
Bribery	1	0	0	0	0	0	0	0
Stolen Property	22	33	17	13	23	16	14	18
Drugs/Narco	62	70	101	127	120	94	97	98
Drug Equip	19	32	28	32	34	30	25	26
Gambling	0	0	0	0	0	0	0	0
Pornography	0	5	6	9	5	5	6	4
Prostitution	0	0	7	0	0	1	1	2
Weapons Violations	27	25	25	25	18	23	16	28
Bad Checks	1	2	0	0	1	0	0	0
Curfew	0	0	0	0	0	0	0	0
Disorderly	113	127	115	116	87	73	19	10
DUI	84	109	92	133	129	75	75	38
Family Offenses	0	0	0	0	0	1	1	0
Liquor Violations	177	161	154	170	103	100	54	37
Peeping Tom	0	0	0	0	0	0	1	0
Tresspass	24	25	20	45	19	41	49	52
All Other Offenses	53	42	39	39	39	63	55	43
Crime Rate Per 1000	84.6	77.8	78.6	79.3	73	68.6	73.3	75.9
Property Value	\$1,753,492	\$779,279	\$761,054	\$1,163,296	\$1,496,247	\$561,111	\$1,917,720	1,123,219



The serious crimes (Group A) increased by 7% while less serious crimes (Group B) decreased by 29.1%. Overall crime rate increased by 2.6 compared to 2019 to 75.9. The statewide crime-rate is 65.3 (10.6 lower). The largest increase came in the area of destruction of property, which rose 105 cases for a 45% increase. This category is largely the malicious mischief crimes. Beginning early in 2020, we saw an increase in gang related activity and subsequent “tagging” of properties. The increase is largely the responsibility of a few individuals which we have identified and criminally charged, but due to COVID restrictions closing the courts and juvenile probation services these crimes continued. What was once limited to a few locations has now spread throughout the city. Next highest are fraud offenses, with an increase of 20 additional cases over 2019. This increase is attributed to the statewide unemployment fraud crimes which occurred as a result of the huge increase in COVID related unemployment applications.

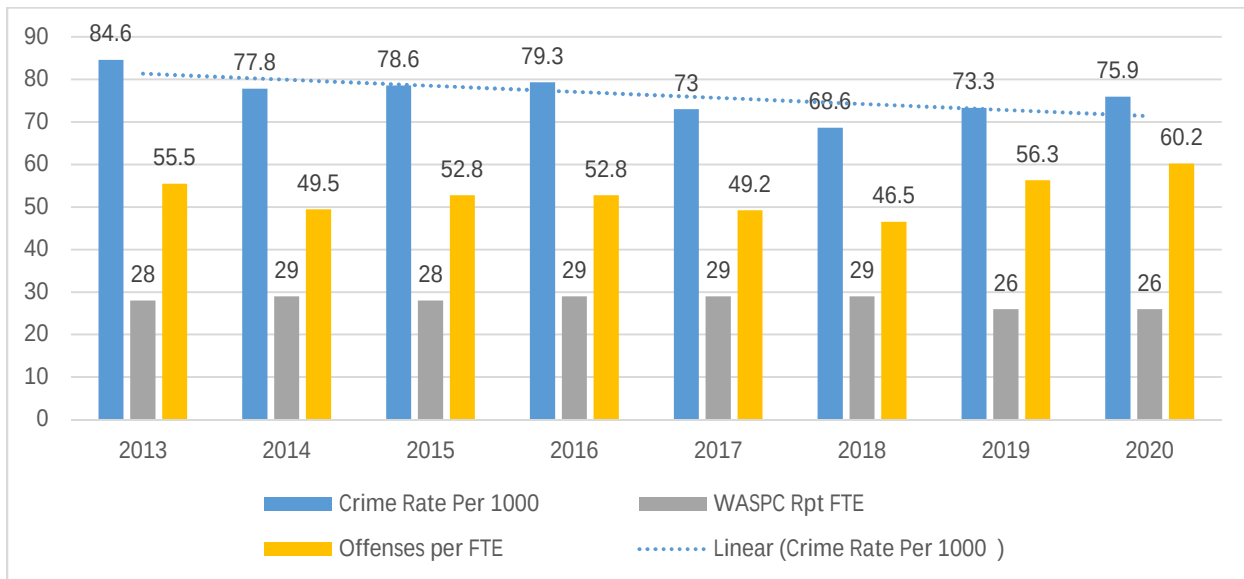


The arrest totals from 2020 faced many challenges. Our staffing was at 26 commissioned officers coupled with the many contact restrictions due to COVID, the booking restrictions at the jail, and delays in laboratory analysis of evidence added to the overall reduction. We lost the ability to deter some crime by incarcerating our high-volume offenders and the threat of jail for those first-time violators. A challenge moving forward is going to be how to effectively move the criminal justice system forward, holding criminals accountable and seeking justice for the victims, with a one-year backlog of cases.



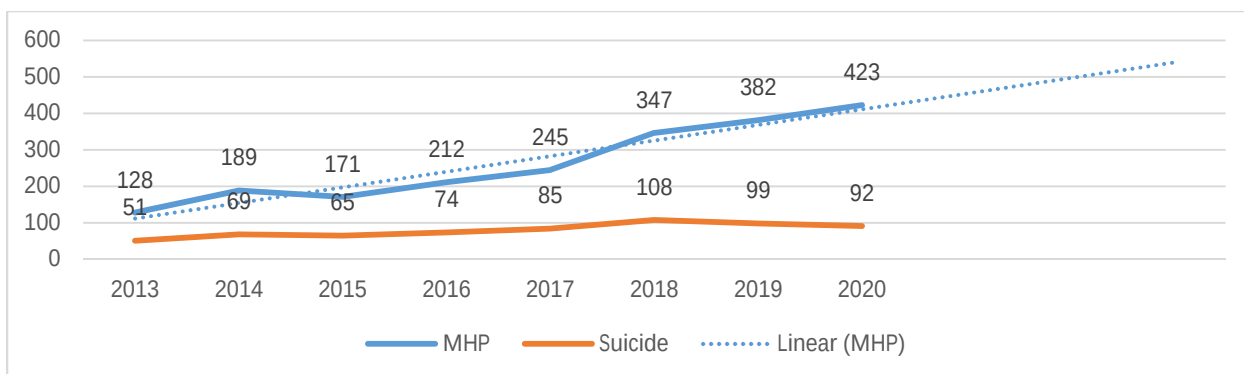
As discussed previously in this report, the large increase in property and fraud crimes account for most of the increase in our crime rate.

Commissioned FTE's – Crime Rate



The challenges we faced during 2019 and 2020 was finding highly qualified candidates to fill our vacancies, which resulted in reduced staffing levels for our patrol division. We have fortunately hired several outstanding officers and currently have no police officer vacancies. In 2000, the department had 23 police officers. In 2007, with the passage of the 3/10th sales tax increase, the city council increased our commissioned officers to 29, where we remain today.

Mental Health Referrals:

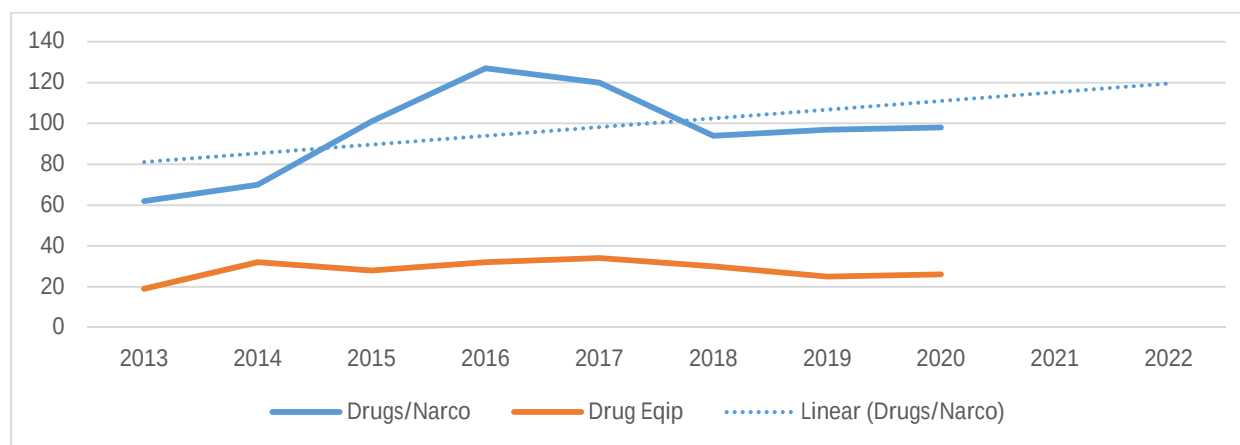


Mental Health calls increased 10.7% compared to 2019, but a 230% increase compared to 2013. Suicide calls decreased by 7% compared to 2019 but compared to 2013 they have increased 80%. We are hopeful there is some

progress as we have seen a slight reduction in suicide reports over the last three years.

The 2021 legislative reform measure will have an impact with how we respond to our Mental Health related calls. We are working closely with our partners in the mental health community to continue our service, within the confines of the new laws. How we respond will be handled on a call-by-call basis, triaged by the assigned officer and supervisor.

Drug Crimes



Drug effects on the community: We have been successful in reducing drug trafficking in our community through the efforts of our Anti-Crime Unit and the increased awareness of our patrol officers. Beginning in 2016, through their investigations and subsequent arrests, we were able to remove several highly active criminals from our community. The disruption caused by arresting these individuals also forced other traffickers to change tactics, becoming suspect of those to which they were selling. However, since 2018 we have seen the slow increase in information and arrests for possession and trafficking.

It was also 2018 when we received our first lab confirmed case involving Fentanyl. This highly addictive and dangerous drug has been responsible for most of our fatal drug overdoses since that time. In 2020 there were 29 overdose calls, 4 of which were fatal drug overdoses, three involving Fentanyl, which is a 100% increase in deaths compared to 2019.

We have also been working hard on non-enforcement solutions to help save lives and curb the crimes related to substance abuse disorder. As I have reported

before, we instituted our NARCAN program in 2018 and since then we have utilized it 17 times, and in January of 2021, we partnered with Dr. David Douglas to assist in the pathway to recovery. We continue to research programs throughout the nation, looking for opportunities which will best serve of community's drug problem.

This Spring, the Washington State Supreme Court ruled our drug possession law unconstitutional. The legislative response to this was disappointing, making possession of extremely dangerous and addicting drugs a simple misdemeanor and only enforceable after three contacts and referrals from police. Substance abuse continues to impact our community and the state, but the legislature continues to fail in providing adequate direction and resources. This will lead to more drug related deaths, higher rates of crime, increased homelessness, food instability and a reduction in the quality of life for those in our community.

General Analysis of 2020: With the nationwide COVID pandemic and social justice movement, using 2020 crime statistics to measure trends would be highly inaccurate. Locally, the nearly year-long closure of bars/restaurants, reduced CWU on-campus classes, on-line Ellensburg school district education, social justice protests, community activism, political discord and jail booking limitations played a significant role in our 2020 crime patterns. These influences, coupled with safety protocols instituted by EPD administration, created a unique and challenging year for crime prevention and accountability.

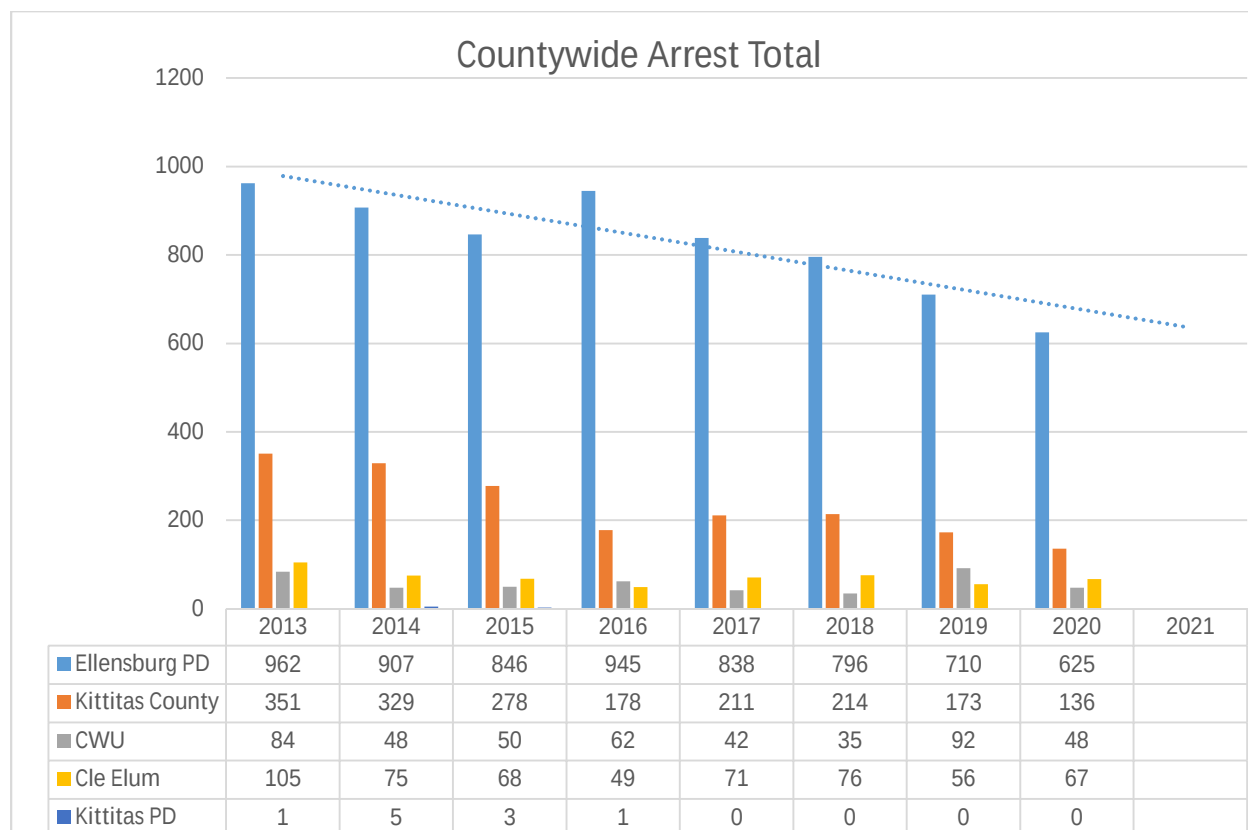
Arrests dropped by 12% compared to 2019. The crime rate increased to 75.9 per 1000, a 2.6% increase over 2019.

2020 also brought with it a surge in violent crimes. We had 1 murder (gunshot) and 1 attempted murder (stabbing). We also experienced 5 drive-by shootings and 35 aggravated assaults, one being a gang related stabbing. There were 9 assaults on Ellensburg Police Officers in 2020. Our weapons complaints and gang related crimes continue to escalate.

I had hoped to provide a forecast of anticipated criminal activity but due to the legislative changes instituted with the 2021 legislature and the anticipated changes coming during the 2022 session, I am not able to with any accuracy, other than to say that drugs and mental health will continue to have the largest influences in the safety and quality of life in our community.

The changes brought to policing by the Washington State legislature and the governor will have significant impacts to our community.

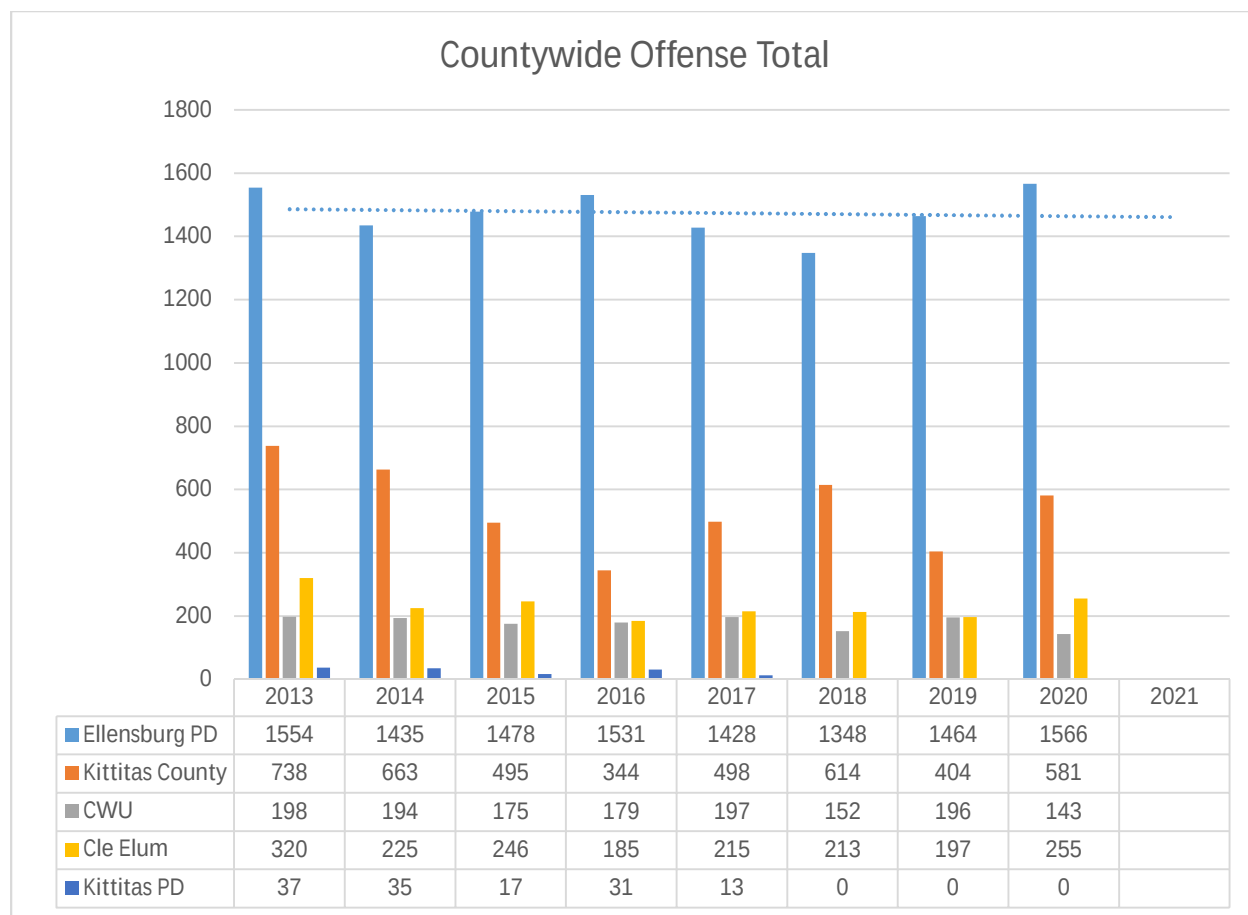
COUNTY WIDE DATA:



Percentage of Arrest total by agency

	2013	2014	2015	2016	2017	2018	2019	2020
Totals	1502	1359	1242	1234	1162	1121	1031	876
EPD	64.05%	66.74%	68.12%	76.58%	72.12%	71.01%	68.87%	71.35%
Kittitas County	23.37%	24.21%	22.38%	14.42%	18.16%	19.09%	16.78%	15.53%
CWU	5.59%	3.53%	4.03%	5.02%	3.61%	3.12%	8.92%	5.48%
Cle Elum	6.99%	5.52%	5.48%	3.97%	6.11%	6.78%	5.43%	7.65%
Kittitas PD	0.07%	0.37%	0.24%	0.08%	0.00%	0.00%	0.00%	0.00%

During 2020 EPD again had the most arrests, with 71.35% of the county-wide total, leaving 28.65% for the remaining three departments (Kittitas Police - not reported since 2017). Restrictions put in place to deal with COVID limited contacts, reduced staffing commissioned officers (26) and other factors led to the decrease in arrests, however; arrest percentage remained consistent county wide.



Percentage of Offense
total by agency

	2013	2014	2015	2016	2017	2018	2019	2020
Total	2847	2552	2411	2270	2351	2327	2261	2545
EPD	54.58%	56.23%	61.30%	67.44%	60.74%	57.93%	64.75%	61.53%
Kittitas County	25.92%	25.98%	20.53%	15.15%	21.18%	26.39%	17.87%	22.83%
CWU	6.95%	7.60%	7.26%	7.89%	8.38%	6.53%	8.67%	5.62%
Cle Elum	11.24%	8.82%	10.20%	8.15%	9.15%	9.15%	8.71%	10.02%
Kittitas PD	1.30%	1.37%	0.71%	1.37%	0.55%	0.00%	0.00%	0.00%

During 2020 EPD again had the most group “A” and “B” crimes with 61.53% of the county-wide total, leaving 38.47% for the remaining three departments (Kittitas Police - not reported since 2017). Given that Ellensburg has the highest population density and associated services this is not surprising.

ⁱ WASPC, “2020 Crime in Washington,” June 14, 2021, <[https://Crime In Washington 2020-small modified.pdf \(memberclicks.net\)](https://Crime%20In%20Washington%202020-small%20modified.pdf(memberclicks.net))>, June 14, 2021.



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: September 7, 2021

Item Title/Agenda Subject: Board and Commission Applications.

Submitted by: Laurie Gigstead City Manager Department

Recommended Action or Motion: Conduct the introduction of Lilly Park.

Background/Summary: One person has recently applied to serve on the Senior Citizens Advisory Commission. As directed by Council, applications are presented to Council for consideration. The attached chart shows the current vacancies and applicants. A copy of the Application for Appointment is included with the agenda report.

Previous Council Action: N/A

Analysis: There is currently one vacancy on the Senior Citizens Advisory Commission.

Financial Impact: N/A

Attachments:

[B and C Agenda Report Chart 9-7-21](#)
[Lilly Park Application](#)

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

Laurie Gigstead

From: noreply@civicplus.com
Sent: Tuesday, July 20, 2021 9:31 PM
To: Laurie Gigstead
Subject: [Ext] Online Form Submittal: Application for Appointment

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

Application for Appointment

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

Boards & Commissions Parks and Recreation Commission

Name of Applicant: Lilly Park

Address

Mailing Address (If
Different)

City Kittitas

State WA

Zip 98934

Email Address

Phone Number

Length of Residence in
Ellensburg Kittitas County: 25 + years

Do you live within the city
limits? No

If applying for the Sr.
Citizens' Advisory Board, are
you at least 55 years of
age? *Field not completed.*

Occupation Status and
Background: SW for State of Washington

Organization Affiliations: Ellensburg City Pool For 25 Years. :-)

Why are you seeking appointment?

During the Pandemic I began thinking of ways to improve the Ellensburg City Pool/ Facility. Losing access to the Pool Facility reminded me how important this recreation is to/for the City of Ellensburg!

Will you be able to attend meetings regularly if appointed?

Yes

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

Boards & Commissions

Affordable Housing Commission

Boards & Commissions

Senior Citizens Advisory Commission

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



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: September 7, 2021

Item Title/Agenda Subject: Public Hearing to Consider Annexation Request – parcels 916833, 708633, 698633 & 528633 located on the west side of Anderson Rd approximately 900 feet north of Umptanum Rd. (legislative) and first reading of an ordinance approving petition for annexation P21-066

Submitted by: Jamey Ayling Community Development

Recommended Action or Motion:

1. Approve annexation request P21-066 for parcels 916833, 708633, 698633 & 528633 located on the west side of Anderson Rd approximately 900 feet north of Umptanum Rd.; and simultaneous adoption of Light Industrial zoning; and
2. Conduct first reading of the proposed ordinance (attached)

Background/Summary: A notice of intent to commence annexation was received by the Community Development Department from MTA Holdings, LLC., property owner, to consider annexation of parcels 916833, 708633, 698633 & 528633 located at 805 Anderson Rd. The annexation request is for four parcels under the same ownership, therefore the owner's signature is 100% of the total assessed property value.

The parcels proposed for annexation are located on the west side of Anderson Road, 805 Anderson Road, approximately 900 feet north of Umptanum Road. A map of the parcels proposed to be annexed is attached to this report (Exhibit 1). Per Ellensburg City Code, annexation requests are a Type V process and therefore require a legislative public hearing before the Planning Commission, with their recommendation forwarded to City Council as the final decision maker.

The Planning Commission held a public hearing on July 15, 2021 to consider the petition for annexation, at the conclusion of which they unanimously recommended Council approve the request for annexation as presented.

Consistent with Ellensburg City Code, notice of the City Council public hearing was noticed in the Ellensburg Daily

Record on August 17, 2021 (Exhibit 7); property owners within 300 feet of the proposed annexation area were mailed a notice of public hearing (Exhibit 8); and land use action signs were posted on the property (Exhibit 9).

If the annexation request is approved by Council following the public hearing, staff also requests Council proceed with first reading of an ordinance to implement the annexation request.

Previous Council Action:

The initial meeting with Council was held on June 7, 2021 and Council unanimously determined the following:

- Accept the proposed annexation as geographically proposed in the notice of intent;
- Require the simultaneous adoption of Light-Industrial (I-L) zoning; and
- Require the annexation area to assume a proportional share of existing City indebtedness.

Analysis:

After Council's determination to accept the annexation proposal, a petition for annexation was filed with the Kittitas County Assessor. On June 22, 2021 the Assessor determined the petition for annexation sufficient with regard to legal description and corresponding owner of record (Exhibit 5).

During the July 15, 2021 Planning Commission public hearing, there were no public comments. Commissioner Harrell asked about the use associated with the rezone, and Staff stated that there are no development plans for the property at this time, but did note that a pre-application meeting had been held for a large industrial building on the adjacent parcel, and it's possible that the use may extend onto the subject property in the future. Upon completion of the public hearing, the Planning Commission unanimously recommended Council approve the annexation request as presented with simultaneous adoption of Light-Industrial zoning.

The proposed parcels to be annexed are not currently served by City utilities, nor do the parcels have Utility Extension Agreements. Once the parcels are annexed, further development will necessitate connection to City utilities by the developer. As detailed in the Public Works Department memorandum dated July 9, 2021, further development following annexation may trigger improvements consistent with

Public Works Development Standards (see Exhibit 6), in addition to a requirement to meet Ellensburg City Land Development Code standards and fire code requirements.

The parcel is bordered by City limits on the north and west sides. The incorporated parcels on the north and west sides of the proposed annexation area are zoned Light Industrial (I-L). The proposed annexation area is bordered by unincorporated land zoned by Kittitas County as Industrial to the south and east. See Exhibit 2 Zoning Map. Annexation of these parcels would be a logical extension of the City.

Staff recommends Light Industrial (I-L) zoning for the parcels proposed to be annexed. Industrial zoning of this property is supported by the Industrial designation in the Comprehensive Plan Future Land Use Map (Exhibit 3).

Financial Impact: No fiscal impact at this time.

Attachments:

[Anderson Annexation Ordinance First Reading](#)
[Exhibit 1 Proposed Annexation Area](#)
[Exhibit 2 zoning map](#)
[Exhibit 3 future land use map](#)
[Exhibit 4 Petition for Annexation](#)
[Exhibit 5 assessor verification](#)
[Exhibit 6 Public Works Comments Anderson Rd Annexation P21-066](#)
[Exhibit 7 Order Confirmation-Legal Notice](#)
[Exhibit 8 Certificate of mailing](#)
[Exhibit 9 Affidavit of Posting](#)

ORDINANCE NO. ****

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, ANNEXING PARCELS 916833, 698633, 708633 & 528633 TO THE CITY OF ELLENSBURG, WASHINGTON, ASSIGNING LIGHT INDUSTRIAL ZONING CLASSIFICATION, PROVIDING FOR THE ASSUMPTION OF EXISTING CITY INDEBTEDNESS AND FIXING A TIME WHEN THE SAME SHALL BE EFFECTIVE.

WHEREAS, on May 17, 2021, the City of Ellensburg, Washington, received a notice of intention to commence annexation proceedings pursuant to the “direct petition” method of RCW 35A.14.120 for parcels 916833, 698633, 708633 & 528633, as more fully described in Section 1 of this Ordinance and depicted in Exhibit A, attached hereto; and

WHEREAS, on June 7, 2021, the City Council of the City of Ellensburg, Washington, held a public meeting with the annexation initiators pursuant to RCW 35A.14.120 and determined that the initiators could proceed to acquire a 60% petition for annexation pursuant to RCW 35A.14.120; and

WHEREAS, at its June 7, 2021 public meeting the City Council set the annexation area and further determined that the property subject to annexation would be zoned Light Industrial, and assume the annexation area’s share of City indebtedness; and

WHEREAS, the owners of not less than 60% in value, according to the assessed valuation for general taxation of the property hereinafter described, signed the petition pursuant to RCW 35A.14.120 for the annexation of said area to the City of Ellensburg, Washington; and

WHEREAS, the petition for annexation was certified as sufficient by the Kittitas County Assessor, on June 22, 2021, having determined that the petition signatures have a combined total assessed value for general taxation of not less than 60% of the total assessed value for general taxation of all property in the proposed annexation area, in compliance with RCW 35A.01.040; and

WHEREAS, on July 15, 2021, pursuant to proper notice given in accordance with RCW 35A.14.130, the Planning Commission conducted a public hearing on the proposed annexation, and following such hearing recommended City Council approve the annexation request; and

WHEREAS, on September 7, 2021 and October 18, 2021, pursuant to proper notice given in accordance with RCW 35A.14.130, the City Council received and reviewed all of the documentation associated with this annexation proposal, conducted

public hearings on the proposed annexation in accordance with RCW 35A.14.140 and RCW 35A.14.330-.340, and following such hearings determined to effect the annexation of the territory described in Section 1 of this ordinance, finding that the petition for annexation met the applicable requirements, and that the best interests of the City of Ellensburg, Washington, will be served by the annexation and that it is appropriate to good government of the City of Ellensburg, Washington, and therefore accepted the petition for annexation pursuant to RCW 35A.14.120 and Chapter 15.360 of the Ellensburg City Code; and

WHEREAS, the territory described in Section 1 of this ordinance is contiguous to the City of Ellensburg, Washington, and entirely within the City of Ellensburg Urban Growth Area established pursuant to RCW 36.70A.110,

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

Section 1. Annexation. The following described parcel and rights-of-ways are hereby annexed to and made a part of the City of Ellensburg, Washington, to wit:

The South 460 feet of the south $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Section 2 Township 17 Range 18 lying west of the easterly right-of-way for Anderson Road. Together with the North 347 feet of the N $\frac{1}{2}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ lying west of the easterly right-of-way for Anderson Road Records of Kittitas County, State of Washington being a portion of Section 11, Township 17 North, Range 18 East, W.M., in the County of Kittitas, state of Washington.

Section 2. Assessment and Taxation. All property within the territory so annexed shall be assessed and taxed at the same rate and on the same basis as other property of the City of Ellensburg, Washington, is assessed and taxed to pay for any outstanding indebtedness of the City of Ellensburg, Washington, as presently adopted or as is hereafter amended.

Section 3. Comprehensive Plan Designation. All property within the territory so annexed shall be subject to and a part of the Comprehensive Plan of the City of Ellensburg, Washington as presently adopted or as is hereinafter amended.

Section 4. Land Use Designation and Zoning. All property within the territory so annexed shall be hereby zoned as follows: Kittitas County Assessor Parcel Numbers 916833, 698633, 708633 & 528633 shall be zoned Light Industrial (L-I).

Section 5. Transmittal and Filing. The Ellensburg City Clerk is directed to file a certified copy of this ordinance with the Kittitas County Board of County Commissioners.

Section 6. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

Section 7. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance, including but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, sections/subsections numbers and any references thereto.

Section 8. Effective Date. This ordinance shall take effect and be in full force five (5) days after its passage, approval and publication.

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

MAYOR

ATTEST:

CITY CLERK

Approved as to form:

CITY ATTORNEY

Publish:

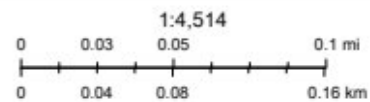
I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. ***** is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. ***** was published as required by law.

EXHIBIT A: ANNEXATION PARCELS



8/13/2021, 10:55:48 AM

- Override 1
- Urban Growth Area
- City Limits



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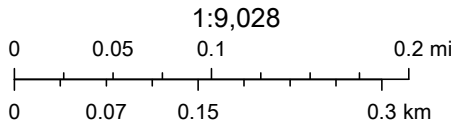
Ellensburg GIS
Google Maps | Kittitas County Public Works | Kittitas County Auditor | U.S. Fish and Wildlife Service, National Standards and Support Team, wetlands_team@fws.gov |

Proposed Anderson Annexation



5/26/2021, 9:49:09 AM

-  Override 1
-  Urban Growth Area
-  City Limits



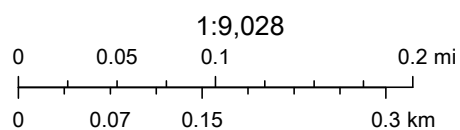
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Zoning map



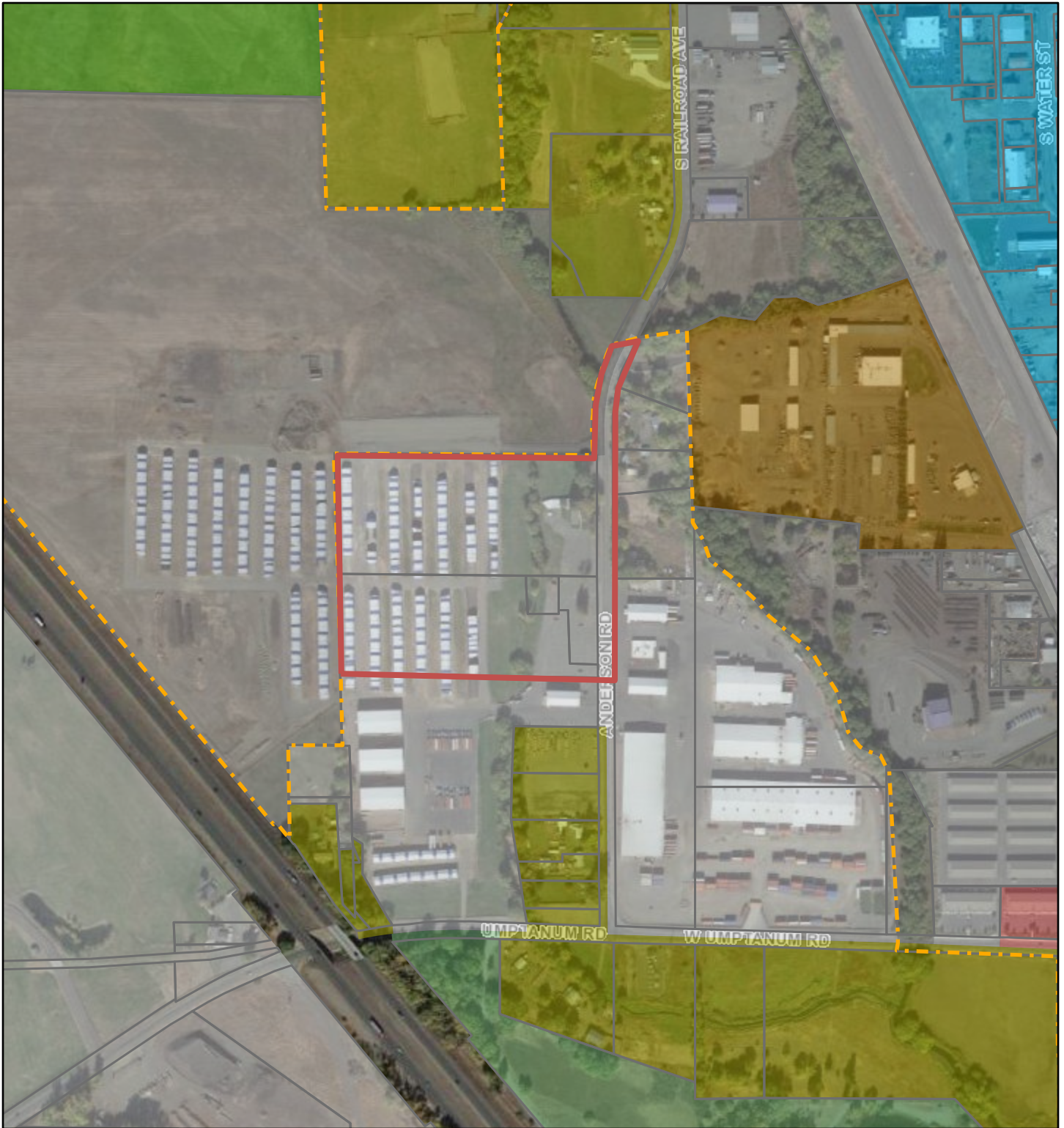
7/8/2021, 8:18:35 AM

- | | |
|---|---|
| — Override 1 | CC II |
| - - - Urban Growth Area | IL |
| - - - City Limits | IH |
| Zoning | PR |
| RS | U-INC |
| CH | |



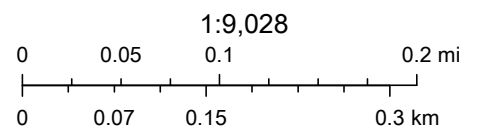
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Future Land Use map



7/8/2021, 8:15:03 AM

- | | | | |
|------------------------------|------------------------|--|---------------------------------|
| | Override 1 | | Mixed business park |
| | Urban Growth Area | | Light industrial |
| | City Limits | | Heavy industrial |
| Future Land Use Designations | | | Public/institutional |
| | Urban center | | Open space (pvt/non-city owned) |
| | Industrial residential | | Parks and open space |



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Petition For Annexation

PF-02
FORM

Community Development Department

 501 N. Anderson, Ellensburg, WA 98926 (509) 962-7239 (Building) (509) 962-7231 (Planning) permits@ci.ellensburg.wa.us
PETITION FOR ANNEXATION TO THE CITY OF ELLENSBURG, WASHINGTON

TO: The City Council
City of Ellensburg
501 North Anderson
Ellensburg, Washington

WE, the undersigned, being the owners of not less than sixty percent in value (according to the assessed valuation for general taxation), of the real property described on Exhibit "A" attached hereto, lying contiguous to the City of Ellensburg, Washington, do hereby petition that such territory be annexed to and made a part of the City of Ellensburg under the provisions of RCW 35A.14.120, et seq., and any amendments thereto, of the State of Washington.

The territory proposed to be annexed is within Kittitas County, Washington, and is described in Exhibit "A", attached hereto.

WHEREFORE, the undersigned respectively petition the Honorable City Council and ask:

(a) That appropriate action be taken to entertain this petition, fixing a date for a public hearing, causing notice to be published and posted, specifying the time and place of such hearing, and inviting all persons interested to appear and voice approval or disapproval of such annexation; and

(b) That following such hearing, the City Council determine by Ordinance that such annexation shall be effective; and that property so annexed shall become a part of the City of Ellensburg, Washington, subject to its laws and ordinances then and thereafter in force.

The Petitioners subscribing hereto agree "...that all property within the territory hereby sought to be annexed shall be assessed and taxed at the same rate and on the same basis as property within the City of Ellensburg for any now outstanding indebtedness of said City, including assessments or taxes in payments of any bonds issued or debts contracted, prior to or existing at the date of annexation, and that simultaneous adoption of proposed zoning regulations be required" in accordance with the requirements of the City Council of said City, and as quoted herein from the minute entry of the records of said City Council meeting of June 7, 2021.

This petition is accompanied and has attached hereto as Exhibit "B" a diagram, which outlines the boundaries of the property sought to be annexed.

These pages are a group of pages containing an identical text and prayer intended by the signers of this petition to be presented and considered as one petition and may be filed with other pages containing additional signatures which cumulatively may be considered as a single petition.

WARNING: Every person who signs this petition with any other than his true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he is not a legal voter, or signs a petition when he is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

PRAYER OF PETITION: (1) Annexation of area described in Exhibits "A" and "B", and (2) Assumption of indebtedness of the City of Ellensburg, and (3) Adoption of the City of Ellensburg Comprehensive Zoning Plan.



OWNER'S SIGNATURE

910 S. ANDERSON ROAD, ELLENBURG, WA
98926

ADDRESS

MARK T. ANDERSON

PRINTED NAME

6/14/21

DATE SIGNED

>

OWNER'S SIGNATURE

ADDRESS

PRINTED NAME

DATE SIGNED

>

OWNER'S SIGNATURE

ADDRESS

PRINTED NAME

DATE SIGNED

>

OWNER'S SIGNATURE

ADDRESS

PRINTED NAME

DATE SIGNED

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OWNER'S SIGNATURE

ADDRESS

PRINTED NAME

DATE SIGNED

Legal Descriptions

RECEIVED

MAY 17 2021

COMMUNITY DEVELOPMENT

EXHIBIT "A"

721-066

454625AM

Parcel 1:

That portion of land lying within Sections 2, 3 and 10 of Township 17 North, Range 18 East, W.M., more particularly described as follows:

Beginning at the Southeast corner of Section 3, Township 17 North, Range 18 East, W.M., to be known as the point of beginning, and thence North $01^{\circ}49'20''$ West, a distance of 439.28 feet; thence South $89^{\circ}27'46''$ East, 943.77 feet to the West line of Anderson Road, per deed recorded under Auditor's File No. 200901060005; thence North along said West line of Anderson Road North $0^{\circ}14'$ West, 115.81 feet; thence along a tangential curve to the right, with a radius of 613.07 feet, a distance of 296.12 feet; thence North $27^{\circ}27'23''$ East, 195.49 feet; thence North $89^{\circ}39'31''$ West, 314.07 feet; thence North $00^{\circ}24'35''$ East, 319.97 feet; thence North $89^{\circ}34'49''$ West, 818.80 feet to the Northeast corner of the Southeast Quarter of the Southeast Quarter of said Section 3; thence North $1^{\circ}50'04''$ West, 403.60 feet along the East line of said Section 3; thence North $88^{\circ}45'13''$ West, 2,432.94 feet to the East line of Interstate 90; thence along said East line of Interstate 90 South $39^{\circ}44'56''$ East, 3,516.23 feet; thence North $50^{\circ}15'04''$ East, 15.00 feet; thence South $39^{\circ}44'56''$ East, 78.90 feet; thence North $01^{\circ}13'49''$ West, 343.57 feet, thence South $89^{\circ}16'47''$ East, 197.96 feet; thence North $01^{\circ}11'17''$ West, 624.80 feet to the point of beginning and terminus; in the County of Kittitas, State of Washington.

(Being Lot 6 and a portion of Lot 5 of that certain Survey as recorded April 14, 2009, in Book 36 of Surveys, pages 84 through 88, under Auditor's File No. 200904140036, records of Kittitas County, Washington.)

Parcel 2: 916833 ; 708633

That portion of the Southwest Quarter of the Southwest Quarter of Section 2, Township 17 North, Range 18 East, W.M., and that portion of the Northwest Quarter of the Northwest Quarter of Section 11, Township 17 North, Range 18 East, W.M., in the County of Kittitas, State of Washington, which is bounded by a line described as follows:

Beginning at the Southwest corner of said Section 2, at which point is the true point of beginning; thence North on the West boundary line of Section 2, 440.0 feet; thence East, parallel to the South boundary of said Section 2, 956.0 feet to the West line of the County Road; thence South along the Westerly right of way boundary line of the County Road, 440 feet to the South boundary line of said Section 2, thence West along the South boundary line of said Section 2, 142.01 feet; thence South $0^{\circ}31'28''$ East, 148.50 feet; thence North $89^{\circ}29'27''$

West, 111.60 feet; thence North $0^{\circ}31'28''$ West, 148.50 feet to the South boundary line of said Section 2; thence West along the South boundary line of said Section 2, 693.00 feet to the true point of beginning.

EXCEPT any manufactured home located on said premises.

Parcel 3: 698633

That portion of the Northwest Quarter of Section 11, Township 17 North, Range 18 East, W.M., in the County of Kittitas, State of Washington, which is bounded by a line described as follows:

Beginning at the Northwest corner of said Section 11, at which point is the true point of beginning; thence South $89^{\circ}29'28''$ East, along the North boundary of said section 693.00 feet; thence South $0^{\circ}31'28''$ East, 148.50 feet; thence South $89^{\circ}29'27''$ East, 111.60 feet; thence North $88^{\circ}44'43''$ East, 51.30 feet; thence South $0^{\circ}27'28''$ East, 180.83 feet; thence South $89^{\circ}29'28''$ East, 89.40 feet; thence South $0^{\circ}15'37''$ East, 220.02 feet; thence North $89^{\circ}29'28''$ West, 319.00 feet; thence North $81^{\circ}30'07''$ West, 628.65 feet; thence North $1^{\circ}02'07''$ East, 460.69 feet to the true point of beginning.

EXCEPT any portion thereof lying South of the following described line:

Beginning at the Northwest corner of said Section 11; thence South $01^{\circ}47'09''$ East, along the West line of the Northwest Quarter of said Section 11, 405.00 feet to the True Point of Beginning for the line being described; thence North $89^{\circ}10'00''$ East, 950 feet, more or less, to the westerly right of way boundary for Anderson Road and the terminus for the line being described.

Parcel 4: 528633

That portion of the Northwest Quarter of the Northwest Quarter of Section 11, Township 17 North, Range 18 East, W.M., in the County of Kittitas, State of Washington, which is bounded by a line described as follows:

Beginning at the Northwest corner of said Northwest Quarter of the Northwest Quarter; thence South $89^{\circ}29'28''$ East, 804.60 feet to the true point of beginning; thence South $01^{\circ}35'43''$ West, 145.49 feet; thence North $89^{\circ}30'20''$ East, 5.38 feet; thence North $00^{\circ}31'28''$ West, 145.39 feet to the true point of beginning.

AND

That portion of the Northwest Quarter of the Northwest Quarter of Section 11, Township 17 North, Range 18 East, W.M., in the County of Kittitas, State of Washington, which is bounded by a line described as follows:

Beginning at the Northwest corner of said Northwest Quarter of the Northwest Quarter; thence South 89°29'28" East, 804.60 feet; thence South 01°35'43" West, 145.49 feet; thence North 89°30'20" East, 50.99 feet; thence South 00°35'13" East, 2.50 feet to the true point of beginning; thence South 00°35'13" East, 179.10 feet; thence South 89°29'28" East, 5.28 feet; thence North 00°27'28" West, 179.27 feet; thence South 88°44'43" West, 5.68 feet to the true point of beginning.

AND

A tract of land situated in the Northwest Quarter of the Northwest Quarter of Section 11, Township 17 North, Range 18 East, W.M., in the County of Kittitas, State of Washington, described as follows:

Beginning at a point on the section line which is 640.8 feet East of the Northwest corner of Section 11 and running North 89°54' East on said line 309.2 feet to the West line of the County Road; from said West line, the West 1/16 section corner bears North 89°54' East, 340.5 feet distant; thence South 00°34' East along the West line of County Road, 327.7 feet; thence South 89°54' West 293.6 feet; thence North 4°15' West, 329.5 feet to the place of beginning;

EXCEPT a portion of the Northwest Quarter of the Northwest Quarter of Section 11, Township 17 North, Range 18 East, W.M., in the County of Kittitas, State of Washington, which is described as follows:

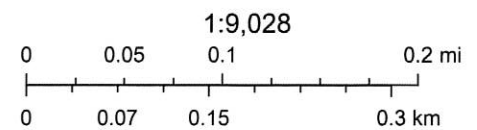
Beginning at a point on the section line which is North 89°54' East and 640.8 feet from the Northwest corner of said Section 11, at which point is the true point of beginning; thence North 89°54' East, 163.80 feet; thence South 01°08' West, 148.5 feet; thence North 88°08' East, 51.30 feet; thence South 01°04' East, 181.90 feet; thence South 89°54' West, 191.10 feet; thence North 4°15' West, 329.5 feet to the true point of beginning.

Proposed Anderson Annexation

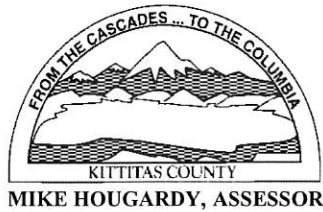


5/26/2021, 9:49:09 AM

- Override 1
- Urban Growth Area
- City Limits



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Kittitas County Assessor

205 W 5th Avenue, Suite 101 • Ellensburg, WA 98926-2887

Phone (509) 962-7501

Upper County Toll-Free 674-2584

www.co.kittitas.wa.us/assessor

June 22, 2021

City of Ellensburg
Community Development Department
Attn: Jamey Ayling
501 North Anderson Street
Ellensburg, WA 98926

RE: Proposed Annexation Petition, Anderson P21-066
Parcels: 916833, 708633, 698633 & 528633

To whom it may concern,

I, Mike Hougardy, as Assessor of Kittitas County, Washington, Hereby Certify that the parcels legally described and mapped in the proposed annexation, P21-066 received by this office on June 17th 2021 have been verified in regard to legal description and corresponding owner of record.

Please feel free to contact me if I can be of any further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Mike Hougardy".

Mike Hougardy
Kittitas County Assessor



CITY OF ELLENSBURG

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

Memorandum

Date: July 9, 2021

To: Jamey Ayling, Planning Manager

From: Craig Jones, Development Coordinator *CJ*

Thru: Derek Mayo, City Engineer *DM*

Re: Anderson Rd Annexation – P21-066

The Public Works Department has no direct comments at this time on the Anderson Rd annexation. Water is available to the north in Anderson Rd and sewer is available to the east in Umptanum Rd. These mains would need to be extended to and through the site depending on development details. Applicant is cautioned that any development on the property may trigger improvements consistent with Public Works Development Standards. Public Works will comment on all future development of the property at time of development.

Cc: File 21-030



ADVERTISING PROOF

401 N Main St,
 Ellensburg, WA 98926
Ph. (509) 204-8250 **Fax:** (907) 452-5054

BILLING DATE:	ACCOUNT NO:
08/13/21	50080

BETH LEADER
 ELLENSBURG, CITY OF - CLERK
 501 N. ANDERSON
 ELLENSBURG, WA 98926

AD #	DESCRIPTION	START	STOP	TIMES	AMOUNT
134450	NOTICE OF A PUBLIC H	08/14/21	08/14/21	2	\$121.49

Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount
------	--------	-----------	---------------	-------	--------

Discount: **\$0.00**
 Surcharge: **\$0.00**
 Credits: **\$0.00**

Gross: **\$121.49**
 Paid Amount: **\$0.00**

Amount Due: **\$121.49**

We Appreciate Your Business!

**NOTICE OF A PUBLIC HEARING
ANNEXATION REQUEST**

NOTICE IS HEREBY GIVEN that the City of Ellensburg City Council will hold an open record public hearing on **Tuesday September 7, 2021 at 7:00 pm**, to consider an annexation request (P21-066) submitted by Mark Anderson, MTA Holdings, LLC property owner. The applicant seeks to annex parcel numbers 916833, 708633, 698633 & 528633 into the City of Ellensburg. Consistent with Ellensburg City Code and the Ellensburg Comprehensive Plan, upon annexation the parcels will be zoned light industrial. The submitted application and related documents are available for review online at <https://ci.ellensburg.wa.us/623/Public-NoticesCurrent-Projects> or at the City of Ellensburg Community Development Department, 501 North Anderson Street, Ellensburg, Washington. Anyone wishing to receive a copy of the annexation request is invited to call (509) 925-8653 or visit the Community Development Department.

Project Location: The parcel is located at 805 Anderson Road, Ellensburg, Washington 98926. Kittitas County Assessor's Parcel Numbers 916833, 708633, 698633 & 528633.

NOTICE IS FURTHER GIVEN that all persons interested in this matter may participate in this hybrid meeting by contacting staff no later than 5:00 pm on Tuesday September 7, 2021. An email link, text link, or phone number will be provided which will allow for electronic participation in the public hearing. Written comments may be filed with the Community Development Department, 501 North Anderson Street, or via email at aylingj@ci.ellensburg.wa.us. **To be considered during the public hearing, written comments must be submitted by 5:00 pm on Monday, August 30, 2021.**

The City of Ellensburg strives to make our services, programs, and activities readily accessible and usable by individuals with disabilities. A "Request for Accommodation" form may be obtained from City Clerk Beth Leader (First Floor - City Hall) or by calling 509-925-8614.

PUBLISH: Daily Record: August 14, 2021 / LEGAL #: 134450

Exhibit 8

FISCHER, CHARLES R ETUX
PO BOX 228
THORP, WA 98946

BONKE, LES
1083 W UMPTANUM RD
ELLENSBURG, WA 98926-8960

CITY OF ELLENSBURG PUBLIC WORKS
501 N ANDERSON ST
ELLENSBURG, WA 98926-3147

POTTS, HERMAN REX
812 ANDERSON RD
ELLENSBURG, WA 98926

MTA HOLDINGS LLC
PO BOX 99
ELLENSBURG, WA 98926-1909

721-066

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 forgoing is true and correct.

Date 8/13/2021 Signed

Alivia
Winters

Date _____ Signed _____
 that the foregoing is true and correct
 under the laws of the State of WA
 I certify under penalty of perjury
 that the foregoing is true and correct.
 Executed on this day the _____ of _____, 20____

 CERTIFICATE OF TRANSMITTAL



COMMUNITY DEVELOPMENT DEPARTMENT

501 N. Anderson St., Ellensburg WA 98926

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

Kirsten Sackett, Director

Phone: (509) 962-7232 Fax: (509) 925-8655 E-Mail: sackettk@ci.ellensburg.wa.us

August 13, 2021

RE: Notice of Open Record Public Hearing for Annexation request, case # P21-066, submitted by MTA Holdings, LLC

NOTICE IS HEREBY GIVEN that the City of Ellensburg City Council will hold an open record public hearing on **Tuesday September 7, 2021 at 7:00 pm**, to consider an annexation request (P21-066) submitted by Mark Anderson, MTA Holdings, LLC property owner. The applicant seeks to annex parcel numbers 916833, 708633, 698633 & 528633 into the City of Ellensburg. Consistent with Ellensburg City Code and the Ellensburg Comprehensive Plan, upon annexation the parcels will be zoned light industrial. The submitted application and related documents are available for review online at <https://ci.ellensburg.wa.us/623/Public-NoticesCurrent-Projects> or at the City of Ellensburg Community Development Department, 501 North Anderson Street, Ellensburg, Washington. Anyone wishing to receive a copy of the annexation request is invited to call (509) 925-8653 or visit the Community Development Department.

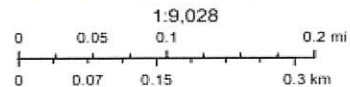
Project Location: The parcel is located at 805 Anderson Road, Ellensburg, Washington 98926. Kittitas County Assessor's Parcel Numbers 916833, 708633, 698633 & 528633.

NOTICE IS FURTHER GIVEN that all persons interested in this matter may participate in this hybrid meeting by contacting staff no later than 5:00 pm on Tuesday September 7, 2021. An email link, text link, or phone number will be provided which will allow for electronic participation in the public hearing. Written comments may be filed with the Community Development Department, 501 North Anderson Street, or via email at aylingj@ci.ellensburg.wa.us. **To be considered during the public hearing, written comments must be submitted by 5:00 pm on Monday, August 30, 2021.**



5/26/2021, 9:49:09 AM

- Override 1
- Urban Growth Area
- City Limits



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The City of Ellensburg strives to make our services, programs, and activities readily accessible and usable by individuals with disabilities. A "Request for Accommodation" form may be obtained from City Clerk Beth Leader (First Floor - City Hall) or by calling 509-925-8614.

If you have any questions regarding this matter, please contact me at 509-925-8653 or via the e-mail listed above.

Sincerely,

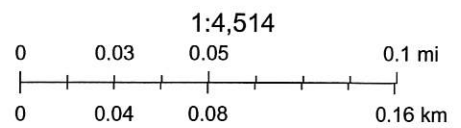
Jamey Ayling
Planning Manager

eburg map



5/18/2021, 10:35:15 AM

- Urban Growth Area Zoning
- City Limits
- IL
- IH



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COMMUNITY DEVELOPMENT DEPARTMENT

501 N. Anderson St, Ellensburg WA 98926

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

Kirsten Sackett, Director

Phone: (509) 962-7232 Fax: (509) 925-8655 E-Mail: sackettk@ci.ellensburg.wa.us

AFFIDAVIT OF POSTING

As per Revised Code of Washington (RCW) 35A.14.130, Ellensburg City Code requires that all public hearings pertaining to annexation requests shall have a notice posted in **three** publicly accessible places within the territory proposed for annexation. 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: August 13, 2021	PLANNER: Jamey Ayling, Planning Manager
PROJECT NAME: Annexation of parcels into the City of Ellensburg	FILE NUMBER: P21-066

PLEASE COMPLETE THE FOLLOWING:

I, Mark T. Anderson, 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

8-16 2021
Date

Please return the above affidavit and a photograph of the posted sign(s) to Jamey Ayling, Planning Manager, by email: aylingj@ci.ellensburg.wa.us; Fax 509-962-8653; mail; or deliver to: Community Development Dept., City Hall, 501 N. Anderson St., Ellensburg, WA 98926.





CITY COUNCIL AGENDA REPORT

City Council Meeting Date: September 7, 2021

Item Title/Agenda Subject: Public Hearing (legislative) and First Reading of an Ordinance for proposed amendments to Ellensburg City Code pertaining to Frequently Flooded Areas Regulations in Title 15, the Land Development Code

Submitted by: Kirsten Sackett Community Development

Recommended Action or Motion: Conduct public hearing and first reading of the attached Ordinance.

Background/Summary: The proposed ordinance will update the regulations pertaining to "Frequently Flooded Areas" as found in Division VI of the Land Development Code (LDC), Title 15 of the Ellensburg City Code (ECC), in order to stay in compliance with the Federal Emergency Management Agency (FEMA) requirements related to the adoption of new flood maps for Kittitas County.

Prior to 2010, the State of Washington identified Kittitas County as a priority for FEMA's Risk MAP program. The State determines its priorities based on population at risk to hazards, recent events, and community interest. Following a February 24, 2010 Risk MAP Scoping Meeting attended by FEMA, State, and local stakeholders, a scope of work was developed to provide new multi-hazard risk assessment products and to update floodplain mapping based on community-identified needs.

FEMA, State, and Local stakeholders later participated in the following meetings:

- A Flood Risk Review meeting was held on February 4, 2018 where draft floodplain boundaries were presented for review and comment.
- On May 18, 2018 a Consultation Coordination Officers (CCO) meeting was held to discuss the regulatory process and outreach methods.
- Three Open House meetings offered within Kittitas County to share preliminary results with property owners on the following dates:

- August 6, 2018 - Thorp
- August 7, 2018 – Ellensburg
- September 19, 2018 - Cle Elum

An Appeal Period was provided from December 4, 2018 to March 3, 2019 for any effected landowner to provide comments and to appeal.

Following the appeal period, comments were provided that resulted in FEMA issuing a Revised Preliminary DFIRM, which was released on October 25, 2019.

On November 25, 2019, FEMA conducted a resilience workshop, and on February 24, 2020 FEMA delivered the Final Risk Report and Risk Assessment Database.

Following the resolution of comments, FEMA was prepared to issue a Letter of Final Base Flood Elevation (BFE) Determination (LFD) in the 2020 calendar year. An LFD is a letter that FEMA sends to the Chief Executive Officer of a community initiating a six-month compliance period, stating that a new or updated Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) will become effective in six months.

During the six-month compliance period, each effected flood-prone community participating in the National Flood Insurance Program (NFIP) must adopt a compliant floodplain management ordinance by the effective date of the new flood maps, in order to remain as participant's in good standing. Not doing so will lead to suspension from the NFIP.

The issuance of the LFD was delayed as a result of the COVID pandemic. FEMA representatives worked with Kittitas County and City officials to ensure that each of the communities had the time, staffing, and resources to comply with the requirements of the compliance period, including the ability to conduct public hearings during the open public meeting restrictions in effect during the pandemic. Ultimately the LFD was issued by FEMA on March 24, 2021, with the compliance period set to end on September 24, 2021. On this same date, the City will begin regulating to the boundaries of the new

FEMA maps.

Remaining in good standing with the NFIP program is important for Ellensburg's community members. Floods can happen anywhere with little warning, and the City has documented a number of flooding instances in Ellensburg over the past decades. FEMA states that just one inch of floodwater can cause up to \$25,000 in damage; unfortunately, most homeowners' insurance products do not cover flood damage. Flood insurance must be purchased as separate policy, but it can cover buildings, the contents in a building, or both. This is the type of coverage that NFIP can provide to property owners, renters and businesses. Having this coverage helps individuals and communities recover faster when floodwaters recede. The program is managed by FEMA and is delivered to the public by a network of insurance companies.

The NFIP also works with communities required to adopt and enforce floodplain management regulations that help mitigate flooding effects. In this instance, Staff from the Washington State Department of Ecology and FEMA have worked with City Staff to ensure that the updates to the existing floodplain regulations will comply with both the State Model Flood Development Ordinance and the Code of Federal Regulations (CFR).

Previous Council Action: City Council previously discussed the necessity of updating the floodplain regulations during a study session held on August 16, 2021.

City Council previously adopted an updated critical area ordinance on June 18, 2018, as part of a Growth Management Act (GMA) required update, following adoption of the 2017 Comprehensive Plan. The ordinance was found to be in compliance with State requirements. The critical area ordinance includes regulation for development in the frequently flood areas, and also for development in and around stream buffers, wetlands, geologically hazardous areas (steep slopes) and aquifer recharge areas.

Analysis:

The existing floodplain regulations are currently part of the "Critical Area Ordinance" which is found in Division VI of the

Land Development Code in Title 15 of the Ellensburg City Code. Regulations for “Frequently Flooded Areas” are outlined in Chapter 15.630 ECC, with procedural requirements for all critical areas outlined in Chapters 15.600 and 15.610 ECC.

All proposed revisions are either mandated, required, or recommended by FEMA and the State of Washington. Both entities have approved the language of the ordinance that will be presented during the public hearing.

The City will be required to apply the updated regulations to the properties that lie within the boundaries of the newly adopted FIRM maps beginning the effective date of September 24, 2021.

The FIRM maps outline the boundaries of the floodplain within Kittitas County, with varying floodplain designations of Zones A, AE, AE (Floodway), AO and X. Base Flood Elevation data is provided where known, however, much of the floodplain within the City limits is considered to be in an A Zone, or “Areas of Shallow Flooding”, where BFE data may not be available.

FEMA has provided a GIS comparison tool that depicts the previous flood map boundaries along with the newly adopted boundaries, and can be accessed at the following link:

<https://fema.maps.arcgis.com/apps/StorytellingSwipe/index.html?appid=a16b21b93bff4a90b491a15019606833>

WASHINGTON STATE DEPARTMENT OF COMMERCE REVIEW AND SEPA REVIEW

The proposed amendments were forwarded to the Washington State Department of Commerce on July 29, 2021 and Commerce granted expedited review on the proposed amendments on August 12, 2021. The SEPA comment period ends on September 1, 2021 after which the City expects to issue a Determination of Non-Significance.

PROPOSED REVISIONS

When reading the attached ordinance, please note that language which is underlined indicates that it is an addition to the existing city code. Language shown with a ~~strikeout~~ indicates that it is existing language proposed for deletion.

The ordinance includes proposed revisions throughout the Land Development Code that are specific to regulating development in the floodplain, or “frequently flooded areas” as termed in the LDC. A summary of all proposed revisions is described in chronological order as found within the Code.

To begin, several revisions and additions were made to the Definitions found within Chapter 15.130 ECC. Many of the revisions have been mandated for conformance with the Code of Federal Regulations (CFR), and all revisions conform with the terminology utilized in the 2019 Washington State Model Flood Damage Prevention Ordinance.

Following the revisions to definitions, modifications are being proposed to some of the procedural steps for reviewing development in the floodplain, followed by major revisions to Division VI standards specific to development in the floodplain.

15.130 Definitions (New or Revised)

- Alteration of watercourse
- Area of shallow flooding
- Area of special flood hazard area (revised)
- ASCE 24
- Base flood (revised)
- Base Flood Elevation (BFE)
- Building Code
- Elevated building
- Elevation Certificate
- Existing Manufactured Home Park or Subdivision
- Expansion to an Existing Manufactured Home Park or Subdivision
- Flood or Flooding (revised)
- Flood elevation study
- Flood insurance rate maps (revised)
- Flood insurance study (FIS) (revised)
- Floodplain or flood-prone area (revised)
- Floodplain administrator
- Floodplain management regulations
- Flood proofing
- Floodway (revised)
- Functionally dependent use
- Highest adjacent grade

- Historic structure
- Lowest floor (revised)
- Manufactured home park or subdivision (revised)
- Manufactured home or subdivision, New
- Mean sea level
- New construction
- Reasonably safe from flooding
- Recreational vehicle (revised)
- Structure
- Substantial improvement (revised)
- Variance (revised)

15.210.050(C) Table - Projects under Type III review process

The new regulations will provide for new variance procedures that are unique to variance requests for development within the floodplain only. This section will create a new row in Table 15.210.050(C) to specify the difference in the critical area variance procedures from the standard variance procedures.

15.250.050 Variances – Type III review process

This section adds a new sentence to provide a reference to the appropriate code sections for processing a variance request in the critical areas, which have their own unique set of procedures and decision criteria.

15.600.010 Purpose (of the Critical Area General Provisions)

Several new goals are being added to the Purpose section of the Critical Area regulations, outlining the rationale for limiting development and for providing specific regulations for development in critical areas. A new section is also added which provides for methods and provisions that are intended to achieve the purpose of reducing flood losses.

15.610 Applicability, Exemptions, and Exceptions

A new section 15.610.215 is being added to the list of sections, specific to regulations for “Variances within frequently flooded areas”.

15.610.020 Exemptions

This section of the critical area ordinance allows for certain activities within the critical areas to be exempt from the critical area review and permitting process. The revision to this section specifies that some of the exempt activities would not be applicable to development in the floodplain. This is because ANY work in the floodplain requires at least a review at minimum, or a permit, and cannot be granted an exemption from the review process. This revision is mandatory per the CFR.

15.610.030 Allowed Activities

The “Allowed activities” section specifies the activities in a critical area that require a review by the city, but which do not require submittal of a full Critical Area Report. The revision to this section specifies that “modifications to structures” within a Special Flood Hazard Area are excluded from the category of Allowed Activity. The new section states that this type of activity in a floodplain must adhere to the floodplain regulations outlined in ECC 15.630. This is in compliance with the CFR.

15.610.050 Exception - Reasonable Use

Based on the same reasoning as the two previous revisions, the revision to this section notes that reasonable use exceptions are not applicable to development in the floodplain.

15.610.210 Variances

This section of the code describes the procedures for requesting a variance to a requirement for development in a critical area. Additional language from the State’s model ordinance has been added to describe the purpose of a variance, and also to specify that variances requested within a floodplain are subject to a different set of standards and criteria which are provided in a new section ECC 15.610.215.

15.610.215 Variances within frequently flooded areas

This is a new section of code that has been added in order to account for the specific variance procedures and criteria applicable to development in the floodplain. Communities are not required to offer variances for floodplain development, but

if they do, the procedures and criteria must meet the standards in 44 CFR 60.6. The proposed section does meet the criteria, and the language conforms with both federal and state standards.

15.630.015

This is another new section that is added to the standards to define the responsibilities of the Floodplain Administrator, which is a new term defined in Chapter 15.130 ECC.

15.630.010 Designation of frequently flooded areas

The first revision to this section removes reference to the 1981 floodplain maps and replaces that language with reference to the new September 24, 2021 Flood Insurance Study (FIS) for Kittitas County, which is adopted by reference through this ordinance.

Another revision to this section is to include a “compliance” statement as mandated by 44 CFR 60.2(h). Federal Code also requires inclusion of language about “penalties for noncompliance” as well as “abrogation and greater restrictions”. The new “interpretation” clause was recommended by FEMA and the State.

15.630.015 Designation of the Floodplain Administrator

The addition of this new section is mandatory per 44 CFR 60.1(b). It outlines the roles and responsibilities of the city floodplain administrator, including administration of permits for development with the floodplain, and maintenance of associated data and records.

15.630.020 Critical area report requirements – Frequently flooded areas.

When reviewing critical area review requests for construction within the floodplain, it is sometimes necessary for an applicant to submit a Critical Area Report. This section outlines the requirements for the report. The revision to this section also provides more specificity about elevation data in relation to mean sea level (which was added as a new definition in Chapter 15.130 ECC).

15.630.030 Warning and disclaimer of liability

One minor edit is proposed to this section to replace the word “administration” with “administrator”.

15.630.040 – Performance standards – General requirements

There are several modifications being proposed to this section of the code which outlines construction requirements in the floodplain. The first revision is to specify that placement of manufactured homes in the floodplain require a flood permit just like any other “structure” as now defined. New provisions are included which prohibit construction in “AE Zones with Base Flood Elevations” and which are not in a floodway. The code already requires protection of utilities when constructed in a floodplain, but new language has been added for the purpose of minimizing or eliminating infiltration of floodwaters into new or replacement water supply systems or sanitary sewage systems. Revisions to this section also provide more guidance on the proper method for anchoring manufactured homes in the floodplain. Finally, this section includes new provisions stating that certain types of materials or equipment that could be injurious to life, or cause damage, are prohibited within special flood hazard areas.

15.630.050 – Performance standards – Specific uses

The first revision to this section describes that these standards are to be utilized in frequently flooded area where base flood elevation data has been provided by FEMA. The revisions also provide more clarify for construction of residential structures when the BFE is known, including requirements for elevation, waterproofing of mechanical equipment and utilities, and for fully enclosed areas below the lowest floor. Specific requirements for those scenarios are also provided for nonresidential structures where the BFE is known.

15.630.070 Prohibited uses and activities.

As indicated by the title of this section, it provides parameters on the prohibited uses within the floodplain. The first revision provides clarification on the exception for when critical facilities are permitted to construct in a floodplain. The next revision

provides specific guidance for responding when a residence in a *floodway* has been substantially damaged. The final revision to this section is to provide additional language about providing a flood sanctuary on farms in the floodplain where livestock is allowed.

The procedures for processing a land development code amendment are outlined in ECC 15.250.100. The Type V review process must be followed, wherein the Planning Commission holds a public hearing on the revisions and provides a recommendation on the revisions to City Council. City Council also holds a public hearing and is the final decision maker on the revisions. The Planning Commission public hearing is set for September 1, 2021. The recommendation received from that body will be shared with City Council during their September 7, 2021 public hearing.

At the conclusion of City Council's public hearing, the decision criteria that Council must consider are set forth in ECC 15.250.100(C) as follows:

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

Staff analysis is that the modifications to the floodplain regulations are in accordance with the three decision criteria above, as the revisions are in accordance with the Comprehensive Plan, they will not adversely affect the public health, safety, or general welfare, and they are in the best interests of the citizens as they are intended to further protect the residents from the potential damage caused by floodwaters. In addition, as stated previously, City Staff has worked with both the State Department of Ecology and FEMA to ensure that the modifications to the City Code also conform with the Code of Federal Regulations and the State Model Ordinance. Adoption of these updated standards will keep the City in good standing with the NFIP, and reduced insurance rates will continue to be provided to residents of Ellensburg.

Financial Impact: None.

Attachments:

[Ordinance - Frequently Flooded Areas Regulations Update \(First Reading\)](#)

ORDINANCE NO. ****

AN ORDINANCE RELATING TO THE CITY OF ELLENSBURG LAND DEVELOPMENT CODE, TITLE 15; AMENDING CHAPTER 15.130 “DEFINITIONS”; AMENDING CHAPTER 15.210 “PERMIT REVIEW PROCESS “TYPES”; AMENDING CHAPTER 15.250.050 “VARIANCES – TYPE III REVIEW PROCESS”; AMENDING CHAPTER 15.600 “GENERAL PROVISIONS”; AMENDING CHAPTER 15.610 “EXEMPTIONS AND EXCEPTIONS”; AND AMENDING CHAPTER 15.630 “FREQUENTLY FLOODED AREAS” OF THE ELLENSBURG CITY CODE.

WHEREAS, The Legislature of the State of Washington has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the State of Washington identified Kittitas County as a priority for the Federal Emergency Management Agency’s (FEMA) Risk MAP program, and following a February 24, 2010 Risk MAP Scoping Meeting attended by FEMA, State, and local stakeholders, a scope of work was developed to provide new multi-hazard risk assessment products and to update floodplain mapping based on community-identified needs; and

WHEREAS, following a February 4, 2018 Flood Risk Review, draft floodplain boundaries within Kittitas County were presented to FEMA, State, and Local stakeholders for review and comment; and

WHEREAS, FEMA representatives conducted three open house meetings in Kittitas County to share FEMA’s preliminary mapping results with property owners on August 6, 2018 in Thorp, August 7, 2018 in Ellensburg, and September 19, 2018 in Cle Elum; and

WHEREAS, an Appeal Period was provided from December 4, 2018 to March 3, 2019 for any affected landowner to provide comments and appeals; and

WHEREAS, following the appeal period, comments were provided that resulted in FEMA issuing a revised preliminary, which was released October 25, 2019; and

WHEREAS, following the resolution of comments, FEMA issued a Letter of Final Determination (LFD) to the City of Ellensburg on March 24, 2021, stating that a new or updated Flood Insurance Rate Map (FIRM) or Digital Flood Insurance Rate Map (DFIRM) will become effective in six months, and also notifying the City that each affected flood-prone community participating in the National Flood Insurance Program (NFIP) must adopt a compliant floodplain management ordinance by the maps’ effective date to retain status as participants in good standing; and

WHEREAS, the proposed amendments to Title 15 of the City of Ellensburg Code have been developed in accordance with FEMA LFD, and in compliance with the December 9, 2019

Washington State Model Flood Damage Prevention Ordinance, and with the requirements of Title 44 of the Code of Federal Regulations; and

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

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

WHEREAS, the required Washington State Department of Commerce 30-day expedited review notice was complete on August 12, 2021; and

WHEREAS, the proposed ordinance was reviewed by the Planning Commission in a public hearing on September 2, 2021, and based on public testimony and other evidence received at said hearing, the Planning Commission recommended City Council adoption of the ordinance; and

WHEREAS, the City Council conducted a public hearing on September 7, 2021, where it received and considered public comments on the proposed changes;

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

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

Section 2. Section 15.130.010 A Definitions of the Ellensburg City Code as last amended by section 2 of Ordinance No. 4807, is hereby amended to add and revise the following definitions:

15.130.010 A definitions

"Alteration of watercourse" means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

"Area of shallow flooding" means a designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.

"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on Flood Insurance Rate Maps always includes the letters A, AO, AH, A1-30, AE, A99, AR ~~or~~ (V, VO, V1-30, VE). Definitions of each zone are established by the Federal Emergency Management Agency

(FEMA). “Special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard.”

“ASCE 24” means the most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.

Section 3. Section 15.130.020 B Definitions of the Ellensburg City Code, as last amended by section 1 of Ordinance No. 4803, is hereby amended to add and revise the following definitions:

15.130.020 B definitions

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year (also referred to as the 100-year flood). ~~Designated on Flood Insurance Rate Maps by the letters A or V.~~

“Base Flood Elevation (BFE)” means the elevation to which floodwater is anticipated to rise during the base flood.

“Building Code” means the currently effective versions the International Building Code and the International Residential Code adopted by the State of Washington Building Code Council.

Section 4. Section 15.130.050 E Definitions of the Ellensburg City Code, as last amended by section 1 of Ordinance No. 4803, is hereby amended to add the following definitions:

15.130.050 E definitions

“Elevated Building” means, for insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

“Elevation Certificate” means an administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

“Existing Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.

“Expansion to an Existing Manufactured Home Park or Subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Section 5. Section 15.130.060 F Definitions of the Ellensburg City Code, as last amended by section 1 of Ordinance No. 4803, is hereby amended to add and revise the following definitions:

15.130.020 F definitions

“Flood or Flooding” means: 1) a general and temporary condition of partial or complete inundation of normally dry land areas from: a) the overflow of inland or tidal waters. b) the unusual and rapid accumulation or runoff of surface waters from any source. c) mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. 2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition. See Division VI.

“Flood elevation study” means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

“Flood insurance rate maps” means the official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM). ~~those maps which depict the various flood insurance rate zones of the 100-year floodplain which are determined by the Federal Emergency Management Agency. This term is interchangeable with “floodplain maps.”~~ See Division VI.

“Flood insurance study (FIS)” means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood insurance rate maps, and the water surface elevation of the base flood. See “Flood Elevation Study.”

“Floodplain or flood-prone area” means ~~that area of land shown on the city’s flood insurance rate maps as being inundated by the waters of the 100-year flood.~~ any land area susceptible to being inundated by water from any source. See “Flood or flooding.” See Division VI.

“Floodplain administrator” means the community official designated by title to administer and enforce the floodplain management regulations.

Floodplain management regulations” means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

“Flood proofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than ~~one foot~~ a designated height. Also referred to as “Regulatory Floodway.” See Division VI.

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

Section 6. Section 15.130.080 H Definitions of the Ellensburg City Code, as last amended by section 7 Ordinance No. 4807, is hereby amended to add the following definitions:

15.130.080 H definitions

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” for the purposes of administering floodplain regulations only means any structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a) By an approved state program as determined by the Secretary of the Interior, or

b) Directly by the Secretary of the Interior in states without approved programs.

Section 7. Section 15.130.120 L Definitions of the Ellensburg City Code, as last amended by section 1 of Ordinance No. 4803, is hereby amended to revise the following definition:

15.130.120 L definitions

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Chapter 15.600 ECC (i.e. provided there are adequate flood ventilation openings).

Section 8. Section 15.130.130 M Definitions of the Ellensburg City Code, as last amended by section 9 Ordinance No. 4807, is hereby amended to add and revise the following definitions:

15.130.130 M definitions

“Manufactured home park or subdivision” means a lot, parcel (or contiguous parcels), or tract of land divided into two or more manufactured home lots for rent or sale, 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.

“Manufactured Home Park or Subdivision, New” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the new manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

“Mean Sea Level” means, for purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community’s Flood Insurance Rate Map are referenced.

Section 9. Section 15.130.140 N Definitions of the Ellensburg City Code, as last amended by section 1 of Ordinance No. 4656, is hereby amended to add the following definition:

15.130.140 N definitions

“New construction” means, for the purposes of determining flood insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Section 10. Section 15.130.180 R Definitions of the Ellensburg City Code, as last amended by section 1 of Ordinance No. 4803, is hereby amended to add and revise the following definitions:

15.130.180 R definitions

“Reasonably Safe from Flooding” means development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.

“Recreational vehicle” is a vehicle built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed primarily for recreational camping, travel or seasonal use which has its own motive power or is mounted on or towed by another vehicle, including but not limited to:

1. Travel trailer;
2. Folding camping trailer;
3. Park trailer;
4. Truck camper;
5. Motor home; and
6. Multi-use vehicle.

Section 11. Section 15.130.190 S Definitions of the Ellensburg City Code, as last amended by section 11 of Ordinance No. 4807, is hereby amended to add and revise the following definitions:

15.130.190 S definitions

“Structure” means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. It shall also include but not be limited to buildings, manufactured homes, walls, fences, billboards and poster panels. For the purposes of the floodplain district provisions only, as set forth in Division VI, the term “structure” shall be limited to mean a walled and roofed building including a gas or liquid storage tank that is principally aboveground, as well as a manufactured home. For the purposes of airport overlay zone regulations set forth in Chapter 15.350 ECC, “structure” means an object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

“Substantial improvement” means any ~~repair~~, reconstruction, rehabilitation, addition, alteration or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure ~~either: before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed.~~

~~1. Before the improvement or repair is started; or~~

~~2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term can exclude: does not, however, include either:~~

a. Any project for improvement of a structure to correct pre-cited existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

b. Any alteration of a “historic structure,” listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

Section 12. Section 15.130.220 V Definitions of the Ellensburg City Code, as last amended by section 13 of Ordinance No. 4807, is hereby amended to revise the following definition:

15.130.220 V definitions.

“Variance” means an authorized relaxation of the terms of this title where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the title would result in unnecessary and undue hardship. As used in this title, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use

otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning division or district or adjoining zoning divisions or districts. See ECC 15.250.050. A variance also means a grant of relief by a community from the terms of a floodplain management regulation. See ECC 15.610.215.

Section 13. Section 15.130.230 W Definitions of the Ellensburg City Code, as last amended by section 14 of Ordinance No. 4807, is hereby amended to revise the following definitions:

15.130.230 W definitions.

“Water Dependent” means a structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

“Water surface elevation” means the height, in relation to the vertical datum utilized in the applicable flood insurance study, of floods of various magnitudes and frequencies in the floodplains or coastal or riverine areas.

Section 14. Section 15.210.050(C) Review Process Type III of the Ellensburg City Code, as last amended by section 17 of Ordinance No. 4807, is hereby amended to read as follows:

C. Review Process Type III. Table 15.210.050(C) identifies the types of projects and permits that require a Type III review process. Any decision-making, procedural, or noticing variations from the Type III review process are described in the middle column. The right column identifies code sections applicable to the project/permit.

Table 15.210.050(C). Projects under Type III review process.

Where superscript numbers are included in a cell, please reference the applicable number under “Notes/conditions” below the table.

Type III Project	Decision-making, procedures or noticing variation from ECC 15.210.040	Relevant ECC chapter or section(s)
Binding site plan	City council decision	ECC 15.260.180
Conditional use permit	Planning commission decision after open record hearing; appeal closed record to city council	ECC 15.250.040

Table 15.210.050(C). Projects under Type III review process.

Where superscript numbers are included in a cell, please reference the applicable number under “Notes/conditions” below the table.

Type III Project	Decision-making, procedures or noticing variation from ECC 15.210.040	Relevant ECC chapter or section(s)
Extension requests for regional retail commercial master site plan projects	City council decision after open record public hearing	ECC 15.390.040(C)(3)
Variance (includes variance for critical areas regulations)	Hearing examiner decision after open record hearing; appeal closed record to city council	ECC 15.250.050
<u>Variance for critical area regulations</u>	<u>Hearing examiner decision after open record hearing; appeal closed record to city council</u>	<u>ECC 15.610.210 and ECC 15.610.215 (frequently flooded areas)</u>

Section 15. Section 15.250.050 Variances – Type III review process of the Ellensburg City Code, as last amended by section 28 of Ordinance No. 4807, is hereby amended to read as follows

A. Purpose. A variance is a mechanism by which the city may grant relief from the zoning provisions and standards of the LDC, where practical difficulty renders compliance with the LDC an unnecessary hardship.

B. Procedures. Variance permits are subject to the Type III review process as set forth in Chapter 15.210 ECC.

1. Administrative variances may be allowed for proposals that are within 10 percent of compliance of applicable dimensional standards, subject to the Type II review procedures set forth in Chapter 15.210 ECC.

2. Variance procedures and decision criteria for development within critical areas are set forth in ECC 15.610.210 and ECC 15.610.215.

C. Decision Criteria. The city may approve, approve with conditions, or deny variances. Granting of variances requires compliance with all of the following:

1. The variance is necessary because of the unique size, shape, topography, or location of the subject property;
2. The strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner;
3. The subject property is deprived, by provisions of this title, of rights and privileges enjoyed by other properties in the vicinity and under an identical zone, however, the existence of similar nonconforming uses of neighboring lands, structures, or buildings in the same zone shall not be considered grounds for the issuance of a variance;
4. The need for the variance is not the result of deliberate actions of the applicant or property owner, including any past owner of the same property;
5. The variance is compatible with the comprehensive plan;
6. The variance does not create a health or safety hazard;
7. The granting of the variance will not be materially detrimental to the public welfare or injurious to:
 - a. The property or improvements in the vicinity, or
 - b. The zone in which the subject property is located;
8. The variance does not relieve an applicant from:
 - a. Any of the procedural or administrative provisions of this title, or
 - b. Any standard or provision that specifically states that no variance from such standard or provision is permitted, or
 - c. Use or building restrictions, or
 - d. Any provisions of the critical areas development standards except as provided in Division VI;
9. The variance from setback or height requirements does not infringe upon or interfere with easement or covenant rights or responsibilities;
10. The variance does not allow the establishment of a use that is not otherwise permitted in the zone in which the proposal is located; and

11. The variance is the minimum necessary to grant relief to the applicant. [Ord. 4807 § 28, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 16. Section 15.600.010 of the Ellensburg City Code, as last amended by section 1 of Ordinance 4656, is hereby amended to read as follows:

15.600.010 Purpose

A. The purpose of this chapter is to designate and classify ecologically sensitive and hazardous areas and to protect these areas and their functions and values, while also allowing for reasonable use of private property.

B. This chapter is to implement the goals, policies, guidelines, and requirements of the Ellensburg comprehensive plan and the Growth Management Act.

C. The city finds that critical areas provide a variety of valuable and beneficial biological and physical functions that benefit the city and its residents, and/or may pose a threat to human safety or to public and private property. The beneficial functions and values provided by critical areas include, but are not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation of floodwaters, ground water recharge and discharge, erosion control, protection from hazards, historical, archaeological, and aesthetic value protection, and recreation. These beneficial functions are not listed in order of priority.

D. Goals. By limiting development and alteration of critical areas, this chapter seeks to:

1. Protect human life and health;

~~1.2.~~ Protect members of the public and public resources and facilities from injury, loss of life, or property damage due to landslides and steep slope failures, erosion, seismic events, or flooding;

~~2.3.~~ Maintain healthy, functioning ecosystems through the protection of unique, fragile, and valuable elements of the environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats, and to conserve the biodiversity of plant and animal species;

~~3.4.~~ Direct activities not dependent on critical areas resources to less ecologically sensitive sites and mitigate unavoidable impacts to critical areas by regulating alterations in and adjacent to critical areas;

4.5. Prevent cumulative adverse environmental impacts to water quality, wetlands, and fish and wildlife habitat, and the overall net loss of wetlands, frequently flooded areas, and habitat conservation areas;

6. Minimize expenditure of public money for costly flood control projects;

7. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

8. Minimize prolonged business interruptions;

9. Minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in flood hazard areas;

10. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;

11. Notify potential buyers that the property is in a Special Flood Hazard Area;

12. Notify those who occupy flood hazard areas that they assume responsibility for their actions; and

13. Participate in and maintain eligibility for flood insurance and disaster relief.

E. The regulations of this chapter are intended to protect critical areas in accordance with the Growth Management Act and through the application of the best available science, as determined according to WAC 365-195-900 through 365-195-925, and in consultation with state and federal agencies and other qualified professionals.

F. In order to accomplish its purposes of reducing flood losses, this chapter includes methods and provisions for:

1. Restricting or prohibiting development that is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

2. Requiring that development vulnerable to floods be protected against flood damage at the time of initial construction;

3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

4. Controlling filling, grading, dredging, and other development, which may increase flood damage; and

5. Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas.

~~FG.~~ This chapter is to be administered with flexibility and attention to site-specific characteristics. It is not the intent of this chapter to make a parcel of property unusable by denying its owner reasonable economic use of the property or to prevent the provision of public facilities and services necessary to support existing development and planned for by the community without decreasing current service levels below minimum standards.

~~GH.~~ The city's enactment or enforcement of this chapter shall not be construed for the benefit of any individual person or group of persons other than the general public. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 17. Chapter 15.610 of the Ellensburg City Code, is hereby amended to include a new section 15.610.215 specific to variances within frequently flooded areas, to read as follows:

**Chapter 15.610
APPLICABILITY, EXEMPTIONS AND EXCEPTIONS**

Sections:

- 15.610.010 Applicability.**
- 15.610.020 Exemptions.**
- 15.610.030 Allowed activities.**
- 15.610.040 Exception – Public agency and utility.**
- 15.610.050 Exception – Reasonable use.**
- 15.610.060 Critical area review requirements.**
- 15.610.070 Preapplication meeting.**
- 15.610.080 Public notice of initial determination.**
- 15.610.090 Critical area report – Requirements.**
- 15.610.100 Critical area report – Modifications to requirements.**
- 15.610.110 Mitigation requirements.**
- 15.610.120 Mitigation sequencing.**
- 15.610.130 Mitigation plan requirements.**
- 15.610.140 Innovative mitigation.**
- 15.610.150 Determination.**
- 15.610.160 Review criteria.**
- 15.610.170 Report acceptance.**
- 15.610.180 Report rejection.**
- 15.610.190 Completion of the critical area review.**
- 15.610.200 Appeals.**
- 15.610.210 Variances.**
- 15.610.215 Variances within frequently flooded areas.**
- 15.610.220 Unauthorized critical area alterations and enforcement.**
- 15.610.230 Critical area markers and signs.**
- 15.610.240 Notice on title.**
- 15.610.250 Critical area tracts.**

- 15.610.260 Bonds to ensure mitigation, maintenance, and monitoring.**
- 15.610.270 Critical area inspections.**
- 15.610.280 Enforcement and penalties.**

Section 18. Section 15.610.020 of the Ellensburg City Code, as last amended by section 5 of Ordinance 4803, is hereby amended to read as follows:

15.610.020 Exemptions

A. Critical area review application required. Certain development activities within critical areas may be exempt from critical area permitting. However, a critical area review application shall be submitted for all development in any identified critical area to determine exemption applicability. Pursuant to FEMA regulations, exemption for the activities described in (D)(2), (D)(3) and (D)(4) of this section is not applicable to development located within the floodplain.

AB. Exemption Request and Review Process. The proponent of the activity may submit a written request for exemption to the director that describes the activity and states the exemption listed in this section that applies. The director shall review the exemption request as a Type I permit review process as set forth in Chapters 15.210 and 15.220 ECC. If the exemption is approved, it shall be placed on file with the community development department and the proponent may continue through the review process for any underlying permit. If the exemption is denied, the proponent may continue in the critical area review process and shall be subject to the requirements of this chapter.

BC. Exempt Activities and Impacts to Critical Areas. All exempted activities shall use reasonable methods to avoid potential impacts to critical areas. To be exempt from this chapter does not give permission to degrade a critical area or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party's sole expense.

CD. Exempt Activities. The following developments, activities, and associated uses shall be exempt from the provisions of this chapter; provided, that they are otherwise consistent with the provisions of other local, state, and federal laws and requirements:

1. Emergencies. Those activities necessary to prevent an immediate threat to public health, safety, or welfare, or which pose an immediate risk of damage to private property and which require remedial or preventative action in a time frame too short to allow for compliance with the requirements of this chapter. Emergency actions which create an impact to a critical area or its buffer shall use reasonable methods to address the emergency; in addition, they must have the least possible impact to the critical area or its buffer. The person or agency undertaking such action shall notify the city within one business day following commencement of the emergency activity. Within 30 days, the director shall determine if the action taken was within the scope of the emergency actions

allowed in this subsection. If the director determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action, then enforcement provisions of ECC 15.610.220, Unauthorized critical area alterations and enforcement, shall apply.

After the emergency, the person or agency undertaking the action shall fully fund and conduct necessary restoration and/or mitigation for any impacts to the critical area and buffers resulting from the emergency action in accordance with an approved critical area report and mitigation plan. The person or agency undertaking the action shall apply for review, and the alteration, critical area report, and mitigation plan shall be reviewed by the city in accordance with the review procedures contained herein. Restoration and/or mitigation activities must be initiated within one year of the date of the emergency, and completed in a timely manner; provided, however, the restoration, mitigation, planning and financial requirements set forth in this subsection shall not apply to public safety or volunteer emergency services providers who, in good faith, render emergency response services, and while in the course and scope of such services determine it necessary to damage, destroy or alter property falling under the jurisdiction of this chapter; provided further, this exception from responsibility shall not extend to the landowner or to any persons other than such public safety or volunteer emergency services providers;

2. Operation, Maintenance, or Repair. Operation, maintenance, or repair of existing structures, infrastructure, utilities, public or private roads, dikes, ditches, reservoirs, or other structures or facilities for irrigation purposes. Operation and maintenance includes vegetation management performed in accordance with best management practices that is part of ongoing maintenance of structures, infrastructure, or utilities; provided, that such management actions are part of regular and ongoing maintenance, do not expand further into the critical area, are not the result of an expansion of the structure or utility, and do not directly impact an endangered or threatened species. To qualify as an exemption, operation, maintenance, or repair activities must meet the following criteria:

- a. The activity does not require construction permits;
- b. The activity does not further alter or increase the impact to, or encroach further within, the critical area or buffer; and
- c. There is no increased risk to life or property as a result of the proposed operation, maintenance, or repair;

3. Passive Outdoor Activities. Recreation, education, and scientific research activities that do not degrade the critical area, including fishing, hiking, and bird watching. Trails must be constructed pursuant to ECC 15.610.030(C)(5), Public and Private Pedestrian Trails;

4. Flood Control. Operation, maintenance, and repair of ditches, reservoirs, and other structures or facilities which were created or developed as part of normal flood

control activities, except that this exemption does not extend to the permanent draining or permanent alteration of any regulated wetland; and

5. Other Similar Activity. Such activity that the director may determine is closely allied or similar to any activity on the exemption list. If such an activity does not impact the functions and values of any critical area or its buffers, it may also be determined to be exempt. [Ord. 4803 § 5, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 19. Section 15.610.030 of the Ellensburg City Code, as last amended by section 5 of Ordinance 4803, is hereby amended to read as follows:

15.610.030 Allowed Activities

A. Certain activities as set forth below are allowed activities. The proponent of the allowed activity must submit a critical area review form as required by ECC 15.610.060. In making the decision whether a proposed activity is an allowed activity for purposes of this chapter, the director shall follow the permit review process set forth for Type I permit in Chapters 15.210 and 15.220 ECC.

A.B. Activities allowed under this chapter shall have been reviewed and permitted or approved by the city or other agency with jurisdiction, but do not require submittal of a separate critical area report, unless such submittal was previously required for the underlying permit. The director may apply conditions to the underlying permit or approval to ensure that the allowed activity is consistent with the provisions of this chapter to protect critical areas.

B.C. Required Use of Best Management Practices. All allowed activities shall be conducted using the best management practices pursuant to the city's public works development standards, that result in the least amount of impact to the critical areas. Best management practices shall be used for tree and vegetation protection, construction management, erosion and sedimentation control, water quality protection, and regulation of chemical applications. The city shall observe the use of best management practices to ensure that the activity does not result in degradation to the critical area. Any incidental damage to, or alteration of, a critical area shall be restored, rehabilitated, or replaced at the responsible party's expense.

C.D. Allowed Activities. The following activities are allowed:

1. Permit Requests Subsequent to Previous Critical Area Review. Development permits and approvals that involve both discretionary land use approvals (such as subdivisions, rezones, or conditional use permits), and construction approvals (such as building permits) if all of the following conditions have been met:

- a. The provisions of this chapter have been previously addressed as part of another approval;
 - b. There have been no material changes in the potential impact to the critical area or buffer since the prior review;
 - c. There is no new information available that is applicable to any critical area review of the site or particular critical area;
 - d. The permit or approval has not expired or, if no expiration date, no more than five years has elapsed since the issuance of that permit or approval; and
 - e. Compliance with any standards or conditions placed upon the prior permit or approval has been achieved or secured.
2. **Modification to Existing Structures.** Structural modification of, addition to, demolition of or replacement of, an existing legally constructed structure (undertaken pursuant to an issued permit, if required) that does not further alter or increase the impact to the critical area or buffer and there is no increased risk to life or property as a result of the proposed modification or replacement; provided, that restoration of structures or demolition pursuant to an approved demolition permit must be initiated within one year of the date of such damage, as evidenced by the issuance of a valid building permit, and diligently pursued to completion. This subsection does not apply to modifications to existing structures located within a special flood hazard area. In such cases, the proposed modifications are subject to all requirements of Chapter 15.630 ECC, including but not limited to the requirements for substantial improvements;
3. **Activities within the Improved Right-of-Way.** Replacement, modification, installation, or construction of utility facilities, lines, pipes, mains, equipment, or appurtenances, not including substations, when such facilities are located within the improved portion of the public right-of-way or a city-authorized private roadway, except those activities that alter a wetland or watercourse, such as culverts or bridges, or result in the transport of sediment or increased stormwater; subject to the following:
- a. Critical area and/or buffer widths shall be increased, where possible, equal to the width of the right-of-way improvement, including disturbed areas; and
 - b. Retention and replanting of native vegetation shall occur wherever possible along the right-of-way improvement and resulting disturbance.
4. **Minor Utility Projects.** Utility projects which have minor or short-duration impacts to critical areas, as determined by the director in accordance with the criteria below:

- a. There is no practical alternative to the proposed activity with less impact on critical areas;
- b. The activity involves the placement of a utility pole, street signs, anchor, or vault or other small component of a utility facility;
- c. The activity does not significantly impact the function or values of a critical area(s);
- d. The activity or project is constructed with best management practices and additional restoration measures are provided; and
- e. The activity shall not result in the transport of sediment or increased stormwater.

5. **Public and Private Pedestrian Trails.** Public and private pedestrian trails, except in wetlands, fish and wildlife habitat conservation areas, or their buffers, subject to the following:

- a. The trail surface shall meet all other requirements including applicable standards set forth in the city's public works development standards;
- b. Critical area and/or buffer widths shall be increased, where possible, equal to the width of the trail corridor, including disturbed areas; and
- c. Trails proposed to be located in landslide or erosion hazard areas shall be constructed in a manner that does not increase the risk of landslide or erosion and in accordance with an approved geotechnical report.

6. **Select Vegetation Removal Activities.** The following vegetation removal activities; provided, that except for these activities no vegetation shall be removed from a critical area or its buffer without approval from the director:

- a. The removal of invasive and noxious weeds and vegetation with hand labor and light equipment;
- b. The removal of trees that are hazardous, posing a threat to public safety, or posing an imminent risk of damage to private property; provided, that:
 - i. The applicant submits a report from a certified arborist, registered landscape architect, or professional forester that documents the hazard and provides a replanting schedule for the replacement trees;
 - ii. Tree cutting shall be limited to pruning and crown thinning, unless otherwise justified by a qualified professional. Where pruning or crown thinning is not

sufficient to address the hazard, trees should be removed or converted to wildlife snags;

iii. All vegetation cut (tree stems, branches, etc.) may be left within the critical area or buffer unless removal is warranted due to the potential for disease, or pest transmittal to other healthy vegetation, or safety and health hazards;

iv. The landowner shall replace any trees that are removed with new trees at a ratio of two replacement trees for each tree removed (2:1) within one year in accordance with an approved restoration plan. Replacement trees may be planted at a different, nearby location if it can be determined that planting in the same location would create a new hazard or potentially damage the critical area. Replacement trees shall be species that are native and indigenous to the site and a minimum of one inch in diameter-at-breast height (dbh) for deciduous trees and a minimum of six feet in height for evergreen trees as measured from the top of the root ball;

v. Hazard trees determined to pose an imminent threat or danger to public health or safety, to public or private property, or of serious environmental degradation, may be removed or pruned by the landowner prior to receiving written approval from the city; provided, that within 14 days following such action, the landowner shall submit a restoration plan that demonstrates compliance with the provisions of this chapter;

c. Measures to control a fire or halt the spread of disease or damaging insects consistent with the state Forest Practices Act, Chapter 76.09 RCW; provided, that the removed vegetation shall be replaced in-kind or with similar native species within one year in accordance with an approved restoration plan; and

d. Unless otherwise provided, or as a necessary part of an approved alteration, removal of any vegetation or woody debris from a habitat conservation area or wetland shall be prohibited.

7. Vegetation Enhancement. Voluntary enhancement of a critical area or buffer by planting vegetation that will improve the health and function of the critical area;

8. Chemical Applications. The application of herbicides, pesticides, organic or mineral-derived fertilizers, or other hazardous substances, if necessary, as approved by the city; provided, that their use shall be restricted in accordance with Washington State Department of Fish and Wildlife Management Recommendations and the regulations of the Washington State Department of Agriculture, Washington State Department of Ecology, and the U.S. Environmental Protection Agency;

9. Minor Site Investigative Work. Work necessary for land use submittals, such as surveys, soil logs, percolation tests, archaeological shovel tests, and other related activities,

where such activities do not require construction of new roads or significant amounts of excavation. In every case, impacts to the critical area shall be minimized and disturbed areas shall be immediately restored; and

10. Navigational Aids and Boundary Markers. Construction or modification of navigational aids and boundary markers. [Ord. 4803 § 5, 2018.]

Section 20. Section 15.610.050 of the Ellensburg City Code, as last amended by section 5 of Ordinance 4803, is hereby amended to read as follows:

15.610.050 Exception- Reasonable Use.

A. If the application of this chapter would deny all reasonable economic use of the subject property, the city shall determine if compensation is an appropriate action, or the property owner may apply for an exception pursuant to this section. However, this section is not applicable to development in the floodplain. See ECC 15.610.215 for requirements and criteria for variances within frequently flooded areas.

B. Exception Request and Review Process (a Type II Permit Review Process). An application for a reasonable use exception shall be made to the city and shall include a critical area review form; and if necessary a critical area report (ECC 15.610.090 and 15.610.100), including mitigation plan (ECC 15.610.130); and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter 43.21C RCW and WAC 197-11-158). The director shall process the exception request as a Type II permit review process as set forth in Chapters 15.210 and 15.220 ECC. As part of that review process the director shall prepare a decision based on review of the submitted information, a site inspection, and the proposal's ability to comply with reasonable use exception criteria in subsection (C) of this section.

C. Reasonable Use Review Criteria. Criteria for review and approval of reasonable use exceptions follow; one or more may apply:

1. The application of this chapter would deny all reasonable economic use of the property;
2. No other reasonable economic use of the property has less impact on the critical area;
3. The proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property;
4. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant after the effective date of the ordinance codified in this chapter, or its predecessor;

5. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;
6. The proposal will result in no net loss of critical area functions and values consistent with the best available science; and
7. The proposal is consistent with other applicable regulations and standards.

D. Burden of Proof. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made. [Ord. 4803 § 5, 2018; Ord. 4656 § 1 (Exh. O2), 2013. Formerly 15.610.040.]

Section 21. Section 15.610.210 of the Ellensburg City Code, as last amended by section 5 of Ordinance 4803, is hereby amended to read as follows:

15.610.210 Variances

A. The variance criteria set forth in this section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

Variances from the standards of this chapter may be authorized by the city in accordance with the procedures set forth in ECC 15.610.050 and Chapters 15.210 and 15.220 ECC. The hearing examiner shall review the request and make a written finding that the request meets or fails to meet the variance criteria. See ECC 15.610.215 for variance requirements specific to development within frequently flooded areas.

B. Variance Criteria. A variance may be granted only if the applicant demonstrates that the requested action conforms to all of the criteria set forth as follows:

1. Special conditions and circumstances exist that are peculiar to the land, the lot, or something inherent in the land, and that are not applicable to other lands in the same district;
2. The special conditions and circumstances do not result from the actions of the applicant;

3. A literal interpretation of the provisions of this chapter would deprive the applicant of all reasonable economic uses and privileges permitted to other properties in the vicinity and zone of the subject property under the terms of this chapter, and the variance requested is the minimum necessary to provide the applicant with such rights;
4. Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings under similar circumstances;
5. The granting of the variance is consistent with the general purpose and intent of this chapter, and will not further degrade the functions or values of the associated critical areas or otherwise be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the subject property;
6. The decision to grant the variance includes the best available science and gives special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish habitat; and
7. The granting of the variance is consistent with the general purpose and intent of the city's comprehensive plan and adopted development regulations.

C. **Conditions May Be Required.** In granting any variance, the city may prescribe such conditions and safeguards as are necessary to secure adequate protection of critical areas from adverse impacts, and to ensure conformity with this chapter.

D. **Time Limit.** The city shall prescribe a time limit within which the action for which the variance is required shall be begun, completed, or both. Failure to begin or complete such action within the established time limit shall void the variance.

E. **Burden of Proof.** The burden of proof shall be on the applicant to bring forth evidence in support of the application and upon which any decision has to be made on the application. [Ord. 4803 § 5, 2018; Ord. 4656 § 1 (Exh. O2), 2013. Formerly 15.610.220.]

Section 22. Chapter 15.610 of the Ellensburg City Code, is hereby amended to include a new Chapter 15.610.215 to read as follows:

15.610.215 Variances within frequently flooded areas.

A. It is the duty of the city to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the Base Flood Elevation are so serious that variances from the flood elevation or from other requirements in this chapter are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if

variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

Variances from the standards of this chapter may be authorized by the city in accordance with the procedures set forth in Chapters 15.210 and 15.220 ECC. The hearing examiner shall review the request and make a written finding that the request meets or fails to meet the variance criteria.

B. Requirements for Variances

1. Variances shall only be issued:

- a. Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
- b. For the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;
- c. Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
- d. Upon a showing of good and sufficient cause;
- e. Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;
- f. Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in ECC 15.130.060 in the definition of "Functionally Dependent Use."

2. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.

3. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation (BFE), provided the procedures set forth in ECC 15.630 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

C. Variance Criteria

In considering variance applications, the city shall consider all technical evaluations, all relevant factors, all standards specified in this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in time of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water system, and streets and bridges.

D. Additional Requirements for the Issuance of a Variance

1. Any applicant to whom a variance is granted shall be given written notice over the signature of the director that:
 - a. The issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
 - b. Such construction below the BFE increases risks to life and property.
2. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.

3. The Floodplain Administrator shall condition the variance as needed to ensure that the requirements and criteria of this chapter are met.
4. Variances as interpreted in the NFIP are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.

E. Time Limit. The city shall prescribe a time limit within which the action for which the variance is required shall be commenced, completed, or both. Failure to begin and/or complete such action within the established time limit shall terminate the variance.

F. Burden of Proof. The burden of proof shall be on the applicant to bring forth evidence in support of the variance application and upon which any decision has to be made on the application. [Ord. 4803 § 5, 2018; Ord. 4656 § 1 (Exh. O2), 2013. Formerly 15.610.220.]

Section 23. Chapter 15.630 of the Ellensburg City Code, is hereby amended to include a new section 15.630.015, specific to the designation and role of the Floodplain Administrator, to read as follows:

CHAPTER 15.630

FREQUENTLY FLOODED AREAS

Sections:

- 15.630.010 Designation of frequently flooded areas.**
- 15.630.015 Designation of the Floodplain Administrator**
- 15.630.020 Critical area report requirements – Frequently flooded areas.**
- 15.630.030 Warning and disclaimer of liability.**
- 15.630.040 Performance standards – General requirements.**
- 15.630.050 Performance standards – Specific uses.**
- 15.630.060 Performance standards – Areas of shallow flooding.**
- 15.630.070 Prohibited uses and activities.**

Section 24. Section 15.630.010 of the Ellensburg City Code, as last amended by section 1 of Ordinance 4656, is hereby amended to read as follows:

15.630.010 Designation of frequently flooded areas.

A. Frequently Flooded Areas. Frequently flooded areas shall include:

1. Areas Identified on the Flood Insurance Map(s). Those areas of special flood hazard within the incorporated city limits of Ellensburg identified as being within the 100-year floodplain by the Federal Insurance ~~Administration~~ Administrator in a scientific and engineering report entitled “The Flood Insurance Study (FIS) for Kittitas County, Washington and Incorporated Areas”, dated ~~November 5, 1980~~ September 24, 2021, and any revisions thereto, with accompanying ~~flood insurance rate maps~~ (FIRMs), and any revisions thereto, and floodway maps (FIRM Community Panel Number 530234 0001C; Community Panel Number 530234 0002C; Floodway Community Panel Number 530095 0552C; all maps effective May 5, 1981). The above study and maps are hereby adopted by reference and declared to be a part of this chapter. The ~~flood insurance study FIS and maps FIRMs~~ are on file with the Ellensburg community development department, located at 501 N. Anderson Street in Ellensburg, Washington. The best available information for flood hazard area identification as outlined in Section 15.630.010(D) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 15.630.010(D).

B. Use of Additional Information. The director may use additional flood information that is more restrictive or detailed than that provided in the flood insurance study conducted by the Federal Emergency Management Agency (FEMA) to designate frequently flooded areas, including data on channel migration, historical data, high water marks, photographs of past flooding, location of restrictive floodways, maps showing future build-out conditions, maps that show riparian habitat areas, or similar information.

C. Compliance. All development within special flood hazard areas is subject to terms of this chapter and other applicable regulations.

~~C~~D. Flood Elevation Data. When base flood elevation data is not available (A and V zones designated under subsection (A) of this section), the director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, county or other source, in order to administer this section.

~~D~~E. Designation Made by Director. The flood insurance maps are to be used as a guide for the city, project applicants and/or property owners and the public, and should be considered a minimum designation of frequently flooded areas. Because flood insurance maps may be continuously updated as areas are reexamined or new areas are identified, the best available information for flood hazard area identification shall be the basis for regulation.

~~E~~F. Supplemental Documentation. Any areas identified by the director in this section shall be supported by professional scientific information.

~~F~~G. Maintenance of Records. The director shall maintain for public inspection all records of floodplain hazards, certificates of floodproofing, and flood elevation data.

~~G~~H. Mapping. The location and extent of frequently flooded areas are shown on the critical area maps adopted with the ordinance codified in this chapter by the city. The following maps

and data are hereby adopted and are available from the city and/or the listed governmental agency: Federal Emergency Management Administration Flood Insurance Rate Maps; Community Panels: 530234 0001C; 530234 0002C; 530095 0439B; 530095 0552C; 530095 0443B; 530095 0556B; 530095 0554C. [Ord. 4656 § 1 (Exh. O2), 2013.]

I. Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned for not more than ninety (90) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

J. Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another section of the city code, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

K. Interpretation. In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and,
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

Section 25. Chapter 15.630 of Ellensburg City Code, is hereby amended to include a new section 15.630.015 to read as follows:

15.630.015 Designation of the Floodplain Administrator; permit review.

A. The director is hereby appointed as the Floodplain Administrator to administer, implement, and enforce this chapter by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions. The duties of the Floodplain Administrator shall include, but not be limited to:

B. Permit Review. Review all development permits to determine that:

1. The permit requirements of this chapter have been satisfied;

2. All other required state and federal permits have been obtained;
3. The site is reasonably safe from flooding;
4. The proposed development is not located in the floodway. If located in the floodway, assure the encroachment provisions of Section 15.630.070(B)(1) are met;
5. Notify FEMA when annexations occur in the Special Flood Hazard Area; and
6. Notify FEMA of changes to the base flood elevation within six months of when technical information of such changes becomes available. Such notification shall include technical or scientific information.

C. Information to be Obtained and Maintained

1. Where base flood elevation data is provided through the FIS, FIRM, or required as in Section 15.630.040(D), obtain and maintain a record of the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in Section 15.630.040(D):
 - a. Obtain and maintain a record of the elevation (in relation to mean sea level) to which the structure was floodproofed.
 - b. Maintain the floodproofing certifications required in Section 15.630.020(C)(2).
3. Certification required by Section 15.630.070(B)(1)(floodway encroachments).
4. Records of all variance actions, including justification for their issuance.
5. Improvement and damage calculations.
6. Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Whenever a watercourse is to be altered or relocated:

1. Notify adjacent communities and the Department of Ecology prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means; and

2. Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

E. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (e.g. where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP (44 CFR 59-76).

Section 26. Section 15.630.020 of the Ellensburg City Code, as last amended by section 1 of Ordinance 4656, is hereby amended to read as follows:

15.630.020 Critical area report requirements – Frequently flooded areas.

A. Prepared by a Qualified Professional. A frequently flooded areas report shall be prepared for development within floodplains. Such report shall be required to be prepared by a qualified professional who is a hydrologist or engineer, and who is licensed in the state of Washington with experience in preparing flood hazard assessments.

B. Areas Addressed in Critical Area Report. The following areas shall be addressed in a critical area report for frequently flooded areas:

1. The location of the proposed activity;
2. All areas of a special flood hazard, as indicated on the flood insurance map(s) within 200 feet of the project area; and
3. All other flood areas indicated on the flood insurance map(s) within 200 feet of the project area.

C. Flood Hazard Assessment Required. A critical area report for a proposed activity within a frequently flooded area shall contain a flood hazard assessment including the following site- and proposal-related information at a minimum:

1. Site and Construction Plans. A copy of the site and construction plans for the development proposal showing:
 - a. Floodplain (100-year flood elevation); 10-year and 50-year flood elevations and floodway, if required by the director and, in addition, other critical areas, buffers, and shoreline areas;

- b. Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the floodplain;
 - c. Extent and location of proposed clearing and grading activity; and
 - d. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
 - e. Elevation in relation to mean sea, ~~and the level to which any structure has been floodproofed~~;
2. Floodproofing Certificate. When floodproofing is proposed, a certification by a registered professional engineer or architect that the floodproofing methods meet the requirements of ECC 15.630.040(G), Floodproofing;
3. Watercourse Alteration. When watercourse alteration is proposed, the critical area report shall include:
- a. Extent of Watercourse Alteration. A description of and plan showing the extent to which a watercourse will be altered or relocated as a result of the proposal; and
 - b. Maintenance Program Required for Watercourse Alterations. A maintenance program that provides maintenance practices for the altered or relocated portion of the watercourse to ensure that the flood-carrying capacity is not diminished;
4. Information Regarding Other Critical Areas. Potential impacts to wetlands, fish and wildlife habitat and other critical areas shall be addressed in accordance with the applicable sections of this chapter. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 27. Section 15.630.030 of the Ellensburg City Code, as last amended by section 1 of Ordinance 4656, is hereby amended to read as follows:

15.630.030 Warning and disclaimer of liability

The degree of flood protection required by this chapter poses and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside frequently flooded areas or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance ~~Administration~~ Administrator, for any flood damage that results from reliance on this chapter or any administrative decision lawfully made hereunder. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 28. Section 15.630.040 of the Ellensburg City Code, as last amended by section 7 of Ordinance 4803, is hereby amended to read as follows:

15.630.040 Performance standards – General requirements

A. Permit(s) Required. The permit required by this section shall be incorporated into the basic underlying permits necessary for the project or activity to proceed within a frequently flooded area, e.g., building permit, short plat, public works permits, State Environmental Policy Act and city critical areas reviews, and similar permits and development reviews. Completion of and compliance with the necessary review processes and permits listed above shall satisfy the requirement of issuance of a development permit for any activity that would alter land or commence a new use within a frequently flooded area. The permit shall be for all structures including manufactured homes, as set forth in the “Definitions,” and for all development including fill and other activities, also set forth in Chapter 15.130 ECC, the “Definitions.”

B. All necessary permits shall be obtained. The director shall verify that all necessary permits have been obtained from those governmental agencies from which prior approval is required by federal, state, or local law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendment of 1972 and the Endangered Species Act of 1973.

C. Development proposals must not reduce the effective base flood storage volume of a floodplain. Grading or other activity that would reduce the effective storage volume must be mitigated by creating compensatory storage on the site. The compensatory storage must provide equivalent volume at equivalent elevations to that being displaced, be hydraulically connected to the source of the flooding, be provided in the same construction season, and occur on-site or off-site, if legal arrangements can be made to assure that the effective compensatory storage will be preserved over time.

D. Areas without Base Flood Elevation Data. Where base flood elevation data is not available (A and V zones designated under ECC 15.630.010(A)), and there is insufficient data available from federal, state, county, or other sources, the director shall determine the base flood elevation using historical data, high water marks, photographs of past flooding, and other available information. If there is insufficient data available for the director to make a determination of the base flood elevation, and standards requiring a base flood elevation cannot be implemented, the director shall require measures that assure the proposed structures will be reasonably safe from flooding. At a minimum, the base flood elevation shall be set at least two feet above the highest adjacent grade. The director shall have the authority to set an average base flood elevation if there are sufficient grade deficiencies in elevation around the development area.

E. AE Zones with Base Flood Elevations but No Floodways. In areas with BFEs (when a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones AE on the city’s FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with

all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the city.

EF. Construction Materials and Methods.

1. **Methods That Minimize Flood Damage.** All new construction and substantial improvements shall be constructed using flood-resistant materials and utility equipment, and with methods and practices that minimize flood damage.
2. **Structures Shall Be Located Outside the Floodplain.** All structures shall be located on the buildable portion of the site out of the floodplain unless there is no buildable site area out of the floodplain. For sites with no buildable area out of the floodplain, structures shall be placed on the highest land on the site, oriented parallel to the anticipated flow of water rather than perpendicular, and sited as far from the watercourse and other critical areas as possible. If the director finds any evidence of active hyporheic exchange on a site, the development shall be located to minimize disruption of such exchange.
3. **Utilities Shall Be Protected.** All utilities shall be located on the buildable portion of the site out of the floodplain unless there is no buildable site area out of the floodplain. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within their components during conditions of flooding. Water wells shall be located on high ground that is not in the floodway per WAC 173-10-171. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

FG. Elevation Certificate Required Following Construction. Following construction or substantial improvement of a structure within the floodplain where the base flood elevation is provided, the applicant shall be required to submit to the director an as-built elevation certificate from a licensed professional land surveyor that records the elevation of the lowest floor (including basement), and whether or not the structure contains a basement. The director shall obtain said as-built elevation certificate and maintain for public inspection said certificates in its official records.

GH. Floodproofing.

1. When a nonresidential structure is to be floodproofed, it shall be designed and constructed using methods that meet the following requirements:
 - a. **Watertight Structure.** The structure shall be watertight with walls substantially impermeable to the passage of water below one foot above the base flood level;

- b. Hydrostatic Resistance. Structural components shall be capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- c. Certified by a Registered Professional Engineer or Architect. The structure shall be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans.

2. Floodproofing Certificate Required Following Construction. Following construction of the structure, the applicant shall obtain and provide to the director a floodproofing certificate from a registered professional engineer or architect that records the actual (as-built) elevation to which the structure was floodproofed.

3. Floodproofing Nonresidential Buildings. Applicants floodproofing nonresidential buildings shall be notified by the director that flood insurance premiums will be based on rates that are one foot below the floodproofed level (for example, a building floodproofed to the base flood level will be rated as one foot below).

HI. Anchoring.

1. Anchoring Required. All new construction and substantial improvements within the floodplain, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.

2. Manufactured Homes Shall Be Anchored. All manufactured homes to be placed or substantially improved within the floodplain shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and must be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

IJ. Fill and Grading. Fill and grading within the floodplain shall only occur after the review and approval by the city of the clearing, grading, and fill proposal. Such proposal shall require a determination from a licensed professional engineer that the fill or grading will not block side channels, inhibit channel migration, increase flood hazards to others, or be placed within a channel migration zone, whether or not the city delineated such zones as of the time of the application. [Ord. 4803 § 7, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

K. Storage of Materials and Equipment.

1. The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.

2. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

Section 29. Section 15.630.050 of the Ellensburg City Code, as last amended by section 1 of Ordinance 4656, is hereby amended to read as follows

15.630.050 Performance standards – Specific uses.

In all frequently flooded areas where base flood elevation data has been provided as set forth in Section 15.630.010(A) or Section 15.630.040(D), the following standards are required:

A. Residential Construction.

~~1. Must be no lower than one foot above the base flood elevation. In AE or other A zoned areas where the BFE has been determined or can be reasonably obtained, New~~
construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated ~~to~~ one foot or more above the base flood elevation for the area;
~~and Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE.~~

~~2. Areas below the lowest floor must meet requirements for crawlspaces as set forth hereinabove in this chapter.~~

2. New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in Section 15.630.060.

3. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs must meet or exceed the following minimum criteria:

a. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of floodwater.

d. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.

Alternatively, a registered engineer or architect may design and certify engineered openings.

B. Manufactured Homes Must Be Elevated. All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

C. Recreational Vehicles. Recreational vehicles are required to either:

1. Be on the site for fewer than 180 consecutive days;
2. Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
3. Must obtain a development permit and meet the requirements of this section, including elevation and anchoring, for manufactured homes.

D. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of subsection 1 or 2, below.

~~1.—Must be no lower than one foot above the base flood elevation. Construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot above the base flood elevation for the area or, together with attendant utility and sanitary facilities, shall be floodproofed in accordance with ECC 15.630.040(G), Floodproofing. Unavoidable impacts to flooded areas (from fill) need to be mitigated; and~~

~~2.—Areas below the lowest floor must meet the requirements for crawlspaces set forth hereinabove in this chapter.~~

1. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:

a. In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor,

including basement, elevated one foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated least one foot above the BFE, or as required by ASCE 24, whichever is greater.

b. If located in an AO zone, the structure shall meet the requirements in Section 15.630.060.

c. If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

d. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(i) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

(ii) The bottom of all openings shall be no higher than one foot above grade.

(iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

(iv) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.

Alternatively, a registered engineer or architect may design and certify engineered openings.

2. If the requirements of subsection 1 are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:

a. Be dry flood proofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry flood proofed to the elevation required by ASCE 24, whichever is greater;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 15.630.015(B)(2);

d. Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in Section 15.630.050(A)(2);

(Applicants who are flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building flood proofed to the base flood level will be rated as one foot below). Flood proofing the building an additional foot will reduce insurance premiums.)

E. Utilities.

1. Shall be designed to minimize infiltration of floodwaters. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
2. Sanitary sewage systems. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

F. Subdivision Proposals.

1. All subdivisions and short subdivisions shall:
 - a. Minimize flood damage. Subdivisions and short subdivisions shall be designed to minimize or eliminate flood damage to proposed structures; and public utilities and facilities that are installed as part of such subdivisions, such as sewer, gas, electrical, and water systems, shall be located and constructed to minimize flood damage. Subdivisions should be designed using natural features of the landscape, and should not incorporate flood protection changes;
 - b. Have adequate drainage. Subdivisions and short subdivisions shall have adequate natural surface water drainage in accordance with city's public works development standards to reduce exposure to flood hazards; and
 - c. Show flood areas on plat maps. Subdivisions and short subdivisions shall show the 100-year floodplain, floodway, and channel migration zone where designated by the city on the preliminary and final plat and short plat maps.

2. Detailed base flood elevation data shall be generated for subdivisions of at least 50 lots or five acres. Where detailed base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres, whichever is the lesser.

G. Alteration of Watercourses.

1. Shall require the submission of a critical area report by the applicant and be in accordance with the habitat regulations set forth in ECC 15.650.020 and 15.650.030 et seq. Watercourse alterations shall only be allowed when no negative impacts occur to critical areas.

2. Shall not result in blockage. Watercourse alteration projects shall not result in blockage of side channels.

3. Notification Required. The city shall notify adjacent communities, the Washington State Department of Ecology, the Washington Department of Fish and Wildlife, and the Federal Insurance Administration of the proposed watercourse alteration at least 30 days prior to permit issuance.

4. Maintenance of Alterations. The applicant shall maintain the altered or relocated portion of the watercourse to ensure that the flood carrying capacity is not diminished. The applicant shall furnish the city with a surety bond for maintenance, which bond shall remain in effect for a period of five years after completion of the alterations and be in accordance with a maintenance program approved by the director for the alteration project. The bond shall be in an amount to be determined by the director as sufficient to ensure that the flood carrying capacity of the watercourse is not diminished and complies with the terms of the maintenance program. The surety and the form of the bond shall be subject to the approval of the city attorney.

H. Crawlspace. Crawlspace are commonly used as a method of elevating buildings to or above the base flood elevation or providing area for easier access to utilities and other building facilities. The following requirements apply to all crawlspace that have enclosed areas or floors below the base flood elevation:

1. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effect of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required opening standards set forth below in this section. If crawlspace construction is proposed for areas in which the flood velocities exceed five feet per second, the design must be reviewed and approved by a registered architect or engineer.

2. The crawlspace is an enclosed area below the base flood elevation, and as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. Openings or vents must meet the following criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
- b. The bottom of all openings shall be no higher than one foot above grade; and
- c. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

3. All portions of the building below the base flood elevation must be constructed with materials resistant to flood damage. The recommended construction practice is to elevate the bottom of the joists and all insulation above the base flood elevation.

4. Any building utility systems within the crawlspace must be elevated above the base flood elevation or designed so that floodwaters cannot enter or accumulate within the system components. Duct work must either be placed above the base flood elevation or sealed from floodwaters.

5. In addition to the above requirements, the following specific provisions also apply to below grade crawlspaces:

- a. The interior grade of a crawlspace below the base flood elevation must not be more than two feet below the lowest adjacent exterior grade;
- b. The height of the below grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four feet at any point;
- c. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. Possible options include natural drainage through porous, well-drained soils or drainage systems such as perforated pipes, tiles, gravel or other means; and
- d. Below grade crawlspace construction in accordance with the requirements listed above will not be considered basements. [Ord. 4656 § 1 (Exh. O2), 2013.]

I. Enclosed Area Below the Lowest Floor. If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

J. Appurtenant Structures (Detached Garages & Small Storage Structures) in A Zones (A, AE, AH, AO):

1. Appurtenant structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:

a. Use of the appurtenant structure must be limited to parking of vehicles or limited storage;

b. The portions of the appurtenant structure located below the BFE must be built using flood resistant materials;

c. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement;

d. Any machinery or equipment servicing the appurtenant structure must be elevated or flood proofed to or above the BFE;

e. The appurtenant structure must comply with floodway encroachment provisions in Section 15.630.070(B)(1);

f. The appurtenant structure must be designed to allow for the automatic entry and exit of floodwaters in accordance with Section 15.630.050(A)(3);

g. The structure shall have low damage potential;

h. If the structure is converted to another use, it must be brought into full compliance with the standards governing such use; and

i. The structure shall not be used for human habitation.

2. Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 15.630.050(A).

3. Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

Section 30. Section 15.630.070 of the Ellensburg City Code, as last amended by section 1 of Ordinance 4656, is hereby amended to read as follows

15.630.070 Prohibited uses and activities.

A. Critical Facilities. Construction of new critical facilities shall be permissible within frequently flooded areas if no feasible alternative site is available. Critical facilities constructed within frequently flooded areas shall have the lowest floor elevated three feet or more above the level of the base flood elevation (100-year flood) or to the height of the 500-year flood, whichever is higher. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

If not otherwise required by the city, locating of critical facilities within a frequently flooded area shall be subject to SEPA review and action.

B. Construction in Floodways. Located within areas of special flood hazard established in Section 15.630.010(A) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:

1. New construction requires certification by a licensed professional engineer. Encroachments, including new construction, substantial improvements, fill, and other development, are prohibited within designated floodways unless certified by a registered professional engineer. Such certification shall demonstrate through hydrologic and hydraulic analyses, performed in accordance with standard engineering practice, that the proposed encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge. Small projects that are solely to protect or create fish habitat and designed by a qualified professional may be allowed without certification if the director determines that the project will not obstruct flood flows. Fish protection projects shall be reviewed on behalf of the city by a qualified professional in the field of hydraulics.

2. Residential Construction and Reconstruction Prohibited. Construction and reconstruction of residential structures is prohibited within designated floodways, except for:

- a. Repairs, reconstruction, or improvements to a structure that do not increase the ground floor area; and

- b. Repairs, reconstruction or improvements to a structure, for which the cost does not exceed 50 percent of the market value of the structure either:

- i. Before the repair or reconstruction is started; or

- ii. If the structure has been damaged, and is being restored, before the damage occurred.

Improvement to a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official

and that are the minimum necessary to assure safe living conditions or to structures identified as historic places may be excluded from the calculation of the 50 percent.

3. Substantially Damaged Residences in Floodway

a. For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1); and

b. Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:

- i) There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.
- ii) A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.
- iii) Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.
- iv) The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE.
- v) New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwater into the system.
- vi) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters.
- vii) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

34. If the provisions of subsection (B)(1) of this section are satisfied, or construction is allowed pursuant to subsection (B)(2) or subsection (B)(3) of this section, all new construction and substantial improvements shall comply with all applicable requirements of ECC 15.630.040 and 15.630.050. [Ord. 4656 § 1 (Exh. O2), 2013.]

C. Livestock Sanctuary Areas. Elevated areas for the for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated sufficiently to protect livestock. Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of this chapter.

Section 31. 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 32. 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 33. 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 on September 24, 2021 for the protection of the public health, public safety, public property, or public peace. Failure of the City implement the changes included in this ordinance by September 24, 2021 could also jeopardize the insurance rates paid by Ellensburg residents under the Federal National Flood Insurance Program.

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

MAYOR

ATTEST:

CITY CLERK

Approved as to form:

CITY ATTORNEY

Publish:

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

BETH LEADER



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: September 7, 2021

Item Title/Agenda Subject: Second Reading of Ordinance 4875 - Amending the 2021/2022 Biennial Budget

Submitted by: Keith Bassett Finance Department

Recommended Action or Motion: Conduct second reading and adoption of Ordinance 4875.

Background/Summary: The ordinance adopts amendments to the 2021/2022 biennial budget to reflect changes in operational requirements and adjustments to capital project plans, formalize budget adjustments approved through prior Council action, and carry forward unspent project budget from 2020 to 2021. Several additional items are included in the Ordinance for second reading.

Previous Council Action: Council adopted the 2021/2022 Biennial Budget in Ordinance 4864 at its December 7, 2020 regular meeting. Council has subsequently reviewed and approved additional budget adjustments as part of its ongoing review and approval of contracts and purchases.

A public hearing and first reading of the ordinance was held at Council's August 16 regular meeting.

Analysis: Since the biennial 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 were 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. Notable examples of this are expenditures for the collective bargaining agreement and pay plan amendments adopted earlier this year, advancing the budget from 2022 to 2021 for purchase of a portable lift system at the city shop, replacement of self-checkout machines at the library, interlocal agreement for funding for the Reecer Creek Levee project from the Kittitas

County Flood Control Zone District, University Way and Reecer Creek Road Signalization project, purchase of residential gas meters, and expenditures to obtain a Unity Park plan and bid specifications and a Reed Park master plan.

Additionally, the proposed budget amendments carry forward unexpended expenditure authority for projects approved in the prior biennium but not yet completed. The pandemic and related supply chain issues continue to impact city projects. However, most of the carryforward items are routine circumstances where final payment is held pending final paperwork completion, or contracts for professional services crossing between biennia. Some of these include carryforward of the final payments for the North Campus Signalization Project, and carryforward of expenditure authority for Natural Gas and Water system plans. Carryforward from 2020 to 2021 is required for two equipment purchases at the shop and for the purchase of wastewater treatment facility aerators due to the length of time between ordering and delivery.

Four items intended to be included in the original budget were inadvertently omitted from the ordinance exhibits and are corrected via this supplemental: parking lot maintenance projects at Irene Rinehart and Rotary Park, purchase of body worn - in car camera system for the Police Department, and monthly differential payments to eligible part-time library employees who do not qualify for medical insurance.

Several items originally budgeted based on estimates are included in the amendments to reflect updated estimates and incurred costs to date. These include updates to costs tied to administrative personnel changes, cyber incident response costs, anticipated liability insurance cost increases, and health insurance program costs.

Finally, a number of items principally reflect changes to revenue. This includes revenue from the sale of the Incubator Building earmarked for economic development, additional land sale on Dolarway, a one-time infusion from the state to fund costs to implement recent legislative changes related to law enforcement and criminal justice, and grants awarded to partially fund the 14th and Alder signal and Palouse to

Cascades Reconnect project, University Way & Reecer Creek Road Signalization project, and public transit operations.

Additional 2022 revenue forecast updates are now included in the ordinance and reflect a revised distribution of state revenues to the governmental funds, increasing governmental fund revenue by \$130,312. The second reading ordinance also reflects revenue distributions and related expenditure placeholders in 2021 and 2022 for federal Coronavirus Local Fiscal Recovery funds appropriated as part of the American Rescue Plan Act.

Three additional changes for Second Reading are \$27,745 additional expenditure authority for the Electric Utility's tree trimming contract for 2021 approved by Council at the August 16 Council meeting, changes to the Art Acquisition Fund budget to reflect the Art Commission Spending Plan to be presented at the September 7 Council Meeting, and \$8,310 additional expenditure authority for Second Avenue Emergency Water Main Replacement.

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

Financial Impact:

The ordinance amends the 2021/2022 Biennial Budget, increasing total 2021 budgeted beginning fund balance by \$8,896,292 primarily due to revenues exceeding forecasts in 2020, realized operating savings, and carry forward of capital projects, increasing total budgeted 2021 expenditures by \$8,691,713, and increasing total revenue by \$9,429,508. The effect of these amendments on the total budgeted 2021 ending fund balance is an increase of \$9,634,086. The 2022 amendments increase total expenditures by \$3,297,168, and increase revenue by \$2,992,730. The total impact increases 2022 budgeted ending fund balance by \$9,329,648.

Attachments:

[Table 1 - Supplemental Budget Items by Fund](#)

[Tables 2 & 3 - Summary of Supplemental Budget Impact](#)

[Ordinance 4875 - Amending the 2021-2022 Biennial Budget](#)

[Ordinance 4875 - Exhibits A & B - 2021-2022 Supplemental Budget](#)

Table 1 - 2021/2022 Supplemental Budget Items by Fund (Second Reading)

Fund / Item	2021				2022			
	Beg. Fund Balance	Revenues	Expenditures	Impact to Ending Fund Balance	Beg. Fund Balance	Revenues	Expenditures	Impact to Ending Fund Balance
General Fund								
Beginning Fund Balance Update	\$329,822	\$0	\$0	\$329,822	\$329,822			\$329,822
Replacement of Self-Checkout Machines		\$0	\$5,560	-\$5,560	-\$5,560			-\$5,560
2021 Pay Plan Resolution Amendments		\$0	\$101,469	-\$101,469	-\$101,469	\$0	\$297,808	-\$399,277
Animal Shelter Donation and Project	\$1,000	\$1,000	\$2,000	\$0	\$0			\$0
Land Sale - Dollarway		\$844,846	\$3,521	\$841,325	\$841,325			\$841,325
Public Works Flat File Record Archiving Carryforward		\$0	\$2,553	-\$2,553	-\$2,553			-\$2,553
Pool Heater Replacement Carryforward		\$0	\$20,000	-\$20,000	-\$20,000			-\$20,000
Law Enforcement Legislation Costs		\$77,051	\$77,051	\$0	\$0			\$0
City Manager Recruitment, Moving Expense, and Leave Payout		\$0	\$165,416	-\$165,416	-\$165,416			-\$165,416
Human Resources Director Recruitment and Leave Payout		\$0	\$25,000	-\$25,000	-\$25,000			-\$25,000
Park Parking Lot Chipseal (Budget error correction)		\$0	\$40,000	-\$40,000	-\$40,000	\$0	\$51,000	-\$91,000
COVID Grants Accounting Carryforward		\$296,806	\$0	\$296,806	\$296,806			\$296,806
Decreased Utility Door Tag Fees - COVID Response		-\$75,000	\$0	-\$75,000	-\$75,000			-\$75,000
Misc. Benefits for LOPE In Lieu of Medical (Correction)		\$0	\$12,600	-\$12,600	-\$12,600	\$0	\$12,600	-\$25,200
Economic Development Staff Phase Out		\$0	\$0	\$0	\$0	\$0	\$0	\$0
Incubator Building Sale		\$706,814	\$4,000	\$702,814	\$702,814			\$702,814
Second Reading - 2022 Shared State Revenues Forecast				\$0	\$0	\$4,937	\$0	\$4,937
General Fund Total	\$330,822	\$1,851,517	\$459,170	\$1,723,169	\$1,723,169	\$4,937	\$361,408	\$1,366,698
Street Fund					\$0			\$0
Beginning Fund Balance Update	\$747,583	\$0	\$0	\$747,583	\$747,583			\$747,583
2021 Pay Plan Resolution Amendments		\$0	\$1,248	-\$1,248	-\$1,248	\$0	\$3,856	-\$5,104
Street Sweeping Disposal Carryforward		\$0	\$20,000	-\$20,000	-\$20,000			-\$20,000
Street Sweeping Disposal Supplemental		\$0	\$55,821	-\$55,821	-\$55,821			-\$55,821
Second Reading - 2022 Shared State Revenues Forecast				\$0	\$0	\$31,388	\$0	\$31,388
Street Fund Total	\$747,583	\$0	\$77,069	\$670,514	\$670,514	\$31,388	\$3,856	\$698,046
Arterial Street Fund					\$0			\$0
Beginning Fund Balance Update	-\$293,900	\$0	\$0	-\$293,900	-\$293,900			-\$293,900
Main Street Corridor Intersection Enhancements Project		\$0	\$63,500	-\$63,500	-\$63,500			-\$63,500
ILA with the Kittitas County Flood Control Zone District		-\$111,637	\$0	-\$111,637	-\$111,637			-\$111,637
14th & Alder Signal & Palouse to Cascades Reconnect		\$203,978	\$203,978	\$0	\$0	-\$83,728	-\$180,000	\$96,272
Bridge Load Ratings Update - RTPO Grant		\$9,962	\$9,962	\$0	\$0			\$0
Dolarway Bridge & Reecer Creek Levee Construction		\$0	\$288,363	-\$288,363	-\$288,363			-\$288,363
North Campus Signalization Carryforward		\$253,248	\$461,928	-\$208,680	-\$208,680			-\$208,680
Pfenning Road Shared Use Trail		\$28,000	\$40,000	-\$12,000	-\$12,000			-\$12,000
University Way & Reecer Creek Road Signal		\$290,000	\$290,000	\$0	\$0			\$0
Design of the University Way Gateway Project		\$0	\$56,526	-\$56,526	-\$56,526			-\$56,526
Fifth & Railroad Signalization Design Carryforward		\$0	\$20,739	-\$20,739	-\$20,739			-\$20,739

Table 1 Continued - 2021/2022 Supplemental Budget Items by Fund (Second Reading)

Fund / Item	2021				2022			
	Beg. Fund Balance	Revenues	Expenditures	Impact to Ending Fund Balance	Beg. Fund Balance	Revenues	Expenditures	Impact to Ending Fund Balance
(Arterial Street Fund - Continued)								
Main Street Signal Enhancement Carryforward		\$0	\$37,731	-\$37,731	-\$37,731			-\$37,731
Second Reading - 2022 Shared State Revenues Forecast				\$0	\$0	\$8,437	\$0	\$8,437
Arterial Street Fund Total	-\$293,900	\$673,551	\$1,472,727	-\$1,093,076	-\$1,093,076	-\$75,291	-\$180,000	-\$988,367
Traffic Impact Fee (TIF) Fund					\$0			\$0
Beginning Fund Balance Update	\$281,684	\$0	\$0	\$281,684	\$281,684			\$281,684
14th & Alder Signal & Palouse to Cascades Reconnect		\$0	\$83,728	-\$83,728	-\$83,728	\$0	-\$83,728	\$0
North Campus Signalization Carryforward		\$0	\$253,248	-\$253,248	-\$253,248			-\$253,248
Traffic Impact Fee (TIF) Fund Total	\$281,684	\$0	\$336,976	-\$55,292	-\$55,292	\$0	-\$83,728	\$28,436
Public Transit Fund					\$0			\$0
Beginning Fund Balance Update	\$184,977	\$0	\$0	\$184,977	\$184,977			\$184,977
2021 Pay Plan Resolution Amendments		\$0	\$4,196	-\$4,196	-\$4,196	\$0	\$12,987	-\$17,183
Central Transit Information Platform Carryforward		\$0	\$41,000	-\$41,000	-\$41,000			-\$41,000
Annual Sidewalk Repair Program, Including Bus Shelters		\$48,203	\$49,937	-\$1,735	-\$1,735			-\$1,735
Coronavirus Response & Relief Supplemental Appropriation Act (CRRSAA) Grant for		\$629,644	\$0	\$629,644	\$629,644			\$629,644
2021-2023 Consolidated Grant for Transit Operations		\$240,335	\$0	\$240,335	\$240,335			\$240,335
Public Transit Fund Total	\$184,977	\$918,182	\$95,133	\$1,008,025	\$1,008,025	\$0	\$12,987	\$995,038
Criminal Justice Fund					\$0			\$0
Beginning Fund Balance Update	\$856,946	\$0	\$0	\$856,946	\$856,946			\$856,946
2021 Pay Plan Resolution Amendments		\$0	\$3,693	-\$3,693	-\$3,693	\$0	\$11,404	-\$15,097
Body-worn In Car Camera System (Budget error correction)		\$0	\$155,510	-\$155,510	-\$155,510			-\$155,510
Criminal Justice Fund Total	\$856,946	\$0	\$159,203	\$697,743	\$697,743	\$0	\$11,404	\$686,339
Drug Fund					\$0			\$0
Beginning Fund Balance Update	\$9,724	\$0	\$0	\$9,724	\$9,724			\$9,724
Drug Fund Total	\$9,724	\$0	\$0	\$9,724	\$9,724			\$9,724
Sales Tax Reserve Fund					\$0			\$0
Beginning Fund Balance Update	\$247,021	\$0	\$0	\$247,021	\$247,021			\$247,021
Sales Tax Reserve Fund Total	\$247,021	\$0	\$0	\$247,021	\$247,021			\$247,021
ECTV Operations Fund					\$0			\$0
Beginning Fund Balance Update	\$13,935	\$0	\$0	\$13,935	\$13,935			\$13,935
ECTV Operations Fund Total	\$13,935	\$0	\$0	\$13,935	\$13,935			\$13,935
Park Acquisition Fund					\$0			\$0
Beginning Fund Balance Update	-\$16,136	\$0	\$0	-\$16,136	-\$16,136			-\$16,136
Unity Park Plan and Bid Specifications		\$0	\$40,000	-\$40,000	-\$40,000			-\$40,000
Reed Park Master Plan		\$0	\$35,000	-\$35,000	-\$35,000			-\$35,000
Second Reading - 2022 Shared State Revenues Forecast				\$0	\$0	\$550	\$0	\$550
Park Acquisition Fund Total	-\$16,136	\$0	\$75,000	-\$91,136	-\$91,136	\$550	\$0	-\$90,586

Table 1 Continued - 2021/2022 Supplemental Budget Items by Fund (Second Reading)

Fund / Item	2021				2022			
	Beg. Fund Balance	Revenues	Expenditures	Impact to Ending Fund Balance	Beg. Fund Balance	Revenues	Expenditures	Impact to Ending Fund Balance
Art Acquisition Fund					\$0			\$0
Beginning Fund Balance Update	-\$20,047	\$0	\$0	-\$20,047	-\$20,047			-\$20,047
Annual Sidewalk Repair Program, Including Bus Shelters		\$0	\$37,837	-\$37,837	-\$37,837			-\$37,837
Economic Development Staff Phase Out		\$0	\$0	\$0	\$0	\$0	\$0	\$0
Second Reading - Art Commission Spending Plan		\$29,303	-\$8,296	\$37,599	\$37,599	-\$400	\$766	\$36,433
Art Acquisition Fund Total	-\$20,047	\$29,303	\$29,541	-\$20,284	-\$20,284	-\$400	\$766	-\$21,450
Lodging Tax Fund					\$0			\$0
Beginning Fund Balance Update	\$96,708	\$0	\$0	\$96,708	\$96,708			\$96,708
Lodging Tax Fund Total	\$96,708	\$0	\$0	\$96,708	\$96,708			\$96,708
Housing & Related Services Fund					\$0			\$0
Beginning Fund Balance Update	\$179,782	\$0	\$0	\$179,782	\$179,782			\$179,782
Second Reading - 2022 Shared State Revenues Forecast				\$0	\$0	\$85,000	\$0	\$85,000
Housing & Related Services Fund Total	\$179,782	\$0	\$0	\$179,782	\$179,782	\$85,000	\$0	\$264,782
COVID Grants Fund					\$0			\$0
Beginning Fund Balance Update	\$296,806	\$0	\$0	\$296,806	\$296,806			\$296,806
COVID Grants Accounting Carryforward		\$0	\$296,806	-\$296,806	-\$296,806			-\$296,806
Second Reading - COVID19 Federal Funds Forecast		\$2,946,546	\$2,946,546	\$0	\$0	\$2,946,546	\$2,946,546	\$0
COVID Grants Fund Total	\$296,806	\$2,946,546	\$3,243,352	\$0	\$0	\$2,946,546	\$2,946,546	\$0
Capital Improvement Bond Debt Fund					\$0			\$0
Beginning Fund Balance Update	\$362,378	\$0	\$0	\$362,378	\$362,378			\$362,378
Capital Improvement Bond Debt Fund Total	\$362,378	\$0	\$0	\$362,378	\$362,378			\$362,378
2003 Library Const. Debt Fund					\$0			\$0
Beginning Fund Balance Update	-\$574	\$0	\$0	-\$574	-\$574			-\$574
2003 Library Const. Debt Fund Total	-\$574	\$0	\$0	-\$574	-\$574			-\$574
LID Gurantee Fund					\$0			\$0
Beginning Fund Balance Update	\$138,523	\$0	\$0	\$138,523	\$138,523			\$138,523
LID Gurantee Fund Total	\$138,523	\$0	\$0	\$138,523	\$138,523			\$138,523
Capital Facility Improvement Fund					\$0			\$0
Beginning Fund Balance Update	\$536,090	\$0	\$0	\$536,090	\$536,090			\$536,090
Facility Improvement Construction Carryforward		\$0	\$536,090	-\$536,090	-\$536,090			-\$536,090
Capital Facility Improvement Fund Total	\$536,090	\$0	\$536,090	\$0	\$0			\$0
Sidewalk Fund					\$0			\$0
Beginning Fund Balance Update	\$377,646	\$0	\$0	\$377,646	\$377,646			\$377,646
CBD Sidewalk Repair and Tree Replacement Carryforward		\$0	\$6,692	-\$6,692	-\$6,692			-\$6,692
Annual Sidewalk Repair Program, Including Bus Shelters		\$0	\$10,409	-\$10,409	-\$10,409			-\$10,409
Sidewalk Fund Total	\$377,646	\$0	\$17,101	\$360,545	\$360,545			\$360,545

Table 1 Continued - 2021/2022 Supplemental Budget Items by Fund (Second Reading)

Fund / Item	2021				2022			
	Beg. Fund Balance	Revenues	Expenditures	Impact to Ending Fund Balance	Beg. Fund Balance	Revenues	Expenditures	Impact to Ending Fund Balance
Stormwater Utility Fund					\$0			\$0
Beginning Fund Balance Update	\$138,991	\$0	\$0	\$138,991	\$138,991			\$138,991
2021 Pay Plan Resolution Amendments		\$0	\$1,262	-\$1,262	-\$1,262	\$0	\$3,897	-\$5,159
ILA with the Kittitas County Flood Control Zone District		\$111,637	\$111,637	\$0	\$0			\$0
Stormwater Business Education & Outreach - Data Collection		\$0	\$100	-\$100	-\$100			-\$100
Dolarway Bridge / Reecer Creek Levee Design Carryforward		\$0	\$25,955	-\$25,955	-\$25,955			-\$25,955
Stormwater Utility Fund Total	\$138,991	\$111,637	\$138,954	\$111,674	\$111,674	\$0	\$3,897	\$107,777
Stormwater Capital Bond Fund					\$0			\$0
Beginning Fund Balance Update	\$3,045	\$0	\$0	\$3,045	\$3,045			\$3,045
Stormwater Capital Bond Fund Total	\$3,045	\$0	\$0	\$3,045	\$3,045			\$3,045
Telecom Utility Fund					\$0			\$0
Beginning Fund Balance Update	\$9,920	\$0	\$0	\$9,920	\$9,920			\$9,920
Ellensburg School District RFP for Fiber Optic Services		\$45,182	\$45,182	\$0	\$0			\$0
2021 Pay Plan Resolution Amendments		\$0	\$722	-\$722	-\$722	\$0	\$2,263	-\$2,985
Telecom Utility Strategic Plan		\$0	\$40,000	-\$40,000	-\$40,000			-\$40,000
Telecom Utility Fund Total	\$9,920	\$45,182	\$85,904	-\$30,802	-\$30,802	\$0	\$2,263	-\$33,065
Natural Gas Utility Fund					\$0			\$0
Beginning Fund Balance Update	\$599,962	\$0	\$0	\$599,962	\$599,962			\$599,962
Purchase of Residential Gas Meters		\$0	\$20,000	-\$20,000	-\$20,000	\$0	-\$20,000	\$0
2021 Pay Plan Resolution Amendments		\$0	\$12,654	-\$12,654	-\$12,654	\$0	\$35,388	-\$48,042
Natural Gas System Plan Carryforward		\$0	\$37,603	-\$37,603	-\$37,603			-\$37,603
Natural Gas System Plan Supplemental		\$0	\$2,800	-\$2,800	-\$2,800			-\$2,800
February Sale of Natural Gas		\$2,533,590	\$249,609	\$2,283,981	\$2,283,981			\$2,283,981
Natural Gas Utility Fund Total	\$599,962	\$2,533,590	\$322,666	\$2,810,886	\$2,810,886	\$0	\$15,388	\$2,795,498
Electric Utility Fund					\$0			\$0
Beginning Fund Balance Update	\$1,289,717	\$0	\$0	\$1,289,717	\$1,289,717			\$1,289,717
Spurling Court Solar Agreement with HopeSource		\$0	\$30,000	-\$30,000	-\$30,000			-\$30,000
2021 Pay Plan Resolution Amendments		\$0	\$20,131	-\$20,131	-\$20,131	\$0	\$62,500	-\$82,631
Collective Bargaining Agreement for 2021-2023 between City and IBEW Local 77		\$0	\$30,571	-\$30,571	-\$30,571	\$0	\$62,089	-\$92,660
North Campus Signalization Carryforward		\$0	\$32,851	-\$32,851	-\$32,851			-\$32,851
Substation Inspection Carryforward		\$0	\$70,925	-\$70,925	-\$70,925			-\$70,925
Light Utility Disposal and Refurbish Carryforward		\$0	\$40,000	-\$40,000	-\$40,000			-\$40,000
Second Reading - 2021 Tree Trimming Contract		\$0	\$27,745	-\$27,745	-\$27,745			-\$27,745
Electric Utility Fund Total	\$1,289,717	\$0	\$252,223	\$1,037,494	\$1,037,494	\$0	\$124,589	\$912,905

Table 1 Continued - 2021/2022 Supplemental Budget Items by Fund (Second Reading)

Fund / Item	2021				2022			
	Beg. Fund Balance	Revenues	Expenditures	Impact to Ending Fund Balance	Beg. Fund Balance	Revenues	Expenditures	Impact to Ending Fund Balance
Water Utility Fund					\$0			\$0
Beginning Fund Balance Update	\$1,166,284	\$0	\$0	\$1,166,284	\$1,166,284			\$1,166,284
2021 Pay Plan Resolution Amendments		\$0	\$3,582	-\$3,582	-\$3,582	\$0	\$11,067	-\$14,649
Water Transfer Station Emergency Upgrades		\$0	\$48,150	-\$48,150	-\$48,150			-\$48,150
Water System Plan Update Carryforward		\$0	\$38,486	-\$38,486	-\$38,486			-\$38,486
Illinois Well Outfitting Design		\$0	\$156,877	-\$156,877	-\$156,877			-\$156,877
Rodeo Well Emergency Pump Replacement		\$0	\$22,863	-\$22,863	-\$22,863			-\$22,863
Pre-Feasibility Aquifer Storage & Recovery Study		\$20,000	\$20,000	\$0	\$0			\$0
Water Telemetry Emergency Software Conversion		\$0	\$41,310	-\$41,310	-\$41,310			-\$41,310
Second Reading- Second Avenue Emergency Water Main Replacement		\$0	\$8,310	-\$8,310	-\$8,310			-\$8,310
Water Utility Fund Total	\$1,166,284	\$20,000	\$339,578	\$846,706	\$846,706	\$0	\$11,067	\$835,639
Water Construction Fund					\$0			\$0
Beginning Fund Balance Update	-\$400,000	\$0	\$0	-\$400,000	-\$400,000			-\$400,000
Water Construction Fund Total	-\$400,000	\$0	\$0	-\$400,000	-\$400,000			-\$400,000
Wastewater Utility Fund					\$0			\$0
Beginning Fund Balance Update	\$467,780	\$0	\$0	\$467,780	\$467,780			\$467,780
2021 Pay Plan Resolution Amendments		\$0	\$3,071	-\$3,071	-\$3,071	\$0	\$9,491	-\$12,562
Wastewater Treatment Facility Aerators Carryforward		\$0	\$80,575	-\$80,575	-\$80,575			-\$80,575
Ridgeview Lane Sewer Main Carryforward		\$0	\$91,720	-\$91,720	-\$91,720			-\$91,720
Cured-in-Place Sewer Main Retainage Carryforward		\$0	\$7,322	-\$7,322	-\$7,322			-\$7,322
Second Avenue Emergency Sewer Main Replacement		\$0	\$8,310	-\$8,310	-\$8,310			-\$8,310
Design of the Anderson Road Sewer Main Extension project.		\$0	\$134,073	-\$134,073	-\$134,073			-\$134,073
Wastewater Treatment Facility Administration Building Roof Replacement		\$0	\$94,000	-\$94,000	-\$94,000	\$0	-\$60,000	-\$34,000
Wastewater Treatment Facility Administration Building HVAC Replacement		\$0	\$68,000	-\$68,000	-\$68,000			-\$68,000
Wastewater Utility Fund Total	\$467,780	\$0	\$487,071	-\$19,291	-\$19,291	\$0	-\$50,509	\$31,218
Shop & Warehouse Fund					\$0			\$0
Beginning Fund Balance Update	\$564,351	\$0	\$0	\$564,351	\$564,351			\$564,351
2021 Pay Plan Resolution Amendments		\$0	\$3,467	-\$3,467	-\$3,467	\$0	\$10,701	-\$14,168
Mechanics' Shop Industrial Weld Fume Unit		\$0	\$6,795	-\$6,795	-\$6,795			-\$6,795
Shop Portable Lift System (move from 2022)		\$0	\$0	\$0	\$0			\$0
Shop Equipment Purchase Carryforward		\$0	\$61,823	-\$61,823	-\$61,823			-\$61,823
Shop & Warehouse Fund Total	\$564,351	\$0	\$72,085	\$492,266	\$492,266	\$0	\$10,701	\$481,565
Health & Benefits Fund					\$0			\$0
Beginning Fund Balance Update	\$263,765	\$0	\$0	\$263,765	\$263,765			\$263,765
Health Insurance Program Costs		\$300,000	\$300,000	\$0	\$0			\$0
Health & Benefits Fund Total	\$263,765	\$300,000	\$300,000	\$263,765	\$263,765			\$263,765

Table 1 Continued - 2021/2022 Supplemental Budget Items by Fund (Second Reading)

Fund / Item	2021				2022			
	Beg. Fund Balance	Revenues	Expenditures	Impact to Ending Fund Balance	Beg. Fund Balance	Revenues	Expenditures	Impact to Ending Fund Balance
Risk Management Fund					\$0			\$0
Beginning Fund Balance Update	\$49,571	\$0	\$0	\$49,571	\$49,571			\$49,571
WCIA Liability Insurance Cost Increases		\$0	\$51,445	-\$51,445	-\$51,445	\$0	\$77,168	-\$128,613
Cyber Incident Response Costs		\$0	\$111,000	-\$111,000	-\$111,000			-\$111,000
Risk Management Fund Total	\$49,571	\$0	\$162,445	-\$112,874	-\$112,874	\$0	\$77,168	-\$190,042
IT Service Fund					\$0			\$0
Beginning Fund Balance Update	\$597,173	\$0	\$0	\$597,173	\$597,173			\$597,173
2021 Pay Plan Resolution Amendments		\$0	\$9,426	-\$9,426	-\$9,426	\$0	\$29,365	-\$38,791
IT Service Fund Total	\$597,173	\$0	\$9,426	\$587,747	\$587,747	\$0	\$29,365	\$558,382
Library Trust Fund					\$0			\$0
Beginning Fund Balance Update	\$25,619	\$0	\$0	\$25,619	\$25,619			\$25,619
Library Trust Fund Total	\$25,619	\$0	\$0	\$25,619	\$25,619			\$25,619
Hal Holmes Trust Fund					\$0			\$0
Beginning Fund Balance Update	-\$349,547	\$0	\$0	-\$349,547	-\$349,547			-\$349,547
Hal Holmes Trust Fund Total	-\$349,547	\$0	\$0	-\$349,547	-\$349,547			-\$349,547
Fire Relief and Pension Fund					\$0			\$0
Beginning Fund Balance Update	\$139,694	\$0	\$0	\$139,694	\$139,694			\$139,694
Unreimbursed Medical Costs		\$0	\$20,000	-\$20,000	-\$20,000			-\$20,000
Fire Relief and Pension Fund Total	\$139,694	\$0	\$20,000	\$119,694	\$119,694			\$119,694
Grand Total	\$8,896,292	\$9,429,508	\$8,691,713	\$9,634,086	\$9,634,086	\$2,992,730	\$3,297,168	\$9,329,648

Table 2
City of Ellensburg
2021 Summary of Budget Adjustments

Fund/Department	Budgeted Beg Fund Balance	2021 Revenues	2021 Expenditures	Budgeted Ending Fund Balance
Total General Fund	330,822	1,144,703	455,170	1,020,355
Budgeted General Sub-Funds				
Sales Tax	247,021	0	0	247,021
Economic Development	0	706,814	4,000	702,814
CARES/ARPA Grants	296,806	2,946,546	3,243,352	0
Art Acquisitions	-20,047	29,303	29,541	-20,284
Total Budgeted General Sub-Funds	523,781	3,682,663	3,276,892	929,551
Special Revenue Funds:				
Street	747,583	0	77,069	670,514
Arterial Street	-293,900	673,551	1,472,727	-1,093,076
Traffic Impact Fee	281,684	0	336,976	-55,292
Ellensburg Public Transit	184,977	918,182	95,133	1,008,025
Criminal Justice	856,946	0	159,203	697,743
Drug	9,724	0	0	9,724
CATV Ops. and & Maint.	13,935	0	0	13,935
Park Acquisitions	-16,136	0	75,000	-91,136
Lodging Tax	96,708	0	0	96,708
Housing & Related Services	179,782	0	0	179,782
Total Special Revenue Funds	2,061,302	1,591,732	2,216,108	1,436,927
Debt Service Funds				
Capital Imprv. Debt	362,378	0	0	362,378
2010 Maintenance Bond	0	0	0	0
Library Bond Debt	-574	0	0	-574
LID Guarantee Fund	138,523	0	0	138,523
Total Debt Service Funds	500,327	0	0	500,327
Capital Project Funds				
Capital Imprv. Bond Projects	536,090	0	536,090	0
Sidewalk Improvements	377,646	0	17,101	360,545
Total Capital Project Funds	913,737	0	553,192	360,545
Trust & Agency Funds				
Library Trust	25,619	0	0	25,619
Hal Holmes Trust	-349,547	0	0	-349,547
Fire Relief & Pension Trust	139,694	0	20,000	119,694
Total Trust & Agency Funds	-184,234	0	20,000	-204,234
Enterprise Funds				
Stormwater	138,991	111,637	138,954	111,674
Stormwater Bond	3,045	0	0	3,045
Telecommunications	9,920	45,182	85,904	-30,802
Gas	599,962	2,533,590	322,666	2,810,886
Light	1,289,717	0	252,223	1,037,494
Water	1,166,284	20,000	339,578	846,706
Water Construction	-400,000	0	0	-400,000
Sewer	467,780	0	487,071	-19,291
Total Enterprise Funds	3,275,698	2,710,409	1,626,395	4,359,712
Internal Service Funds				
Shop & Equipment	564,351	0	72,085	492,266
Health Insurance	263,765	300,000	300,000	263,765
Risk Management	49,571	0	162,445	-112,874
IT Fund	597,173	0	9,426	587,747
Total Internal Service Funds	1,474,859	300,000	543,956	1,230,903
Grand Total	\$8,896,292	\$9,429,508	\$8,691,713	\$9,634,086

Table 3
City of Ellensburg
2022 Summary of Budget Adjustments

Fund/Department	Budgeted Beg Fund Balance	2022 Revenues	2022 Expenditures	Budgeted Ending Fund Balance
Total General Fund	1,020,355	4,937	361,408	663,884
Budgeted General Sub-Funds				
Sales Tax	247,021	0	0	247,021
Economic Development	702,814	0	0	702,814
CARES/ARPA Grants	0	2,946,546	2,946,546	0
Art Acquisitions	-20,284	-400	766	-21,450
Total Budgeted General Sub-Funds	929,551	2,946,146	2,947,312	928,385
Special Revenue Funds:				
Street	670,514	31,388	3,856	698,046
Arterial Street	-1,093,076	-75,291	-180,000	-988,367
Traffic Impact Fee	-55,292	0	-83,728	28,436
Ellensburg Public Transit	1,008,025	0	12,987	995,038
Criminal Justice	697,743	0	11,404	686,339
Drug	9,724	0	0	9,724
CATV Ops. and & Maint.	13,935	0	0	13,935
Park Acquisitions	-91,136	550	0	-90,586
Lodging Tax	96,708	0	0	96,708
Housing & Related Services	179,782	85,000	0	264,782
Total Special Revenue Funds	1,436,927	41,647	-235,481	1,714,054
Debt Service Funds				
Capital Imprv. Debt	362,378	0	0	362,378
2010 Maintenance Bond	0	0	0	0
Library Bond Debt	-574	0	0	-574
LID Guarantee Fund	138,523	0	0	138,523
Total Debt Service Funds	500,327	0	0	500,327
Capital Project Funds				
Capital Imprv. Bond Projects	0	0	0	0
Sidewalk Improvements	360,545	0	0	360,545
Total Capital Project Funds	360,545	0	0	360,545
Trust & Agency Funds				
Library Trust	25,619	0	0	25,619
Hal Holmes Trust	-349,547	0	0	-349,547
Fire Relief & Pension Trust	119,694	0	0	119,694
Total Trust & Agency Funds	-204,234	0	0	-204,234
Enterprise Funds				
Stormwater	111,674	0	3,897	107,777
Stormwater Bond	3,045	0	0	3,045
Telecommunications	-30,802	0	2,263	-33,065
Gas	2,810,886	0	15,388	2,795,498
Light	1,037,494	0	124,589	912,905
Water	846,706	0	11,067	835,639
Water Construction	-400,000	0	0	-400,000
Sewer	-19,291	0	-50,509	31,218
Total Enterprise Funds	4,359,712	0	106,695	4,253,017
Internal Service Funds				
Shop & Equipment	492,266	0	10,701	481,565
Health Insurance	263,765	0	0	263,765
Risk Management	-112,874	0	77,168	-190,042
IT Fund	587,747	0	29,365	558,382
Total Internal Service Funds	1,230,903	0	117,234	1,113,669
Grand Total	\$9,634,086	\$2,992,730	\$3,297,168	\$9,329,648

ORDINANCE NO. 4875

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

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

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

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

WHEREAS, the City Council has 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 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 7th day of September, 2021.

Mayor

Attest:

City Clerk

Approved as to form:

CITY ATTORNEY

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4875 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, that Ordinance No. 4875 was published as required by law.

Beth Leader, City Clerk

Ordinance 4875 - 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	15,747,197	17,022,429	2,902,922
Budgeted General Sub-Funds				
Sales Tax	2,449,720	4,855,497	4,715,073	2,590,144
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	8,054,558	3,308,522
Special Revenue Funds:				
Street	1,894,258	2,330,028	2,942,863	1,281,423
Arterial Street	1,448,872	10,007,090	10,916,727	539,235
Traffic Impact Fee	793,183	386,618	609,376	570,426
Ellensburg Public Transit	2,392,579	2,426,872	1,933,995	2,885,455
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	17,880,503	20,114,130	9,027,535
Debt Service Funds				
Capital Imprv. Debt	362,378	203,184	203,184	362,378
2010 Maintenance Bond	39,772	217,700	217,700	39,772
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	595,884	601,984	630,422
Capital Project Funds				
Capital Imprv. Bond Projects	536,090	0	536,090	0
Sidewalk Improvements	736,926	306,000	430,101	612,825
Total Capital Project Funds	1,273,017	306,000	966,192	612,825
Trust & Agency Funds				
Library Trust	320,865	6,900	8,800	318,965
Hal Holmes Trust	107,052	10,000	10,000	107,052
Fire Relief & Pension Trust	588,075	165,169	147,944	605,300
Total Trust & Agency Funds	1,015,992	182,069	166,744	1,031,317
Enterprise Funds				
Stormwater	1,143,393	1,701,629	2,035,265	809,757
Stormwater Bond	119,433	1,283,612	1,400,000	3,045
Telecommunications	247,248	401,083	399,397	248,934
Gas	2,536,896	10,366,317	8,816,099	4,087,115
Light	10,197,773	19,395,762	21,061,572	8,531,962
Water	6,503,314	11,045,312	11,791,068	5,757,558
Water Construction	0	3,200,000	3,200,000	0
Sewer	3,598,477	8,796,404	9,827,665	2,567,216
Total Enterprise Funds	24,346,534	56,190,118	58,531,065	22,005,587
Internal Service Funds				
Shop & Equipment	8,312,481	2,378,390	3,168,083	7,522,788
Health Insurance	997,240	2,799,280	2,677,608	1,118,912
Risk Management	1,201,903	686,902	706,261	1,182,544
IT Fund	1,227,608	1,948,438	1,958,948	1,217,098
Total Internal Service Funds	11,739,232	7,813,010	8,510,900	11,041,342
Grand Total	\$57,224,132	\$107,304,342	\$113,968,002	\$50,560,472

Ordinance 4875 - Exhibit B (Supplemental Budget Ordinance)

City of Ellensburg

2022 Budget Table - All Funds as Amended

Fund/Department	Budgeted Beg Fund Balance	2022 Revenues	2022 Expenditures	Budgeted Ending Fund Balance
Total General Fund	2,902,922	15,051,877	16,917,668	1,037,132
Budgeted General Sub-Funds				
Sales Tax	2,590,144	4,855,497	4,786,871	2,658,770
Economic Development	702,814	0	0	702,814
CARES/ARPA Grants	0	2,946,546	2,946,546	0
Art Acquisitions	15,563	51,000	63,000	3,563
Total Budgeted General Sub-Funds	3,308,522	7,853,043	7,796,417	3,365,148
Special Revenue Funds:				
Street	1,281,423	2,642,558	2,817,211	1,106,770
Arterial Street	539,235	6,373,825	6,690,000	223,060
Traffic Impact Fee	570,426	386,618	510,272	446,772
Ellensburg Public Transit	2,885,455	1,234,427	1,897,945	2,221,937
Criminal Justice	2,019,723	1,170,118	1,298,324	1,891,517
Drug	19,999	3,100	11,699	11,400
CATV Ops. and & Maint.	91,526	80,421	101,340	70,607
Park Acquisitions	833,277	267,261	0	1,100,538
Lodging Tax	369,400	401,000	320,313	450,087
Housing & Related Services	417,098	653,547	682,500	388,145
Total Special Revenue Funds	9,027,562	13,212,875	14,329,604	7,910,834
Debt Service Funds				
Capital Imprv. Debt	362,378	562,327	562,327	362,378
2010 Maintenance Bond	39,772	212,800	212,800	39,772
Library Bond Debt	89,748	175,000	186,000	78,748
LID Guarantee Fund	138,523	0	0	138,523
Total Debt Service Funds	630,422	950,127	961,127	619,422
Capital Project Funds				
Capital Imprv. Bond Projects	0	0	0	0
Sidewalk Improvements	612,825	306,000	273,000	645,825
Total Capital Project Funds	612,825	306,000	273,000	645,825
Trust & Agency Funds				
Library Trust	318,965	7,500	8,800	317,665
Hal Holmes Trust	107,052	10,000	10,000	107,052
Fire Relief & Pension Trust	605,300	165,169	132,622	637,847
Total Trust & Agency Funds	1,031,317	182,669	151,422	1,062,564
Enterprise Funds				
Stormwater	809,757	1,520,790	1,892,553	437,995
Stormwater Bond	3,045	0	0	3,045
Telecommunications	248,934	355,901	347,160	257,676
Gas	4,087,115	7,048,904	7,616,706	3,519,313
Light	8,531,962	19,226,770	21,074,321	6,684,411
Water	5,807,558	6,147,505	6,031,506	5,923,556
Water Construction	0	0	0	0
Sewer	2,567,216	5,443,404	5,678,973	2,331,646
Total Enterprise Funds	22,055,587	39,743,273	42,641,219	19,157,642
Internal Service Funds				
Shop & Equipment	7,522,788	2,413,910	2,214,647	7,722,051
Health Insurance	1,118,912	2,609,441	2,377,608	1,350,745
Risk Management	1,182,544	686,902	670,107	1,199,339
IT Fund	1,217,098	1,539,046	1,537,806	1,218,338
Total Internal Service Funds	11,041,342	7,249,299	6,800,168	11,490,473
Grand Total	\$50,610,499	\$84,549,164	\$89,870,624	\$45,289,039



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: September 7, 2021

Item Title/Agenda Subject: Ordinance 4876 – Second Reading for Title 14, Traffic Impact Fees (TIF) Revisions

Submitted by: Derek Mayo Public Works & Utilities

Recommended Action or Motion: Council is being requested to consider second reading and adoption of Ordinance 4876, revising the Impact Fee Code and Sections 14.04.050, 14.04.160, and 14.04.170 of the Ellensburg City Code.

Background/Summary: Attached for City Council's consideration is an ordinance which reflects various revisions to the traffic impact fee code, Sections 14.04.050, 14.04.160, and 14.04.170 of the Ellensburg City Code.

As Council is aware, Traffic Impact Fees were adopted back in 2009 in the City of Ellensburg. The fee and associated project list were then updated in 2018 to reflect the transportation modeling completed at that time. The TIF and associated project list is in need of updating again to reflect the projects on the list that have already been completed or having received grant funding, and to include additional projects being added to the list due to continued growth in recent years.

Previous Council Action:

- Council adopted Ordinance 4535 in 2009, implementing TIF in the City of Ellensburg
- Council adopted Ordinance 4808 in 2018, updating the TIF and associated project list
- Council approved first reading of Ordinance 4876 at the August 17, 2021 regular meeting

Analysis: The TIF structure is based on the number of vehicle trips during the PM peak hour, which is the highest one-hour period between 4:00 p.m. and 6:00 p.m. Fees collected can only be used on capacity improvement projects. The following is a comparison of the fee and number of projects for current and proposed TIF's:

	Current (2018 Update)	Proposed 2021
Update		
Cost per Trip	\$1,817 plus 5% admin	\$2,213 plus 5% admin
# of TIF Projects	22 projects	29 projects

The following projects included in the 2021 TIF Update have been completed and/or have secured funding and have been removed from the project list:

1. University Way and Reecer Creek: Project is fully funded with Federal STBG grant funding and Kittitas County funds, with construction scheduled to begin in Sept. 2021.
2. Walnut St. and 18th: Construction was completed early 2021. The project funding was split with TIF funds and CWU funding.
3. 15th and Water St.: Construction was completed in 2019. The project was primarily funded with TIF funds.
4. Wildcat Way and 14th: Construction was completed early 2021. The project funding was split with TIF funds and CWU funding.
5. Canyon Rd. & I-90 EB Ramp: Construction is nearly complete. Project was fully funded by WSDOT.

Based on continued development and review of multiple completed Traffic Impact Analysis reports, the following 'Motorized Capacity Projects' added to the TIF Updated Project list:

1. Capitol Ave. and Chestnut St.: Intersection capacity improvements
2. Sanders Rd. and Alder St.: Intersection capacity improvements
3. Capitol Avenue and Willow St.: Intersection capacity improvements
4. Mountain View Ave. and Bull Rd.: Intersection capacity improvements
5. Anderson Rd. and Bull Rd.: Intersection capacity improvements
6. 15th and Cora St.: Intersection capacity improvements

The RCW also allows for Active (walking and biking) projects to be included as apart of TIF project lists. The following Active projects were added to the TIF project Updated Project List:

1. 15th Sidewalk Improvements

2. Bike and Pedestrian Improvements on Chestnut St. and Walnut St.
3. Bike and Pedestrian Improvements on Pfenning Road
4. Trail Connection from 5th to University Way (near CWU)
5. Protected Bike Lanes on 14th and Wildcat Way
6. Reconnection of the Palouse to Cascades Trail
7. Bike Lanes on Walnut Street/18th from Dean Nicholson Blvd to Alder St.

The project cost for each of the 29 projects included in the Updated Project List are shown in Exhibit C of the Traffic Impact Fee Rate Study Update. The twenty two percent increase in this update TIF is partially due to the increase in number of projects on the list, but also is attributable to the rise in material and construction costs we have seen since 2018.

The proposed ordinance still includes the exemption for TIFs in the C-C zone and still includes a 50% fee reduction for commercial and industrial zones, which is allowed per RCW 82.02.060(2) provided that “such development activity shall be paid from public funds other than impact fee accounts.” In addition, Section 14.04.050 of the ECC was revised to reflect a recent change to RCW 82.02.060, that allows for an 80% credit for early learning facilities, and up to 100% credit for those facilities meeting affordability criteria. Staff will also begin documenting this new information in future TIF annual reports.

Financial Impact:

The proposed Traffic Impact Fee reflects an increase of approximately 22% since the 2018 update and approximately 24% increase from the 2009 initial fee adopted by Council, for an average increase of about 2% per year from the initial fee. The increase in fees will increase the Traffic Impact Fee fund and allow for continued construction of needed capacity improvement projects.

Attachments:

[4876 - Traffic Impact Fee Update \(09-07-21\)](#)
[Ellensburg TIF Update Report](#)

ORDINANCE NO. 4876

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO TITLE 14 “IMPACT FEES” AND AMENDING SECTIONS 14.04.050, 14.04.160, AND 14.04.170 OF THE ELLENSBURG CITY CODE.

WHEREAS, the Growth Management Act of 1995 (GMA), Chapter 36.70A RCW, grants counties and cities the authority to assess impact fees for transportation, or more specifically, “public streets and roads”; and

WHEREAS, RCW 82.02.050 - .110 and WAC 365-196-850, authorize cities to adopt by ordinance a schedule of impact fees to ensure that adequate facilities are available to serve new growth and development; and

WHEREAS, the Ellensburg City Council adopted Ordinance 4534 in 2009, implementing Traffic Impact Fees in the City of Ellensburg; and

WHEREAS, these traffic impact fees assess new development, based on development type, an amount outlined in the December 2007 report, titled “Impact Fee Report with Recommendations”; and

WHEREAS, the Ellensburg City Council adopted Ordinance 4808 in 2018, updating the Traffic Impact Fee (TIF) and the associated TIF project list based on traffic modeling and forecasting; and

WHEREAS, due to continued growth, updated traffic modeling and forecasting was used to complete a new “Traffic Impact Fee Rate Study,” dated August 18, 2021 outlining necessary Traffic Impact Fee projects and establishing updated ‘Traffic Impact Fees’ for Council Consideration;

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

Section 1. Section 14.04.050 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4808, is hereby amended to read as follows:

14.04.050 Exemptions.

The following development activities are exempt or partially exempt from paying traffic impact fees because they do not have a measurable impact on the city’s transportation facilities, or because the city has chosen to exempt them, pursuant to RCW 82.02.060(2) or ~~(3)(4)~~, as development with broad public purposes, and as provided for in subsection (E) of this section:

- A. Existing Dwelling Unit. Any alteration, expansion, reconstruction, remodeling, replacement, or demolition/removal of an existing single-family, duplex or multifamily dwelling unit that does not result in the generation of additional peak hour trips.
- B. Existing Nonresidential Building. Any alteration, reconstruction, remodeling, replacement, or demolition/removal of an existing nonresidential building that does not result in the generation of any new peak hour trips.
- C. Any development activity in the central commercial district is considered to be redevelopment, not new development, and therefore is not subject to this chapter.
- D. The director of public works and utilities shall be authorized to determine whether a particular development activity falls within an exemption from traffic impact fees identified in this section or under other applicable law. Determinations of the director of public works and utilities shall be in writing and shall be subject to appeal to the city council as provided in ECC 14.02.300.
- E. Low-income housing, as defined in ECC 14.04.030, or early learning centers, as defined in RCW 43.31.565, shall qualify for an exemption from the payment of traffic impact fees, subject to the following:
1. Any claim for an exemption under this section must be made before payment of the traffic impact fee. Any claim not so made shall be deemed waived.
 2. The claim for exemption must ~~be accompanied by a draft lien and covenant against the property guaranteeing that the low income housing will continue for a period of not less than 12 years~~ comply with the requirements for recording a covenant mandated by RCW 82.02.060, as currently enacted or hereafter amended, . Before final approval of the exemption, the department shall approve the form of the lien and covenant. Within 10 days of exemption approval, the applicant shall execute and record the approved lien and covenant with the county auditor. The lien and covenant shall run with the land.
 3. Upon determination by the director that a particular development falls within an exemption for low-income housing or early learning center, the request will be brought to city council for a decision on granting a partial or full exemption, as permitted in RCW 82.02.060(2) or ~~(3)~~(4), based on budget considerations, development activity, affordable housing needs and priorities, requirements for such exemptions for early learning centers in RCW 82.02.060(4) and such other considerations as deemed appropriate by the city council.
 4. In the event that the housing unit is not used for low-income housing or early learning center for the prescribed period, or in the event that other exempted development activity is converted to a nonexempt use during the prescribed period, the current owner shall pay the traffic impact

fees then in effect plus interest to the date of the payment, or such other amount as required by RCW 82.02.060.

F. Transitional Exemption. This chapter is not applicable to building permits for development projects for which the city's SEPA official has issued a final SEPA determination prior to the effective date of the ordinance codified in this chapter for which a final traffic impact mitigation has been determined. For purposes of this exemption, a SEPA determination will include the issuance of a final declaration of nonsignificance (DNS), final mitigated declaration of nonsignificance (MDNS), and, if an environmental impact statement (EIS) was required, issuance of a final EIS. [Ord. 4845 § 1, 2019; Ord. 4808 § 2, 2018; Ord. 4804 § 4, 2018; Ord. 4534 § 1, 2009.]

Section 2. Section 14.04.160 of the Ellensburg City Code, as last amended by Section 2 of Ordinance 4808, is hereby amended to read as follows:

14.04.160 Traffic impact fee calculations.

A. The traffic impact fee shall be calculated using a schedule that identifies a particular fee amount for a particular type of development.

B. The traffic impact fee per peak hour vehicle trip has been calculated using the data shown in "Traffic Impact Fee Rate Study Update, dated ~~July 2018~~ August 18, 2021," which is filed in the office of the city clerk and incorporated herein by this reference as if set forth in full. [Ord. 4808 § 2, 2018; Ord. 4534 § 1, 2009.]

Section 3. Section 14.04.170 of the Ellensburg City Code, as last amended by Section 2 of Ordinance 4808, is hereby amended to read as follows:

14.04.170 Schedule of fees.

A traffic impact fee shall be assessed against all new development based on development type in an amount provided for in the Traffic Impact Fee Schedule, Appendix C, of the "Traffic Impact Fee Rate Study Update, dated ~~July 2018~~ August 18, 2021," which is filed in the office of the city clerk and incorporated herein by this reference as if set forth in full. The traffic impact fee is hereby established at ~~\$1,817~~ \$2,324 per peak hour trip (PHT). This fee schedule represents the city's determination of the appropriate share of system improvement costs to be paid by new growth and development. [Ord. 4808 § 2, 2018; Ord. 4534 § 1, 2009.]

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

Section 5. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 6. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 7th day of September, 2021.

MAYOR

ATTEST:

CITY CLERK

Approved as to form:

CITY ATTORNEY

Publish:

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4876 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4876 was published as required by law.

BETH LEADER



Traffic Impact Fee Rate Study Update

Prepared for
City of Ellensburg

August 18, 2021

TC21-0016

FEHR  PEERS



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CHAPTER 1: INTRODUCTION

The City of Ellensburg developed its current traffic impact fee program in 2018, which was itself an update of the City's 2007 program. The 2018 update incorporated projects from the City's 2017 Comprehensive Plan and since then the City has used the impact fee program to fund several capacity projects throughout Ellensburg. In 2020, the City adopted an Active Transportation Plan that identified a list of pedestrian and bicycle priority projects.

This Rate Study documents the proposed changes to the City's Traffic Impact Fee program to respond to growth that has occurred since 2018 and to incorporate eligible projects from the recently adopted Active Transportation Plan.

TRAFFIC IMPACT FEE STRUCTURE

The key steps involved in developing an impact fee program are shown in **Figure 1**. Steps include identifying eligible projects from adopted City plans, calculating the eligibility of each individual project, and allocating the growth-related costs that can be charged as impact fees, which are presented in the form of a fee schedule. Each step is described in more detail in subsequent sections of this report.

Figure 1: Steps to Develop a Traffic Impact Fee Program



CHAPTER 2: TRAFFIC IMPACT FEE PROJECT LIST

Washington State law (RCW 82.02.050) specifies that transportation impact fees are to be spent on “system improvements.” System improvements can include physical or operational changes to roadways or active transportation pathways that are built in one location to benefit projected needs at another location. These are generally projects that add capacity, such as new streets, additional lanes, widening, signalization, new sidewalks, and bike lanes.

This impact fee program update proposes to include the following types of projects:

1. Roadway capacity projects needed to maintain the intersection adopted Level of Service (LOS) standards to support planned growth, as identified in the City's 2017 Transportation Element Update.
2. Projects that add capacity to the bicycle and pedestrian networks and are within the right-of-way of streets and roads, as identified in the City's Active Transportation Plan, completed in 2020.

The resulting project list includes 29 projects with a total cost of \$29.7 million. Of these projects, 22 are motorized projects (shown in **Table 1**) while 7 are active transportation investments that would serve non-motorized modes (shown in **Table 2**). These projects are also shown geographically in **Figure 2**.

TABLE 1: LIST OF MOTORIZED CAPACITY PROJECTS

Number	Project	Description	Total Cost (2018\$)
1	Water Street & Bender Road	Intersection capacity improvements	\$966,000
2	Airport Road & Bender Road	Intersection modification to an all way stop	\$1,008,000
3	Helena Street & Water Street	Intersection capacity improvements, widening and illumination	\$936,000
4	Helena Street & Walnut Street	Intersection capacity improvements and widening	\$740,000
5	Wildcat Way & 18th Avenue	Intersection capacity improvements	\$630,000
6	18 th Avenue & Alder Street	Intersection capacity improvements	\$720,000
7	Alder St & Dean Nicholson Boulevard/14th Avenue	Intersection capacity improvements	\$1,610,000
8	University Way & Alder Street	Intersection capacity improvements and widening	\$1,558,000
9	University Way & Water Street	Intersection capacity improvements and widening	\$2,724,000
10	University Way & Main Street	Intersection capacity improvements and widening	\$3,338,000
11	5th Avenue & Ruby Street	Intersection capacity improvements and widening	\$741,000
12	5th Avenue & Railroad Avenue	Intersection capacity improvements	\$460,000
13	Ruby Street & 3rd Avenue	Intersection capacity improvements	\$741,000
14	Manitoba Avenue & Ruby Street	Intersection capacity improvements, Illumination and Realignment	\$1,332,000
15	Mountain View Avenue & Ruby Street	Intersection capacity improvements and widening	\$2,434,000
16	Canyon Road & Umptanum Road	Intersection capacity improvements and widening	\$2,822,000

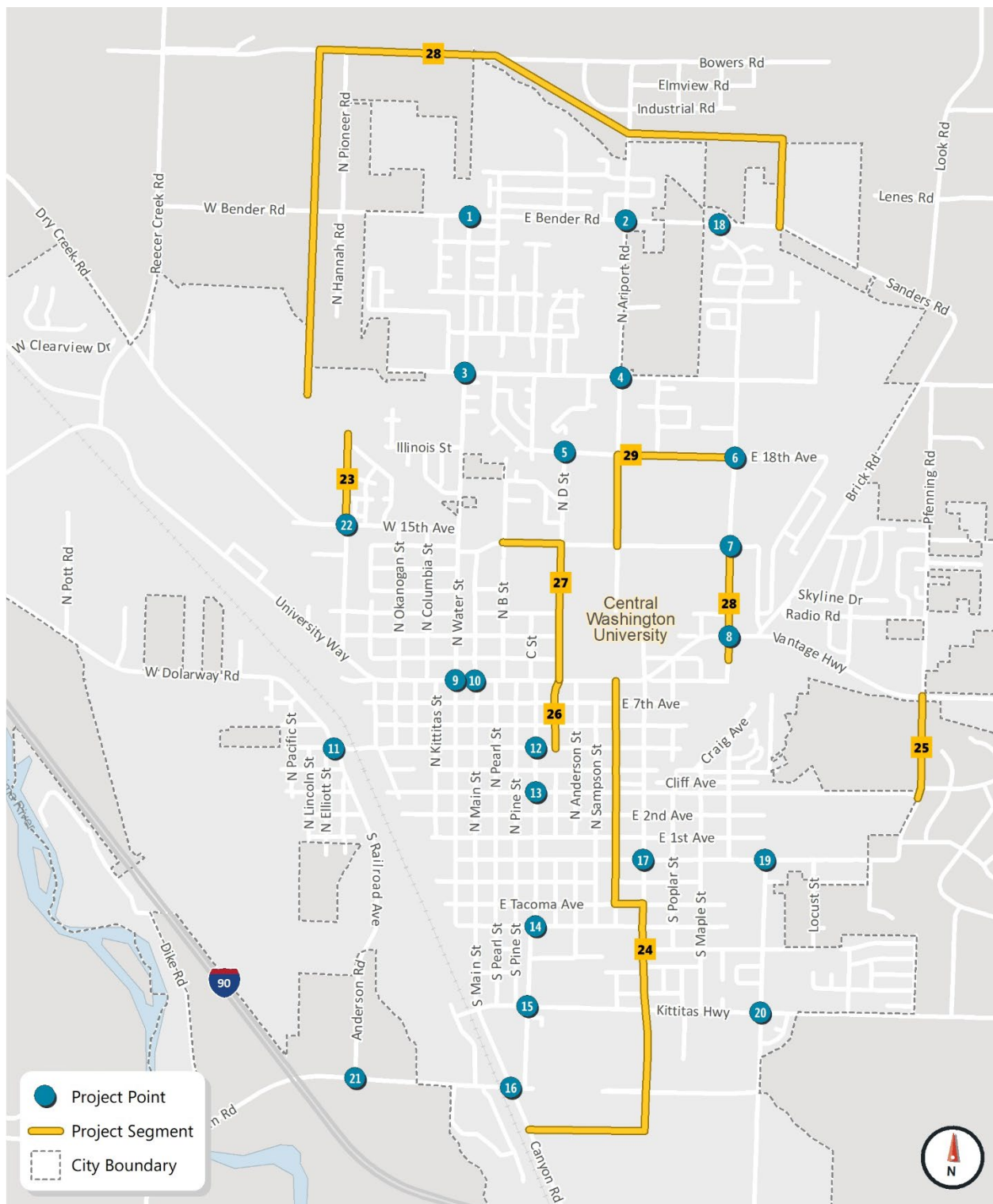


Number	Project	Description	Total Cost (2018\$)
17	Capitol Avenue & Chestnut Street	Intersection capacity improvements	\$672,000
18	Sanders Road & Alder Street	Intersection capacity improvements	\$665,000
19	Capitol Avenue & Willow Street	Intersection capacity improvements	\$524,000
20	Mountain View Avenue & Bull Road	Intersection capacity improvements	\$681,000
21	Anderson Road & Umptanum Road	Intersection capacity improvements	\$1,252,000
22	15th Avenue & Cora Street	Intersection capacity improvements	\$432,000
			Total \$26,986,000

TABLE 2: LIST OF PEDESTRIAN AND BICYCLE CAPACITY PROJECTS

Number	Project	Description	Total Cost (2018\$)
23	15th Avenue Sidewalk Improvements	Fill sidewalk gaps on 15th Avenue between Cora Street and Water Street	\$154,000
24	Bike and Pedestrian Improvements on Chestnut Street and Walnut Street	Extend the sharrows on Chestnut Street to E Mountain View Avenue. Implement a sharrow on E Tacoma Avenue between Walnut Street and Chestnut Street, and on Walnut Street between E Tacoma Avenue and E University Way. Also includes improving the crossing at Seattle Avenue.	\$263,000
25	Bike and Pedestrian Improvements on Pfenning Road	Install a shared use path on the west side of Pfenning Road. Includes an RRFB crosswalk on Pfenning Road at the Palouse to Cascades Trail.	\$626,000
26	Trail Connection from 5th Avenue to University Way (near CWU)	Install a pedestrian and bicycle trail or buffered bike lanes from 5th Avenue to University Way near CWU, including a crossing for bicycles at E University Way.	\$47,000
27	Protected Bike Lane on E 14th Avenue and N Wildcat Way	Install a protected bike lane on E 14th Avenue from B Street to Wildcat Way and on Wildcat Way from E 14th Avenue to University Way.	\$86,000
28	Reconnection of the Palouse to Cascades Trail	Connect pieces of the Circle the City trail along the Palouse to Cascades Trail. This project would specifically construct the segment of the Circle the City trail that follows north of city limits, to the existing segment of the trail just east of Alders Street, in addition to improving pedestrian and bicycle infrastructure along Alder Street from E Dean Nicholson Boulevard to approximately E 9th Avenue.	\$1,412,000
29	Bike lane on Walnut Street/18th Avenue from 14th Avenue to Alder Street	Install bike lanes on N Walnut Street and E 18th Avenue.	\$125,000
			Total \$2,713,000

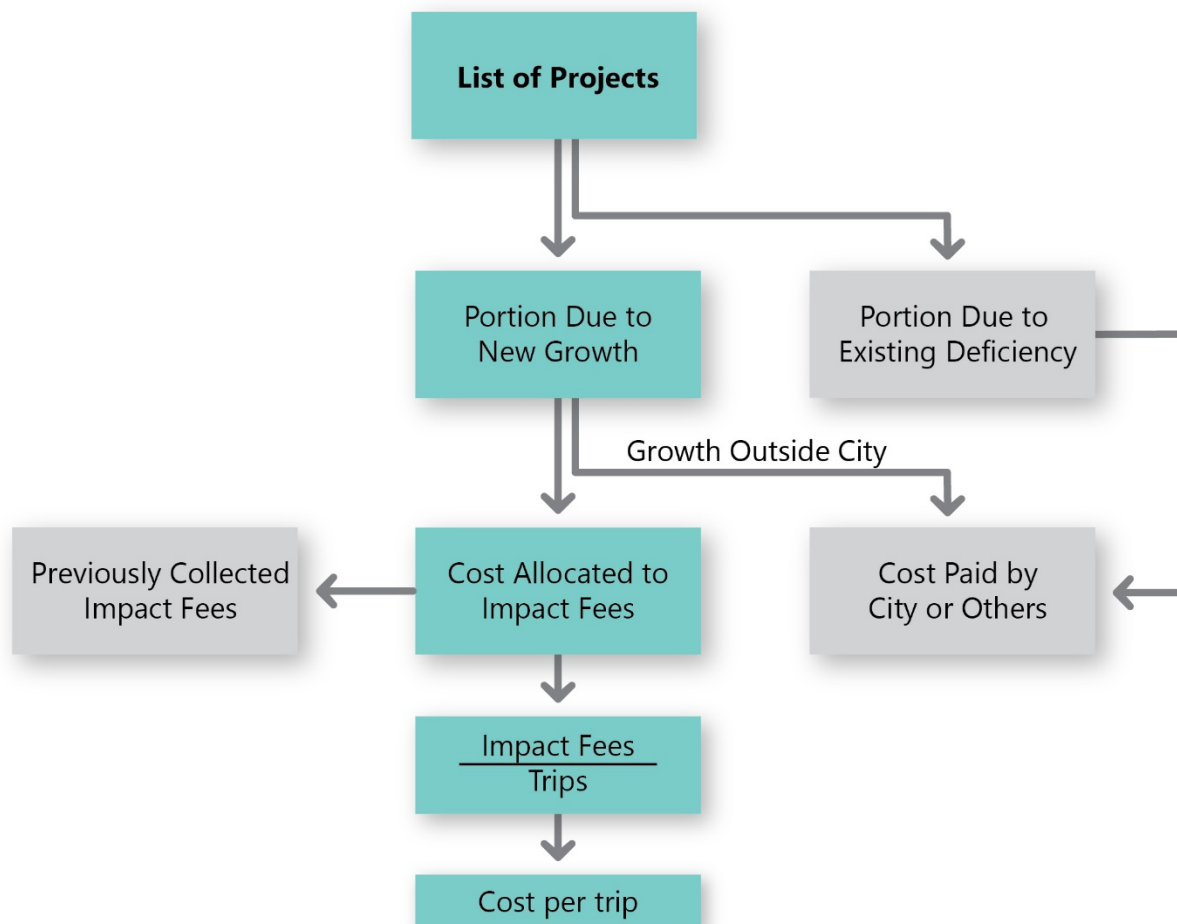
Figure 2: Transportation Impact Fee Projects



CHAPTER 3: COST ALLOCATION

The City used an impact fee methodology that distinguishes between facility improvements that address existing deficiencies and those needed to serve future growth. **Figure 3** diagrams the process.

Figure 3: Traffic Impact Fee Cost Allocation Concept



TRANSPORTATION DEFICIENCIES

RCW 82.02.050(4)(a) requires that the capital facilities element of a jurisdiction's comprehensive plan identify "deficiencies in public facilities serving existing development." Future development cannot be held responsible for the portion of added roadway or pedestrian/bicycle capacity needed to serve existing development.

The City's 2017 Transportation Element established a LOS standard that is based on intersection delay. Intersections are considered deficient if average delay is below LOS C for arterials and collectors, and LOS D for arterials at the interchanges with I-90. As shown in **Exhibit A**, none of the intersections on the project list currently exceed their standard, thus there are no existing deficiencies based on vehicle LOS.

To calculate deficiencies for active transportation facilities, the team estimated the portion of users that would be related to future development, as opposed to land uses on the ground today. To make this assessment, the 2017 and 2037 versions of the Kittitas County travel model were applied to estimate trip growth on roadway segments that coincide with locations where active transportation facilities would be built. The average active transportation deficiency was found to be approximately 48%, meaning that 48% of trips anticipated in the future would be related to uses already on the ground today, fulfilling an existing need. **Exhibit B** provides a detailed summary of deficiencies for each of the pedestrian and bicycle projects.

TRAVEL GROWTH

Information from the City's 2017 Comprehensive Plan was used to evaluate the growth in Ellensburg's population and employment over the 20-year life of this impact fee program. **Table 3** shows Ellensburg land uses in terms of population and employment for the years 2017 and 2037.

Using these land use forecasts and the Kittitas County travel model as modified for the Ellensburg Comprehensive Plan, it is estimated that 8,980 new PM peak hour vehicle trip ends would be generated within the City during the 20-year period. This growth in vehicle trip ends was used to calculate the impact fee rates.

TABLE 3: ELLENSBURG LAND USE GROWTH

	2017	2037	Growth	% Growth
Population	20,783	32,540	11,757	57%
Employment	11,490	18,488	6,998	61%

Source: Kittitas County Council of Governments, 2017; Fehr & Peers, 2018

COST ALLOCATION RESULTS

For motorized projects (intersections and roadway capacity), the Kittitas County/Ellensburg travel demand model was applied to estimate the share of trips at each impact fee project location that would be related to growth within Ellensburg City Limits. The procedure used to perform this assessment is called a "flow

bundle" assignment, which provides the origin and destination for each vehicle trip traveling through a selected location in the model. Since the impact fee program can only pay for the share of trips that are generated by growth in Ellensburg, the following calculations were made:

- Trips with an origin and destination inside of the City of Ellensburg are considered internal trips and are counted at a rate of 100%.
- Trips with an origin inside Ellensburg and a destination outside of Ellensburg, or vice versa, are counted at a rate of 50%.
- Trips that pass-through Ellensburg, but do not have any origins or destinations internal to Ellensburg, were not allocated to Ellensburg growth.

In the case of projects for active (walking and biking) modes, the Kittitas County/Ellensburg travel demand model could not be used. Instead, it was estimated that 90 percent of pedestrian trips and 75 percent of bicycle trips were internal to the city, based on industry rules of thumb. The details of this calculation for both motorized and pedestrian and bicycle projects are shown in **Exhibit C**.

Impact fees could pay for up to 67 percent of the total \$29.7 million cost of the improvement projects. In calculating this eligibility percentage, previous impact fee funds collected (roughly 2 percent of the total cost) were considered and removed from the eligible cost¹. City matching funds, new grants, and other sources would contribute the remaining 31 percent of the total project costs.

The final step in the cost allocation process dealt with calculating the "cost per new trip end" within Ellensburg, derived by dividing the total eligible project costs by the total number of new PM peak hour trips based in Ellensburg over the life of the program. A total of 8,980 new PM peak hour vehicle trips are estimated to occur within the City between 2017 and 2037.

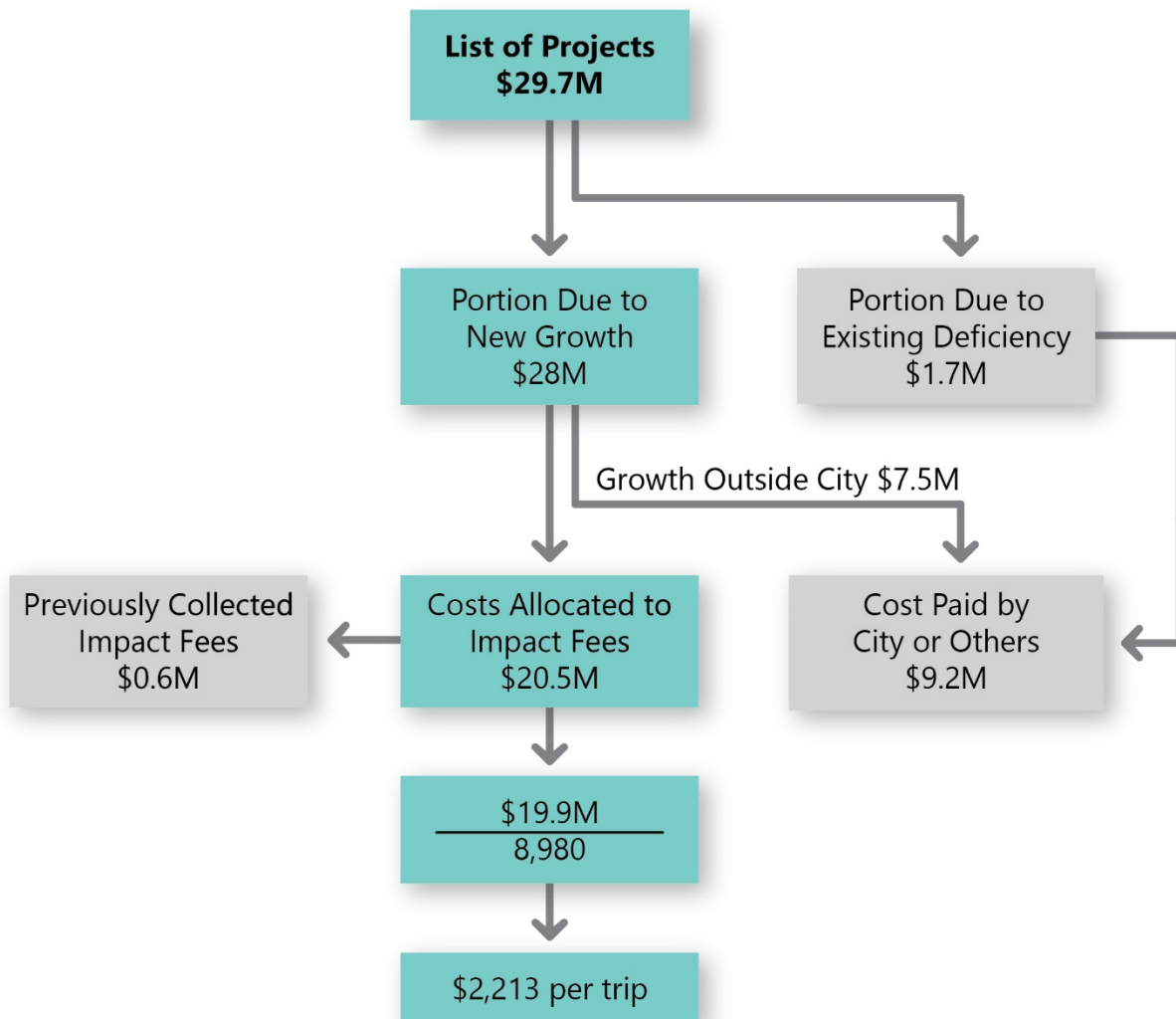
The analysis produced the following results:

Eligible impact fee costs	\$19,875,506
New PM peak hour trip ends	÷ 8,980
Eligible costs per new trip end	= \$2,213.27

¹ The City has an impact fee fund balance of \$599,658 as of April 2021. In addition to this, the City has already spent \$10,068 on #7 University Way & Alder Street, bringing the total impact fee funds spent or available for projects on the project list to \$609,726, or 2 percent of the total \$29.7 million cost.

Figure 4 summarizes the cost allocation results. For discussion purposes, the dollar amounts shown in this figure and the following text descriptions are approximate values expressed in millions of dollars. The actual amounts used in the calculations are accurate to a single dollar.

Figure 4: Traffic Impact Fee Cost Allocation Results





CHAPTER 4 – TRAFFIC IMPACT FEE SCHEDULE

The traffic impact fee schedule was developed by adjusting the "cost per trip end" information to reflect differences in trip-making characteristics for a variety of land use types within the study area. The fee schedule is a table where fees are represented as dollars per unit for each land use category. **Exhibit D** shows the various components of the fee schedule (trip generation rates and new trip percentages).

TRIP GENERATION COMPONENTS

Trip generation rates for each land use type are derived from the Institute of Transportation Engineers (ITE) *Trip Generation* (10th Edition). The rates are expressed as vehicle trips entering and leaving a property during the PM peak hour.

PASS-BY TRIP ADJUSTMENT

The trip generation rates represent total traffic entering and leaving a property at the driveway points. For certain land uses (e.g., general retail), a substantial amount of this traffic is already passing by the property and merely turns into and out of the driveway. These pass-by trips do not significantly impact the surrounding street system and therefore are subtracted out prior to calculating the impact fee. The resulting trips are considered "new" to the street system and are therefore subject to the traffic impact fee calculation. The "new" trip percentages are derived partially from ITE data and from available surveys conducted around the country.²

SCHEDULE OF RATES

The traffic impact fee schedule of rates is shown in **Exhibit D**, as well as the various components of the fee schedule. In the fee schedule, fees are shown as dollars per unit of development for various land use categories. The impact fee program is flexible in that if a use does not fit into one of the categories, an impact fee can be calculated based on the development's projected trip generation.

² Trip Generation Sources: ITE *Trip Generation* (10th Edition); ITE *Trip Generation Handbook: An ITE Proposed Recommended Practice* (2017)



EXHIBIT A

DEFICIENCY CALCULATION – MOTORIZED PROJECTS

EXHIBIT A: TRANSPORTATION DEFICIENCY CALCULATION

	Intersection	LOS Standard	Control Delay	LOS
1	Water Street & Bender Road	C	9.9	A
2	Airport Road & Bender Road	C	11	B
3	Helena Street & Water Street	C	8.9	A
4	Helena Street & Walnut Street	C	14.4	B
5	Wildcat Way & 18th Avenue	C	17.1	C
6	18th Avenue & Alder Street	C	10.5	B
7	Alder Street & Dean Nicholson Boulevard/14th Avenue	C	12.6	B
8	University Way & Alder Street	C	13.6	B
9	University Way & Water Street	C	14.4	B
10	University Way & Main Street	C	16.7	B
11	5th Avenue & Railroad Avenue	C	15.4	C
12	5th Avenue & Ruby Street	C	18.3	C
13	Ruby Street & 3rd Avenue	C	20	C
14	Manitoba Avenue & Ruby Street	C	14.6	B
15	Mountain View Avenue & Ruby Street	C	14.7	B
16	Canyon Road & Umptanum Road	C	20.7	C
17	Capitol Avenue & Chestnut Street	C	10.7	B
18	Sanders Road & Alder Street	C	9.4	A
19	Capitol Avenue & Willow Street	C	9.6	A
20	Mountain View Avenue & Bull Road	C	11.3	B
21	Anderson Road & Umptanum Road	C	10	B
22	15th Avenue & Cora Street ¹	C	11.4	B

1. This LOS estimate is sourced from the ESD Cora Street Development TIA conducted by Morrison Maierle in 2019. All other LOS estimates are from the Comprehensive Plan.

Source: City of Ellensburg Comprehensive Plan, Fehr & Peers 2017; ESD Cora Street Development TIA, Morrison Maierle 2019.



EXHIBIT B

DEFICIENCY CALCULATION – PEDESTRIAN AND BICYCLE PROJECTS

Exhibit B illustrates how the impact fee project costs for pedestrian and bicycle projects (shown in Table 1) were assessed for existing deficiency. To determine this deficiency, the team estimated the portion of users that would be related to future development, as opposed to land uses on the ground today. To make this assessment, the 2017 and 2037 versions of the Kittitas County travel model were applied to estimate trip growth on Motorized segments that coincide with locations where active transportation facilities would be built.

EXHIBIT B: ACTIVE TRANSPORTATION DEFICIENCY CALCULATION

#	Project	Total Cost	Percent of Future Pedestrian Traffic Currently Using Existing Facilities	Cost Related to Growth
23	15th Avenue Sidewalk Improvements	\$154,000.00	52%	\$74,197
24	Bike and Pedestrian Improvements on Chestnut Street and Walnut Street	\$263,000.00	72%	\$73,783
25	Bike and Pedestrian Improvements on Pfenning Road	\$626,000.00	52%	\$301,606
26	Trail Connection from 5th Avenue to University Way (near CWU)	\$47,000.00	49%	\$24,029
27	Protected Bike Lane on E 14th Avenue and N Wildcat Way	\$86,000.00	49%	\$43,968
28	Reconnection of the Palouse to Cascades Trail	\$1,412,000.00	66%	\$474,219
29	Bike lane on Walnut Street/18th Avenue from 14th Avenue to Alder Street	\$125,000.00	49%	\$63,907

Source: City of Ellensburg Project List, Kittitas County Travel Demand Model, Fehr & Peers 2021



EXHIBIT C

COST ALLOCATION RESULTS

The cost allocation results are summarized below. **Exhibit C.1** illustrates how the impact fee project costs for motorized projects (shown in Table 1) were divided into growth-related costs attributable to the City. To determine this proportion, the Kittitas County travel demand model was used to identify the portion of trip-making associated with existing and growth-related traffic. A technique called “flow bundle” analysis was used to isolate the vehicle trips using each of the impact fee projects. After the percentage of Ellensburg trips and external trips were calculated, the cost of each project was multiplied by the percent of new traffic due to growth within the City.

In the case of non-motorized projects, it was assumed that 75% of trips on bicycle facilities are internal to the city and that 90% of trips on pedestrian facilities are internal. **Exhibit C.2** shows the final calculation to identify project costs allowable for impact fees for the pedestrian and bicycle projects, and also sums both the motorized and pedestrian and bicycle projects to identify the total cost allowable for impact fees.

EXHIBIT C.1: LIST OF MOTORIZED CAPACITY PROJECTS

#	Project	Total Cost	Percent of New Project Traffic due to Growth within City	Project Costs Allowable for Impact Fees
1	Water Street & Bender Road	\$966,000	49%	\$473,960
2	Airport Road & Bender Road	\$1,008,000	49%	\$494,567
3	Helena Street & Water Street	\$936,000	78%	\$727,634
4	Helena Street & Walnut Street	\$740,000	78%	\$575,266
5	Wildcat Way & 18th Avenue	\$630,000	78%	\$489,754
6	18th Avenue & Alder Street	\$720,000	77%	\$554,052
7	Alder Street & Dean Nicholson Boulevard/14th Avenue	\$1,610,000	77%	\$371,079
8	University Way & Alder Street	\$1,558,000	77%	\$1,198,906
9	University Way & Water Street	\$2,724,000	77%	\$2,094,813
10	University Way & Main Street	\$3,338,000	78%	\$2,594,916
11	5th Avenue & Railroad Avenue	\$460,000	77%	\$106,250
12	5th Avenue & Ruby Street	\$741,000	77%	\$569,844
13	Ruby Street & 3rd Avenue	\$741,000	77%	\$569,844
14	Manitoba Avenue & Ruby Street	\$1,332,000	77%	\$1,024,336
15	Mountain View Avenue & Ruby Street	\$2,434,000	77%	\$1,871,797



EXHIBIT C.1: LIST OF MOTORIZED CAPACITY PROJECTS

#	Project	Total Cost	Percent of New Project Traffic due to Growth within City	Project Costs Allowable for Impact Fees
16	Canyon Road & Umptanum Road	\$2,822,000	77%	\$2,170,177
17	Capitol Avenue & Chestnut Street	\$672,000	86%	\$577,813
18	Sanders Road & Alder Street	\$665,000	49%	\$326,277
19	Capitol Avenue & Willow Street	\$524,000	77%	\$402,967
20	Mountain View Avenue & Bull Road	\$681,000	77%	\$523,703
21	Anderson Road & Umptanum Road	\$1,252,000	77%	\$962,814
22	15th Avenue & Cora Street	\$432,000	77%	\$332,217

Source: City of Ellensburg Project List, Kittitas County Travel Demand Model, Fehr & Peers 2021

EXHIBIT C.2: LIST OF PEDESTRIAN AND BICYCLE CAPACITY PROJECTS

#	Project	Cost Related to Growth	Percent of New Project Traffic due to Growth within City	Project Costs Allowable for Impact Fees
23	15th Avenue Sidewalk Improvements	\$74,197	90%	\$66,777
24	Bike and Pedestrian Improvements on Chestnut Street and Walnut Street	\$73,783	75%	\$55,337
25	Bike and Pedestrian Improvements on Pfenning Road	\$301,606	75%	\$226,204
26	Trail Connection from 5th Avenue to University Way (near CWU)	\$24,029	75%	\$18,022
27	Protected Bike Lane on E 14th Avenue and N Wildcat Way	\$43,968	75%	\$32,976
28	Reconnection of the Palouse to Cascades Trail	\$474,219	75%	\$355,664
29	Bike lane on Walnut Street/18th Avenue from 14th Avenue to Alder Street	\$63,907	75%	\$47,930
Motorized Projects Total Costs Allowable				\$19,682,321
Pedestrian and Bicycle Projects Total Costs Allowable				\$802,911
Total Costs Allowable for Impact Fees				\$20,485,231



EXHIBIT D

TRAFFIC IMPACT FEE SCHEDULE

**City of Ellensburg
Traffic Impact Fee Development
Land Use Table
August 2021
Exhibit C**

Table Updated 05/2021
Base Traffic Impact Fee **\$2,213.00** per P-HT
Base Traffic Impact Fee w/5% Admin. **\$2,323.65** per P-HT

ITE Code	Land Use	Land Use Description	Peak-Hour Trips	Pass-By Factor	Adjusted P-HTs	Impact* Fee	Units
110	General Light Industrial	Typically less than 500 employees, free standing and single use. The facilities have an emphasis on activities other than manufacturing and typically have minimal office space. Examples: Printing plants, material testing laboratories, and data processing equipment assembly. Average auto occupancy for similar uses = 1.3.	0.63	1	0.63	\$ 1,463.90	KSF
130	Industrial Park	Industrial Park areas that contain a number of industrial and/or related facilities (mix of manufacturing, service, and warehouse). Average auto occupancy = 1.37.	0.4	1	0.4	\$ 929.46	KSF
140	Manufacturing	Facilities that convert raw materials into finished products. Typically have related office, warehouse, research, and associated functions. Average vehicle occupancy ranges between 1.2 and 1.3.	0.67	1	0.67	\$ 1,556.85	KSF
150	Warehouse	Primarily devoted to the storage of materials but may also include office and maintenance areas. Average auto occupancy = 1.3.	0.19	1	0.19	\$ 441.49	KSF
151	Mini-Warehouse	Storage units or vaults rented for storage of goods. Units are physically separate and access through an overhead door or other common access point. Average vehicle occupancy ranges between 1.2 and 1.9.	0.17	1	0.17	\$ 395.02	KSF
210	SF Detached	Single family detached housing located on individual lots.	0.99	1	0.99	\$ 2,300.41	DU
220	Multifamily Housing (Low-Rise)	Low-rise multifamily housing includes apartments, townhouses, and condominiums located within the same building with at least three other dwelling units and that have one or two levels (floors).	0.56	1	0.56	\$ 1,301.24	DU
221	Multifamily Housing Mid-Rise)	Mid-rise multifamily housing includes apartments, townhouses, and condominiums located within the same building with at least three other dwelling units and that have between three and 10 levels (floors).	0.44	1	0.44	\$ 1,022.41	DU
225	Off-Campus Student Apartment Adjacent to Campus	An off-campus student apartment is part of an apartment complex that serves college or university students. These properties are generally located nearby and within walking distance of a college campus.	0.28	1	0.28	\$ 650.62	Resident
225	Off-Campus Student Apartment More Than 1/2 Miles From Campus	An off-campus student apartment is part of an apartment complex that serves college or university students. These properties are generally located nearby and within walking distance of a college campus.	0.31	1	0.31	\$ 720.33	Resident
240	Mobile Home Park	Generally consist of manufactured homes that are sited and installed on permanent foundations and typically have community facilities such as recreation rooms, swimming pools and laundry facilities. Often restrict occupancy to adults.	0.59	1	0.59	\$ 1,370.95	Occupied DU
252	Senior Adult Housing - Attached	Attached independent living developments, including retirement communities, age-restricted housing and active adult communities. Include limited social or recreational services although they generally lack centralized dining and on-site medical facilities. Residents live independently requiring little medical supervision and may or may not be retired.	0.26	1	0.26	\$ 604.15	DU
253	Congregate Care Facility	Independent living developments that provide centralized amenities such as dining, housekeeping, transportation and organized social/recreational activities. Limited medical services may be provided.	0.18	1	0.18	\$ 418.26	DU
310	Hotel	Lodging facility that provide sleeping accommodations and supporting facilities such as restaurants, cocktail lounges, meeting and banquet rooms or convention facilities, limited recreational facilities (pool, fitness room), and other retail and service shops. Can include a large motel with these facilities.	0.6	1	0.6	\$ 1,394.19	Room
320	Motel	Sleeping accommodations and often a restaurant. Free on-site parking and little or no meeting space and supporting facilities.	0.38	1	0.38	\$ 882.99	Room
411	City Park	City-owned parks, varying widely as to location, type, and number of facilities, including boating / swimming facilities, ball fields, and picnic facilities.	0.11	1	0.11	\$ 255.60	Acres
430	Golf Course	Includes 9, 18, 27, and 36 hole courses. Some have driving ranges and clubhouses with pro shops, restaurant, lounges, and banquet facilities.	2.91	1	2.91	\$ 6,761.82	Holes
435	Multipurpose Recreation Facility	Multi-purpose recreational facilities contain two or more of the following land uses at one site: mini-golf, batting cages, video arcade, bumper boats, go-carts, and driving ranges. Refreshment areas may also be provided.	3.58	1	3.58	\$ 8,318.67	Acres
437	Bowling Alley	Recreational facilities with bowling lanes which may include a small lounge, restaurant, snack bar, video games, and pool tables may also be available.	1.3	1	1.3	\$ 3,020.75	Lane
444	Movie Theater w/ Matinee	Theaters with less than 10 screens which show daily matinees.	14.6	1	14.6	\$ 33,925.29	Screen
482	Water Slide Park	Contain water slides, wading pools and refreshment stands. May include picnic areas.	0.28	1	0.28	\$ 650.62	Parking Spaces
492	Health Club	Privately owned facilities that primarily focus on individual fitness or training. Provide exercise classes, weightlifting, fitness and gymnastics equipment, spas, locker rooms, and restaurants or snack bars. May also include ancillary facilities such as swimming pools, whirlpools, saunas, tennis, racquetball and handball courts and limited retail.	3.45	1	3.45	\$ 8,016.59	KSF
495	Recreational Community Center	Recreational community centers are facilities similar to and including YMCAs, often including classes and clubs for adults and children; day care or nursery school; meeting rooms; swimming pools; tennis, racquetball, handball, basketball and volleyball courts; outdoor athletic fields/courts; exercise classes; weightlifting and gymnastics equipment; locker rooms; and food services. Public access allowed.	2.31	1	2.31	\$ 5,367.63	KSF
520	Elementary School	Public. Typically serves K-6 grades.	0.17	1	0.17	\$ 395.02	Student
522	Middle School	Public. Serves students that completed elementary and have not yet entered high school.	0.17	1	0.17	\$ 395.02	Student
530	High School	Public. Serves students that completed middle or junior high school.	0.14	1	0.14	\$ 325.31	Student
550	University/College	Four-year universities or colleges that may offer graduate programs.	0.15	1	0.15	\$ 348.55	Student
560	Church	Contains worship area and may include meeting rooms, classrooms, dining area and party facilities.	0.49	1	0.49	\$ 1,138.59	KSF
565	Day Care	Facility for pre-school children care primarily during daytime hours. May include classrooms, offices, eating areas, and playgrounds.	11.12 0.79	1 1	11.12 0.79	\$ 25,838.99 \$ 1,835.68	KSF Student
590	Library	Public or Private. Contains shelved books, reading rooms or areas, sometimes meeting rooms.	8.16	1	8.16	\$ 18,960.98	KSF
610	Hospital	Any institution where medical or surgical care and overnight accommodations are provided to non-ambulatory and ambulatory patients.	3.67	1	3.67	\$ 8,527.80	Bed
630	Clinic	Provides limited diagnostic and outpatient care but is unable to provide prolonged in-house medical and surgical care. Typically have lab facilities, supporting pharmacies and a wide range of services.	8.15	1	8.15	\$ 18,937.75	KSF
710	General Office	Office building with multiple tenants. Mixture of tenants can include professional services, insurance companies, investment brokers and tenant services, such as bank and savings and loan institutions, restaurants, snack bars, and service retail facilities.	1.15	1	1.15	\$ 2,672.20	KSF
715	Single Tenant Office Building	Single tenant office building usually contains offices, meeting rooms, file storage areas, data processing of a single business, restaurant or cafeteria, and other service functions.	1.71	1	1.71	\$ 3,973.44	KSF
720	Medical-Dental Office	Provides diagnosis and outpatient care on a routine basis. Typically operated by one or more private physicians or dentists.	3.46	1	3.46	\$ 8,039.83	KSF
730	Government Office Building	Individual building containing entire function or one agency of a city or other governmental unit.	1.71	1	1.71	\$ 3,973.44	KSF
750	Office Park	Park or campus-like planned unit development that contain general office buildings and support services such as banks, restaurants and service stations arranged park or campus like atmosphere.	1.07	1	1.07	\$ 2,486.31	KSF
760	Research & Development Center	Single building or complex of buildings devoted to research & development. May contain offices and light fabrication facilities.	0.49	1	0.49	\$ 1,138.59	KSF
770	Business Park	Group of flex-type or incubator 1 - 2 story buildings served by a common roadway system. Tenant space is flexible to accommodate a variety of uses. Rear of building usually served by a garage door. Typically includes a mix of offices, retail and wholesale stores, restaurants, recreational areas and warehousing, manufacturing, light industrial, or scientific research functions. The average mix is 20 to 30 percent office/commercial and 70 to 80 percent industrial/warehousing.	0.42	1	0.42	\$ 975.93	KSF

City of Ellensburg
Traffic Impact Fee Development
Land Use Table
August 2021
Exhibit C

812	Building Materials & Lumber	Small, free standing building that sells hardware, building materials, and lumber. May include yard storage and shed storage areas. The storage areas are not included in the GLA needed for trip generation estimates. Buildings included in this land use are less than 30,000 square feet of gross floor area.	2.06	1	2.06	\$ 4,786.72	KSF
813	Discount Super Store	A free-standing discount store that also contains a full service grocery department under one roof.	4.33	0.71	3.07	\$ 7,133.61	KSF
814	Variety Store	Retail store that sells a broad range of inexpensive items often at a single price. Typically referred to as "dollar stores".	6.84	0.66	4.51	\$ 10,479.66	KSF
815	Discount Store	A free-standing discount store that offers a variety of customer services, centralized cashiering, and a wide range of products under one roof. Does not include a full service grocery dept. like Land Use 813, Free-standing Discount Superstore.	4.83	0.83	4.01	\$ 9,317.84	KSF
816	Hardware/Paint Store	Typically free-standing buildings with off-street parking that sell paints and hardware.	2.68	0.74	1.98	\$ 4,600.83	KSF
817	Nursery/Garden Center	Free-standing building with yard containing planting or landscape stock. May have large green houses and offer landscape services. Typically have office, storage, and shipping facilities. GLA is Building GLA, not yard and storage GLA.	6.94	1	6.94	\$ 16,126.13	KSF
820	Shopping Center	Integrated group of commercial establishments that is planned, developed, owned, and managed as a unit. Provides enough on-site parking to serve its own parking demand. May include non-merchandising facilities such as office buildings, movie theatres, restaurants, post offices, health clubs, and recreation like skating rinks and amusements.	3.81	0.66	2.51	\$ 5,832.36	KSF
823	Factory Outlet Center	Shopping center that primarily houses factory outlet stores, attracting customers from a wide geographic area.	2.29	1	2.29	\$ 5,321.16	KSF
843	Automobile Parts Sales	Specialize in the sale of automobile parts for maintenance and repair. Items sold include spark plugs, oil, batteries and a wide range of automobile parts.	1.44	0.72	1.04	\$ 2,416.60	KSF
848	Tire Store	Sale and marketing of tires for automotive vehicles. Services include tire installation and repair as well as other automotive maintenance or repair services.	3.42	0.72	2.46	\$ 5,716.18	Service Bay
850	Supermarket	Free standing retail stores selling a complete assortment of food, food preparation and wrapping materials, and household cleaning items. May also include automobile supplies, bakeries, books and magazines, dry cleaning, floral arrangements, greeting cards, limited service banks, photo centers, pharmacies and video rental areas.	9.24	0.64	5.91	\$ 13,732.77	KSF
851	Convenience Market (24 Hour)	Sell convenience foods, newspapers, magazines and often beer and wine. Do not have gasoline pumps. Open 24 hours per day.	49.11	0.49	24.06	\$ 55,907.02	KSF
853	Convenience Market w/Gasoline Pumps	Sell gasoline, convenience foods, newspapers, magazines and often beer and wine. Primary business is the selling of convenience items not gasoline.	23.04	0.34	7.83	\$ 18,194.18	Fueling Positions
854	Discount Supermarket	Free standing retail stores selling a complete assortment of food (often in bulk), food preparation and wrapping materials, and household cleaning and servicing items at discount prices.	8.38	0.79	6.62	\$ 15,382.56	KSF
857	Discount Club	Discount store or warehouse where shoppers pay a membership fee in order to take advantage of discounted prices on a wide variety of items such as food, clothing, tires and appliances. Many items are sold in large quantities or bulk. Some sites may include fueling pumps.	4.18	0.63	2.63	\$ 6,111.20	KSF
862	Home Improvement Superstore	Free standing facilities that specialize in the sale of home improvement merchandise such as lumber, tools, paint, lighting, wallpaper and paneling, kitchen and bathroom fixture, lawn equipment, and plant and garden accessories.	2.33	0.58	1.35	\$ 3,136.93	KSF
863	Electronics Superstore	Free standing facilities that specialize in the sale of electronic merchandise such as televisions, audio and video players and recorders, software, telephones, computers and general electronic accessories.	4.26	1	4.26	\$ 9,898.75	KSF
875	Department Store	Free standing facilities that specialize in the sale of a wide range of products including apparel, footwear, home products, bedding and linens, luggage, jewelry and accessories.	1.95	1	1.95	\$ 4,531.12	KSF
876	Apparel Store	Individual store specializing in the sale of clothing.	4.12	1	4.12	\$ 9,573.44	KSF
880	Pharmacy w/o drive through	Retail facilities that primarily sell prescription and non-prescription drugs. They may also sell cosmetic, toiletries, medications, stationery, personal care products, limited food products and general merchandise.	8.51	0.47	4	\$ 9,294.60	KSF
881	Pharmacy w/ drive through	Same as 881 with the exception of a drive through.	10.29	0.51	5.25	\$ 12,199.16	KSF
890	Furniture Store	Sells furniture, accessories, and often carpet/floor coverings.	0.52	0.47	0.24	\$ 557.68	KSF
911	Walk-In Bank	Usually a Free-standing building with a parking lot. Does not have drive-up windows. May have ATMs.	12.13	1	12.13	\$ 28,185.87	KSF
912	Drive-In Bank	Provides Drive-up and walk-in bank services. May have ATMs.	20.45	0.71	14.52	\$ 33,739.40	KSF
925	Drinking Place	Contains a bar where alcoholic beverages and snacks are served with possibly some type of entertainment such as music, television screens, video games, or pool tables.	11.36	1	11.36	\$ 26,396.66	KSF
931	Quality Restaurant	High quality eating establishment with slower turnover rates (more than one hour). Do not serve breakfast. Generally require reservations and not part of a chain.	7.8	0.56	4.37	\$ 10,154.35	KSF
932	High Turnover Sit-Down Restaurant	Sit-Down eating establishment with turnover rates of approximately one hour. Generally moderately priced and frequently belongs to a restaurant chain. Do not typically require reservations.	9.77	0.57	5.57	\$ 12,942.73	KSF
933	Fast Food w/o Drive-Thru	Fast Food but no drive-through window. Characterized by large carry-out clientele, long hours of service. Do not provide table service.	28.34	1	28.34	\$ 65,852.24	KSF
934	Fast Food With Drive-Thru	Fast Food with drive-through window. Restaurant is characterized by a large drive-through clientele, long hours of service and high turnover rates for eat-in customers. Do not provide table service.	32.67	0.5	16.34	\$ 37,968.44	KSF
936	Coffee/Donut Shop w/o Drive-Thru	Single tenant coffee and donut restaurants without drive through windows. Serve fresh coffee, donuts, bagels muffins, cakes sandwiches, wraps, salads and other hot and cold beverages.	36.31	1	36.31	\$ 84,371.73	KSF
937	Coffee/Donut Shop w/Drive-Thru Window	Same as 936 with drive through window.	43.38	1	43.38	\$ 100,799.94	KSF
938	Coffee/Donut Shop w/Drive-Thru Window-No Indoor Seating	Same as 936 with out indoor seating.	83.33	0.11	9.17	\$ 21,307.87	KSF
941	Quick Lubrication Vehicle Shop	Primarily perform oil change services for vehicles.	4.85	1	4.85	\$ 11,269.70	Service Bay
944	Gas Station	Sell gasoline and may also provide vehicle service and repair. Does not have Convenience Market and/or Car Wash.	14.03	0.58	8.14	\$ 18,914.51	Fueling Positions
945	Gas/Service Station with Convenience Market	Selling gas and Convenience Market are the primary business. May also contain facilities for service and repair. Does not include Car Wash.	13.99	0.44	6.16	\$ 14,313.68	Fueling Positions
947	Self-Service Car Wash	Allows manual cleaning of vehicles by providing stalls for the driver to park and wash.	5.54	1	5.54	\$ 12,873.02	Stalls

NOTES:

Source: Institute of Transportation Engineers, *Trip Generation*, Tenth Edition: Volume 1 - pass-by rates; Volume 2 - 3 trip generation data.

Land Use Units:

KSF = 1,000 gross square feet building area

DU = number of dwelling units

Room = number of rooms for rent

Fueling Positions = maximum number of vehicles that can be served simultaneously.

Student = number of full-time equivalent students enrolled

Stalls = number of wash stalls

*Note: Traffic impact fee includes a 5% program administration fee



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: September 7, 2021

Item Title/Agenda Subject: Affordable Housing Commission Recommendation on City Property Contribution for Affordable Housing.

Submitted by: Jamey Ayling Community Development

Recommended Action or Motion:

1. Authorize the Mayor's signature on the award letter to Stalder Interests, and provide staff direction to initiate contract negotiations with Stalder Interests upon receipt of signed acknowledgement of conditions.
2. Direct staff to proceed with preparing a resolution to surplus the two parcels needed for contribution to the Stalder Interests project for consideration by City Council at a future meeting.

Background/Summary: The Affordable Housing Commission (AHC) is charged with making recommendations to City Council on allocation of the affordable housing sales tax funds and City surplus property for affordable housing.

In November 2017, City voters approved a one tenth of one percent increase in City sales tax for housing and related services consistent with RCW 82.14.530. The purpose of this local funding source is to support housing and related services in the City. Consistent with state law, housing created with these funds is required to serve households earning 60% or less of Area Median Income (AMI) and fall within specific population groups as described in RCW 82.14.530.

Pursuant to RCW 39.33.15 and Ellensburg City Code Chapter 2.06, the City of Ellensburg has the authority to make available city surplus properties for affordable housing development proposals that serve residents earning 80% or less of the Area Median Income. The City has identified two City-owned sites (total of three parcels) for this purpose.

On February 17, 2021 the City received an application from Stalder Interests requesting acquisition of City surplus property to develop 57 units in three buildings providing rental opportunities to low income families. On May 5, 2021 the AHC

heard a presentation from Matthew Stalder with an opportunity for questions and answers. The AHC discussed the project and made a recommendation to City Council to pursue property contribution for this project. The recommendation is for contribution of City Surplus property at 1st and Pine.

Previous Council Action:

On June 7, 2021 City Council was presented with the AHC recommendation to accept the request to contribute surplus property at 1st and Pine for the construction of 57 units in three buildings. During this meeting Council received a report from staff and also accepted public testimony. The public testimony focused on removal of the community garden, building scale, parking and affordability. Council deliberated and ultimately continued the item to a future meeting for additional discussion.

On June 28, 2021 the Council Study Session was used to further discuss the proposal and general parameters for surplus property donation for affordable housing. Council deliberated further at the meeting on July 6, 2021 and requested that the applicant develop some alternative options for consideration. The alternative considerations included a mixture of studios, one and two bedroom units, combining all of the units into one building versus three separate buildings, and including more ADA or aging in place units.

Analysis:

The City received a “City Property Contribution for Affordable Housing” application from Stalder Interests dated February 17, 2021. Per the guidance of Council and the open application process the Affordable Housing Commission reviewed the application at its regular meeting on May 5, 2021. RCW 39.33.15 authorizes the transfer, lease, or disposal of public property for affordable housing surplus property allocated to projects that create new affordable housing in Ellensburg. Affordable housing development proposals that serve residents earning 80% or less of the Area Median Income are listed as eligible uses of property.

Staff brought Stalder’s proposed alternatives back to the Affordable Housing Commission for consideration and to make a recommendation to Council

The Stalder Interests application indicated the ability to provide 57 units to persons who make less than 60% AMI. The time to

complete the project was estimated to take two years as detailed in the application. The applicant demonstrated they are able to meet the requirements of the affordable housing property contribution application, which would help the City to address identified housing needs in the community.

Stalder Interests is not pursuing any local funding for this project; instead they will be applying for Section 221(d)(4) federal funds. The AHC originally recommended awarding City surplus property to this project at their May 5 meeting. The revisions that were later requested by City Council were submitted by the applicant, and were shared with the Affordable Housing Commission at their August 18, 2021 meeting. Commissioners were presented with five alternative designs (see attached), and they weighed the pros and cons of each. Along with the five designs a narrative was submitted that described each proposal. The initial narrative submitted with the revised proposals indicated a need to also request affordable housing funds for the project in order for it to remain feasible. Later iterations of the project narrative omitted the additional funding request, however discussions with the applicant and the Affordable Housing Commission confirmed that the additional funding requests would be necessary for alternative proposals 3, 4 and 5.

In reviewing the five alternatives, the first item the commission considered was preference on the number of buildings. It was unanimously agreed upon that a three building complex was preferred over one large building. Multiple buildings may soften the impact on the neighborhood in a sense of scale and open space as opposed to one large structure.

The alternative designs that combined the units into one building also included the addition of an elevator and a funding request of \$500,000.00 to cover the cost associated with the elevator. The Commission did not feel the cost of an elevator was a sufficient reason to use affordable housing funds. This project circled back to the original request for contribution of land only, thereby reserving funds that could be used to support future affordable housing projects.

The Commission also considered the request to provide not

only studio apartments, but also a mix of one and two bedroom apartments. Commissioner Bedsaul referred to the Housing Needs Assessment conducted by the City's consultant BERK. She reminded the Commission that the needs assessment clearly defines the need for studio apartments. This need for studio apartments outpaces the current supply, and the supply of multiple bedroom units currently outpaces the need of the household sizes in our community - as reflected in the assessment. As the greatest need is for studio apartments, this proposal fills that gap by adding 57 studio units to the supply. Commissioner Sorenson stated the commission is not going to solve all of the affordable housing issues with one project. This is just one of many projects to come and it demonstrates the ability to address one of the identified housing needs.

Commissioner Dang brought up the concern with the square footage of the proposed units and the examples of the multiple bedroom units were larger in size than the studio units within the same building foot print. Commissioner Dang said if the studio only proposal is moved forward, he would encourage the commission to request that the builder incorporate the maximum amount of building area into the units, as larger units tend to lead to higher quality of living.

The Commission unanimously approved a motion supporting the original proposal (proposal 1) with the incorporation of all ADA and universally accessible units on the ground floor only, accounting for 12 of the 57 units in a three building complex with no elevator.

If approved, City staff will coordinate with legal counsel to develop an affordable housing contract. The contract will assure that the project is in the vital and best interest of the City and the health, safety and welfare of the residents of the City, and in accord with the public purposes and provisions of applicable federal, state and local laws and requirements.

A draft award letter has been attached to this agenda report; however, Council has the discretion to direct staff to add any conditions of approval to the award letter and to a future contract.

Financial Impact:

The total fiscal impact to the City will be minimal for 2021, funding for affordable housing is included in the 2021 City Budget. The combined valuation of these properties is \$158,188.73 based on a 2019 comparison of other properties in the vicinity.

Attachments:

[Stalder Affordable Housing App](#)
[Stalder Interests Award Letter 9.7.21](#)
[1st and Pine Alternatives Narrative](#)
[Proposal 1](#)
[Proposal 2](#)
[Proposal 3](#)
[Proposal 3 upper floors](#)
[Proposal 4](#)
[Proposal 4 Upper Floors](#)
[Proposal 5](#)



CITY-OWNED PROPERTY CONTRIBUTION FOR AFFORDABLE HOUSING 2019 APPLICATION

APPLICATION COVER SHEET

Please refer to the Request for Proposals on the Community Development webpage:

<https://ci.ellensburg.wa.us/1069/Housing-In-Ellensburg>

A complete application must include a signed application and the following attachments:

1. Signed City of Ellensburg pre-funding application submittal
2. Documentation to support collaboration
3. Project site/development plan
4. Resident screening/monitoring tool

Prior to execution of contracts with successful applicants, applicants will be required to submit financial information for review. This will include 2 years of income statements (revenue/expenditures and net profit/loss, and past 2 years balance sheets (assets/liabilities).

Incomplete applications will not be considered. Missing or incomplete information will result in a forfeiture of application. Do not include any information beyond what is requested in the application. **Please note, all funding applications and associated materials are public record.**

- Questions on land use regulations and building codes, please contact the Community Development Department at 509-962-7231
- Questions on Affordable housing funding, please contact Angela San Filippo at 509-925-8653 or sanfilippoa@ci.ellensburg.wa.us

CERTIFICATION and AUTHORIZED SIGNATURE: To the best of my knowledge and belief, the information contained in this application, and in the additional required documentation submitted with this application, is true and correct. I understand that any false information or omission may disqualify my organization from further consideration for City assistance. I authorize the investigation of any or all statements contained in this application and any other information pertinent to this application and my organization and its employees and board members.

The signatory possesses the legal authority to apply for and receive City of Ellensburg assistance, and the person signing the application has the proper authority from the governing body of the organization. The applicant understands the City will not be responsible for any costs incurred by the applicant in developing and submitting this application, and that all applications submitted become the property of the City and applications are public record.

The applicant agrees that if this project is allocated City surplus property, the applicant will enter into a contract with the City of Ellensburg and will be required to submit annual reports attesting to compliance with the agreed upon retention of affordability and residents of housing developments funded through the City's local housing fund or constructed on property contributed by the City. The applicant further agrees that if this project is allocated City surplus property, it will comply with all federal, state, and local statutes, regulations, policies, and requirements applicable to City assistance. If the awarded project does not show substantial progress within two years of property allocation the property will revert back to the City for reallocation.


Signature of Authorized Applicant Representative

10/13/20
Date

Matt Stalder Stalder Interests
Name of Authorized Applicant Representative (Please Print or Type)

Partner
Title (Please Print or Type)

1. PROJECT DESCRIPTION AND ELIGIBILITY

A. Project Name:	1st & Pine Studios
Agency Name:	Stalder Interests
Contact Person:	Matthew Stalder
Mailing Address:	2000 Quartz Mtn Dr
City, State, Zip:	Ellensburg, WA 98926
Phone:	509 929 4820
Email:	staldermw@gmail.com

B. Project Location:	Corner of 1st st and Pine st
Primary Street Address:	N Pine St
City, State, Zip:	Ellensburg, WA 98926
Tax Parcel ID #:	937033 617033

C. Project Activity (check all that apply)

- | | | |
|---|---|--|
| ☐ Acquisition | ☐ Demolition/Redevelopment | ☒ New Construction |
| ☐ Adaptive Reuse | ☐ Mixed Use | ☐ Rehabilitation |
| | | ☐ Other |

If you checked Mixed Use or Other above, please explain:

D. Type of organization or company

- | | |
|---|--|
| ☐ Nonprofit organization 501(c)(3) | ☐ Public organization |
| ☒ For profit organization | ☐ Other: _____ |

E. Has this organization/developer previously received funding from the City of Ellensburg?

☐ Yes ☒ No If yes, please indicate funding source _____

F. City Property Request. Please indicate City property contribution parcel number.

City property contribution
parcel number: 937033 617033 Total Project Budget: \$ 5,000,000.00

G. Project Summary. Briefly summarize your proposed project in a couple of paragraphs; include a general statement of the project’s overall purpose, scope, and intent. **(300 words or less)**

The purpose of this project is to utilize the City owned property at 1st & Pine st to develop 57 studio units for multiple types of low income renter categories. The project would use the zone and street frontage types to build 3 buildings of 19 units each. As rents for single tenant units have surpassed \$1,000/month and pent up demand will continue to raise the price, units that do not have specifically limited rent at a much lower than market price will be gone in 3-5 years. This project would alleviate that using federal housing funds as leverage to complete a large scale build that would be financially feasible with rents well below market rate.

H. Populations to be served. Please select the household income for each unit proposed to be developed on one of the identified City-owned properties.

% of Area Median Income	# of Units	# of bedrooms	Tenant monthly rent/mortgage
Select item			
Select item			
Select item			
Select item			
Select item			
Select item			
Select item			
Select item			
Select item			
Select item			
Select item			
Total	0		

- I. Summary of all housing units.** Please include **ALL** housing units in the project. Projects proposed for City-owned property may be eligible for households earning 80% or below Area Median Income.

Area Median Income	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4+ Bedroom	Total Units
At or below 30%						0
35%						0
40%						0
45%						0
50%						0
55%						0
60%	57					57
65%						0
70%						0
75%						0
80%						0
Total	57	0	0	0	0	57
# of ADA Compliant Units	3					3
Average Square feet	375					

2. COMMUNITY IMPACT

- A. Community impacts.** The following targets have been identified as having a tangible benefit for intended residents. Please check all that apply to the proposed project location.

- ☒ Within ½ mile of public transit stop
 ☐ Within ½ mile of senior center
☒ Within ½ mile of park or recreation area
 ☒ Within ½ mile of grocery store with fresh food
☒ Within ½ mile of public school
 ☒ Within ½ mile of medical services
☒ Other Downtown core/ large local employers

- B. Financial stability.** Please describe how this project will provide opportunities for beneficiaries to build financial stability. **(100 words or less)**

This project will improve financial stability as the combination of lowered rent and the cost savings of being close to groceries, employment, and public amenities will allow tenants to put more into savings while spending less hours on work related things and more on advancement.

- C. Sense of place and community.** Please describe how the proposed project will promote a sense of place and community for intended residents and the greater Ellensburg community. **(100 words or less)**

As the land is currently residentially vacant, the multiple building project and amount of inhabitants able to live in it will create a community in itself as well as an expanded community for the nearby residential district to the south. It will also increase the greater Ellensburg community by bringing more density to the boundary of the downtown core providing more patronage for the downtown area.

D. Other community impacts. Please describe other tangible benefits the project will have for the intended beneficiaries as well as the greater Ellensburg community. **(200 words or less)**

A large tangible benefit will be the monetary impact of the development. As almost everything in town was impacted by covid, the project will generate over a hundred thousand dollars in fees to the city for permitting as well as the amount above average amount going to the residents of the city as the project will be prevailing wage giving local contractors a boost.

3. RETENTION OF AFFORDABILITY

A. Please indicate how this project will help retain affordable housing units in the community. Please note housing projects receiving City property contribution will be required to maintain affordability for a minimum of 40 years. **(200 words or less)**

As the units will be rental units, there will be a multi decade requirement for decreased rent for the units and so affordability of the housing will be retained as it will be required to be.

4. HOUSING NEEDS AND INVESTMENT PRIORITIES

- A. Describe how the proposed project addresses Ellensburg's identified housing needs. Describe what this project will accomplish and how the proposed housing units will help meet the community's housing needs as identified in the current [Ellensburg Housing Needs Assessment](https://ci.ellensburg.wa.us/1609/Housing-In-Ellensburg) data available at: <https://ci.ellensburg.wa.us/1609/Housing-In-Ellensburg>. Please only include information not covered in Section 2 - Community Impacts. (500 words or less)

As the average multifamily designated project in Ellensburg is small in scale and the majority of current development push is single family housing, the housing crunch will continue to increase as population growth is projected to be about 2.5%, and in reality will be more. The number of units, both rental and owned, will not keep up with as the above mentioned scale of most builds is too small and the emphasis on duplexes, triplexes and townhouses instead of large scale complexes is only making the problem worse. It is also pointed out that as of 2018 half of Ellensburg housing stock is single family houses while almost three quarters of the population are renters. The units this project will create will allow renters to move out of single family houses into something more appropriate and allow the houses to become available to the open market where there is a very limited supply that is increasing home ownership prices. The project would also address the continuing issue of sub 1% vacancy rates by bringing a larger amount of units online at once and allowing low income renters to have a suitable unit instead of competing with professionals with much higher budgets.

5. PROPERTY MANAGEMENT AND DEVELOPMENT

A. Project Applicant/Developer

Firm Name:	Stalder Interests Inc
Contact person and title:	Matt Stalder
Phone Number:	509 929 4820
Email address:	staldermw@gmail.com
Address:	2000 Quartz Mtn Dr
City/State/Zip:	Ellensburg, WA 98926
Federal Tax ID #:	91-1565776
Unified Business Identifier:	601 395 858

B. Architect

Firm Name:	TBD
Contact person and title:	
Phone Number:	
Email address:	

C. General Contractor

Firm Name:	TBD
Contact person and title:	
Phone Number:	
Email address:	

D. Property Management Firm (as applicable)

Firm Name:	Hopesource (anticipated)
Contact person and title:	
Phone Number:	
Email address:	

6. PROPERTY MANAGEMENT AND DEVELOPMENT TEAM EXPERIENCE

A. Project Applicant/Developer Experience. For completed projects, list only projects completed in the last 5 years. For pipeline projects, list projects for which you plan to seek funding in the next 12 months or have received at least one funding commitment.

Projects Completed								
Project Type	Activity Type	Role (i.e. owner, developer)	City and State	# Units	Date project activities began	On Time, On Budget	Placed in service date	Type of financing
Multifamily	New Construction	Owner/Developer	Ellensburg	20	10/19	Yes, Yes	01/21	Cash Equity, Mezzanine Debenture, Debt
Multifamily	New Construction	Owner/Developer	Ellensburg	40	06/13	Yes, Yes	09/19	Equity, Debt
Select item	Select item					Select item		
Select item	Select item					Select item		
Select item	Select item					Select item		
Select item	Select item					Select item		
Select item	Select item					Select item		

Project Pipeline								
Project Type	Activity Type	Role (i.e. owner, developer)	City and State	# Units	Date project activities began	On Time, On Budget	Placed in service date	Type of financing
Multifamily	New Construction	Developer	Ellensburg	30	07/19	Yes, Yes	12/21	Cash
Multifamily	New Construction	Developer	Ellensburg	5	10/20	Yes, Yes	12/21	Cash, Grants
Select item	Select item					Select item		
Select item	Select item					Select item		
Select item	Select item					Select item		
Select item	Select item					Select item		
Select item	Select item					Select item		

B. Project Property Management Firm Experience. As applicable, please list up to 10 similar projects that your organization, or your selected Property Management firm, has managed or currently manages.

Project	City and State	# Units	Unit Type	Target population	Effective date of management contract	End date (current if still managing)
Place Apartments	WA	40	2-bed	Students	N/A	N/A
			Select item			
			Select item			
			Select item			
			Select item			
			Select item			
			Select item			
			Select item			
			Select item			
			Select item			

7. LEVERAGE AND COLLABORATION

A. Financing Sources. Please complete all information applicable to your project. Include all financing term assumptions even if they are funder's standard terms. Include funds contributed by applicant through initial start-up capital or expected applicant contribution.

Name	Type	Proposed Amount	Committed Amount	Date Applied	(Projected) award date	Grant/ loan	Term	Payment structure
N Pine St	City property	\$ 0.00	\$ 0.00	10/13/20				
Sect. 221(d)(4)	Federal	\$4,000,000						
	Select Item							
	Select item							
	Select item							
	Select item							
	Select item							
	Select item							
	Select item							
TOTAL		\$4,000,000	\$ 0.00					
CITY PROPERTY REQUESTED		937033.617033						

B. Please describe how the City property contribution requested will be leveraged. Provide a brief narrative of financing sources listed above and the city funds will be leveraged. **(100 words or less)**

With the land being contributed as equity, outside bridge capital may be sought and the main funding will be through a Section 221 loan HUD loan up to 87% LTC.

C. Please describe in-kind contributions and/or volunteers/pro-bono services that support project development. Your narrative response must focus on the in-kind contributions, volunteers, and pro-bono services that will be used for the proposed project, and not the agency in general. **(100 words or less)**

The contributions to the project will be work on entitlements and applications as well as site planning. The design of the building and site plan will be done pro bono before being sent for final engineering. The project will also require a code departure request, SEPA, pre-application, and several other applications before application for permits will be allowed which will be contributed.

D. Collaboration and Partnership. Please describe activities that demonstrate active partnerships and/or regular coordination with other relevant public, nonprofit, and private entities that support similar goals or related activities. Examples might include membership on advisory groups, financial contributions, sharing data or best practices, and soliciting input from community partners. **Your narrative must focus on community partnerships that will be used for the proposed project, and not for the agency in general. (300 words or less)**

Active collaboration with Hopesource with consulting and development of other low income projects providing advisory and physical contributions. As the project is also large enough in size, public comment will be asked for during several parts of the entitlement process allowing for active public participation.

8. PROJECT SCHEDULE AND BUDGET

A. Project Schedule. Provide date completed and status information for the following project tasks. If a task does not apply to your project, enter N/A. To include additional tasks please attach additional sheets as necessary. Please only enter details for each task in the “Notes/Status” Column.

Category	Tasks	Date completed or expected completion	Notes/Status
Site Control	Purchase and Sale Agreement/Option		Land to be Contributed
Site Control	Closing		
Feasibility/Due Diligence	SEPA		SEPA to take 1-2 Months to Complete
Financing	Appraisal		
Financing	Financial underwriting		Underwriting during A&E
Financing	Application(s) for other funding source(s)		
Design/Permitting	Preliminary drawings completed		Preliminary drawings 75% done
Design/Permitting	Zoning approval		No rezone required, code departure
Design/Permitting	Site plan approval		Site plan part of full A&E, 6-9 months
Design/Permitting	Building/civil permit submitted		Civil part of full A&E
Design/Permitting	Building/civil permits issued		
Design/Permitting	Other agency permits issued		
Construction	Selection of general contractor		
Construction	Begin construction		
Construction	Issued certificate of occupancy		Const. to take 15-20 months
Occupancy	Selection of management firm		
Occupancy	Begin leasing/selling		

B. Project Budget. Amounts in the total project cost must be accounted for in full by assigning them to funding sources as appropriate. Do not combine funding sources in a column. All residential development costs should be included in this budget.

Total	%	Funding source	Funding source	Funding source	Funding source	Funding source	Funding source
		Federal	Select Item	Select item	Select item	Select item	Select item

Acquisition costs

(such as: existing structures, land, closing costs, etc.)	\$ 0.00	0.00%						
---	---------	-------	--	--	--	--	--	--

Construction costs

(such as: demolition, new building, rehabilitation, contractor overhead and profit, site work and infrastructure costs)	\$ 3,700,000	90.3%	\$3,700,000					
---	--------------	-------	-------------	--	--	--	--	--

Soft costs

(such as: appraisal, legal fees, technical experts, environmental studies, project management, other consultants)	\$ 100,000	2.4%		\$100,000				
---	------------	------	--	-----------	--	--	--	--

Other development costs

(such as: permits, utility hook-ups)	\$ 250,000	6.1%	\$250,000					
--------------------------------------	------------	------	-----------	--	--	--	--	--

Financing costs

(such as loan fees, legal fees, etc.)	\$ 50,000.00	1.2%	\$50,000					
---------------------------------------	--------------	------	----------	--	--	--	--	--

Total	\$4,100,000		\$4,000,000	\$100,000	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
--------------	-------------	--	-------------	-----------	---------	---------	---------	---------

C. Budget Narrative. As necessary, include budget narrative to support and/or supplement the information included in the project budget tables above. **(100 words or less)**

The generalized budget above was taken from a more detailed budget of costs deriving from recent costs to build on similar projects, adjusting for prevailing wage, general contractor preliminary bids and other cost data.

9. ATTACHMENTS TO APPLICATION

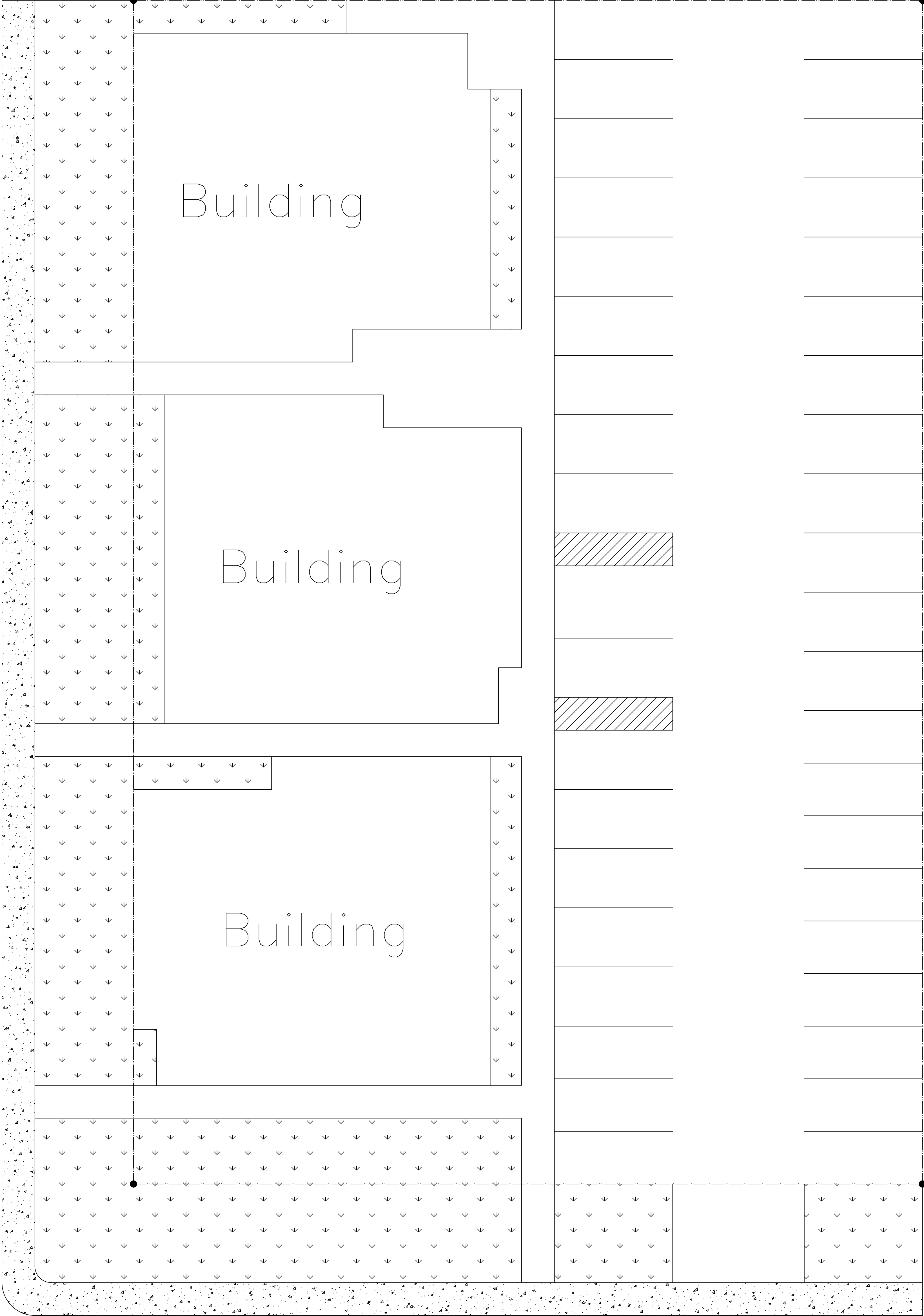
- ☒ Signed City of Ellensburg pre-funding application submittal
- ☐ Documentation to support collaboration
- ☒ Project site/development plan
- ☒ Resident screening/monitoring tool

N Pine St



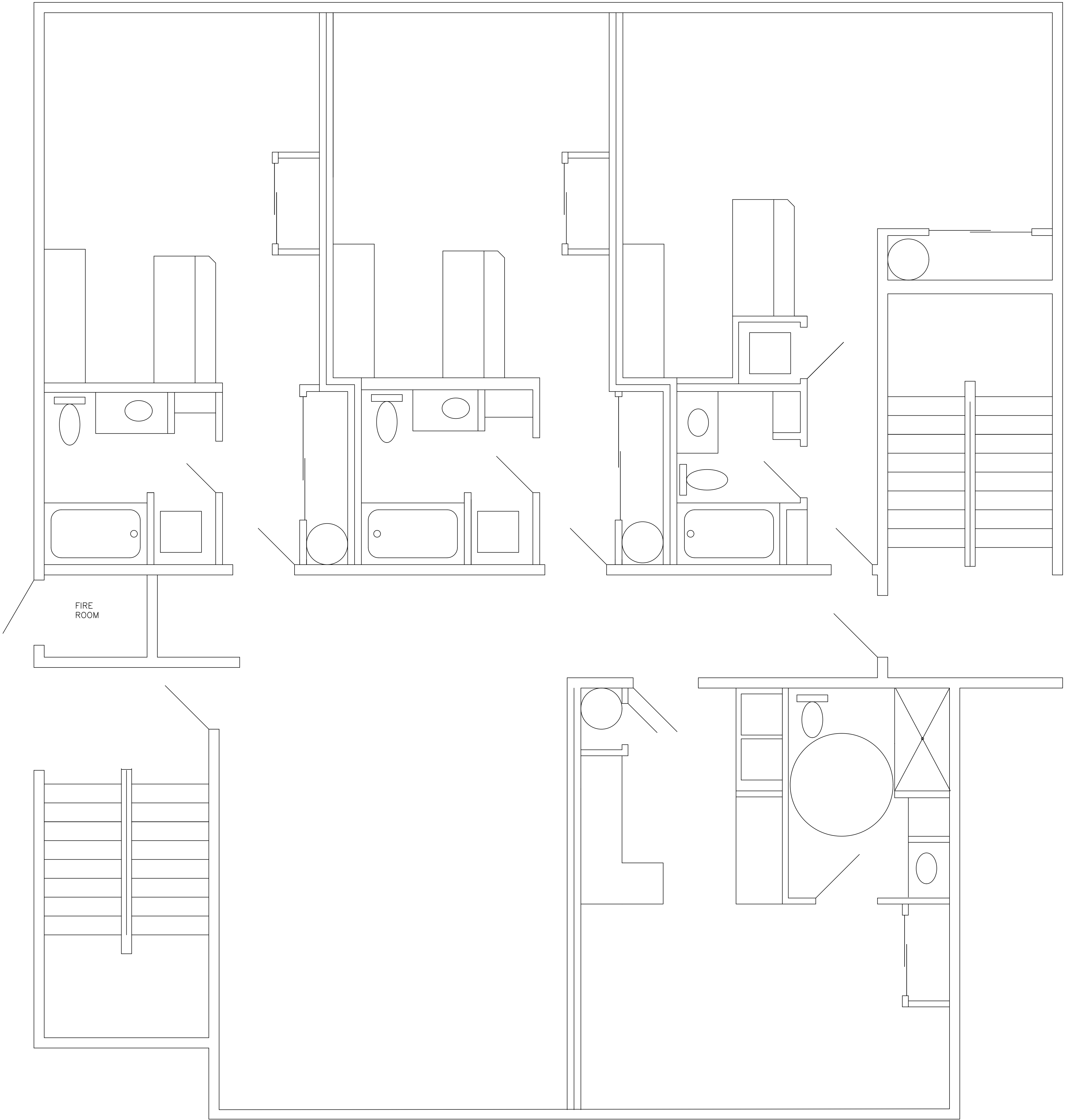
Existing City
Parking Lot

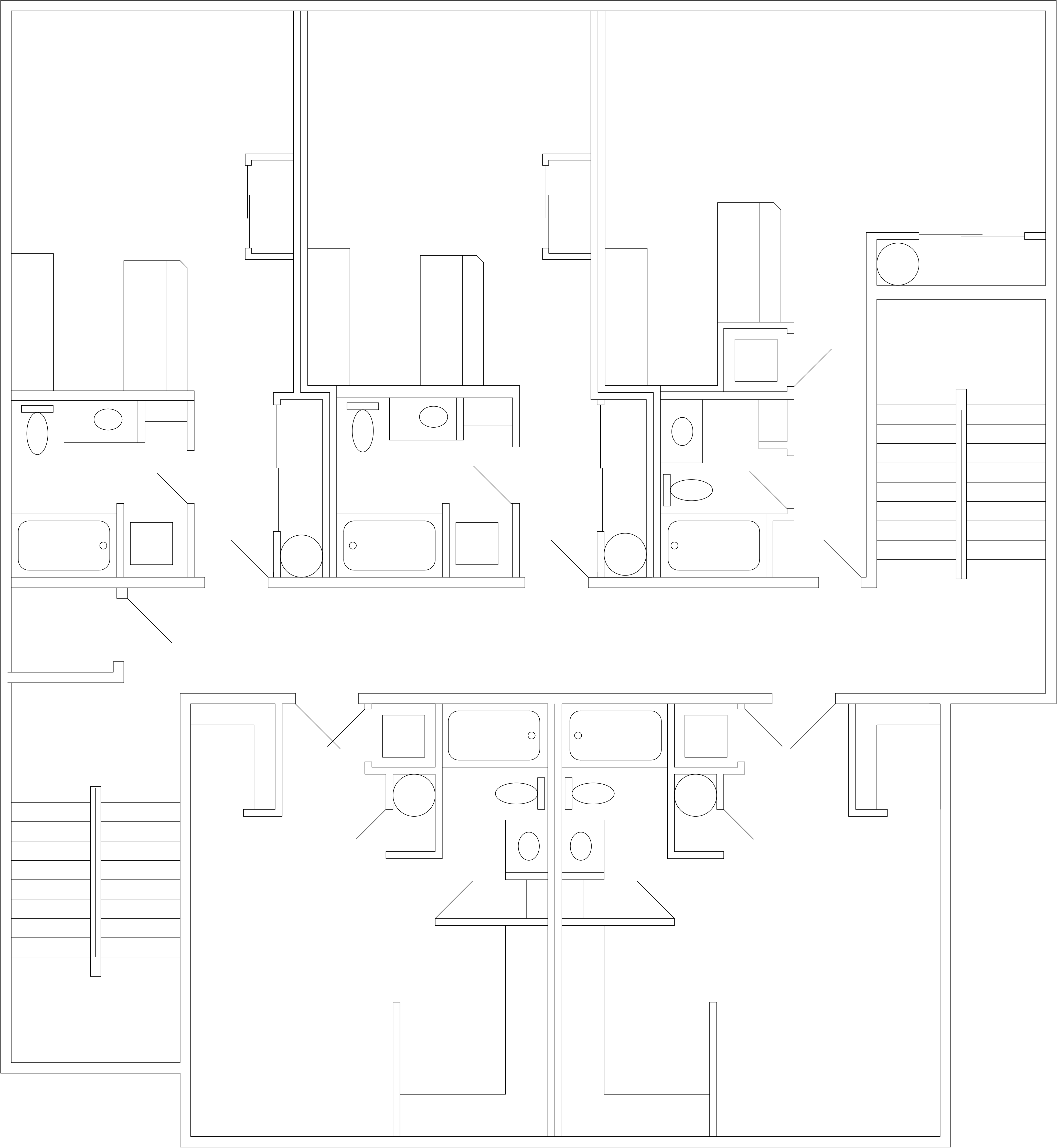
Property Corner



E 1st Ave

Alley





INITIAL APPLICATION FOR HOUSING

I. Applicant Information: Please Print NEATLY In Ink

LAST NAME	FIRST NAME	MIDDLE INITIAL
MAILING ADDRESS	APT. NO.	CITY
	()	()
STATE	ZIP	
EMAIL ADDRESS	CELL PHONE	WORK / MESSAGE PHONE

PLEASE LIST ANY OTHER NAMES YOU MAY HAVE USED IN THE PAST (MAIDEN NAME, ALIAS, ETC.): _____

Primary Language: _____
 Translation Services Needed: ☐ YES ☐ NO

II. Household Information:

1. Please list ALL HOUSEHOLD MEMBERS who will be living in the assisted unit. (List additional Members on a separate page if more space is needed):

Mbr #	LAST NAME	FIRST NAME	MI	SEX (M/F)	RELATION TO HEAD	DATE OF BIRTH (MM/DD/YYYY)	DISABLED	US MILITARY VETERAN
1					SELF		☐ YES ☐ NO	☐ YES ☐ NO
	SOCIAL SECURITY #	COUNTRY OF BIRTH	RACE: Select all that apply				Ethnicity: Select one	
			☐ Caucasian ☐ Black/African American ☐ Native American ☐ Asian ☐ Hawaiian/Pacific Islander				☐ Hispanic/Latino ☐ Non-Hispanic/Latino	

Mbr #	LAST NAME	FIRST NAME	MI	SEX (M/F)	RELATION TO HEAD	DATE OF BIRTH (MM/DD/YYYY)	DISABLED	US MILITARY VETERAN
2							☐ YES ☐ NO	☐ YES ☐ NO
	SOCIAL SECURITY #	COUNTRY OF BIRTH	RACE: Select all that apply				Ethnicity: Select one	
			☐ Caucasian ☐ Black/African American ☐ Native American ☐ Asian ☐ Hawaiian/Pacific Islander				☐ Hispanic/Latino ☐ Non-Hispanic/Latino	

Mbr #	LAST NAME	FIRST NAME	MI	SEX (M/F)	RELATION TO HEAD	DATE OF BIRTH (MM/DD/YYYY)	DISABLED	US MILITARY VETERAN
3							☐ YES ☐ NO	☐ YES ☐ NO
	SOCIAL SECURITY #	COUNTRY OF BIRTH	RACE: Select all that apply				Ethnicity: Select one	
			☐ Caucasian ☐ Black/African American ☐ Native American ☐ Asian ☐ Hawaiian/Pacific Islander				☐ Hispanic/Latino ☐ Non-Hispanic/Latino	

Mbr #	LAST NAME	FIRST NAME	MI	SEX (M/F)	RELATION TO HEAD	DATE OF BIRTH (MM/DD/YYYY)	DISABLED	US MILITARY VETERAN
4							☐ YES ☐ NO	☐ YES ☐ NO
	SOCIAL SECURITY #	COUNTRY OF BIRTH	RACE: Select all that apply				Ethnicity: Select one	
			☐ Caucasian ☐ Black/African American ☐ Native American ☐ Asian ☐ Hawaiian/Pacific Islander				☐ Hispanic/Latino ☐ Non-Hispanic/Latino	

Mbr #	LAST NAME	FIRST NAME	MI	SEX (M/F)	RELATION TO HEAD	DATE OF BIRTH (MM/DD/YYYY)	DISABLED	US MILITARY VETERAN
5							☐ YES ☐ NO	☐ YES ☐ NO
	SOCIAL SECURITY #	COUNTRY OF BIRTH	RACE: Select all that apply				Ethnicity: Select one	
			☐ Caucasian ☐ Black/African American ☐ Native American ☐ Asian ☐ Hawaiian/Pacific Islander				☐ Hispanic/Latino ☐ Non-Hispanic/Latino	

Mbr #	LAST NAME	FIRST NAME	MI	SEX (M/F)	RELATION TO HEAD	DATE OF BIRTH (MM/DD/YYYY)	DISABLED	US MILITARY VETERAN
6							☐ YES ☐ NO	☐ YES ☐ NO
	SOCIAL SECURITY #	COUNTRY OF BIRTH	RACE: Select all that apply				Ethnicity: Select one	
			☐ Caucasian ☐ Black/African American ☐ Native American ☐ Asian ☐ Hawaiian/Pacific Islander				☐ Hispanic/Latino ☐ Non-Hispanic/Latino	

Mbr #	LAST NAME	FIRST NAME	MI	SEX (M/F)	RELATION TO HEAD	DATE OF BIRTH (MM/DD/YYYY)	DISABLED	US MILITARY VETERAN
7							☐ YES ☐ NO	☐ YES ☐ NO
	SOCIAL SECURITY #	COUNTRY OF BIRTH	RACE: Select all that apply				Ethnicity: Select one	
			☐ Caucasian ☐ Black/African American ☐ Native American ☐ Asian ☐ Hawaiian/Pacific Islander				☐ Hispanic/Latino ☐ Non-Hispanic/Latino	

Mbr #	LAST NAME	FIRST NAME	MI	SEX (M/F)	RELATION TO HEAD	DATE OF BIRTH (MM/DD/YYYY)	DISABLED	US MILITARY VETERAN
8							☐ YES ☐ NO	☐ YES ☐ NO
	SOCIAL SECURITY #	COUNTRY OF BIRTH	RACE: Select all that apply				Ethnicity: Select one	
			☐ Caucasian ☐ Black/African American ☐ Native American ☐ Asian ☐ Hawaiian/Pacific Islander				☐ Hispanic/Latino ☐ Non-Hispanic/Latino	

2. Is anyone in the household expecting a baby? ■ YES ■ NO If YES, please list the name(s): _____

3. **HOUSEHOLD INCOME:** Please list ALL sources of income received by ALL members of your household:
Examples: Wages, Pension, Child Support, SSI, SSA, L&I, TANF, and Regular Gifts. List additional income on a separate page if more space is needed.

MBR#	Type of Income (wages, etc.)	Amount Received	(Circle one)				Hrs. per wk. (if applicable)
1		\$	per	hour	week	month	
2		\$	per	hour	week	month	
3		\$	per	hour	week	month	
4		\$	per	hour	week	month	
5		\$	per	hour	week	month	
6		\$	per	hour	week	month	
7		\$	per	hour	week	month	
8		\$	per	hour	week	month	

III. Family Information:

1. Does anyone listed on your application have a Criminal Record? Answering YES, will not automatically exclude you from housing. A Criminal History background check will be run on you and your adult family members. ■ YES ■ NO

If YES, please list any criminal history, which will appear on your records and where it occurred: _____

2. Has anyone listed on your application previously lived in Public Housing? ■ YES ■ NO

If YES, please list who, along with when and where they lived in Public Housing: _____

3. Does your family require a handicapped-modified unit? (Examples: roll-in shower, wheelchair accessible, etc.) ■ YES ■ NO

4. Does any family member require a reasonable accommodation? (Example: live-in aid, etc.) ■ YES ■ NO

If YES, please complete a **Reasonable Accommodation form**, available from any KCHA office.

IV. Preferences:

Extremely Low Income Preference

1. Do you currently live in subsidized housing or receive a government rent subsidy?

☐ YES ☐ NO

If you answered “YES” you do not qualify for the **Extremely Low Income** preference. Go to Question 3.

If you answered “NO”, go to question 2.

2. Is your yearly income *at or below* the limits given for your family size on the chart below?

☐ YES ☐ NO

Family Size	Annual Income	Family Size	Annual Income	Family Size	Annual Income	Family Size	Annual Income	Family Size	Annual Income	Family Size	Annual Income
1	\$25,100	3	\$32,250	5	\$38,700	7	\$44,400	9	\$50,150	11	\$57,560
2	\$28,650	4	\$35,800	6	\$41,550	8	\$47,300	10	\$53,080		

3. Are you currently homeless?

☐ YES ☐ NO

Homeless is defined as lacking a fixed, regular and adequate nighttime residence and has a primary nighttime residence where the family is: (1) Living outside (i.e. no fixed roof, in a park, in a tent, etc.) (2) Living in a temporary publicly or privately owned shelter (3) Living in a car or a recreational vehicle.

- If you answered “YES”, please check the situation that most applies to you:
 - ☐ Living outside (i.e. no fixed roof, in a park, in a tent, etc.) or in a car or recreational vehicle
 - ☐ Living in a temporary publicly or privately owned shelter. Name of the shelter: _____
 - ☐ Living in other unstable temporary housing (i.e. “couch surfing, doubled up, etc.)
 - ☐ You are in the process of graduating from a KCHA-funded sponsor-based program
 - ☐ You are a graduate of the Shelter-Plus Care Program

4. Substandard Housing, Displaced, & Rent Burden Preferences (This Section applies to all applicants)

- a) Do you currently live in a dilapidated home or live in a home without one of the following: plumbing, toilet, tub/shower, kitchen, electricity, or heat? ☐ YES ☐ NO
- b) Are you currently displaced from your home by natural disaster, government action, domestic violence, or forced to move to avoid reprisal, due to hate crimes, owner action, or unit inaccessibility? ☐ YES ☐ NO
- c) Have you been paying more than 50% of your Gross Income (income *before* taxes are taken out) for rent and utilities for the last 90 days? Utilities do not include phone or cable. ☐ YES ☐ NO

**IF YOU ANSWERED “YES” TO ANY OF THE ABOVE QUESTIONS (4 A-C), YOU APPEAR TO QUALIFY FOR A PREFERENCE.
PLEASE NOTE: ALL PREFERENCES WILL BE VERIFIED PRIOR TO AN OFFER OF HOUSING.**

IF YOU DID NOT ANSWER “YES”, TO ANY OF THE ABOVE QUESTIONS, THEN YOU DO NOT APPEAR TO QUALIFY FOR A PREFERENCE AT THIS TIME AND WILL BE PLACED ON OUR WAITING LIST AS A NON-PREFERENCE.

V. Signature:

I hereby certify that the information provided in this application is true to the best of my knowledge and belief. I understand that any false statements made on this application may result in the cancellation of my application and if housed, my family will be subject to eviction. I also understand I must report any changes in the above information to the housing office in writing. Failure to report accurate information with regards to my family circumstances and any changes that may occur may result in delays in the application process and could ultimately lead to cancellation of my application, without further notice. I certify that I have read and understand this declaration and I understand that I will be required to successfully complete a criminal background check, a credit history check, provide landlord history for the past three years and update my local preference and income status, which will be verified by the Housing Authority before a final determination regarding the suitability of my application will be made. Failure to respond to any correspondence from the Housing Authority may result in delays in the application process and could ultimately lead to cancellation of my application without further notice.

Head of Household Signature: _____ **Date:** _____

Spouse/ Co-HOH Signature: _____ **Date:** _____

Adult Signature: _____ **Date:** _____

Adult Signature: _____ **Date:** _____

Adult Signature: _____ **Date:** _____



Matthew Stalder <staldermw@gmail.com>

Affordable Housing alternative option

4 messages

Matthew Stalder <staldermw@gmail.com>

Mon, Oct 12, 2020 at 7:00 AM

To: engels@ci.ellensburg.wa.us, goodloen@ci.ellensburg.wa.us, lambt@ci.ellensburg.wa.us, lillquistn@ci.ellensburg.wa.us, millerda@ci.ellensburg.wa.us, morganm@ci.ellensburg.wa.us, tabbb@ci.ellensburg.wa.us

Cc: Kirsten Sackett <sackettk@ci.ellensburg.wa.us>, aylingj@ci.ellensburg.wa.us, Craig Kelly <ckelly@hopesource.us>

Hello, this is in regard to the current situation of the affordable housing fund after the email that was presented last week to the Affordable Housing Commission from Crytl Enterprises in which the project at 113 Bender Rd was withdrawn from. As the contract for that development is now off and the funds for it now in limbo, I have an alternative project that would instead use the parcels 617033 and 937033 at the 1st and Pine property owned by the City. As I am a multifamily developer it would be a larger scale apartment complex that could tentatively hold 57 units. I have done the surface level numbers to include the prevailing wage in the costs and the lowered rent rates and the project looks like it would financially work. For the leverage part of the financing, a section 221(d)(4) loan would be used and with the resulting higher than average loan to cost amount allowed, the cash amount now free in the AH fund would be enough bridge capital to cover the remaining costs. I have done a basic site plan for it and some unit layouts along with a preliminary budget and pro forma for feasibility. I would like to present this project as an alternative for the now available AH funds and land. If this is something that would be of interest please let me know. Thanks.

Matthew Stalder
509 929 4820

Craig Kelly <ckelly@hopesource.us>

Thu, Oct 15, 2020 at 4:37 PM

To: Matthew Stalder <staldermw@gmail.com>

Cc: "douglasstalder@gmail.com" <douglasstalder@gmail.com>

Matt, where you planning on partnering with us on your proposal? If so we should meet so we can help you with the application process.

[Quoted text hidden]

Matthew Stalder <staldermw@gmail.com>

Thu, Oct 15, 2020 at 4:42 PM

To: Craig Kelly <ckelly@hopesource.us>

I was planning on developing and having some sort of agreement on completion for management/ownership of the project if the city was interested but it still has to go through community development and the housing committee before the council will have their review but that will take at least a few weeks so I was going to wait for discussion as it is still an If with the departments being ok with it.

[Quoted text hidden]

Craig Kelly <ckelly@hopesource.us>

Thu, Oct 15, 2020 at 4:45 PM

To: Matthew Stalder <staldermw@gmail.com>

Understood.

[Quoted text hidden]



**501 North Anderson Street
Ellensburg, Washington 98926**
Telephone: (509) 962-7221 | Fax: (509) 962-7143

September 7, 2021

Matthew Stalder
Stalder Interests, Inc.
2000 Quartz Mountain Dr.
Ellensburg, WA 98926

RE: Stalder Interests, Inc. Award Letter for City of Ellensburg Affordable Housing Property Contribution

Dear Mr. Stalder:

Congratulations! Your application for the City owned surplus property located at the corner of 1st and Pine for development of Affordable Housing has been conditionally approved by Ellensburg City Council.

This award is conditional and is not a guarantee of property. This letter provides an overview of City conditions and some details you can expect in the contractual agreement. Upon issuance of this letter, the City will initiate contract negotiations to initiate transfer of ownership of the "Community Garden" property.

This letter does not cover all local requirements or all the terms that will be included in contract documents including legal rights and obligations.

Please read this letter carefully and return a signed copy of the Acknowledgement of Conditions at the bottom to the City of Ellensburg Community Development Department.

The City's contribution of property to your proposed project is based upon representations made in your applications. Changes to those representations must be reported as specified in the Conditions and approved by Community Development in writing. Unreported changes may result in a delay and/or a loss of City-owned property contribution. These requirements are designed to ensure productive communication between the applicant and the City regarding project status prior to property transfer.

CONDITIONS

The City of Ellensburg will initiate contract negotiations after receipt of the signed Acknowledgement of Conditions. The City requires that the contract include the following stipulations, although this is not an exhaustive list:

- The contract term will be consistent with the development timeline in your application. Any extension of the timeline is subject to City approval.
- The scope of work will be based on the applications submitted. However, in addition, and as was discussed by City Council with you at their June 7, 2021 meeting and your subsequent meetings with City Staff, the design will incorporate a total of 12 ADA-accessible units on the ground floors of the buildings.

- The proposal and contract must meet the requirements of the City of Ellensburg Affordable Housing Fund, RCW 39.33.015 and all state and local code requirements.
- Applicant shall submit a written status report when changes to the project cause the proposal to differ from the application or previous status reports. Reports must explain any problems, or needed modifications, and propose a plan for addressing them.
- The transfer of the City's property to Stalder Interests, Inc. for this project is subject to approval of your financing by the Department of Housing and Urban Development as well as approval of all contract documents by the Ellensburg City Council.

Please notify the Community Development Department as you reach each funding and other milestones or encounter challenges. The City anticipates reserving this award for the time period specified in your application. If you do not demonstrate the progress you proposed within two years of the date of this letter, or fail to meet any of the conditions herein, the City of Ellensburg reserves the right to withdraw this award.

Thank you for your commitment to make the City of Ellensburg more affordable for everyone in our community!

Sincerely,

Bruce Tabb, City of Ellensburg Mayor

Acknowledgement of Conditions

I acknowledge that I have read, understand and agree to the above conditions.

ORIGINAL SIGNATURE OF AUTHORIZED OFFICIAL

Signature:

Title:

Name:

Date:

Organization:

Alternatives for Community Gardens Development:

Attached are three different options for the 1st & Pine Affordable housing proposal. The parking lot configuration was kept, and the remaining viable space was reconfigured to different concepts for a development focusing on studio type units with additional 1 and 2 beds in two of the three drawings. The Right of Way extends 12 feet past back of sidewalk along each frontage and will have to be landscaped in addition to the other civil improvements so there will be about three thousand square feet of additional yard space for all designs that is not reflected in the open space figures inside the parcel limits. Each concept will be 4 floors to both maximize use and reflect future surrounding use as other 4 story structures in the neighborhood are near start of construction and the given zoning and comp plan will incentivize similar future development scale in the area.

For financial feasibility, each option works using the 2019 HUD 60% AMI table as the average revenue per square foot remains similar for each proposal.

Table 1. 2019 HUD Provided Household Income Adjusted by Household Size

Household income	Household Size							
	1-person	2-person	3-person	4-person	5-person	6-person	7-person	8-person
60% AMI	\$30,366	\$34,704	\$39,042	\$43,380	\$46,850	\$50,321	\$53,791	\$57,261

*Income limits provided by HUD are effective 4/24/2019. Numbers represent gross annual income.

Table 2. 2019 HUD Provided Rent Limits by Housing Type and Household Income

Household income	Housing type - number of bedrooms					
	Studio	1-bedroom	2-bedroom	3-bedroom	4-bedroom	5-bedroom
60% AMI	\$759	\$813	\$922	\$1,128	\$1,301	\$1,388

The units will have a starting approximate rent described below:

Unit Type	\$ Rent/Month	\$ Price/Sq Ft	% Below Market Price
Studio	650	1.85	30
1-Bed	750	1.5	32
2-Bed	900	1.1	40

Proposal 1: Same concept as the original proposal but shifted interior open space to accommodate additional ADA units. Three different buildings with 57 total units and a mix of open space with each building having tenant open area on the first floor and qualified outdoor open space along the 1st Ave side with grass and trees. The set number of Type A ADA compliant units is set at 6 and total age in place units would be 12 including ADA units. With the ROW spacing, the buildings would be placed 13’ away from back of sidewalk along Pine St and 27’ away from the 1st Ave sidewalk with total greenspace being about 4,400 sq ft.

Proposal 2: Same concept as the original proposal but shifted interior open space to accommodate additional ADA units. Three different buildings with 52 total units with studios, 1’s and 2’s and a mix of open space with each building having tenant open area on the first floor and qualified outdoor open space along the 1st Ave side with grass and trees. The set number of Type A ADA compliant units is set at 6 and total age in place units would be 12 including ADA units. With the ROW spacing, the buildings would be placed 13’ away from back of sidewalk along Pine St and 27’ away from the 1st Ave sidewalk with total greenspace being about 4,400 sq ft.

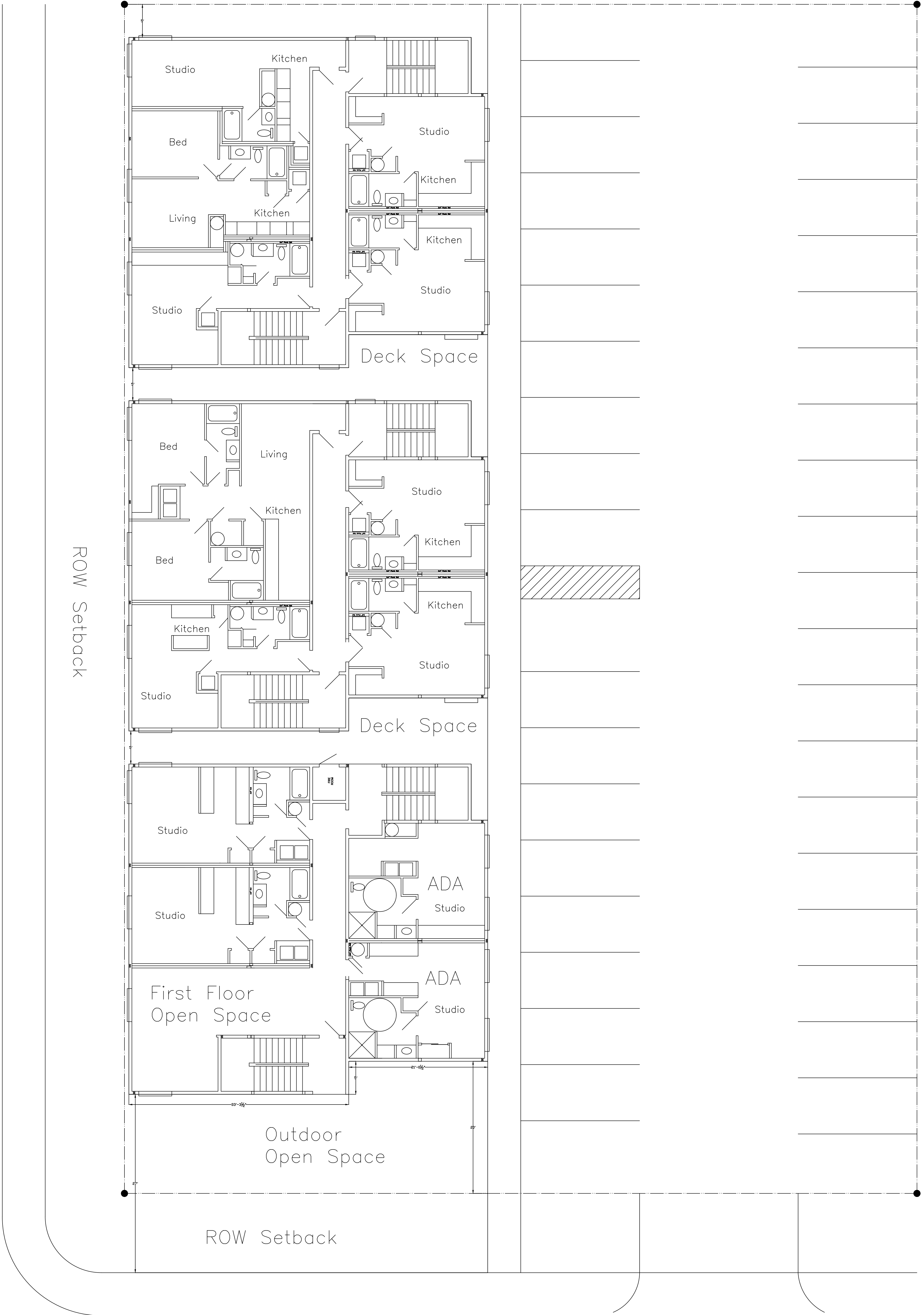
Proposal 3: Singular large building with majority studios and minor mix of 1 and 2 beds. All required open space to be outdoor yard area to the north and south. An elevator would be included in the design and have live-in place units on each floor. With the structural layout having stacked bearing walls, additional 1 and 2 bed units would be included on the upper floors. With the ROW spacing, the buildings would be placed 22’ away from back of sidewalk along Pine St and 30’ away from the 1st Ave sidewalk with total greenspace being about 6,400 sq ft.

Proposal 4: Singular large building with majority studios and minor mix of 1 and 2 beds. All required open space to be outdoor yard area to the north and south. Design would be all walk up to add extra living space. With the structural layout having stacked bearing walls, additional 1 and 2 bed units would be included on the upper floors. With the ROW spacing, the buildings would be placed 22’ away from back of sidewalk along Pine St and 30’ away from the 1st Ave sidewalk with total greenspace being about 6,400 sq ft.

Proposal 5: Singular building with majority studios and flexible design layout for 1 and 2 bed mix preferences. Majority of required open space to be indoor tenant space and some outdoor yard area. An elevator would be included in design and have ADA and live-in place units on each floor. With the structural layout having stacked bearing walls, additional 1 and 2 bed units would be included on the upper floors. With the ROW spacing, the buildings would be placed 13’ away from back of sidewalk along Pine St and 27’ away from the 1st Ave sidewalk with total greenspace being about 5,600 sq ft.



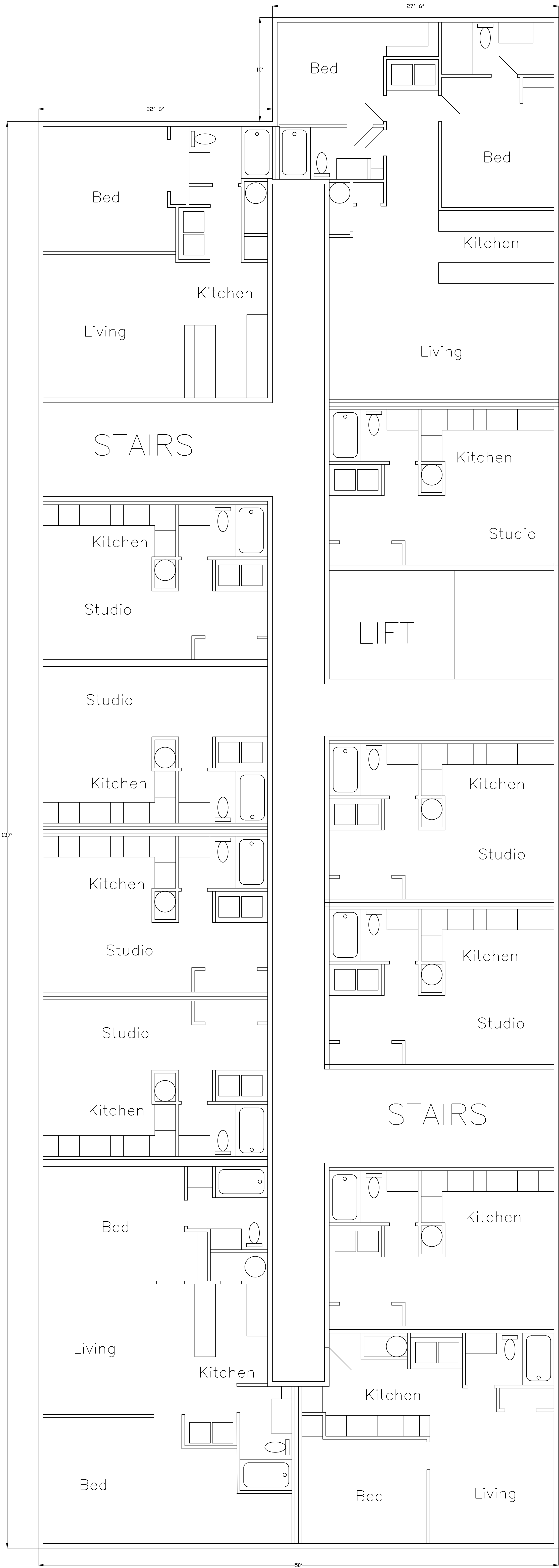
Proposal 1
-57 all studio units

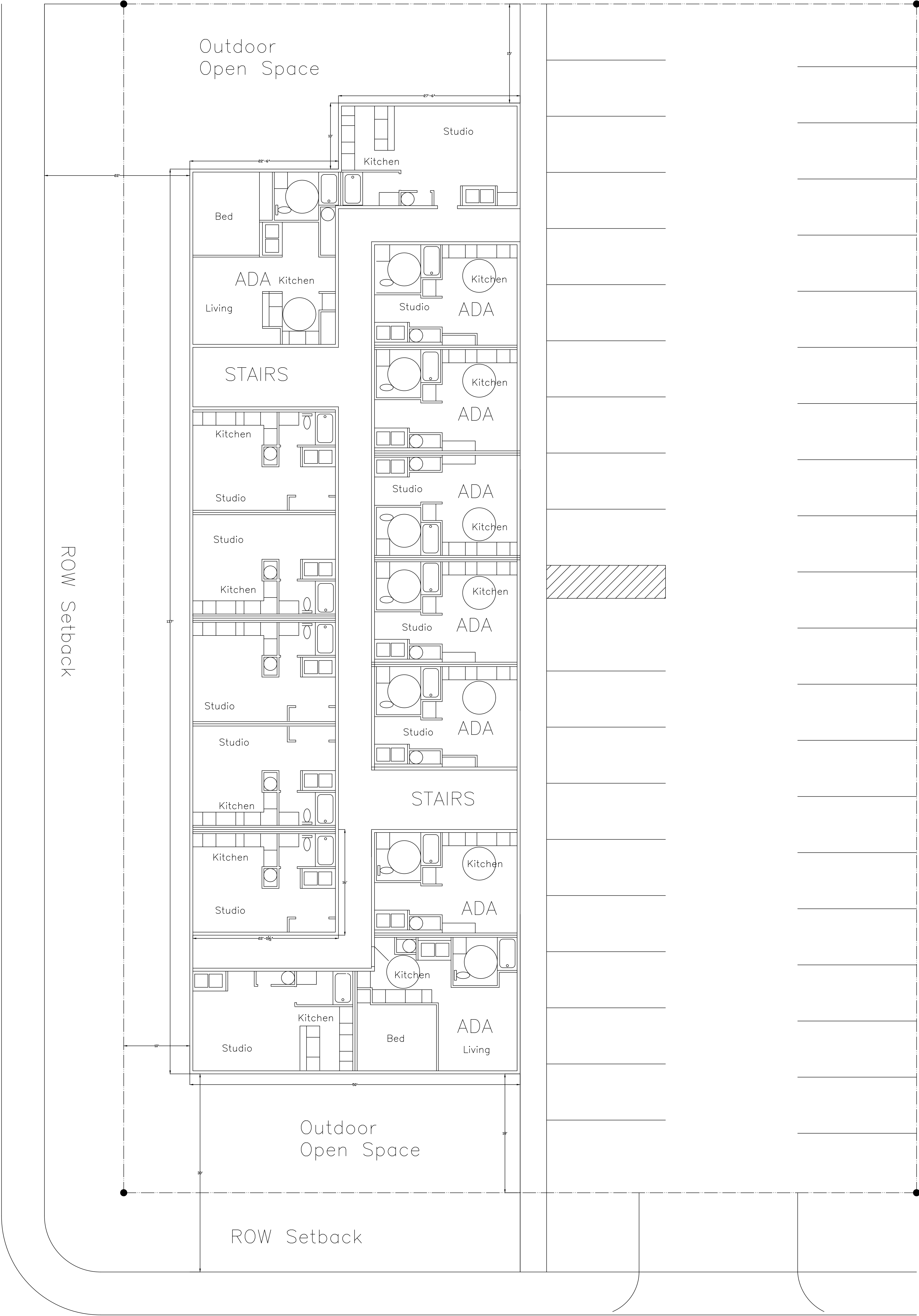


Proposal 2
-57 Possible beds
45 Studio approx. 350 sq ft, 4 1-bed 550-600 sq ft,
4 2-bed 800-850 sq ft

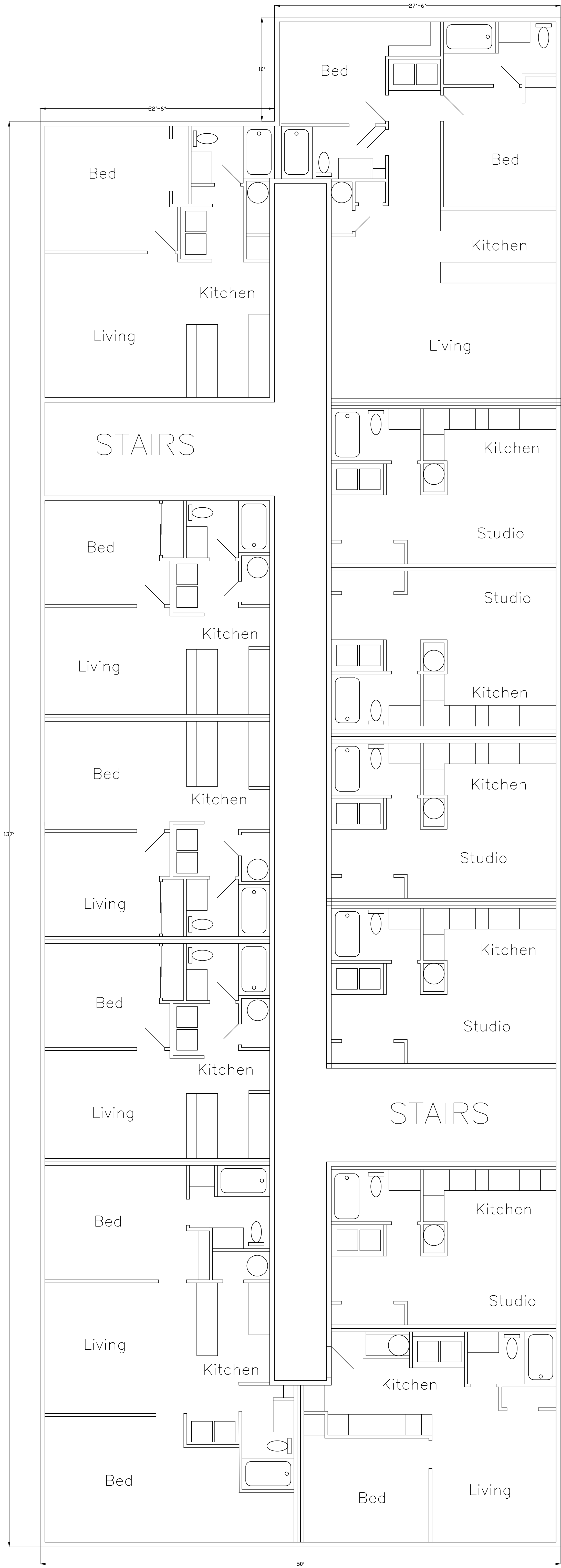


Proposal 3
-56 Possible beds
36 Studio approx. 350 sq ft, 8 1-bed 500-550 sq ft,
6 2-bed 800-1000 sq ft





Proposal 4
-57 Possible beds
28 Studio approx. 350 sq ft, 17 1-bed 500-550 sq ft,
6 2-bed 800-1000 sq ft



40-50 Studio approx. 350 sq ft, 4-8 1-bed 500-550 sq ft,
2-6 2-bed 800-1000 sq ft



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: September 7, 2021

Item Title/Agenda Subject: 2021/2022 Arts Commission Spending Plan

Submitted by: Josephine Camarillo Arts Commission

Recommended Action or Motion: Approve the 2021/2022 Arts Commission Spending Plan as presented and approve the necessary budget adjustments.

Background/Summary: Per section 1.33.240 of the Ellensburg City Code, annually in June, the Arts Commission shall provide the Council with a spending plan for the following year designating the amount of funding dedicated to each activity or purchase proposed for the year. Due to staffing changes, a 2021/2022 spending plan was not completed and approved. This report provides Council with an overview of 2020 Arts Commission activities, an updated 2021 spending plan and a proposed 2022 spending plan.

Previous Council Action: Council authorizes the Arts Commission spending through the 2021-2022 Adopted City of Ellensburg Biennial Budget.

Analysis:

2020 REVIEW

Due to the pandemic, many of the Arts Commission activities were either postponed or canceled. Initial budgeted revenue for the year was \$50,000, plus \$800 in revenue from Arts Walk fees. In April 2020, Council approved Ordinance No. 4853 Amendments to Ellensburg City Code Sections 1.33.240 and 2.16.4700 - City Arts Acquisition Fund to provide economic support for the arts, businesses and individuals in the form of Creative Sector Grants, increasing the budget to \$60,000 for 2020 only, to be funded from the City's Art Acquisition Fund during the City's declared state of emergency. Total expenditures were \$54,645.22 for the year.

2020 Highlights include:

- First Friday Art Walk: All Art Walk activities were

canceled after March 13, 2020. Venues that paid their 2020 fees had those fees automatically rolled over to 2021.

- **Arts Commission Grant Awards:** Many of the 2020 grantees were unable to complete their project in full or at all. On April 20, 2020, the Arts Commission called a special meeting to address 2020 grant award recipients. It was decided 2020 grantees would be allowed to modify their projects due to COVID-19 interruption and encouraged to resubmit a revised proposal for their project.

2020 Arts Commission Grants Rolled Over to 2021 Balance

2021	Partial Rollover	Film Festival	\$773.53
2021	Partial Rollover	Valley Musical Theater	\$1,280.62
2021	Partial Rollover	Strum-Along	\$310.00
2021	Full Rollover	EDA-Bootcamp	\$1,900.00
2021	Full Rollover	Inland Poetry	\$1,717.82
2021	Full Rollover	Curbside Arts	\$415.00
		Total Rollover	\$6,396.97

Creative Sector Grants were awarded to 18 applicants totaling \$42,614. These funds were intended to bridge the gap for small businesses that lost income during the pandemic. Recipients included:

Organization/Individual	Funding
Lynne McCowin	\$2,000
Western Arts Association	\$2,000
Jazz in the Valley	\$2,614
Central Washington Dance Academy	\$4,000
Karl Schwiesow	\$2,000
Crista Ames	\$2,000
Thessandra Fenner	\$2,000
Thad Brewer	\$2,000
Gallery One	\$4,000
Yoon Kim	\$2,000
Ellensburg Community Radio	\$1,500
Valley Musical Theatre	\$4,000
Learn from the Master Music Outreach Foundation	\$3,000
The Clymer Museum & Gallery	\$1,000
Stevena House	\$2,000

Aaron Hirsch	\$2,000
Eliot Reese	\$2,000
Austin Smith	\$2,500
Total Grants	\$42,614

Public Art:

- An art piece was purchased at the Kittitas County Annual Juried Art Show to be part of the City Art Permanent Collection.
- Bus Shelters: On June 7, 2019, Council approved an updated 2019 and 2020 Spending Plan funding ten artist stipends and printing of five bus shelters in 2019 (\$12,500) and five in 2020 (\$12,500). All bus shelter panels were to be installed in the spring 2020. However, due to COVID, bus shelters were not installed until spring 2021.
- Arts Commission put out a public call for the Rotary Pavilion Visitors Center to address racial equity with funding up to \$2,500.

Arts Treasure Award: No event and no award given.

2021 SPENDING PLAN

Revenues

Initial estimated revenues for the year include a portion of construction sales tax with a maximum of \$50,000 annually. No Art Walk fees were collected in 2021. Fees received in 2020 from participating venues were rolled over to 2021. Sites no longer in business will receive a refund.

Expenditures

Total planned expenditures for 2021 were \$50,000 including Arts Grants budgeted at \$30,000 (60%); Operations \$13,000 (26%); and Capital/Public Art purchase of \$7,000 (14%).

Art Grants: Through its annual grant funding cycle, the Commission distributes monetary support to local artists who can demonstrate the community benefit, artistic merit and

achievability of their proposals for projects, activities or performances. Grants are for up to \$2,500 and successful applicants are reimbursed for all related expenses within the year they are granted. The Commission approved \$27,900 towards 2021 grant projects.

The majority of expenditures include Art Grant Awards to local artists for projects, activities and performances. It remains unclear how many of these grants will be distributed due to sustained pandemic impacts.

2021 Art Grant awards include:

Confab- Gallery One	\$2,500.00
Steadfast- Blue Bear Puppet	\$2,500.00
Visual Poetry- Joanna Thomas	\$2,500.00
Rising Stars- VMT	\$2,000.00
Killdeer Recording-Killdeer Band	\$1,400.00
Interactive Board Game- CWU	\$2,500.00
Virtual Choirs- Make Music	\$1,300.00
Big Band Virtual- Big Band	\$2,500.00
Uncultivated- Renee Adams	\$2,500.00
Virtual Benefit Concert- Lee Bates	\$700.00
Nutcracker Ballet - EDE	\$2,500.00
Additional Grants	\$5,000.00
TOTAL AMOUNT	\$27,900.00

Capital/Public Art: The Commission maintains and continuously adds to a collection of art works that have been donated, purchased or are otherwise owned by the City of Ellensburg. In order to grow the collection the Commission makes a purchase from each year's Kittitas County Juried Art Show for inclusion in the permanent collection.

2021-2022 Budget Revision Request:

The Arts Commission is requesting to budget funding in both 2021 and 2022 to hire a consultant to develop a Creative Culture Strategic Plan to facilitate Ellensburg's designation as

a Certified Creative District by the State Arts Commission. The total proposed study cost is \$39,000. This requires re-programming up to \$10,000 (including \$6,000 from an unfilled commission liaison position) of the 2021 operations budget, and a portion of the 2022 budget as well (as set forth below). The remaining funding gap (approximately \$16,000) will be obtained by financial participation from other municipal or community stakeholders.

2022 SPENDING PLAN

Revenues

Estimated revenues for the year include a portion of construction sales tax with a maximum of \$50,000 annually. Total budgeted revenues in 2022 are projected to be \$1,000, primarily coming from Art Walk site fees.

Expenditures

Total planned expenditures for 2022 are \$50,000 including Arts Grants budgeted at \$30,000 (60%); Operations \$13,000 (26%); and Capital/Public Art purchase of \$7,000 (14%).

Art Grants: Through its annual grant funding cycle, the Commission distributes monetary support to local artists who can demonstrate the community benefit, artistic merit and achievability of their proposals for projects, activities or performances. Grants are for up to \$2,500 and successful applicants are reimbursed for all related expenses within the year they are granted. 2022 grant applications will open in August.

Operations: Operations include advertising, professional development and supplies.

Capital/Public Art: The Commission maintains and continuously adds to a collection of art works that have been donated, purchased or are otherwise owned by the City of Ellensburg. In order to grow the collection the Commission

makes a purchase from each year's Kittitas County Juried Art Show for inclusion in the permanent collection.

Creative District/Cultural Strategic Assessment: The Commission requests to reserve \$13,000 in 2022 budget authority to complete funding for a cultural strategic assessment study (as discussed in the 2021 Spend Plan, above).

Financial Impact:

The 2021 Spending Plan requires an increase of budgetary expenditure authority of \$29,544. This reflects carryforward of transit shelter project budget authority (\$37,837) and several 2020 arts commission grants carried forward due to the pandemic (\$6,397), and an increase to expenditures to align with the spending plan (\$888). This also includes a shift of expenditures from employee staffing to professional services, of approximately \$15,578. Staffing had been provided by the City's Economic Development Manager position, which is unfilled as part of the changing operational arrangement with Ellensburg Business Development Authority (EBDA) doing business as CenterFuse.

Expenditure	Amount
Carryforward of transit shelter project	\$37,837
2020 arts commission grants carried forward due to the pandemic	\$6,397
Spending plan adjustment	\$888
Shift of staffing expenditures to professional services	-\$15,578
Total Change of Expenditure Authority	\$29,544

The projected ending fund balance for 2021 is \$16,963.

The 2022 Spending Plan is \$766 more than the adopted 2022 budget, and the budget should be updated accordingly. This includes expenditure of \$50,000 on grants, operations, and art purchases, and \$13,000 for a cultural strategic assessment. The projected ending fund balance for 2022 is \$3,563.



MANAGER'S REPORT

DATE: September 7, 2021
TO: Ellensburg City Council
FROM: Heidi Behrends Cerniwey, City Manager

1. Waste Management 2021 Inflation Increase and Disposal Adjustment.

Waste Management has notified the City that the 2021 inflation increase for services is 1.43%. This increase is allowed in Section 3.3.1 "Annual Rate Adjustment" of the Waste Management agreement with the City. The increase is based on the Consumer Price Index for the 12-month period ending the December prior to adjustment date (December 2020). The rate increase will be in effect beginning October 1, 2021.

2. Council Funded Grant Program Subcommittee Designation.

The application period for the Council Funded Grant Program closed on August 31, 2021. Council is requested to designate the subcommittee that will review and rank the grant applications. Last year's subcommittee was Mayor Tabb, Councilmember Goodloe and Councilmember Miller.

3. City Management Emergency Order – Water Main Break.

A City Management Emergency Order was issued on Monday, August 23, 2021 pursuant to RCW 39.04.280 to address the emergency expenditures for the repair of the water main break that occurred on August 18, 2021.

4. Notice of Public Hearing – Foster Plat.

Staff would like to advise Council that a public hearing has been set for September 20, 2021 to consider application #P21-039, a Type IV Preliminary Plat submitted by Elliot Whipple, agent for the owner, for the Foster Plat addressed as Dry Creek Road, in the City of Ellensburg, Washington, Kittitas County Assessor's Parcel Number 396133.