

COUNCIL AGENDA

Monday, November 1, 2021



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To attend the city council meeting virtually register here:

https://us02web.zoom.us/webinar/register/WN_pr47DzM-Rbiqz_DHaaZvw

Face coverings are currently required for persons attending City Council meetings in person per the Washington Governor's Proclamation 20-25.17.

COUNCIL MEETING GUIDELINES FOR PUBLIC PARTICIPATION

All City Council meetings are broadcast on Charter/Spectrum Channel 191 and available to livestream on Ellensburg Community Television at www.ectv2.com or on YouTube at [ECTV Ellensburg](https://www.youtube.com/channel/UC8W33333333333333333333). 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_pr47DzM-Rbiqz_DHaaFZvw. 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
Monday, November 1, 2021
7:00 PM - Regular Meeting**

Pledge of Allegiance

1. Call to Order and Roll Call

2. Proclamations

- 2.A [National Native American Heritage Month](#) 8
[National Native American Heritage Month](#)

3. Awards and Recognitions

4. Approval of Agenda

5. Consent Agenda

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

- 5.A Approve Minutes of October 18, 2021 Regular Meeting 9
[10-18-21 Regular Meeting Minutes](#)

- 5.B Approve Minutes of October 18, 2021 Study Session 13
[10-18-21 Study Session Minutes](#)

- 5.C Acknowledge Minutes of Boards and Commissions 15
[9-28-21 DEI Commission Minutes](#)
[9-8-21 EBDA Minutes](#)
[6-1-21 Landmarks & Design Minutes](#)
[7-7-21 Landmarks & Design Minutes](#)
[8-17-21 Landmarks & Design Minutes](#)
[9-14-21 Library Board Minutes](#)
[9-16-21 Utility Advisory Committee Minutes](#)

- 5.D [Official Newspaper Contract Bid Award](#) 36

5.E	Accept the Resignation of Megan West from the Landmarks and Design Commission. Megan West Resignation Letter	37
5.F	Extension of Council Funded Grant Program funds previously awarded to the Ellensburg Masonic Temple Association and to Gallery One, to be extended into 2022 Gallery One Grant Amendment Masonic Temple Grant Amendment Gallery One Extension Request Original 2020 Gallery One Contract Masonic Temple Extension Request Original 2020 Masonic Temple Contract Original 2021 Masonic Temple Contract	38
5.G	Approve November 1, 2021 Voucher Listing 11-01-21 Voucher Listing	95
6.	Petitions, Protests, and Communications	
6.A	Ellensburg School District Construction Project Update	
6.B	CenterFuse/Ellensburg Business Development Authority Board Applicant Confirmation Bob Rapp Recommendation for Appointment and Application	96
6.C	Board and Commission Applications. B and C Agenda Report Chart 11-1-21 Darren Reid Application for Appointment	99
6.D	Letter of Support for HopeSource Federal Transportation Administration Grant for Buses and Bus Facilities - Washington State Department of Transportation for purchase of Historic Train Depot HopeSource Letter of Support 2021	103
7.	Citizen Comment on Non-agenda Issues	
8.	Business Requiring Public Hearings	
8.A	Proposed 2022 Property Tax Levy Ordinance (First Reading) Property Tax Levy 2022 Ordinance	106
8.B	Second reading of Ordinance 4877 approving petition for annexation P21-066 for parcels 916833, 708633, 698633 & 528633 located on the west side of Anderson Rd approximately 900 feet north of Umptanum Road Ordinance 4877 Exhibit 1 Proposed Annexation Area Exhibit 2 Zoning Map Exhibit 3 Future Land Use Map	111

Exhibit 4 Petition for Annexation
Exhibit 5 Assessor Verification
Exhibit 6 Public Works Comments Anderson Rd Annexation
Exhibit 7 Affidavit of Publication
Exhibit 8 Certificate of Mailing Exhibit 9 Affidavit of Posting

- 8.C Resolution to Approve Application for Preliminary Plat Approval (P21-088) Bill Sparks Rolling Meadows Plat Closed Record Hearing (quasi- judicial) 137
Resolution-Findings of Fact P21-088 Rolling Meadows Preliminary Plat
Exhibit 1 P21-88 Hearing Examiner Recommendation 9-28-21
Exhibit 1.1 P21-088 Vicinity Map
Exhibit 1.2 P21-088 Plat Map
Exhibit 1.3 P21-088 Energy Services Comments
Exhibit 1.4 P21-088-P20-059 Gas Comments
Exhibit 1.5 P21-088 Public Works Comments
Exhibit 1.6 P21-088 KVFR Comments
Exhibit 1.7 P21-088 Cascade Irrigation District Comments
Exhibit 1.8 P21-088 August 24, 2021 Comment Letter from Peter & Karen Schrantz
Exhibit 1.9 Staff Response to Schrantz Letter
Exhibit 1.10 P20-123 Signed Final MDNS
Exhibit 1.11 Recorded Pre-Annexation Agreement CWH LLC 12.17.19
Exhibit 1.12 P21-088 H.E. Public Hearing Notice
Exhibit 1.13 P21-088 Certificate of Mailing
Exhibit 1.14 P21-088 Sign Posting
Exhibit 1.15 P21-088 Application Materials
Exhibit 1.16 P21-088 H.E. Preliminary Plat Agenda Report
Exhibit 1.17 September 20, 2021 Perpetual Easement
Exhibit 1.18 Fire Marshal comments dated September 23 2021
Exhibit 1.19 Applicants response to Fire Marshalls comments dated September 28 2021
Exhibit 2 P21-088 CC Hearing Legal Notice
Exhibit 3 P21-088 Sign Posting for CC Closed PH
Exhibit 4 Notification of CC Hearing to Parties of Record

9. Introduction and Adoption of Ordinances and Resolutions

- 9.A City Council Strategic Vision 2022-2027 380
RESOLUTION - 2022-2027 Strategic Priorities

10. Unfinished Business

11. New Business

- 11.A 2021 Third Quarter Financial Status and Investment Reports

3rd Quarter 2021 Financial Status Report	384
3rd Quarter 2021 Investment Report	

11.B Draft Commissions & Boards Ordinance and Revised City Council Rules	
DRAFT Ordinance - Boards Commissions	400
DRAFT Ordinance - Chapter 1.70A Hearing Examiner	
Council Rules and Procedures DRAFT 2021 update	

12. Miscellaneous

12.A Manager's Report	461
11-1-21 MANAGERS REPORT	

12.B Councilmembers' Reports

13. Executive Session

13.A Per RCW 42.30.110(1)(c), to consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public.

14. Adjournment



National Native American Heritage Month

Whereas, in 1990, President George H. W. Bush declared the month of November as National Native American Heritage Month; and

Whereas, the United States currently recognizes 574 American Indian and Alaska Native tribes, of which twenty-nine are located in Washington State; and

Whereas, as the first to live on this land, Native Americans and their traditions and values inspired—and continue to inspire — the ideals of self-governance, determination, and care for the earth; and

Whereas, the Confederated Tribes and Bands of the Yakama Nation settled on approximately ten million acres of land forming what is now known as Central Washington State; and

Whereas, the *K'titaas* (translated as "Kittitas") Valley has been a bountiful source for game, roots, berries, and medicines that have sustained Native communities for thousands of years; and

Whereas, the City of Ellensburg is located where the Yakama Bands of *Pshwanapum* and *K'titaas* people have lived and hosted thousands of travelers, both Indigenous and Europeans, from around the Pacific Northwest to trade, display craftsmanship, and engage in sports and competition; and

Whereas, the City of Ellensburg recognizes and honors the descendants, living or not, of all Native Nations residing herein and contributing to the strength and vibrance of a diverse community; and

Whereas, Ida Joseph Nason Aronica, matriarch of the Kittitas band and great-granddaughter of Chief Owhi of the Yakama tribe, first settled on the site of the current rodeo grounds in Ellensburg, WA in 1888 and is noted in history for her basket weaving and beading skills as well as her dedication to preserving the culture and traditions of the Kittitas Band of the Yakama nation; and

Whereas, the City of Ellensburg acknowledges and reveres the land on which we are located as ceded land of the Yakama Nation.

Now, Therefore, the City Council of the City of Ellensburg does hereby proclaim November 2021 as Native American Heritage Month in Ellensburg and asks all citizens to join in this observance by building bridges of understanding and friendship with members of the Yakama Nation and all of our Native American neighbors.

Dated this 1st day of November, 2021.

Mayor

Attest: _____

City Clerk



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of City Council, Regular Meeting

October 18, 2021

7:00 PM

Council Chambers 501 North Anderson Street

Ellensburg, WA 98926

And remotely via Zoom

Pledge of Allegiance

Councilmember Morgan led the Pledge of Allegiance

1. Call to Order and Roll Call

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

Others present in person: City Manager Behrends Cerniwey; City Attorney Weiner; City Clerk Leader; Assistant City Attorney Reiman; Public Works & Utilities Director Lyyski and approximately 10 members of the public

Others present remotely via Zoom: Executive Assistant Gigstead; Planning Manager Ayling; Community Development Director Sackett; Nancy Wieking; MacKenzie Carter with Kittitas County Health Department and approximately three members of the public

2. Proclamations

2.A. Friends of the Libraries Week Proclamation
Nancy Wieking read the proclamation.

Councilmember Mary Morgan moved to Approve the Mayor's signature on the proclamation. **Motion Approved 7-0.**

3. Awards and Recognitions

4. Approval of Agenda

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

5. Consent Agenda

5.A. Approve Minutes of the October 4, 2021 Regular Meeting

5.B. Approve the Minutes of the October 11, 2021, Special Meeting.

5.C. Acknowledge Minutes of Boards and Commissions

5.D. Accept the Resignation of Marcella Gauthier from the Senior Citizens Advisory Commission

5.E. Approve University Way Banner Request for Ellensburg Rotary/Operation Harvest - November 1-8, 2021

5.F. Approve University Way Banner Request for Air Force ROTC - November 8 - 14, 2021

5.G. Approve October 18, 2021 Voucher Listing

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

6. Petitions, Protests, and Communications

6.A. I-90 Expansion Project Update

County Commissioner, Laura Osiadacz, presented information regarding the STEER I-90 coalition and what the project entails. She requested a representative from the City to serve on the coalition. No action was required.

6.B. COVID-19 Update

MacKenzie Carter with Kittitas County Health Department gave a report concerning number of positive cases for Kittitas County, vaccination rates and boosters and survey responses.

6.C. Board and Commission Appointments

Councilmember Rich Elliott moved to Approve the Mayor's recommendation of Christopher King to the Public Transit Advisory Committee. **Motion Approved 7-0.**

7. Citizen Comment on Non-agenda Issues

- Nancy Kaspari, 1718 N Bluegrass Ln, spoke regarding traffic issues by the elementary school
- Jake Pfeiffer, 1713 Bridgewood Ln, spoke regarding traffic and school zone issues
- Lee Kaspari, 1718 N Bluegrass Ln, spoke regarding entrances to the elementary schools
- Lee R. Bates, 1802 N Bluegrass Ln, spoke regarding traffic and access to the elementary schools
- Mary Hubbard, 1717 N Bluegrass Ln, spoke regarding traffic to the elementary schools
- Louise Jones, 1707 N Bluegrass Ln, spoke regarding the amount of traffic and congestion around the elementary schools
- Pat Kelleher, 6530 Wilson Creek Rd, spoke regarding the crosswalk by the elementary schools

8. Business Requiring Public Hearings

8.A. Resolution supporting the Board of County Commissioners for Kittitas County adopting an ordinance implementing a sales and use tax for increasing access to mental health and chemical dependency treatment and support services as authorized by RCW 82.14.460.

The Mayor opened the public hearing. City Manager, Heidi Behrends Cerniwey, presented information in the staff report. She also read a statement submitted by Ellensburg Police Department Chief, Ken Wade.

There were no questions or comments from the public or Council.

The Mayor closed the public hearing.

Councilmember Rich Elliott moved to Approve Resolution 2021-31. **Motion Approved 7-0.**

8.B. Public Hearing (Legislative) to Consider Resolution to Declare City Property, Parcels 617033 and 937033 as Surplus for the Public Benefit of Affordable Housing
The Mayor opened the public hearing. Jamey Ayling, Planning Manager, presented information in the staff report.

Written comments previously distributed to Councilmembers were acknowledged. There were no comments or questions from the public. Councilmembers asked questions of staff.

Councilmember Rich Elliott moved to Approve adopt Resolution 2021-32. **Motion Approved 7-0.**

9. Introduction and Adoption of Ordinances and Resolutions

10. Unfinished Business

11. New Business

12. Miscellaneous

12.A. Manager's Report

The City Manager reviewed the report.

12.B. Councilmembers' Reports

- Councilmember Elliott attended the Planning Commission and EBDA Board meetings and announced he will be attending the November 15, 2021 Council meeting virtually
- Councilmember Goodloe attended DEI Commission meeting
- Councilmember Lamb attended Library Board and Arts Commission meetings
- Councilmember Lillquist reported the County Developmental Disabilities Board is seeking members and reported on the Broadband Action Team/advisory group

- Councilmember Miller attended an American Planning Association Annual Conference
- Councilmember Morgan attended the Lodging Tax Advisory Committee and KITTCOM Board meetings, and requested an excused absence for the November 15, 2021 council meeting

Councilmember Rich Elliott moved to Approve an excused absence for Councilmember Morgan at the November 15, 2021 Council meeting. **Motion Approved 7-0.**

- Councilmember Tabb reported on the UGA Interlocal Agreement, he presented at a CWU Elementary Education class, and will present to the Joint Committee for the Senate and House concerning affordable housing. He asked who would like to serve on the STEER I-90 Coalition and Councilmember Elliott volunteered.

13. Executive Session

14. Adjournment

Meeting adjourned at 8:14 pm

Mayor

ATTEST:

City Clerk



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of City Council, Study Session

October 18, 2021

6:00 PM

Council Chambers 501 North Anderson Street

Ellensburg, WA 98926

And remotely via Zoom

The meeting was called to order at 6:00 pm.

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

Councilmember Morgan arrived at 6:12 pm

Also present in person: City Manager Behrends Cerniwey; City Attorney Weiner; City Clerk Leader; Assistant City Attorney Reiman; Financial Analyst Bassett; Public Works & Utilities Director Lyyski and Community Development Director Sackett

Also present remotely via Zoom: Planning Manager Ayling; Parks & Recreation Director Case

1. American Rescue Plan Act (ARPA)/Coronavirus State & Local Fiscal Recovery (CLFR) Funds
City Manager Behrends Cerniwey reviewed information distributed to Council, which included staff recommendations for use of funds:
 - Self-insured direct COVID expenditures
 - Investment in future, which includes: Unity Park/Pearl Street Promenade; Grant/Project Manager (3 years); Gateway Investments and Anderson Road Sewer extension

Council asked questions of staff. Council consensus was to move forward with staff recommendations to be reviewed for approval at a regular Council meeting in the future.

2. Proposed Land Development Code Amendments
Community Development Director, Kirsten Sackett, presented additional information continued from the October 11, 2021 study session. Council asked questions of staff. Councilmember Lillquist requested review of height requirements by the Landmarks & Design Commission.

Adjournment

Meeting adjourned at 6:54 pm

Mayor

ATTEST: _____
City Clerk



DIVERSITY, EQUITY & INCLUSION COMMISSION (DEI)
September 28, 2021 Regular Meeting
(3:00 to 4:30 p.m.) Remote Meeting via Zoom

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

Members Absent: Daniel Amos (excused)

Also present: Nicole Klauss, Public Information Officer (Recording Secretary); Heidi Behrends Cerniwey, City Manager; and 4 members of the public.

1. CALL TO ORDER / INTRODUCTIONS

Chair Nancy Goodloe called the meeting to order at 3:02 p.m.

Motion: Commissioner Sara Omrani moved to approve an excused absence for Commissioner Daniel Amos, and Commissioner Kandee Cleary seconded. All in favor of the motion; motion passed.

2. APPROVAL OF MINUTES FROM September 14, 2021 MEETING

Motion: Commissioner Tylene Carnell moved to approve the minutes from the September 14, 2021 DEI Commission Meeting, and Commissioner Sara Omrani seconded. All in favor of the motion; motion passed.

3. WORK PLAN DISCUSSION

Chair Nancy Goodloe and recording secretary Nicole Klauss reviewed the existing work plan action item list, the tasks outlined in Ordinance 4871, and the items outlined in the Council's IDE Subcommittee report. Goodloe asked if there were any other action items the commission wanted to add to the list.

Commissioner Kandee Cleary brought up the assessment piece, how is the commission going to look at it and make it better after they have some experience. Some items will require a lot of work or funding. Chair Goodloe said as the commission moves along, they will have a place to put budget items so when the budget cycle comes around, they can request funds as needed. Cleary said implementing celebrations will take money and time.

Chair Goodloe said when the commission starts to prioritize the list, they will have to figure out workload and not overcommit. They will have to ask what the highest priority is and how to deal with it. The commission suggested adding three items to the action items list: Produce the annual report for City Council, complete the partnership list (organizations, people and contact information), and a communication plan for reaching out to the community. Chair Goodloe talked about the Race Unity Day event and said we have to get our diverse populations to events. Commissioner Cleary said part of that communication plan will go hand in hand with events and celebrations.

Commissioner Carnell said this is going to be one of those things that takes time. There will be a lot of people in the community that will sit back and watch, and there needs to be some serious intent in this moving forward. The commission needs to make sure there's genuine purpose behind what



they're trying to bring people to or get folks involved in. A lot of this is going to be relationship building.

Commissioner Omrani agreed it will be about trust building and community building. She suggested considering community liaisons the commission communicates with.

Chair Goodloe will work with Klauss on developing organization system of the action items. At the next meeting the commission will discuss priority action items. Chair Goodloe suggested prioritizing two or three items at the next meeting to start working on process of how to get to those items.

4. LAND ACKNOWLEDGEMENT REVIEW AND DISCUSSION

The land acknowledgement subcommittee met a few times and decided who they would talk to as they started the process of developing a statement. Commissioner Carnell (and Commissioner Amos) met with Sadie Thayer from the Kittitas County Historical Museum and had a great conversation. Part of the conversation was that this would be a statement presented at the beginning of a City Council meeting and trying to keep that intentional but brief. The subcommittee also spent time working on the why since this is being proposed to City Council.

Commissioner Carnell said Commissioner Daniel Amos was interested in connecting with Commissioner Cleary because there was a part that he pulled from CWU's land acknowledgement statement. Commissioner Cleary said Central's land acknowledgement statement really came from the Yakamas. Commissioner Cleary said the Yakamas should have some say in the statement.

The Commission reviewed the draft of the two land acknowledgement statements. Chair Goodloe said she was not sure if would be read every time at City Council meetings but may be put on the agenda. Commissioner Carnell said the first part of the document spoke to the why and could be used for the presentation to the City Council.

Commissioner Omrani said the subcommittee talked about writing a sample land acknowledgement and passing it off to someone who is Indigenous for review and additions or subtractions of language. The Commission was in support of the suggestion. Commissioner Cleary will reach out to the Aronica family to get feedback on the land acknowledgement and will provide the current draft as a starting point.

5. COMMISSIONER REPORTS

Commissioner Sara Omrani expressed interest in setting up a listening tour with CWU students and will work with Klauss on a flyer for the listening session. Commissioner Landis Hanson said his office can stamp the flyer so it can go up in the Student Union and Recreation Center on campus.

6. STAFF REPORT

Recording secretary Nicole Klauss provided an update on the BookMobile. Ellensburg Morning Rotary was made aware of this incident, and their literacy committee is planning to purchase more



books on BIPOC and LGBTQ topics to incorporate into the Bookmobile. There are currently books in those categories on BookMobile, but they are not separated out into their own category.

Klauss said the goal is to have the Native American Heritage Month Proclamation available for review at the October 12 meeting. It must be completely finalized by October 21st to make it into the November agenda packet.

Klauss was asked to give a brief presentation about the DEI Commission to the morning Rotary group on October 14. Commissioner Carnell will also attend.

7. PUBLIC COMMENT

Chair Goodloe called for public comment. Theresa Plue, 140 Woodhouse Loop, provided public comment on the action items the DEI Commission had previously discussed. Plue agreed with Commissioner Carnell that this takes time to develop in the community. Plue said there's opportunity to build bridges between different groups of people and thinks that music and celebration and food are things that people bring culturally to celebrations and everybody seems to enjoy partaking in. Plue referenced the "Field of Dreams" if you build it quote, and encouraged the commission to build the community celebrations through subcommittees or groups.

The meeting adjourned at 4:22 p.m.

Respectfully Submitted by
Nicole Klauss
Recording Secretary
Drafted: 9/29/21
Approved: 10/12/21



Centerfuse

Ellensburg Business Development Authority BOARD OF DIRECTORS MEETING MINUTES

Regular meeting held synchronously in-person and virtually

Wednesday, September 8, 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: Rich Elliott, Ellensburg City Council liaison; Heidi Behrends Cerniway, Ellensburg City Manager; 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 Linda Schactler, second by Jared Vallejo.
Motion approved by unanimous vote.

3. Approval of Minutes

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

4. Board Business

- a. The board discussed the board application process and decided if an applicant indicates on the City of Ellensburg Board and Commissions application that CenterFuse is their first choice, the board will review the application and invite them to interview with the full board. Board members Linda Schactler and Andreas Bohman offered to meet with prospective board members in advance of the full board interview to provide the applicant with an opportunity to learn more about the board and CenterFuse as an organization.
- b. Financial Reports
Executive Director, Margaret Reich, presented financial reports.



c. **Strategic Plan Implementation Update**

Executive Director Margaret Reich presented matters for board consideration and questions to the board including the role data plays in telling Ellensburg's story, what reports business recruitment firms want from CenterFuse, and whether or not to pursue a market study. The board indicated their affirmation to engage with the Kittitas County Conference of Governments and reviewed the CenterFuse presentation for Ellensburg City Council on September 20th.

5. **Items for Future Consideration**

The board would like to allocate 10 minutes on the agenda at each monthly board meeting for general board issues and suggestions.

6. **Adjournment** – time 5:36 Motion to adjourn by Del Bankston.

Drafted: 9/13/2021

Approved: 

Submitted by: Margaret Reich



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

MINUTES OF THE LANDMARKS & DESIGN COMMISSION REGULAR MEETING

Date and Time: Tuesday, June 1, 2021, 5:45 p.m.
Place of Meeting: Remote Meeting via Zoom
Present: Members: Marty Blackson, Dorothy Stanley, Lathan Wedin, Amy McCoy, Megan West
Absent: Mollie Edson-Excused, Zane Kanyer- Excused
Others Present: Stacey Henderson, Senior Planner – Historic Preservation; Alicia Winbauer, Community Development Secretary; Heidi Behrends Cerniwey, Ellensburg City Manager. David Miller, City Council Liaison

Note: These are **Summary** Minutes *not* Verbatim Minutes

Heidi Behrends Cerniwey introduced herself as the new City Manager, noting that she had been on the job for three weeks now. She said she is still trying to get out and learn more about the various commissions and the job they do for the City of Ellensburg. She thanked the commissioners for their work and said that she looks forward to meeting and being in the same room in the future.

1. Call to order and roll call of members

Meeting called to order by Acting Chair Amy McCoy at 5:45 pm.

2. Approval of the agenda

Commissioner Stanley made a motion to approve the agenda as submitted. Commissioner Blackson seconded.

All in favor, motion passed.

3. Approval of the minutes of the Meeting of May 4, 2021.

Commissioner West made a motion to approve the minutes of May 18, 2021. Commissioner Stanley seconded.

All in favor, motion passed.

4. New Business

a. Public Hearing for Consideration of a Certificate of Appropriateness (COA) to install a sign on the front façade of 416 N Main St, Ellensburg WA 98926.

Acting Chair McCoy opened the public hearing and explained the procedures of the hearing. No issues were raised, and no one in the audience objected to the participation of any of the Commissioners.

Senior Planner Henderson presented the Staff report and shared her screen to display the application exhibits and describe the project. This project proposal is to install a sign on the façade of the building at 416 N Main St. The commission is familiar with this building since there was a different proposal at the same location presented at the last meeting. She shared the proposed sign design. It is about 60 inches by 20 inches. It is a simple style and it will have LED illumination in it. It will be attached to a bracket that is mounted on the building in the mortar only.

Acting Chair McCoy stated for the record that the applicant was not present at the meeting. Commissioner McCoy opened the floor to testimony from the public, there were no members of the public in attendance.

Acting Chair McCoy asked if the Commissioners had any questions. Commissioner Blackson asked about the lighting for the sign and how the power would run to it. Planner Henderson did not know. Commissioner Wedin asked Planner Henderson to scroll back to the picture of the front of the building. There is already a conduit box present on the front of the building and he expects that is where the power will come from. Commissioner Wedin asked if there was any way to require a tenant to repair a wall or edifice after they remove a sign or lighting. Planner Henderson noted that there isn't anything in place at the time, but that is a good idea and maybe the commission can address that in the future. There were no further questions. Commissioner McCoy closed the public hearing.

Commissioner West read the Findings of Fact as outlined within the Staff report and made a motion that the Certificate of Appropriateness (COA) be **granted** by the Commission for the proposed new Enchantment Brewing sign, with two conditions:

1. Sign will only be illuminated between dusk and 10:00 PM
2. The conduit to provide power to the sign must be disguised as much as possible from public view.

Commissioner Wedin seconded. No discussion. **All in favor; motion passed.**

b. Public Hearing for consideration of a Certificate of Appropriateness (COA) for the construction of a fence at 108 E 11th Ave, Parcel ID # 043434.

Acting Chair McCoy opened the public hearing and explained the procedures of the hearing. No issues were raised, and no one in the audience objected to the participation of any of the Commissioners.

Senior Planner Henderson stated the homeowner Paula Hctor asked for approval of the construction of a fence at 108 E 11th Ave. The house is in the 1st Railroad Addition local historic district. The original fences were all different and the homeowner is proposing a cedar fence that will match the existing back property line. This will enclose the back yard and there will be a gate visible from the street along the side of the house.

Acting Chair McCoy stated for the record that the applicant was not present at the meeting. Commissioner McCoy opened the floor to testimony from the public, there were no members of the public in attendance.

Commissioner McCoy asked if the Commissioners had any questions. Commissioner West asked if approval of fences were something the commission needed to approve. Planner Henderson noted that fences were not a usual topic for the commission, but the applicants wanted to make sure they had all the proper approvals, so she agreed to add it to the agenda for this meeting.

There were no more questions; Commissioner McCoy closed the public hearing.

Commissioner Wedin commented that the homeowners have done a great job with the property and it is looking very nice.

Commissioner West read the Findings of Fact as outlined within the Staff report and made a motion that the Certificate of Appropriateness (COA) be **granted** by the Commission for the construction of the fence located at 108 E 11th Ave, with **no conditions**.

Commissioner Blackson seconded. No discussion. **All in favor; motion passed.**

c. Commissioner review of City of Ellensburg Historic Preservation Grant Application Form

Planner Henderson explained the process of the Historic Preservation Grant Application and Approval of funding requests. This is the time of year when the commission looks over the application to make any changes necessary before putting it out to the public. The application needs to be approved so that it can be made available tomorrow to the public. Planner Henderson noted that she had been approached by Mayor Tabb, who asked if the grant could include Historic Murals as an option for funding. The commissioners agreed that adding historic murals to the list of types of projects allowed was great. Commissioner McCoy noted that she had compiled an inventory of the murals in the downtown area and that some had not been historic at the time of the inventory but were now old enough to be considered historic. Commissioner Wedin asked to be provided a copy of the inventory. Commissioner Wedin noted that the application should be sent to previous COA applicants if possible.

d. Commissioner review of CLG Grant Application submitted by Senior Planner Henderson.

Planner Henderson informed the commission of the Certified Local Government Grant she applied for last month. Planner Henderson had time to get the grant in but there was not enough time between meetings to get approval by the commission before the due date. Planner Henderson noted that we have been working on the Demolition Ordinance and that in addition to that, it is a good idea to update the Historic Districts. The previous planner had done this for the Downtown Historic District. The original nomination was created in 1987, and at this point more of the houses in this district would now be considered contributing structures to the district. Planner Henderson submitted a proposal for \$15,000.00 to help update the 1st Railroad Historic Districts and Nominations. The inventory/update would be achieved by using some of the grant money to pay for the consultant to help do the work needed, and Planner Henderson would also contribute hours to the work. Planner Henderson also wants to explore the idea of extending the boundaries of the 1st Railroad Historic District. The commissioners approved of the grant application. Commissioner Wedin asked about the success rate of getting the funding. Planner Henderson noted that there are a lot of applicants, but they do have a good amount of money to hand out, so she is hopeful. Commissioner Wedin wanted to know what the deliverables would be at the end of the project. Planner Henderson noted that the main deliverable would be to update the entire National Register Nomination and the Local Landmarks Districts.

5. Old Business-None.

6. Citizen Comment- No one in the audience.

7. Staff Update/Discussion Items

Planner Henderson noted that at this time there are no new COA's for the next meeting, but please keep June 15th on their calendars just in case.

8. Commission Representative Update

- a. Ellensburg Downtown Association Update. Commissioner West reported that the EDA is planning for the Buskers in the Burg event in September and hope to have the Hoedown in the Downtown, but they are still working on the logistics.
- b. Commissioner Stanley wanted Planner Henderson to look into the property at 11th Ave and Water Street for a possible archeology investigation. She also asked about the properties at Main and First. Planner Henderson noted that the proposed project has been cancelled, and that the owners will be advised about the new information about the history of the houses.

9. Adjournment

Commissioner Blackson made a motion adjourn the meeting. Commissioner Stanley seconded. All in favor. Meeting adjourned at 6:42 pm.



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

MINUTES OF THE LANDMARKS & DESIGN COMMISSION REGULAR MEETING

Date and Time: Wednesday, July 7, 2021, 5:45 p.m.
Place of Meeting: Remote Meeting via Zoom
Present: Mollie Edson, Dorothy Stanley, Amy McCoy, Megan West, Zane Kanyer
Absent: Lathan Wedin, Marty Blackson
Others Present: Stacey Henderson, Senior Planner – Historic Preservation; Kirsten Sackett, Community Development Director; David Miller, City Council Liaison; Renee Fyall, Applicant; Tedd Hansen, Applicant

Note: These are **Summary** Minutes *not* Verbatim Minutes

1. Call to order and roll call of members

Meeting called to order by Chair Mollie Edson at 5:45 pm.

2. Approval of the agenda

Commissioner Stanley made a motion to approve the agenda as submitted. Commissioner West seconded.

All in favor, motion passed.

3. Approval of the minutes of the Meeting of June 1, 2021.

Commissioner Stanley made a motion to approve the minutes of June 1, 2021. Commissioner McCoy seconded.

All in favor, motion passed.

4. New Business

- a. Public Hearing for Consideration of a Certificate of Appropriateness (COA) for the proposed repainting of the Thayer-Case building at 221 E 4th Ave and 223 E 4th Ave, Parcel ID #497033 and ID #507033.**

Chair Edson opened the public hearing and explained the procedures of the hearing. No issues were raised, and no one in the audience objected to the participation of any of the Commissioners.

Senior Planner Henderson presented the Staff report and shared her screen to display the application exhibits and describe the project. This proposal is to paint the Thayer-Case building which has two addresses - 221 E 4th Ave and 223 E 4th Ave. The storefront has 3 separate businesses and they would like to distinguish each of the businesses with different colors. Along 4th Avenue, the applicant has proposed to paint the body of the storefront Sherwin Williams "Pewter

Green”, with the window trim, door trim, and planter box remaining white. The body of the building at 223 E. 4th Ave is proposed as Sherwin Williams “Merlot” with the window trim, door trim, and kick plates along the bottom of the storefront windows being painted “Deep Indigo” (Benjamin Moore 1442).

Along Ruby Street, the applicant has proposed to paint the entire body of the building, including the columns, with “Merlot”, with the planter boxes being painted “Deep Indigo”. The back of this building, which faces the parking lot and Lunchbox Café, is proposed to be painted three separate colors to help further distinguish the separate businesses. The “Merlot” will be painted on the eastern third of this edifice associated with 223 E. 4th Ave., “Green Pewter” will be painted in the middle third associated with 221 E. 4th Ave, and the western third will be painted “Hale Navy” which is the current color of the façade facing the alley and the storefront at 215 E. 4th Ave. (Previously approved COA P19-059)

Henderson said that the business on the west end, Collective Interior, had already received approval from the LDC to repaint their 4th Street storefront façade back in 2019.

Henderson shared some photos of the building on her screen, in addition to the paint chip colors. She stated that staff found that while the proposed colors are distinctly different from the existing colors of the facade, they are not out of character with the historic feel of 4th Ave. or the Downtown Ellensburg Historic District, and can be found in the City of Ellensburg historic paint manual. However, she referred to ECC 15.530.020(B)(1), noting that it is important for proposed alterations to enhance the historic character of these buildings and the surrounding neighborhood. She said that staff recognized the fluted Art Deco columns as an important character defining feature of this building. Although the overall paint proposal appears compatible with the character of the downtown district, the dark “Merlot” color will reduce the visual presence of these columns.

Henderson then stated that Staff recommends that the recessed flute details of the columns be differentiated from the rest of the proposed “Merlot”, to help enhance these character defining features. The recommendation would be that the recessed flutes on the columns either be left white as seen in the historic photograph, or be painted “Deep Indigo”, to subtly indicate the vertical detail of the column design while matching the rest of the proposed building trim details.

Chair Edson asked if the applicant had anything to add. Applicant Renee Fyall said she may not stick with the Pewter for the planter boxes if she has to paint the columns details in pewter. She said one of the main reasons for this painting request is because D&M is moving into the storefront that used to house Centerpoint Realty. It is important to them to distinguish the 3 separate storefronts, as it will help each separate businesses. The applicant stated that they would prefer to wait to paint Head to Toe, and figure out a different paint scheme, in lieu of the staff recommendation.

Edson opened the floor to testimony from the public, and there was no comment. She then opened it up for questions from the commission.

Commissioner West asked for clarification on which features of the buildings would be painted “merlot”. Where is the deep indigo color going? The applicant stated that along the Ruby Street façade will be merlot, and the planters would be painted “Deep Indigo”. Commissioner Edson asked to view the historic photograph, discussion on the historic photo and how it looked ensued. The applicant stated that after reviewing the historic photograph, they are open to going back to the drawing board for the Head to Toe building, as they have additional projects to work on anyways before painting that building. They also stated that painting 221 E 4th (D&M) is the more pressing matter, and would like to make sure to be able to paint it as soon as possible.

Chair Edson closed the public hearing and opened up deliberation among the Commission. Commissioner McCoy said she would like to provide approval for the applicant to paint the front of the D&M business, in addition to the back side of Collective Interior.

Commissioner McCoy read the Findings of Fact as outlined within the Staff report and made a motion that the Certificate of Appropriateness (COA) be **granted** by the Commission for the proposed painting of portions of the Thayer-Case building. The pewter green color may be painted on the D&M building and Hale Navy on the back of the Collective Interior building with **one condition**:

1. Any removal of existing paint or cleaning of the building be done utilizing the gentlest means possible per National Park Service Historic Preservation Brief 1 *"Assessing, Cleaning, and Water-Repellent Treatments for Historic Masonry Buildings."*

Commissioner West seconded. No discussion. **All in favor; motion passed**

b. Proposed extension of historic preservation grants awarded by City Council to Ellensburg Masonic Temple Association, from the 2020 and 2021 grant cycles.

Senior Planner Henderson stated that Tedd Hansen, agent for the Masonic Temple, has requested extensions of his grants awarded in 2020 and 2021. She noted that the applicant has received an Ellensburg Historic Preservation grant in varying amounts every year from 2016 through 2021. They have requested extensions in past years but they have always completed their projects. The request for these particular grants is rather unique, the only reason the 2020 has not been used yet is because of the circumstances of the COVID19 Pandemic. The applicant was awarded a Capital Budget Request grant from the State of Washington, which includes enough funding to renovate a substantial portion of the downstairs retail spaces of the historic Masonic Temple.

Henderson reminded the commission of the specific work that was approved in the previous grants. They are not changing the scope of the work with the City grant funding, but they have stated that if they do all of the work (for the City and the State grants) simultaneously, it will result in a more streamlined construction process.

The applicant said that one additional benefit to consolidating the work would be to reduce the hardship on the existing business – Better Life Natural Foods. There were no questions of the applicant.

Commissioner Kanyer stated that he feels that it makes sense to efficiently utilize the funds and time involved with work and allow the applicant to have the extension.

Commissioner McCoy made a motion to recommend approval of an extension of the funds to be used by the Masonic Temple.

Commissioner Kanyer seconded. There was no discussion. **All in favor; motion passed.**

Planner Henderson stated that the request will next be taken to City Council.

5. Old Business-None.

6. Citizen Comment- No one in the audience.

7. Staff Update/Discussion Items

Director Sackett noted that beginning in August the LDC meetings will be held in hybrid fashion. The meetings will be available for meeting in person and zoom. They will have a month to get ready for the changes. Staff will send out an email with directions to access the hybrid meetings.

8. Commission Representative Update

- a. Ellensburg Downtown Association Update. Commissioner West reported that they do have a new member of the EDA board who joined a month ago. There has been a lot of work at the board level discussing the relevancy of the EDA and how they can be of service to the community. They now have 4 new board members and new staff, and they are moving forward with their 2021 Strategic Plan and a budget that wasn't finished. They are going to plan to hit heavy in 2022 with how they can best serve the community and the businesses. West said that she is no longer EDA president, and the new president is Kelle Vandenberg. There are exciting times ahead with plans for new connections with non-profits in the city.
- b. Commissioner Edson said she would like to see a report back from all of the grant applicant's with the work that was completed with the grant funding. She was a grant recipient herself and she feels that her project turned out really great. She feels that it would be nice to share the projects for the community to see the work that has been completed in the community. Commissioner West noted that the applicants should have the opportunity to show what they do with the money that the commission awarded. Commissioner West asked if the commission knew what the amount of grant money- Director Sackett had the number of for the grant as \$15,617 and the deadline is August 31, 2021. The idea of having a report out from applicants probably wouldn't be added to this year's grant application criteria but it could be change it in 2022. There was discussion about highlighting the awards given by the commission possibly in May during Historic Preservation Month.
- c. Commissioner Kanyer said the Revitalize WA conference is happening virtually this year in 3 separate locations on September 27. He will be attending in Prosser and encourages others to participate. The awards ceremony will happen virtually in the evening.

9. Adjournment

Commissioner Kanyer made a motion adjourn the meeting. Commissioner Stanley seconded. All in favor. Meeting adjourned at 6:40 pm.



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

MINUTES OF THE LANDMARKS & DESIGN COMMISSION REGULAR MEETING

Date and Time: Tuesday, August 17, 2021, 5:45 p.m.
Place of Meeting: Hybrid Meeting In Person and via Zoom
Present-In Person:
Present-Via Zoom: Mollie Edson, Dorothy Stanley, Amy McCoy, Megan West, Marty Blackson
Absent: Lathan Wedin, Zane Kanyer
Others Present: Stacey Henderson, Senior Planner – Historic Preservation; Alicia Winbauer, Community Development Secretary; David Miller, City Council Liaison; Renee Fyall, Applicant;

Note: These are **Summary** Minutes *not* Verbatim Minutes

1. Call to order and roll call of members

Meeting called to order by Chair Mollie Edson at 5:45 pm.

2. Approval of the agenda

Commissioner Stanley made a motion to approve the agenda as submitted. Commissioner West seconded.

All in favor, motion passed.

3. Approval of the minutes of the Meeting of July 7, 2021.

Commissioner West made a motion to approve the minutes of July 7, 2021. Commissioner Blackson seconded.

All in favor, motion passed.

4. New Business

a. Public Hearing for consideration of a Certificate of Appropriateness (COA) for the proposed mural on the back of the Case building, Parcel ID #507033.

Chair Edson opened the public hearing and explained the procedures of the hearing. No issues were raised, and no one in the audience objected to the participation of any of the Commissioners.

Senior Planner Henderson presented the Staff report and shared her screen to display the application exhibits and describe the project. The applicants have proposed to paint a mural on the back of Collective Interiors, which is located within the historic Case building, built ca. 1948, Parcel ID #507033, in Central Commercial (C-C) zoning. Per the applicant submittal (Exhibit B.3) the proposed artwork is a floral design, which will be applied with white paint, to most of the back

of Collective Interiors. The Case building is located within the Downtown Ellensburg Local Landmarks District, for which it is a contributing building. The application (Exhibit B.1) was received by the Community Department and determined to be complete per ECC 15.280.090(C)(2)(b), on June 30, 2021. This project was taken before the Arts Commission on July 10th, 2021 and approved by them.

The applicant noted for the commission that the mural will wrap around the building towards 4th avenue so that it would be more visible to the public during Farmer's Market days.

Chair Edson opened the floor to testimony from the public, and there was no comment. She then opened it up for questions from the commission.

Chair Edson noted that in future, it would be great to have the information directly from the Arts Commission for our records as well.

Chair Edson closed the public hearing and opened up deliberation among the Commission.

Commissioner McCoy read the Findings of Fact as outlined within the Staff report and made a motion that the Certificate of Appropriateness (COA) be **granted** by the Commission for the proposed painting of the mural, with **one condition**.

1. The applicant or building owner shall submit a maintenance plan for the mural, per ECC 15.720.040(B)(6), to the Community Development Dept. of the City of Ellensburg, within one year of COA approval.

Commissioner West seconded. No discussion. **All in favor; motion passed**

The applicant asked staff what would be required for the maintenance plan. Planner Henderson noted that it should be a pretty simple description of how the mural will be maintained in the future.

b. Public Hearing for consideration of a Certificate of Appropriateness (COA) for the proposed repainting of part of the Thayer-Case building at 223 E 4th Ave, Parcel ID #497033.

Chair Edson opened the public hearing and explained the procedures of the hearing. No issues were raised, and no one in the audience objected to the participation of any of the Commissioners.

Senior Planner Henderson presented the Staff report and shared her screen to display the application exhibits and describe the project. The applicants have submitted a new proposal for repainting 223 E 4th Ave, Parcel ID #497033, located in Central Commercial (C-C) zoning. At the Landmarks and Design Commission Meeting on July 7, 2021, the applicant proposed to repaint the Thayer-Case building, including 215, 221, and 223 E. 4th Ave (See P21-080- Exhibit C.1). At the July 7 meeting, the LDC approved part of the proposal, and agreed with the applicant to review a new paint proposal for 223 E 4th Ave at a future meeting. This new proposal includes painting the storefront of 223 E. 4th Ave, the side façade along Ruby St., and the back of the building which is visible from Ruby Street. Per the applicant's narrative, they would like to paint the body of the building in Deep Indigo (BM 1442), with the columns and upper portion of the front façade painted "Merlot" (SW 2704). (Exhibit B.2) The proposed painting is on the historic Thayer-Case building, built ca. 1940, located within the Downtown Ellensburg Local Landmark District, for which it is a contributing building. The application (Exhibit B.1) was received by the

Community Department and determined to be complete per ECC 15.280.090(C)(2)(b), on July 30, 2021.

Henderson noted that the staff recommendation gives the applicant the option to implement the original proposal, or the new proposal. The commission can make the decision to approve one or the other, or both and leave it up to the applicant to decide which design to use, or to offer suggestions to change either proposal.

Chair Edson opened the floor to testimony from the public, and there was no comment. She then opened it up for questions from the commission.

The applicant noted that they were glad to have the chance to look at their proposal again and change the design and colors. They feel the columns will pop with the colors chosen.

Chair Edson closed the public hearing and opened up deliberation among the Commission.

Commissioner West read the Findings of Fact as outlined within the Staff report and made a motion that the Certificate of Appropriateness (COA) be **granted** by the Commission for the proposed painting of the mural, with **one condition**.

1. Any removal of existing paint or cleaning of the building be done utilizing the gentlest means possible per National Park Service Historic Preservation Brief 1 *"Assessing, Cleaning, and Water-Repellent Treatments for Historic Masonry Buildings."*

Commissioner West amended the motion to include the approval of the design proposal from P21-098.

Commissioner Blackson seconded. No discussion. **All in favor; motion passed**

5. Old Business-None

6. Citizen Comment- No one in the audience.

7. Staff Update/Discussion Items

Planner Henderson noted that the commission meetings would continue to be Hybrid for the foreseeable future.

Planner Henderson also noted that there is a Preservation webinar next week that she will send a link to the commissioners if they are interested in attending.

Chair Edson asked for an update on the Demo ordinance status. Planner Henderson noted that she is awaiting a legal review and further recommendations.

8. Commission Representative Update

- a. Ellensburg Downtown Association Update. Commissioner West gave a report about the EDA's search for a new Executive Director, they have had some good applicants and will be interviewing soon. Until a new ED is hired the board has stepped up to take over the planning and implementation of the EDA's fall events. Hoedown in the Downtown is happening with Dusty 45's. Buskers in the Burg will be happening in September with the Puppets (which are currently on display at Gallery One through the end of August). The EDA is also trying to figure out what they will do for Halloween Trick or Treating. More info to come.

- b. Chair Edson noted that the EDA volunteer program will be having a meeting/fair in January of 2022 to bring all of the organizations that need volunteers and the volunteers themselves together.

9. Adjournment

Commissioner West made a motion adjourn the meeting. Commissioner McCoy seconded. All in favor. Meeting adjourned at 6:30pm.

LIBRARY BOARD MEETING
Tuesday, September 14, 2021

PRESENT: Marty Blackson, Loretta Gray, Mary Holmgren, Mary James, Andrea Sledge

COUNCIL LIASON: Tristen Lamb

ABSENT: Julie Cloninger, Andreina Delgado

STAFF: Josephine Camarillo

- I. CALL TO ORDER: Holmgren called the meeting to order at 4:30 p.m.
- II. Approval of the Agenda: M/S/P
- III. Approval of the Minutes: M/S/P
- IV. Citizen Comment/Suggestions: Thumbs Up in *Daily Record* for Summer Reading Program.
- V. Reports
 - A. Director's Report: (1) Carolin Bigwood finished her internship. (2) Adult area now has limited seating; computers available; summer-program participation. (3) Youth Services had a full slate of programs this summer. (4) Statistics on additions and deletions from the collection were discussed. (5) Hal Holmes is now accepting reservations for private events. (6) Circulation was discussed. (7) Staffing changes were discussed. (8) Masking has been reinstated. (9) Supervisors have been attending an online course. (10) Washington State Librarian, Sara Jones, visited the library.
 - B. Budget Report: The budget looks good, allowing flexibility with regard to staffing during holiday season.
 - C. Friends' Report: Sales have been taking place. A big sale is scheduled for October.
 - D. Special Projects: Expansion. Discussed after the meeting.
- VI. Old Business
 - None
- VII. New Business
 - A. Restrictions reinstated.

VIII. Upcoming Programs: Events for September noted, included Storytime in person.

IX. Unscheduled Business

Next regular meeting will be October 12, 2021. Zoom

Respectfully submitted,
Loretta Gray



CITY OF ELLENSBURG

Utility Advisory Committee

Date of Meeting

September 16, 2021

Time of Meeting

3:30 PM

Place of Meeting

Council Conference & remotely via GoTo Meeting

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; Bryan Clark, KITTCOM.

Also present: Ryan Lyyski, Public Works & Utilities Director; Darren Larsen, Assistant Utilities Director; Darin Yusi, Gas Engineer; Kim Bowie, Operations Analyst; Buddy Stanavich, Power & Gas Manager; Nicole Klauss, Public Information Officer. Ben Faubion, IT & Telecomm Manager; Jennifer Jovanovich, IT Desktop Analyst; Heidi Behrends Cerniwey, City Manager; Jon Morrow, Stormwater Manager; Chris Walker, Noanet; Meghan Anderson; Judy Hinrichs; Dick Karkner; David Dunbar; Meg Ludlum; approximately 6 other virtual attendees.

3. APPROVAL OF MINUTES

3.A. Approve minutes - August 19th, 2021 regular meeting minutes

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

4. APPROVAL OF CONSENT AGENDA

None

5. CORRESPONDENCE AND CITIZEN COMMENTS ON NON-AGENDA ITEMS

5.A. Public comment not submitted in time, received via email concerning item 7.B Provide Comment on Two Comprehensive Plan Submissions of the August 19th meeting.

5.B. Meghan Anderson email 9-8-21

Nancy Lillquist explained the money from the February sale of natural gas needs to stay within the gas utility.

Judy Henrich's spoke about climate change and referenced Bellingham's climate action plan.

Meg Ludlum suggested gas incentives be taken away, electric appliances have become more efficient.

6. TELECOMMUNICATIONS UTILITY ITEMS

6.A. City of Ellensburg Broadband Plan - Verbal Status Update.

Chris Walker with NoaNet updated the Committee on the development of a comprehensive plan towards broadband for the community.

6.B. Telecommunications Issues and Updates

Ben Faubion gave an update on telecommunications.

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

7.A. Provide Comment on Two Comprehensive Plan Submissions - Continuation of Discussion

Discussion: Nancy Lillquist stated the purpose of the discussion is to outline a scope of study to provide to future consultants. Nancy Goodloe suggested to look broadly on how to build sustainability, resilience, as well as assistance & cost of transitions. Gary Gleason advised to look at reliable energy 24 hours a day and use others as supplementary that can support a whole community. Lillquist recommended to look at alternative power purchase options or generating our (the City's) own energy supply. Ed Barry suggested whatever is decided needs to be a combination of all options. Nate Sitton asked if we aligned with state standards. Nancy Lillquist suggested an evaluation on different options as far as receiving fuel choices and tradeoffs i.e. affordable vs reliable or enviro impact vs affordability. In summary, staff clarified that the Committee is seeking a hybrid energy resource evaluation with a look back on how the City's energy policies are meeting state goals and future options with costs & feasibility.

Dick Karkner recommended the Committee speak to WSU Energy Extension and possibly use as a consultant to analyze energy needs.

Dave Dunbar spoke about the Climate Commitment Act.

Meghan Anderson suggested the scope should include following the 2021 State Energy Strategy put out by the Department of Commerce. She presented alternatives to natural gas appliance incentives.

It was requested that staff bring back an agenda to discuss natural gas rebates.

Staff read comments that were submitted via chat.

Nancy Lillquist mentioned the Department of Commerce is developing guidance for cities and counties to address climate change issues. They will talk about mitigation and resilience and prepare model climate change elements for comprehensive plans, but won't be available until 2023.

8. INFORMATIONAL ITEMS

8.A. Public Works & Utilities Issues and Updates

Staff shared updates for water, sewer, gas, electric and storm water.

8.B. UAC Email Addresses

New City email addresses have been created for UAC members.

9. NEXT MEETING

9.A. October 21st, 2021 at 3:30 pm

10. ADJOURNMENT

With no further discussion, the meeting adjourned at 5:12 pm.

Kim Bowie
Recording Secretary
Drafted: 9/20/2021
Approved: 10/21/21



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: November 1, 2021

Item Title/Agenda Subject: Official Newspaper Contract Bid Award

Submitted by: Beth Leader City Clerk

Recommended Action or Motion: Award the bid for the City's official newspaper contract to the Daily Record

Background/Summary: The City issued Bid Call 2021-11 for the City's official newspaper contract, for a one-year term, commencing November 2, 2021. Per the bid specification, bidders must represent a newspaper of general circulation within the city limits and must be able to provide publication of legal notices within two working days of notification by the City. The rates charged for publication of legal notices shall not exceed the national advertising rate extended by the newspaper to all general advertisers and advertising agencies in its published rate card.

Previous Council Action: None

Analysis: The bid deadline was October 15, 2021. One bid was received from the Daily Record in the amount of \$8.80 per column inch. The bid complies with the number of days from notification by the City for publication of legal notices of two working days.

Financial Impact: The bid amount is the same as last year.

Megan West
Landmarks and Design Commission
October 20, 2021

RECEIVED

OCT 21 2021

CITY MANAGER'S OFFICE
ELLENSBURG, WA

Dear Stacey Henderson,

I, Megan West, will be resigning as a commissioner serving on the Landmarks and Design Commission effective October 20, 2021. I want to extend my deepest thanks to you, the City Council and my fellow commissioners for allowing me to serve on this board.

Best,

Megan West



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: November 1, 2021

Item Title/Agenda Subject: Extension of Council Funded Grant Program funds previously awarded to the Ellensburg Masonic Temple Association and to Gallery One, to be extended into 2022

Submitted by: Stacey Henderson Community Development

Recommended Action or Motion: Authorize the City Manager to Sign the Contract Amendments with the Ellensburg Masonic Temple and Gallery One and approve the necessary budget adjustments.

Background/Summary: Gallery One, through applicant Monica Miller, and The Ellensburg Masonic Temple, through applicant Ted Hansen, are both requesting grant extensions for City of Ellensburg Historic Preservation Grant funds to be utilized in 2022. The extension request for the Ellensburg Masonic Temple was brought before the Landmarks and Design Commission on July 7, 2021. The extension request for Gallery One was brought before the Landmarks and Design Commission on September 21, 2021. After careful review and discussion with the applicants, the Landmarks and Design Commission forwarded to City Council a recommendation for approval of both requests.

Gallery One

Gallery One currently has one active grant, awarded for the year 2020, in the amount of \$5,000 to help fund the repainting of the exterior of the historic Stewart Building, at 408 N Pearl St. As expressed in the extension request letter (Attachment A), circumstances prevented the use of the funds, including the cost estimate increasing from \$12,000, to \$25,000-\$40,000. In addition to extending the 2020 grant, Gallery One has applied for a 2022 City of Ellensburg Historic Preservation Grant, to receive additional funds that would also go towards painting the Stewart Building. This request will be reviewed by City Council at a future meeting.

Masonic Temple

The Masonic Temple has two active grants, awarded for the

years 2020 (\$4,690.32) and 2021 (\$4,000). Both grants were awarded for façade restoration of the historic Masonic Temple Building located at 111 6th Ave. The planned work, as proposed, includes two phases. The first phase includes conducting a detailed analysis of the existing condition of the wood, glass, doors, and hardware in order to gain an accurate understanding of the façade condition and make appropriate decisions on best course of action. After the analysis, the applicant plans to consult with various preservation agencies including the state Department of Archeology and Historic Preservation (DAHP), and work will adhere to the federal Secretary of Interior Standards. Once decisions are made concerning the methods, they will hire a local contractor to accomplish the work.

The applicant has requested an extension (Attachment B) to utilize both the 2020 and 2021 Grant funds next year, in 2022. Per the letter provided, the Ellensburg Masonic Temple was recently awarded a Capital Budget Request grant by the State of Washington. This grant includes enough funding to renovate a substantial portion of the downstairs interior retail spaces of the historic Masonic Temple. The applicant would like to plan and complete the façade restoration work, at the same time as the interior renovation. Streamlining the construction schedule will help to utilize funds as efficiently as possible, and will reduce the amount of time the business located in that building is impacted by construction.

Previous Council Action:

In response to the challenges and delays that resulted from the COVID-19 Pandemic, on August 17, 2020, City Council Authorized 2020 City grants to carry forward into 2021. Under this authority, both the Ellensburg Masonic Temple and Gallery One received an extension of their 2020 grant funds.

Analysis:

Gallery One

Gallery One was awarded a 2020 grant in the amount of \$5,000. This grant was recommended for approval by Landmarks and Design Commission on October 1, 2019, and was approved by City Council on November 18, 2019. This is the first City of Ellensburg Historic Preservation Grant awarded to Gallery One.

Masonic Temple

The Masonic Temple has been awarded several Ellensburg Historic Preservation Grants over the years, including: 2016: \$6,140, 2017: \$3,000, 2018: \$5,622.87, 2019: \$1,000, 2020: \$4,690.32, 2021: \$4,000. The applicant has completed each project as proposed, but has had to request several extensions including in 2016, 2017, and now for the 2020 and 2021 grants.

In 2019 the Masonic Temple was awarded the 2020 grant amount of \$4,690.32 which was recommended by Landmarks and Design Commission on October 1, 2019, and approved by City Council on November 18, 2019. In 2020 the Masonic Temple was awarded the 2021 grant amount of \$4,000 which was recommended by Landmarks and Design Commission on October 20, 2020, and approved by City Council on November 16, 2020.

The Landmarks and Design Commission unanimously supported the grant extensions from both Gallery One and The Ellensburg Masonic Temple. They recommended approval of the Masonic Temple extension requests, acknowledging that the overall positive impact of consolidating the projects to be completed at one time will help to streamline the construction process, and make best use of the funds awarded for the project. They also recommended approval of the Gallery One extension request, acknowledging that painting the exterior of the historic Stewart Building helps to protect and preserve the exterior condition of the building.

Financial Impact:

Financial impact to the City will be the original \$4,690.32 and the original \$4,000.00 awarded to the Ellensburg Masonic Temple, being reallocated from the 2021 budgets to be used within 2022. In addition, the original \$5,000, awarded to Gallery One needs be reallocated from the 2021 budgets to be used within 2022.

Attachments:

[Gallery One Grant Amendment](#)
[Masonic Temple Grant Amendment](#)
[Gallery One Extension Request](#)
[Original 2020 Gallery One Contract](#)
[Masonic Temple Extension Request](#)

Original 2020 Masonic Temple Contract
Original 2021 Masonic Temple Contract

AMENDMENT TO A GRANT AGREEMENT
BETWEEN THE CITY OF ELLENSBURG AND GALLERY ONE

RELATING TO: EXTENSION OF 2020 COUNCIL FUNDED GRANT PROGRAM FUNDS

This Amendment is made and entered into this ____ day of November, 2021, by and between the City of Ellensburg ("City"), a municipal corporation, and Gallery One ("Grantee"), for the purpose of carrying forward funds awarded as part of the 2020 Council Funded Grant program.

WHEREAS, based on a recommendation by the City's Landmarks and Design Commission, the Ellensburg City Council awarded the Grantee a \$5,000 grant on November 18, 2019 to be used in 2020 for the purpose of repainting the exterior of the historic Steward Building, addressed as 408 North Pearl Street; and

WHEREAS, in response to the challenges and delays that resulted from the COVID-19 pandemic, on August 17, 2020, City Council authorized 2020 Council Funded Grants to carry forward into 2021; and

WHEREAS, on February 9, 2021 the parties entered into a grant agreement to carry forward the \$5000 in 2020 grant funds into 2021; and

WHEREAS, the work was put on hold in 2021 as the grantee pursued additional funds from a Third Places Grant to help cover the increasing costs of the paint job; and

WHEREAS, on August 28, 2021 the grantee submitted to the City a request to carry forward the 2020 City grant funds into the 2022 year as the Third Places Grant was unsuccessful; and

WHEREAS, the Landmarks & Design Commission reviewed this grant extension request on October 5, 2021 and forwarded a recommendation of approval to City Council, which approved the recommendation at its November 1, 2021 meeting;

NOW, THEREFORE, in consideration of the above representations and the terms and conditions set forth below, the parties agree to the following amendments to the 2020 Council Funded Grant award:

1. Grantee shall commence and complete the project/work as described in the Scope of Work for the 2020 Grant Application on or before December 17, 2022.
2. Except, as specifically provided herein, all other terms of the February 9, 2021 Agreement shall remain unchanged.

GALLERY ONE VISUAL ARTS
CENTER, GRANTEE

By:

Print name:

Title: _____

THE CITY OF ELLENSBURG

By:

Heidi Behrends Cerniwey, City Manager

Approved as to form:

City Attorney

AMENDMENT TO THE GRANT AGREEMENT BETWEEN
THE CITY OF ELLENSBURG AND THE ELLENSBURG MASONIC TEMPLE

**RELATING TO: EXTENSION OF 2020 AND 2021 COUNCIL FUNDED GRANT
PROGRAM FUNDS**

This Amendment is made and entered into this ____ day of November, 2021, by and between the City of Ellensburg ("City"), a municipal corporation, and the Ellensburg Masonic Temple Association ("Grantee"), a 501(C)(10) not-for-profit organization, for the purpose of carrying forward funds awarded as part of the Council Funded Grant program in years 2020 and 2021.

WHEREAS, based on a recommendation by the City's Landmarks and Design Commission, the Ellensburg City Council awarded the Grantee a \$4,690.32 grant on November 18, 2019 to be used in 2020, and a \$4,000 grant on November 16, 2020 to be used in 2021, for the purpose of making exterior repairs to the Masonic Temple addressed as 111 West Sixth Avenue; and

WHEREAS, in response to the challenges and delays that resulted from the COVID-19 pandemic, on August 17, 2020, City Council authorized 2020 Council Funded Grants to carry forward into 2021; and

WHEREAS, on January 30, 2021 the parties entered into two separate grant agreements, the first to carry forward the \$4,690.32 in 2020 grant funds into 2021 , and the second agreement to fund the \$4000 grant in 2021, both for the purpose of making exterior repairs to the Masonic Temple addressed as 111 West Sixth Avenue; and

WHEREAS, in 2021 the grantee was awarded a Capital Budget Request grant from the State of Washington in order to renovate a substantial portion of the interior of the historic Masonic Temple; and

WHEREAS, on June 15, 2021 the grantee submitted to the City a request to carry forward the 2020 and 2021 City grant funds into the 2022 year for the purpose of combining the exterior and interior repairs into a single renovation project that would streamline the project, reduce contractor costs, and minimize the time the building is out of service; and

WHEREAS, the Landmarks & Design Commission reviewed this grant extension request on July 7, 2021 and forwarded a recommendation of approval to City Council, which approved the recommendation at its November 1, 2021 meeting;

NOW, THEREFORE, in consideration of the above representations and the terms and conditions set forth below, the parties agree to the following amendments to the 2020 and 2021 Council Funded grant awards:

1. Grantee shall commence and complete the project/work as described in Scope of Work for both the 2020 and 2021 Grant Applications on or before December 17, 2022.
2. Except, as specifically provided herein, all other terms of the 2020 and 2021 Grant Agreements, both dated January 30, 2021, shall remain unchanged.

ELLENSBURG MASONIC TEMPLE
ASSOCIATION, GRANTEE

By:

Print name:

Title: _____

THE CITY OF ELLENSBURG

By:

Heidi Behrends Cerniwey, City
Manager

Approved as to form:

City Attorney

**Board Members**

Catherine Bambrick
Becky Craig
David Cross
Patricia Cutright
Bethany Davis
Mollie Edson
Joe France
Elizabeth Frederick
Kenneth Girrard
Wendy Hinckle
Angela Johnson
Rachel Hall Kirk
Marty and Kathy Miller
Julie Prather
Gary Severin
Linda Sharpe
Patrick Stanton
Alicia Winbauer

Executive Director

Monica Miller

Retail Manager

Sarah Haven

**Exhibition & Publicity
Coordinator**

Renee Adams

Arts Education Coordinator

Amy Davison

Visitor Services Assistant

Clay Maer

August 28, 2021

Landmarks and Design Commission

City of Ellensburg
501 N Anderson St
Ellensburg, WA 98926

Gallery One would like to respectfully submit for an additional extension of the Community Matching Grant of \$5,000 awarded in 2019 to go toward the exterior painting of the 1889 Stewart Building.

Though we were granted on February 9, 2021 an extension, circumstances have prevented the use of these funds. Originally estimated to cost \$12,000, current estimates range from \$25,000-\$40,000. To fill in the gap, Gallery One applied to the Department of Archeology and Historic Preservation Fund's Third Places Grant in the summer of 2021 but was notified in late July that we did not receive the award.

Given the tenuous state of the pandemic and the potential financial impacts to the organization, in addition to the questionable feasibility of attaining a contractor this late in the year due to challenges and delays as a result of COVID-19 pandemic, Gallery One would like to postpone the project until 2022.

If there is any flexibility for the use of the funds, we would appreciate the extension otherwise we will have to forfeit the award.

Sincerely and with C.A.R.E., (creativity, adaptability, resiliency, and empathy),

Monica Miller
Executive Director

GRANT AGREEMENT BETWEEN THE CITY OF ELLENSBURG AND
GALLERY ONE

THIS AGREEMENT, dated this 9 day of February, 2021, is entered into between the City of Ellensburg ("City"), a municipal corporation, and Gallery One ("Grantee"), the business and building owner of the subject property, for repainting of the exterior of their historic Stewart Building, addressed as 408 N Pearl Street.

WHEREAS, Gallery One serves as a resource to residents and visitors through community events, exhibits and classes. In addition to artwork, this well-loved and used building generates friendships, economic development and community. On average 25,000 people step into the doors for weddings, art shows, to meet their neighbors and explore their creative side. They are community partners at major downtown events, and have become a community hub over the past 50 years. They work with the school district to enhance arts education and run a thriving art after school program.

WHEREAS, the Grantee's grant application was duly reviewed by the LDC, who voted on October 1, 2019 to recommend approval of an award for the Grantee's project, which was approved by the Ellensburg City Council on November 18, 2019;

WHEREAS, in response to the challenges and delays to projects that resulted from the COVID-19 pandemic, on August 17, 2021, City Council authorized the 2020 grants to carry forward into 2021.

NOW, THEREFORE, in consideration of the terms and conditions contained herein, the City and the Grantee mutually agree as follows:

1. Scope of Work:

- A. Grantee shall provide the project scope of work described in the Landmarks and Design Commission Funding Request application ("Grant Application") that was submitted on August 30, 2019 and is attached hereto as Exhibit "A".
- B. Grantee shall commence and complete the project/work as described in the Grant Application within the 2020-2021 fiscal years, beginning on or after January 1, 2020 and ending on or before December 17, 2021.
- C. Grantee shall, by December 17, 2021, provide the City Manager or Landmarks and Design Commission with a written report which includes an itemization of its overall program revenues and expenditures (year to date), an accounting of its expenditure of funds paid or to be paid under the terms of this agreement, as well as a description of the impact the grant made on the exterior painting of the Stewart Building

2. Payment

- A. In consideration of the exterior painting, the City will pay Grantee the sum of five thousand dollars (\$5,000) to be expended in support of those services beginning January 1, 2020 and ending December 17, 2021
- B. Grantee shall procure and maintain for the duration of this agreement, liability insurance against claims for injuries to persons or damage to property which may arise from or in connection with Grantee's services and shall, upon the City's request, provide proof of such insurance to the City Clerk.

3. Termination

The City may, by written notice thereof to Grantee, terminate this Agreement as to all or any portion of the services/project not then performed, whether or not Grantee is in breach or default. In the event the City terminates the services/project of the Grantee being funded by Agreement, the Grantee is obligated and hereby agrees to repay to the City all monies paid for such services/project components not yet rendered by the Grantee as of the date of the notice of termination.

4. Miscellaneous

- A. Grantee shall indemnify, defend and hold harmless the City of Ellensburg, and its officers, agents and employees from and against any and all claims, actions, suits at law or equity, liability, loss, costs, expenses or damages of any nature or kind whatsoever (including but not limited to reasonable attorneys fees and litigation costs), brought against the City of Ellensburg, its officers, agents and/or employees, arising out of, or in connection with, or incident to, the execution of this agreement and/or the performance or failure to perform any aspect of this agreement, except for any claims arising from the sole negligence of the City of Ellensburg, its officers, agents or employees.
- B. Grantee shall procure and maintain for the duration of this agreement, liability insurance against claims for injuries to persons or damage to property which may arise from or in connection with the work being performed under the Scope of Work by Grantee or Grantee's contractors, subcontractors or agents and shall, upon the City's request, provide proof of such insurance to the City Clerk.
- C. Grantee agrees to maintain books, records and documents using accounting procedures which accurately reflect all payments received and expenditures made related to the performance of services under this agreement. Grantee's fiscal management system shall include the capability to provide accurate and complete disclosure of all such

payments and expenditures, and upon reasonable notice, the City may examine Grantee's books and records to verify the accuracy of same.

- D. No agent, employee or representative of Grantee shall be deemed to be an agent, employee or representative of the City for any purpose. In its performance of services hereunder, Grantee is an independent contractor with the authority to control and direct the performance of the details of the services/project.
- E. This agreement cannot be assigned, transferred or any portion subcontracted by either party hereto without the prior written consent of the other party.
- F. Grantee, in its performance of this agreement, agrees to comply with all applicable local, State, and Federal laws and ordinances.
- G. This agreement is the complete expression of the terms herein and any oral representations or understandings not incorporated herein are excluded. This agreement may be amended only through mutual written agreement of the parties.
- H. The exclusive venue for any action brought to enforce this Agreement or any of its terms shall be in Kittitas County, State of Washington.

GALLERY ONE VISUAL ARTS
CENTER, GRANTEE

By:

Monica Miller

Monica Miller
Print name:

Title: Director

THE CITY OF ELLENSBURG

By:

John Akers
John Akers, City Manager

Approved as to form:

City Attorney

City of Ellensburg Community Development Department
Historic Preservation Grants Program
Project Description



Project Information (Attach additional sheets as needed)

Description of the project (please be as detailed as possible). A separate page may be attached to provide a more in-depth narrative:

Please see attached

Does this project involve a property listed on the Ellensburg Landmarks Register? If not, please specify if the subject property is proposed for nomination. If the property is not listed on the Ellensburg Landmarks Register, please describe how the project meets the goals of the grant program:

Yes, Gallery one is located at 408 N Pearl St, within the Ellensburg Historic District.

Contact Person

Name: Monica Miller

Organization Representing: Gallery one

Contact Address: 408 N Pearl St

City/State/Zip: Ellensburg, WA 98926

Phone (two numbers preferred): 509-925-2670

E-mail: director@gallery-one.org

Project Cost

Amount Requested from the City: \$ 7,000

Cash Amount from Applicant: \$ 5,800

"In-Kind" Amount from Applicant: \$ 635.75

Cash from other Sources: \$

Please list other sources:

Total Project Cost: \$ 13,435.75

**City of Ellensburg Community Development Department
Historic Preservation Grants Program - Budget Plan**

1. Personnel				
Item	Total Cost	Applicant "In-Kind"	Applicant Cash	Requested Grant
Staff coordination	\$800		\$800	
Volunteer support	\$635.75	\$635.75		
Sub Total	\$	\$	\$	\$

2. Supplies/Equipment Materials				
	Total Cost	Applicant "In-Kind"	Applicant Cash	City's Cash Match
Sub Total	\$	\$	\$	\$

3. Professional Services				
Item	Total Cost	Applicant "In-Kind"	Applicant Cash	
PAINTING CONTRACTOR	\$2,000		\$5,000	
Sub Total	\$	\$	\$	\$

Project Total	Total Cost	Applicant "In-Kind"	Applicant Cash	Requested Grant
\$13435.75	\$13435.75	\$035.75	45,800	\$7000

Notification Process

Notice will be published in the Ellensburg Daily Record.

Notice will be mailed to previous applicants from the past five years.

Notice will run on the City's website (www.ci.ellensburg.wa.us).

Return completed Application to:

Jonathan Kesler, Senior Planner – Historic Preservation
City of Ellensburg Community Development Dept.
501 N. Anderson St.
Ellensburg, WA 98926

Due Date: Friday, August 30, 2019

**City of Ellensburg Community Development Department
Historic Preservation Grants Program - Work Plan**

Steps	Responsible Party	Start Date	Completion Date
Confirm dates	GI	Dec 2019 —	
Prep surface	GI	April 2020	April 2020
Paint Exterior	contractor	May 2020	May 2020

Application Supplement for the City of Ellensburg Community Development Department
Historic Preservation Grants Program

The Project:

Gallery One is requesting funds to offset the expenses of hiring a professional contractor to paint the exterior of our historic building located at 408 N Pearl St. Given its historic designation and size, the scope is beyond the means of our dedicated volunteers. We seek to maintain the Stewart Building's functionality and integrity for our visitors, young and old from near and far to meet our mission of providing access to the arts for all.

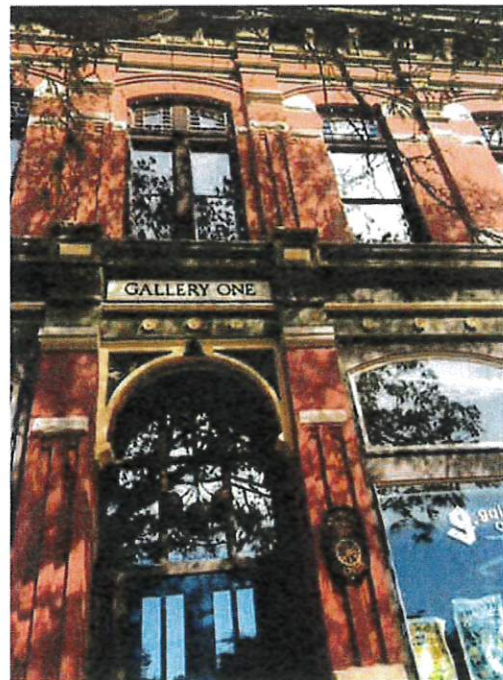
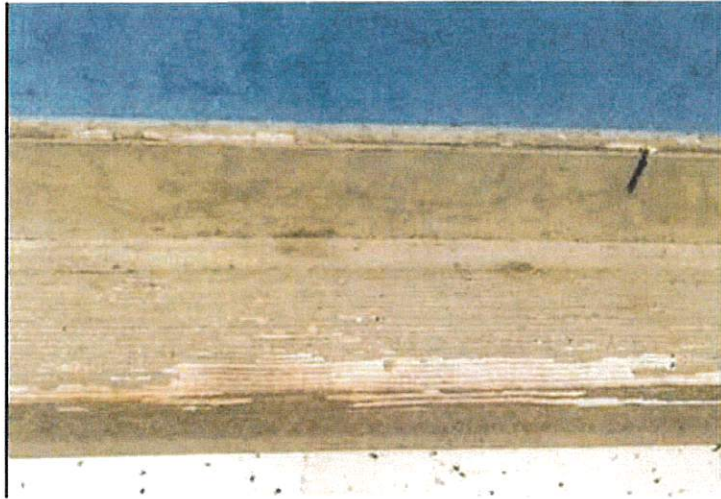
The Stewart Building:

In 1997, Gallery One purchased the Stewart Building where the organization had occupied the second floor for twenty-five years. Since purchasing the building, constructed in 1889 after the great Ellensburg fire, Gallery One has been responsible stewards of the historic building (as designated in 1977 as part of the Ellensburg Historic District). In 2001, the organization took on the renovation and preservation of this downtown gem to expand our offerings to the community. To the exterior, parapets were reinforced, the mortar was tuck-pointed and the façade was redesigned appropriate to the period of construction. To the interior, a seismic upgrade was done as well as other measures to ensure structural integrity. Plumbing and electrical systems were replaced and an elevator was added making the entire building ADA accessible. This renovation project cost near \$1,000,000,000 and was achieved with support from the Department of Commerce's Building for the Arts, Heritage Preservation program, and the National Endowment for the Arts in addition to significant community contributions. Since the renovation, Gallery One has continued to upgrade and upkeep the building through energy efficient windows on the top floor, LED lights in the entire building, as well as the replacement of the main skylight. As part of Gallery One's operations and maintenance plan as conducted by the facilities committee, we need to now upkeep the exterior of the building's paint.

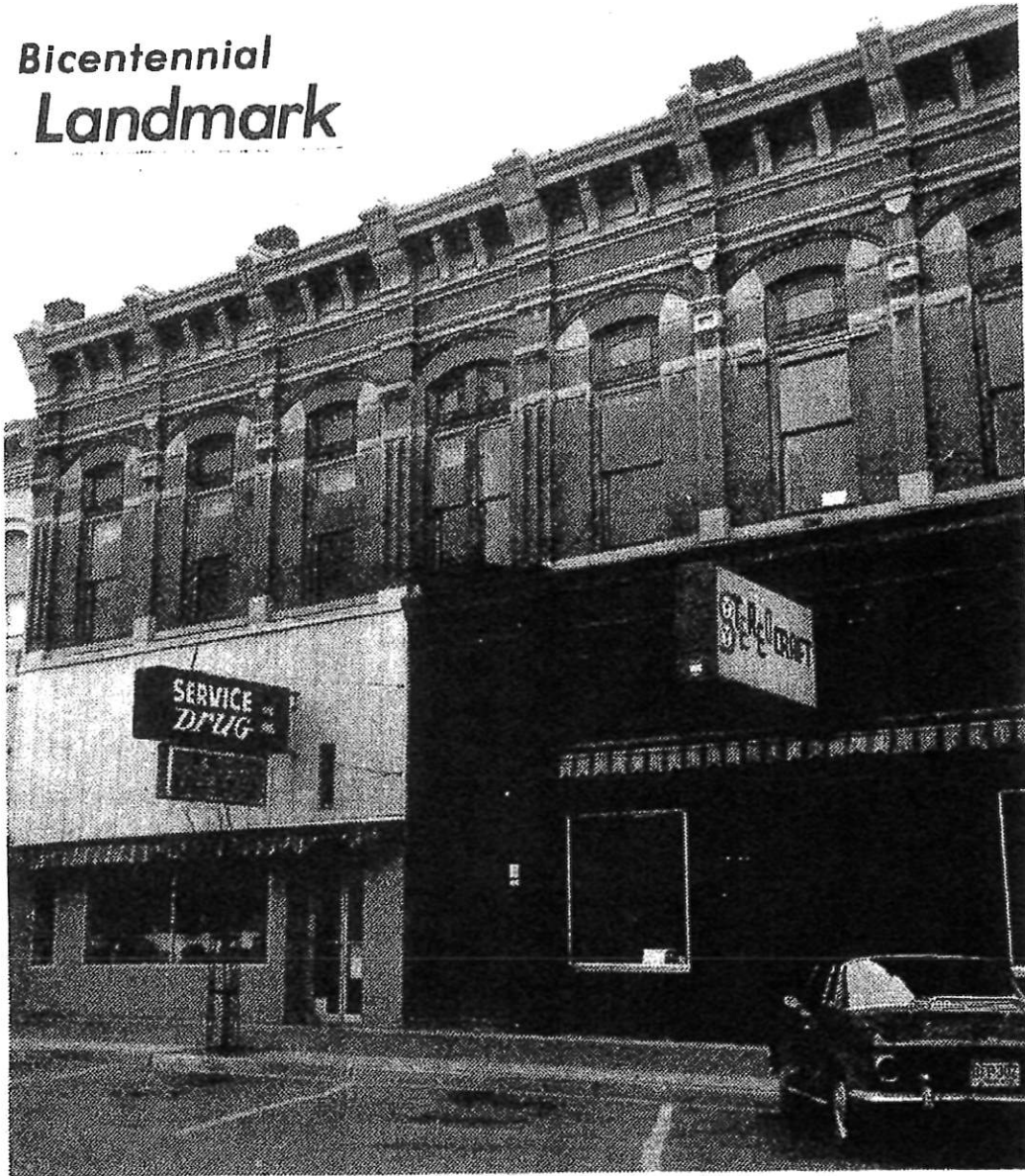
Public Benefit:

Located in the heart of downtown Washington, Gallery One serves as a resource to residents and visitors alike through community events, exhibits and classes. In addition to artwork, this well loved and used building generates friendships, economic development and community. On average 25,000 people step into the doors for weddings, art shows, to meet their neighbors and explore their creative side. We are community partners at major downtown events such as Brewfest and Jazz in the valley and have become over the past 50 years a community hub. Beyond our walls, we work with the school district to enhance arts education and run a thriving art after school program.

Photo examples of repair needed and photos of building:



Bicentennial Landmark



★ G.R. Stewart Building ★



*Ellensburg Daily Record Wednesday April 7, 1976 p 10
W.A.S.*

*Wanted photos 11-16-2001
Mary Francis Director 925-2676*

A building that had its star just before the disastrous fire of 1889 in downtown Ellensburg, is the G.R. Stewart Building, which was built by John Davidson and D.H. McFall and was known as the Davidson McFall block until the mid 1900's.

Glenn R. Stewart, who once owned the building was the last to occupy the second floor of the 60 by 80, two-story building prior to its becoming the popular Ellensburg Community Art Gallery.

The downstairs today is occupied by two retail stores - Service Drug Store and Stereocraft. The upstairs have been provided for the permanent gallery by present owners, Mr. and Mrs. Keil Williams.

According to reports in early day newspapers, J. B. Randal "an architect of the highest order," drew the plans. The ground was prepared for construction in late June of 1888 Chicago brick, said to cost ten times as much as local brick arrived the week before the July 4 holocaust. And shortly after the first the brick was used to construct the building, a reported cost of \$15,000. The brick from the Midwest was said to have cost \$85 per thousand as compared to \$8 at \$10 for local brick.

A variety of stores have been housed in the downstairs room and the second floor used as office space. Elaborate, hand-painted signs of those offices have been preserved by gallery members who renovated the area to make it one of the most talked of community galleries in the state. Those letters on office doors - Apple Beaumont Insurance; Glenn R. Stewart U.S. Fidelity and Guaranty Company - are part of the heritage maintained in the structure.



January 13, 2021

Dear Monica,

Enclosed are two copies of the Ellensburg Historic Preservation Grant Agreement for your project award for 2020 that was extended into 2021.

Please sign and date both copies and return them to my attention. Signed contracts may be mailed to Community Development, 501 N Anderson Street, Ellensburg, WA 98926 or dropped off to the Community Development Office at City Hall. Once both copies are signed by the City Manager and City Attorney, a completed agreement will be returned to you.

Also enclosed is the 2021 Grant Expense Reimbursement Form and Report. This form must be completed in full and all supporting documents submitted electronically to Hendersons@ci.ellensburg.wa.us no later than 5:00 p.m. December 17, 2021. We recommend submission within 45 days of your project completion.

If you have any questions, please feel free to email hendersons@ci.ellensburg.wa.us or call (509) 925-8608.

Sincerely,

Stacey Henderson

Stacey Henderson
Senior Planner- Historic Preservation



Ellensburg Landmarks and Design Commission

Grant Expense Reimbursement Form and Report

Due by 5:00pm, December 17, 2021

Submit all items electronically

Gallery One-Total Grant Award 2020: \$ 5,000.00

Reimbursable Expenses (include receipts):

Date	Description	Amount
TOTAL TO REIMBURSE (must be equal to or less than grant)		

Total Project Income (may include other grant, sponsorships, ticket sales): \$ _____

Total Project Expenses (include all expenses): \$ _____

What percentage of the project Budget was LDC grant funding? _____ %

How many people from Ellensburg were impacted by project? _____ Outside Ellensburg? _____

Include the following with form:

- ☐ Copies of reimbursable receipts
- ☐ One page write-up of your project to include
 - ☐ how grant was used
 - ☐ how Landmarks and Design Commission was recognized
 - ☐ how many people were impacted by project
 - ☐ project outcome
- ☐ 2-4 digital photos that are approximately 4 x 6

Project organization signature: _____ Date: _____

Make check payable to: _____

Mailing address: _____

Submit all items electronically to: hendersons@ci.ellensburg.wa.us

Questions? Email hendersons@ci.ellensburg.wa.us or call 509-925-8608

ELLENSBURG LODGE NO. 39, F. & A. M.
Post Office Box 1655
ELLENSBURG, WASHINGTON 98926-1655

June 15, 2021

Ms. Stacey Henderson
Senior Planner – Historic Preservation
City of Ellensburg
501 N. Anderson St.
Ellensburg, WA 98926

Dear Stacey,

The Ellensburg Masonic Temple Association was recently awarded a Capital Budget Request grant by the state of Washington. It includes enough funding to renovate a substantial portion of the downstairs retail spaces of the historic Masonic Temple.

The scope of the Historic Preservation grants we have been awarded by the City of Ellensburg (in 2020 for \$4,690.32, and 2021 for \$4,000.00) only provide for renovation of the front facades. If we could accomplish the work described in the city grants during the larger renovation period of the state grant, we could make better use of the city funds and end up with a better overall result. By planning the work as a single project, we could produce a more integrated design, and by sequencing the façade renovations with the interior work, we could compress the schedule, reduce contractor costs, and minimize the time the building was out of service.

We anticipate doing the larger renovation early next year, probably between February and May. We would like to ask the Landmark and Design Committee to revise the periods for our city grants to accommodate this cost saving opportunity.

Please let me know what further input you need from me to make this revision.

Thank you,



Tedd Hansen, Chair
The Ellensburg Masonic Temple Association

Attachment B- Ellensburg Masonic Temple

City of Ellensburg Landmarks and Design Commission 2021 Historic Preservation Grants Program

Introduction

The Ellensburg City Council has developed a community grants program to be administered by the Landmarks and Design Commission (LDC). This document presents the LDC's goals and guidelines for this program, called **Historic Preservation Grants**.

The Community Grants Program was developed by City Council to support community efforts to address community needs and build the capacity of the City. Each year, the City designates 0.3% of the previous year's sales tax revenue (April 1st to March 31st) to provide matching fund grants to community groups toward making improvements in the community. When the program was developed in 2015, it was anticipated that the funds available thru the program would average \$10,000 annually. Since that time, the grant awards for historic preservation have grown from \$11,140 in 2016 to \$15,310.27 for 2021. Each year, the available grant funding will vary dependent on sales tax revenue from the prior year.

Grant Program Goals

- Foster public initiative and participation in maintaining National, State, and Ellensburg registers of historic places.
- Provide assistance for renovation and rehabilitation of historic properties within the City of Ellensburg.
- Develop programs to create incentives for historic preservation and provide outreach thru education and information programs.
- Provide assistance to avoid demolition of historic properties.

Types of Projects

Based upon an analysis of the LDC's purposes as set forth in the Code and in the Comprehensive Plan goals, policies and programs, the grant program will focus on projects in the goal areas listed above. Specific examples of the types of projects are as follows:

Attachment B- Ellensburg Masonic Temple

- Construction projects aimed at preserving, rehabilitating, or restoring the exterior character-defining features of structures designated as historic (or located within an historic district), or aimed at maintaining the structural integrity of a historic structure.
- Conduct surveys of historic properties to identify properties or districts with potential for listing on the Ellensburg Landmarks Register.
- Support installation of interpretive signs
- Move endangered register-eligible properties

Program Guidelines

Eligible Applicants: Owners of historic buildings, non-profit organizations, civic groups, neighborhood groups. Partnerships among individuals and/or groups will also be considered.

Eligible Sites: Non-governmental properties within the City limits. Brick and mortar projects will only be awarded to properties that are currently listed as an individual landmark, or which are within the boundaries of an Ellensburg Landmarks District, or National Register District. Other sites within the City of Ellensburg may be considered if the purpose of the grant is to survey a property seeking historic designation.

Eligible Expenses: Personnel, professional services, supplies and materials, construction costs, lodging and mileage.

Match: Matching funds are encouraged but not required for this program. If applications score similarly, preference may be given to a project proposing matching funds. The following items count as matching funds: cash, volunteer hours, and donated materials, equipment use, or professional services. Donated professional Services will be valued at the “reasonable and customary” rate. The applicant may NOT use City Staff time as a match. Any anticipated work performed by City employees of the project must be included in the total funding being requested.

Project Timeline

Application Due Dates: Applications must be submitted by **Monday, August 31, 2020**. Applications shall be submitted in person to the **Community Development Dept., City**

Attachment B- Ellensburg Masonic Temple

Hall, 501 N. Anderson St, Ellensburg, WA 98926 or by email: hendersons@ci.ellensburg.wa.us

Award Decisions: The Landmarks and Design Commission reviews all requests for Historic Preservation Grants at its first October meeting (the first Tuesday) and makes a recommendation to City Council. Grant awards to applicants who have received grant awards in the past will be considered, but may be given lower priority, depending on the number of requests received in any given year. Final award decisions will be made by the City Council at a regularly scheduled November Council meeting.

Project Time Limit: Projects will be awarded every year, and recipients have up to two years to complete the project.

Application Process

Project Applications: Applications must be made either on paper or electronically on forms provided by the Community Development Department. Physical address and email for obtaining forms is **Community Development Dept., City Hall, 501 N. Anderson St, Ellensburg, WA 98926**. Applications will be reviewed by City staff to determine eligibility. Only those applications that meet the grant requirements will be forwarded to the Landmarks and Design Commission for consideration.

Project Description: Please provide a detailed description of the project, including purpose, project approach, location, applicant's contact information, a summary of project costs and how the project meets the grant program goals.

Work Plan: List in chronological order the specific steps you will take to complete this project. Next to each step, identify who will be responsible for the activity and the estimated date of completion.

Budget Plan: List each resource and quantity needed to complete your project. Calculate the total cost for each resource, including tax. Next, break down the total cost of each resource by how much is applicant in-kind, applicant cash, and how much of the City's funds you will spend on this resource. Volunteer labor is valued at the standard IRS hourly rate, equipment use donations are valued at the hourly rate the equipment would be rented for and donated professional services are valued at the "reasonable and customary" rate for the services.

Attachment B- Ellensburg Masonic Temple

Review Process

Written applications are due to the Department by **August 31st** and will be reviewed by the Historic Preservation planner to determine eligibility. All eligible projects will be forwarded to the Landmarks and Design Commission and scored using the rating form included in the application packet. Projects meeting the eligibility requirements will be moved forward in the review process, and will be expected to give an oral presentation to the Commission.

Applicants chosen must present their projects to the Landmarks and Design Commission (LDC) at its regularly scheduled October meeting on the first Tuesday. In the presentation, it will be necessary to give an overview of the project and explain how it addresses the LDC's purposes and the City's Comprehensive Plan goals, policies and programs as outlined in the application packet. The Comprehensive Plan itself is available on the City's website, with the Historic Preservation Chapter found here: <https://www.ci.ellensburg.wa.us/DocumentCenter/View/10355/Historic-Preservation?bidId=>.

The LDC will make a funding recommendation to the City Council. The application becomes invalid if the applicant or designated representative is not present at the Commission meeting to present the project. Applicants may be asked to present their projects again to the City Council.

The City reserves the right to not expend all the funds available in this program per applicable laws and policies.

Reporting Requirements and Accountability

A contract, if awarded, will be executed to outline the specific conditions of the project. All successful applicants are required to submit a mid-project report by August 15, and a final project report to the LDC by October 31, 2021. These reports should reflect the work described in the applicant's initial grant application, any diversions from the original project, lessons learned, and show photographs of the work completed. Reporting and any request for reimbursement must include all receipts of expenditure, timesheets, volunteer sign in, and all other supporting documents that pertain to reimbursement requests.

**City of Ellensburg Community Development Department
2021 Historic Preservation Grants Program**

Attachment B- Ellensburg Masonic Temple

Project Description

Project Information (Attach additional sheets as needed)

Description of the project (please be as detailed as possible). A separate page may be attached to provide a more in-depth narrative:

Please see attached page titled Exhibit A

Does this project involve a property listed on the Ellensburg Landmarks Register? If not, please specify if the subject property is proposed for nomination. If the property is not listed on the Ellensburg Landmarks Register, please describe how the project meets the goals of the grant program:

Yes, the Ellensburg Masonic Temple is a contributing member of the Downtown Historic District.

Contact Person

Name: Tedd Hansen

Organization Representing: Ellensburg Masonic Temple Association

Contact Address: P.O. Box 1655

City/State/Zip: Ellensburg, WA 98926

Phone **(two numbers preferred)**: (509) 962-8245, (509) 859-2067

E-mail: mrtedd@fairpoint.net

Project Cost

Amount Requested from the City: \$15,000

Cash Amount from Applicant: \$2,000

"In-Kind" Amount from Applicant: \$4,000

Cash from other Sources: \$14,000

Please list other sources: 2020 Historic Preservation Grant (\$4,690) & Loan from the Grand Lodge of Washington (\$9,310)

Total Project Cost: \$35,000

Attachment B- Ellensburg Masonic Temple

Return completed Application to:

Stacey Henderson, Senior Planner – Historic Preservation
City of Ellensburg Community Development Dept. 501 N.
Anderson St. Ellensburg, WA 98926
hendersons@ci.ellensburg.wa.us

Due Date: Monday, August 31, 2020

City of Ellensburg Community Development Department Historic Preservation Grants Program - Work Plan

Steps	Responsible Party	Start Date	Completion Date
Survey Doors & Locks and Plan Repair or Replacement	Ellensburg Masonic Temple Assn. & Consultants	Feb.1, 2021	March 15, 2021
Survey Woodwork & Windows and Plan Repair or Replacement	Ellensburg Masonic Temple Assn. & Consultants	Feb. 1, 2021	March 15, 2021
Plan ADA Accommodations and Options	Ellensburg Masonic Temple Assn. & Consultants	Feb. 1, 2021	March 15, 2021
Repair/Replace Doors & Locks	Joinery, Carpentry, Locksmith Contractors	April 1, 2021	May 15, 2021
Repair/Replace Woodwork & Windows	Joinery, Carpentry, Contractors	June 1, 2021	Sept. 1, 2021
Install ADA Access Accommodations	Ramp & Rail Contractors	Oct. 1, 2021	Nov. 1, 2021

Attachment B- Ellensburg Masonic Temple

City of Ellensburg Community Development Department Historic Preservation Grants Program - Budget Plan

1. Personnel				
Item	Total Cost	Applicant "In-Kind"	Applicant Cash	Requested Grant
Consultants	\$2,000	\$2,000	\$0	\$0
Volunteer Labor	\$2,000	\$2,000	\$0	\$0
Sub Total	\$4,000	\$4,000	\$0	\$0
2. Supplies/Equipment Materials				
	Total Cost	Applicant "In-Kind"	Applicant Cash	City's Cash Match
Doors (2)	\$2,000	\$0	\$2,000	\$0
Locksets (2)	\$1,000	\$0	\$1,000	\$0
ADA Ramps & Rails (2)	\$4,000	\$0	\$4,000	\$0
Lumber	\$1,200	\$0	\$1,200	\$0
Finishing Materials	\$800	\$0	\$800	\$0
Sub Total	\$9,000	\$0	\$9,000	\$0
3. Professional Services				
Item	Total Cost	Applicant "In-Kind"	Applicant Cash	Grant Requested
Carpentry/Joinery	\$20,300	\$0	\$7,000	\$13,300
Locksmith	\$500	\$0	\$0	\$500
Ramp/Rail Install	\$1200	\$0	\$0	\$1200
Sub Total	\$22,000	\$0	\$7,000	\$15,000
Project Total	Total Cost	Applicant "In Kind"	Applicant Cash	Requested Grant
	\$35,000	\$4,000	\$16,000	\$15,000

Attachment B- Ellensburg Masonic Temple

Notification Process

Notice will be published in the Ellensburg Daily Record.

Notice will be mailed to previous applicants from the past five years.

Notice will run on the City's website (www.ci.ellensburg.wa.us).

Attachment B- Ellensburg Masonic Temple

Exhibit A

Project Information

The Ellensburg Masonic Temple Association is repairing and restoring the woodwork, doors, and windows on the lower half of the Temple's south facade which comprise its storefronts and main entrance from Sixth Avenue. Our goal is to enhance the building's historic character as viewed from the street and encourage people to enter the retail stores to explore their fascinating interiors and patronize the businesses housed therein. The storefronts also need to be made ADA compliant. Preliminary investigations have revealed that rot is present in some of the wood surrounding the windows. Also, the locks in the doors have been replaced so many times, the entire door may need to be rebuilt or replaced. Framing for the false ceilings that have been added over the years show through the front windows and detract from the Temple's historic character. The photos on the following pages depict many of the areas that will need to be addressed.

Our planning indicates this project will cost approximately \$35,000. Last year we received a Historic Preservation Grant in the amount of \$4,690. At the time of writing, we have not received this award yet, but when it is distributed, we will add it to the funds requested in this grant to accomplish this work.

The work will be accomplished in two phases. We will first conduct a detailed analysis of the wood, glass, and hardware involved to determine its condition and then make decisions concerning the best course of action. To make these decisions, we will draw upon several relationships established in past projects, including The Washington Trust for Historic Preservation, The Washington State Department of Archeology and Historic Preservation, and Artifacts Consulting, Inc, a firm that performed a detailed condition assessment of the Temple in April of 2016. In all cases, work will be performed in compliance with U.S. Department of the Interior's Technical Preservation Brief #11, Rehabilitating Historic Storefronts.

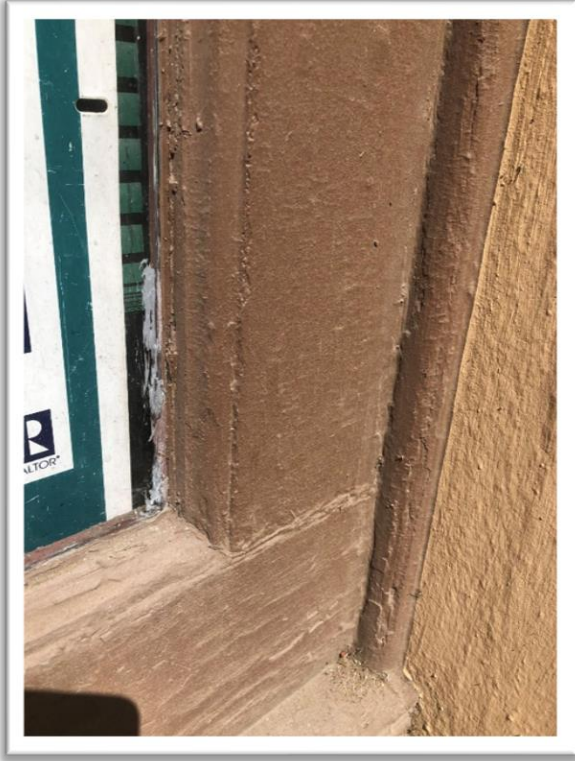
Once decisions are made concerning methods, we will hire local contractors to accomplish the work. In the past we have worked successfully with George Bottcher of Earth Contracting. We will also employ a local locksmith and joinery contractor for the more specialized work involving the Temple's doors and windows.

The Ellensburg Masonic Lodge is dedicated to the preservation of the Ellensburg Masonic Temple as the only building in the Downtown Historic District erected in the aftermath of the great fire of 1889 that is still owned by the organization that built it, and is still serving the purpose for which it was built. When complete, this project will preserve its unique and irreplaceable history for generations to come.

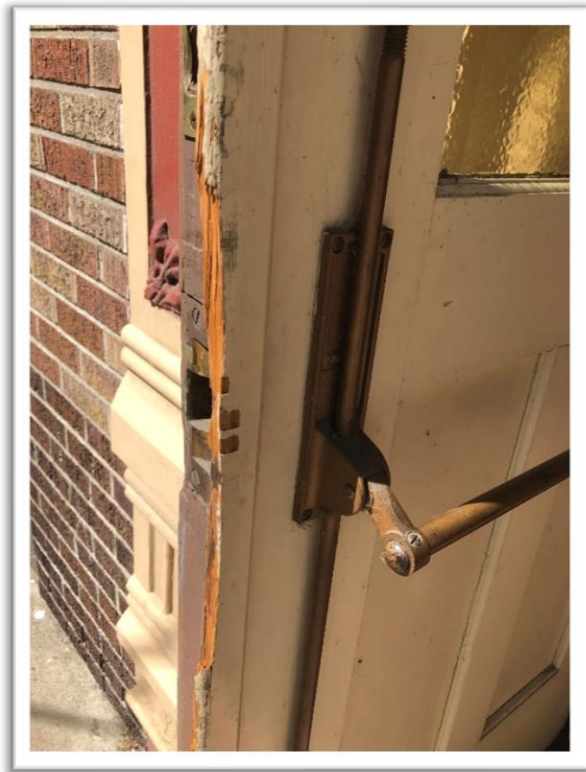
Attachment B- Ellensburg Masonic Temple



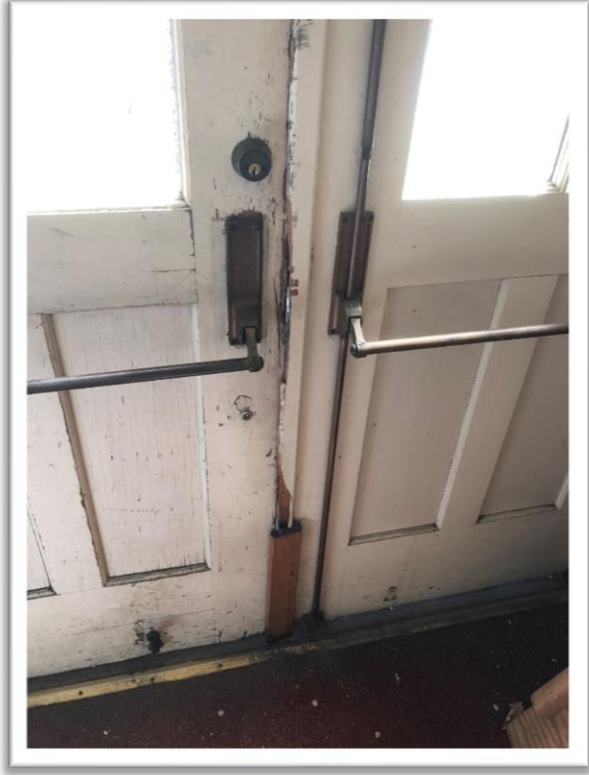
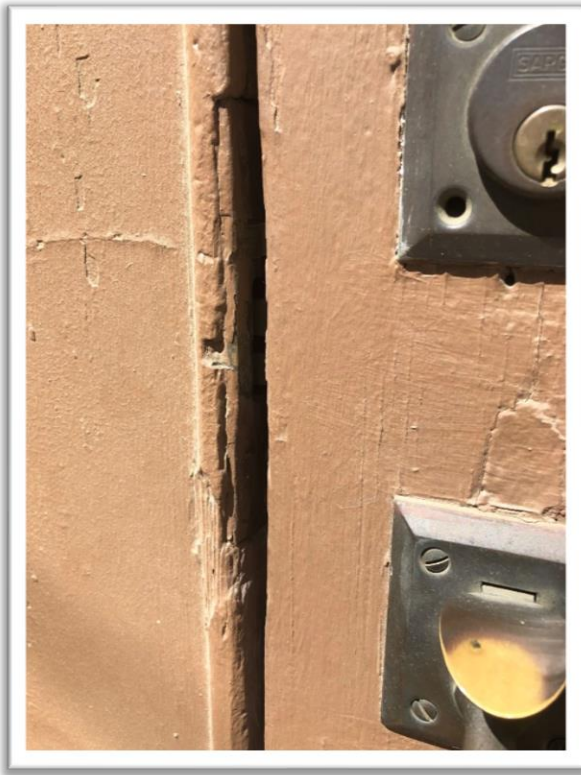
Attachment B- Ellensburg Masonic Temple



Attachment B- Ellensburg Masonic Temple



Attachment B- Ellensburg Masonic Temple



Attachment B- Ellensburg Masonic Temple

Landmarks and Design Commission Purposes	Comprehensive Plan Goals/Policies/Programs
Create and maintain landmark registers	
Historic resource inventory	HP-1 A1
Ellensburg landmarks register	HP-1 A1, HP-2 A7
Review citizen nominations to ELR	HP-1 A1
Submit nominations to WA & National Registers	HP-1 A1, A2
Review proposals to alter (including signage) or demolish landmarks	
Adopt standards to guide review & COA issuance	HP-1 A2, A4, HP-2 A8, HP-3 B1
Advise DCD on development proposals affecting historic resources	HP-2 A6, A8
Compile resources to assist in avoiding demolition	HP-1 A4, HP-2 A1, A4, A9, HP-4 A1
Consider proposing a property maintenance ordinance	HP-1 A3
Create incentives for historic preservation	
Develop incentive programs for reuse and redevelopment	HP-2 A1, A2, A3, HP-3 A1, HP-4 A1, A2
Investigate funding sources for preservation & heritage tourism	HP-2 A2, A3, HP-5 A1
Review requests for special valuation of historic properties	HP-2 A2
Outreach and advice	
Advise Council on city activities affecting historic resources	HP-2 A6, A9
Advise Council generally on historic preservation & heritage tourism	HP-3 B3, HP-5 B1
Establish relationships with nonprofits & other governments	HP-2 A5, HP-4 A1, HP-5 A1
Provide info to historic property owners on maintenance & rehab.	HP-1, A5, B1, B2, HP-2 A8, HP-3 A2,B1
Conduct educational and interpretive programs	HP-1 A5, B2, B3, HP-2 A5

GRANT AGREEMENT BETWEEN THE CITY OF ELLENSBURG AND
THE ELLENSBURG MASONIC TEMPLE

THIS AGREEMENT, dated this 30TH day JANUARY, 2021, is entered into between the City of Ellensburg ("City"), a municipal corporation, and the Ellensburg Masonic Temple Association ("Grantee"), a 501(C)(10) not-for-profit organization, to repair the woodwork, doors, and windows of the storefronts of this 1890 Queen Anne-style Masonic Temple addressed as 111 West Sixth Avenue.

WHEREAS, Grantee's mission states that "Masonry is the world's first and largest fraternal organization and is based on the belief that each man has a responsibility to help make the world a better place; freemasonry enhances and strengthens the character of the individual man by providing opportunities for fellowship, charity, and education; through our culture of philanthropy, we make a profound difference for our brothers, our families, our communities, and our future", and

WHEREAS, the Grantee's grant application was duly reviewed by the LDC, who voted on October 1, 2019 to recommend approval of an award for the Grantee's project, which was approved by the Ellensburg City Council on November 18, 2019;

WHEREAS, in response to the challenges and delays to projects that resulted from the COVID-19 pandemic, on August 17, 2021, City Council authorized the 2020 grants to carry forward into 2021.

NOW, THEREFORE, in consideration of the terms and conditions contained herein, the City and the Grantee mutually agree as follows:

1. Scope of Work:

- A. Grantee shall provide the project scope of work described in the Landmarks and Design Commission Funding Request application ("Grant Application") that was submitted on August 28, 2019 and is attached hereto as Exhibit "A".
- B. Grantee shall commence and complete the project/work as described in the Grant Application within the 2020-2021 fiscal years, beginning on or after January 1, 2020 and ending on or before December 17, 2021.
- C. Grantee shall, by December 17, 2021, provide the City Manager or Landmarks and Design Commission with a written report which includes an itemization of its overall program revenues and expenditures (year to date), an accounting of its expenditure of funds paid or to be paid under the terms of this agreement, as well a description of the impact the grant made on the repair to the façade woodwork of the 1890 Queen Anne-style Masonic Temple.

2. Payment

- A. In consideration of the repairs to the woodwork, doors, and windows of the storefronts of this 1890 Queen Anne-style Masonic Temple addressed as 111 West Sixth Avenue, the City will pay Grantee the sum of four thousand six hundred ninety dollars and thirty-two cents (\$4,690.32) to be expended in support of those services beginning January 1, 2020 and ending December 17, 2021.
- B. Grantee shall procure and maintain for the duration of this agreement, liability insurance against claims for injuries to persons or damage to property which may arise from or in connection with Grantee's services and shall, upon the City's request, provide proof of such insurance to the City Clerk.

3. Termination

The City may, by written notice thereof to Grantee, terminate this Agreement as to all or any portion of the services/project not then performed, whether or not Grantee is in breach or default. In the event the City terminates the services/project of the Grantee being funded by Agreement, the Grantee is obligated and hereby agrees to repay to the City all monies paid for such services/project components not yet rendered by the Grantee as of the date of the notice of termination.

4. Miscellaneous

- A. Grantee shall indemnify, defend and hold harmless the City of Ellensburg, and its officers, agents and employees from and against any and all claims, actions, suits at law or equity, liability, loss, costs, expenses or damages of any nature or kind whatsoever (including but not limited to reasonable attorneys fees and litigation costs), brought against the City of Ellensburg, its officers, agents and/or employees, arising out of, or in connection with, or incident to, the execution of this agreement and/or the performance or failure to perform any aspect of this agreement, except for any claims arising from the sole negligence of the City of Ellensburg, its officers, agents or employees.
- B. Grantee shall procure and maintain for the duration of this agreement, liability insurance against claims for injuries to persons or damage to property which may arise from or in connection with the work being performed under the Scope of Work by Grantee or Grantee's contractors, subcontractors or agents and shall, upon the City's request, provide proof of such insurance to the City Clerk.
- C. Grantee agrees to maintain books, records and documents using accounting procedures which accurately reflect all payments received and expenditures made related to the performance of services under this agreement. Grantee's fiscal management system shall include the capability to provide accurate and complete disclosure of all such

payments and expenditures, and upon reasonable notice, the City may examine Grantee's books and records to verify the accuracy of same.

- D. No agent, employee or representative of Grantee shall be deemed to be an agent, employee or representative of the City for any purpose. In its performance of services hereunder, Grantee is an independent contractor with the authority to control and direct the performance of the details of the services/project.
- E. This agreement cannot be assigned, transferred or any portion subcontracted by either party hereto without the prior written consent of the other party.
- F. Grantee, in its performance of this agreement, agrees to comply with all applicable local, State, and Federal laws and ordinances.
- G. This agreement is the complete expression of the terms herein and any oral representations or understandings not incorporated herein are excluded. This agreement may be amended only through mutual written agreement of the parties.
- H. The exclusive venue for any action brought to enforce this Agreement or any of its terms shall be in Kittitas County, State of Washington.

ELLENSBURG MASONIC TEMPLE
ASSOCIATION, GRANTEE

By:



Print name:

Title:

CHAIR

THE CITY OF ELLENSBURG

By:

John Akers, City Manager

Approved as to form:

City Attorney

**City of Ellensburg Community Development Department
Historic Preservation Grants Program
Project Description**

Project Information (Attach additional sheets as needed)

Description of the project (please be as detailed as possible). A separate page may be attached to provide a more in-depth narrative:

In 2016, the Ellensburg Masonic Temple Association repainted the front facade of the historic Ellensburg Masonic Temple. At that time we lacked the funding to also restore and repair the woodwork, doors, and windows on the lower half of the facade that comprise the Temple's storefronts. These storefronts are significant elements of the building's historic character, inviting the public in to explore its fascinating interior. This grant will enable us to restore the Temple's storefronts and complete our renovation of its street appearance.

Does this project involve a property listed on the Ellensburg Landmarks Register? If not, please specify if the subject property is proposed for nomination. If the property is not listed on the Ellensburg Landmarks Register, please describe how the project meets the goals of the grant program:

The Ellensburg Masonic Temple is a contributing member of the Downtown Historic District.

Contact Person

Name: TEDD HANSEN

Organization Representing: ELLENSBURG MASONIC TEMPLE ASSOCIATION

Contact Address: P.O. Box 1655

City/State/Zip: ELLENSBURG, WA 98926

Phone (two numbers preferred): (509) 962-8245 (509) 859-2067

E-mail: MRTEDD@FAIRPOINT.NET

Project Cost

Amount Requested from the City: \$ 9,000

Cash Amount from Applicant: \$ 2,000

"In-Kind" Amount from Applicant: \$ 4,000

Cash from other Sources: \$ Ø

Please list other sources:

Total Project Cost: \$ 15,000

Jonathan Kesler, Senior Planner – Historic Preservation
City of Ellensburg Community Development Dept.
501 N. Anderson St.
Ellensburg, WA 98926

**City of Ellensburg Community Development Department
Historic Preservation Grants Program - Work Plan**

Page 6 of 9

**City of Ellensburg Community Development Department
Historic Preservation Grants Program - Budget Plan**

1. Personnel				
Item	Total Cost	Applicant "In-Kind"	Applicant Cash	Requested Grant
VOLUNTEER LABOR	\$ 4,000	\$ 4,000		
Sub Total	\$ 4,000	\$ 4,000	\$	\$

2. Supplies/Equipment Materials				
	Total Cost	Applicant "In-Kind"	Applicant Cash	City's Cash Match
WOOD	\$ 500		\$ 500	
PAINT	\$ 200		\$ 200	
HARDWARE	\$ 300		\$ 300	
Sub Total	\$ 1,000	\$	\$ 1,000	\$

3. Professional Services				
Item	Total Cost	Applicant "In-Kind"	Applicant Cash	
CONTRACTOR	\$ 10,000		\$ 1,000	\$ 9,000
Sub Total	\$ 10,000	\$	\$ 1,000	\$ 9,000

Project Total	Total Cost	Applicant "In-Kind"	Applicant Cash	Requested Grant
	\$ 15,000	\$ 4,000	\$ 2000	\$ 9,000

Notification Process

Notice will be published in the Ellensburg Daily Record.

Notice will be mailed to previous applicants from the past five years.

Notice will run on the City's website (www.ci.ellensburg.wa.us).

Landmarks and Design Commission Purposes

Comprehensive Plan Goals/Policies/Programs

Create and maintain landmark registers

- Historic resource inventory
- Ellensburg landmarks register
- Review citizen nominations to ELR
- Submit nominations to WA & National Registers

HP-1 A1
HP-1 A1, HP-2 A7
HP-1 A1
HP-1 A1, A2

Review proposals to alter (including signage) or demolish landmarks

- Adopt standards to guide review & COA issuance
- Advise DCD on development proposals affecting historic resources
- Compile resources to assist in avoiding demolition
- Consider proposing a property maintenance ordinance

HP-1 A2, A4, HP-2 A8, HP-3 B1
HP-2 A6, A8
HP-1 A4, HP-2 A1, A4, A9, HP-4 A1
HP-1 A3

Create incentives for historic preservation

- Develop incentive programs for reuse and redevelopment
- Investigate funding sources for preservation & heritage tourism
- Review requests for special valuation of historic properties

HP-2 A1, A2, A3, HP-3 A1, HP-4 A1, A2
HP-2 A2, A3, HP-5 A1
HP-2 A2

Outreach and advice

- Advise Council on city activities affecting historic resources
- Advise Council generally on historic preservation & heritage tourism
- Establish relationships with nonprofits & other governments
- Provide info to historic property owners on maintenance & rehab.
- Conduct educational and interpretive programs

HP-2 A6, A9
HP-3 B3, HP-5 B1
HP-2 A5, HP-4 A1, HP-5 A1
HP-1, A5, B1, B2, HP-2 A8, HP-3 A2, B1
HP-1 A5, B2, B3, HP-2 A5

GRANT AGREEMENT BETWEEN THE CITY OF ELLENSBURG AND
THE ELLENSBURG MASONIC TEMPLE

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WHEREAS, Grantee's mission states that "Masonry is the world's first and largest fraternal organization and is based on the belief that each man has a responsibility to help make the world a better place; freemasonry enhances and strengthens the character of the individual man by providing opportunities for fellowship, charity, and education; through our culture of philanthropy, we make a profound difference for our brothers, our families, our communities, and our future", and

WHEREAS, the Grantee's grant application was duly reviewed by the LDC, who voted on October 20, 2020 to recommend approval of an award for the Grantee's project, which was approved by the Ellensburg City Council on November 16, 2020;

NOW, THEREFORE, in consideration of the terms and conditions contained herein, the City and the Grantee mutually agree as follows:

1. Scope of Work:

- A. Grantee shall provide the project scope of work described in the Landmarks and Design Commission Funding Request application ("Grant Application") that was submitted on August 28, 2020 and is attached hereto as Exhibit "A".
- B. Grantee shall commence and complete the project/work as described in the Grant Application within the 2021 fiscal year, beginning on or after January 1, 2021 and ending on or before December 17, 2021.
- C. Grantee shall, by December 17, 2021, provide the City Manager or Landmarks and Design Commission with a written report which includes an itemization of its overall program revenues and expenditures (year to date), an accounting of its expenditure of funds paid or to be paid under the terms of this agreement, as well a description of the impact the grant made on the repair to the façade woodwork of the 1890 Queen Anne-style Masonic Temple.

2. Payment

- A. In consideration of the repairs to the woodwork, doors, and windows of the storefronts of this 1890 Queen Anne-style Masonic Temple addressed as 111 West Sixth Avenue, the City will pay Grantee the sum of four

thousand dollars (\$4,000.00) to be expended in support of those services beginning January 1, 2021 and ending December 17, 2021.

- B. Grantee shall procure and maintain for the duration of this agreement, liability insurance against claims for injuries to persons or damage to property which may arise from or in connection with Grantee's services and shall, upon the City's request, provide proof of such insurance to the City Clerk.

3. Termination

The City may, by written notice thereof to Grantee, terminate this Agreement as to all or any portion of the services/project not then performed, whether or not Grantee is in breach or default. In the event the City terminates the services/project of the Grantee being funded by Agreement, the Grantee is obligated and hereby agrees to repay to the City all monies paid for such services/project components not yet rendered by the Grantee as of the date of the notice of termination.

4. Miscellaneous

- A. Grantee shall indemnify, defend and hold harmless the City of Ellensburg, and its officers, agents and employees from and against any and all claims, actions, suits at law or equity, liability, loss, costs, expenses or damages of any nature or kind whatsoever (including but not limited to reasonable attorneys fees and litigation costs), brought against the City of Ellensburg, its officers, agents and/or employees, arising out of, or in connection with, or incident to, the execution of this agreement and/or the performance or failure to perform any aspect of this agreement, except for any claims arising from the sole negligence of the City of Ellensburg, its officers, agents or employees.
- B. Grantee shall procure and maintain for the duration of this agreement, liability insurance against claims for injuries to persons or damage to property which may arise from or in connection with the work being performed under the Scope of Work by Grantee or Grantee's contractors, subcontractors or agents and shall, upon the City's request, provide proof of such insurance to the City Clerk.
- C. Grantee agrees to maintain books, records and documents using accounting procedures which accurately reflect all payments received and expenditures made related to the performance of services under this agreement. Grantee's fiscal management system shall include the capability to provide accurate and complete disclosure of all such payments and expenditures, and upon reasonable notice, the City may examine Grantee's books and records to verify the accuracy of same.

- D. No agent, employee or representative of Grantee shall be deemed to be an agent, employee or representative of the City for any purpose. In its performance of services hereunder, Grantee is an independent contractor with the authority to control and direct the performance of the details of the services/project.
- E. This agreement cannot be assigned, transferred or any portion subcontracted by either party hereto without the prior written consent of the other party.
- F. Grantee, in its performance of this agreement, agrees to comply with all applicable local, State, and Federal laws and ordinances.
- G. This agreement is the complete expression of the terms herein and any oral representations or understandings not incorporated herein are excluded. This agreement may be amended only through mutual written agreement of the parties.
- H. The exclusive venue for any action brought to enforce this Agreement or any of its terms shall be in Kittitas County, State of Washington.

ELLENSBURG MASONIC TEMPLE
ASSOCIATION, GRANTEE

By:



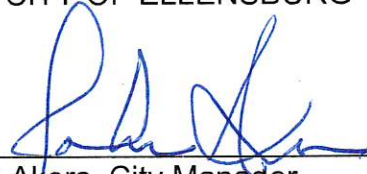
TEDD HANSEN

Print name:

Title: CHAIR

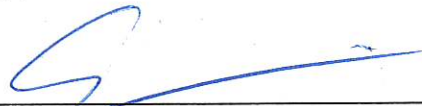
THE CITY OF ELLENSBURG

By:



John Akers, City Manager

Approved as to form:



City Attorney

Project Description

Project Information (Attach additional sheets as needed)

Description of the project (please be as detailed as possible). A separate page may be attached to provide a more in-depth narrative:

Please see attached page titled Exhibit A

Does this project involve a property listed on the Ellensburg Landmarks Register? If not, please specify if the subject property is proposed for nomination. If the property is not listed on the Ellensburg Landmarks Register, please describe how the project meets the goals of the grant program:

Yes, the Ellensburg Masonic Temple is a contributing member of the Downtown Historic District.

Contact Person

Name: Tedd Hansen

Organization Representing: Ellensburg Masonic Temple Association

Contact Address: P.O. Box 1655

City/State/Zip: Ellensburg, WA 98926

Phone **(two numbers preferred)**: (509) 962-8245, (509) 859-2067

E-mail: mrtedd@fairpoint.net

Project Cost

Amount Requested from the City: \$15,000

Cash Amount from Applicant: \$2,000

"In-Kind" Amount from Applicant: \$4,000

Cash from other Sources: \$14,000

Please list other sources: 2020 Historic Preservation Grant (\$4,690) & Loan from the Grand Lodge of Washington (\$9,310)

Total Project Cost: \$35,000

Return completed Application to:

Stacey Henderson, Senior Planner – Historic Preservation
City of Ellensburg Community Development Dept. 501 N.
Anderson St. Ellensburg, WA 98926
hendersons@ci.ellensburg.wa.us

Due Date: Monday, August 31, 2020

**City of Ellensburg Community Development Department
Historic Preservation Grants Program - Work Plan**

Steps	Responsible Party	Start Date	Completion Date
Survey Doors & Locks and Plan Repair or Replacement	Ellensburg Masonic Temple Assn. & Consultants	Feb.1, 2021	March 15, 2021
Survey Woodwork & Windows and Plan Repair or Replacement	Ellensburg Masonic Temple Assn. & Consultants	Feb. 1, 2021	March 15, 2021
Plan ADA Accommodations and Options	Ellensburg Masonic Temple Assn. & Consultants	Feb. 1, 2021	March 15, 2021
Repair/Replace Doors & Locks	Joinery, Carpentry, Locksmith Contractors	April 1, 2021	May 15, 2021
Repair/Replace Woodwork & Windows	Joinery, Carpentry, Contractors	June 1, 2021	Sept. 1, 2021
Install ADA Access Accommodations	Ramp & Rail Contractors	Oct. 1, 2021	Nov. 1, 2021

**City of Ellensburg Community Development Department
Historic Preservation Grants Program - Budget Plan**

1. Personnel				
Item	Total Cost	Applicant "In-Kind"	Applicant Cash	Requested Grant
Consultants	\$2,000	\$2,000	\$0	\$0
Volunteer Labor	\$2,000	\$2,000	\$0	\$0
Sub Total	\$4,000	\$4,000	\$0	\$0
2. Supplies/Equipment Materials				
	Total Cost	Applicant "In-Kind"	Applicant Cash	City's Cash Match
Doors (2)	\$2,000	\$0	\$2,000	\$0
Locksets (2)	\$1,000	\$0	\$1,000	\$0
ADA Ramps & Rails (2)	\$4,000	\$0	\$4,000	\$0
Lumber	\$1,200	\$0	\$1,200	\$0
Finishing Materials	\$800	\$0	\$800	\$0
Sub Total	\$9,000	\$0	\$9,000	\$0
3. Professional Services				
Item	Total Cost	Applicant "In-Kind"	Applicant Cash	Grant Requested
Carpentry/Joinery	\$20,300	\$0	\$7,000	\$13,300
Locksmith	\$500	\$0	\$0	\$500
Ramp/Rail Install	\$1200	\$0	\$0	\$1200
Sub Total	\$22,000	\$0	\$7,000	\$15,000
Project Total	Total Cost	Applicant "In Kind"	Applicant Cash	Requested Grant
	\$35,000	\$4,000	\$16,000	\$15,000

Notification Process

Notice will be published in the Ellensburg Daily Record.

Notice will be mailed to previous applicants from the past five years.

Notice will run on the City's website (www.ci.ellensburg.wa.us).

Exhibit A

Project Information

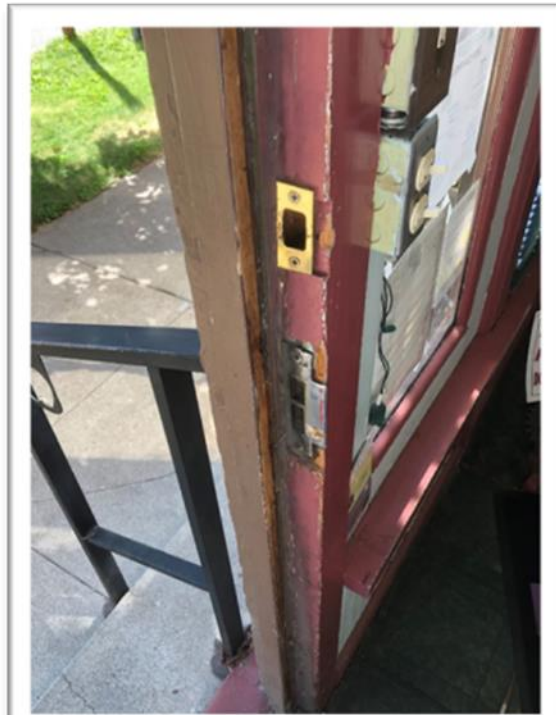
The Ellensburg Masonic Temple Association is repairing and restoring the woodwork, doors, and windows on the lower half of the Temple's south facade which comprise its storefronts and main entrance from Sixth Avenue. Our goal is to enhance the building's historic character as viewed from the street and encourage people to enter the retail stores to explore their fascinating interiors and patronize the businesses housed therein. The storefronts also need to be made ADA compliant. Preliminary investigations have revealed that rot is present in some of the wood surrounding the windows. Also, the locks in the doors have been replaced so many times, the entire door may need to be rebuilt or replaced. Framing for the false ceilings that have been added over the years show through the front windows and detract from the Temple's historic character. The photos on the following pages depict many of the areas that will need to be addressed.

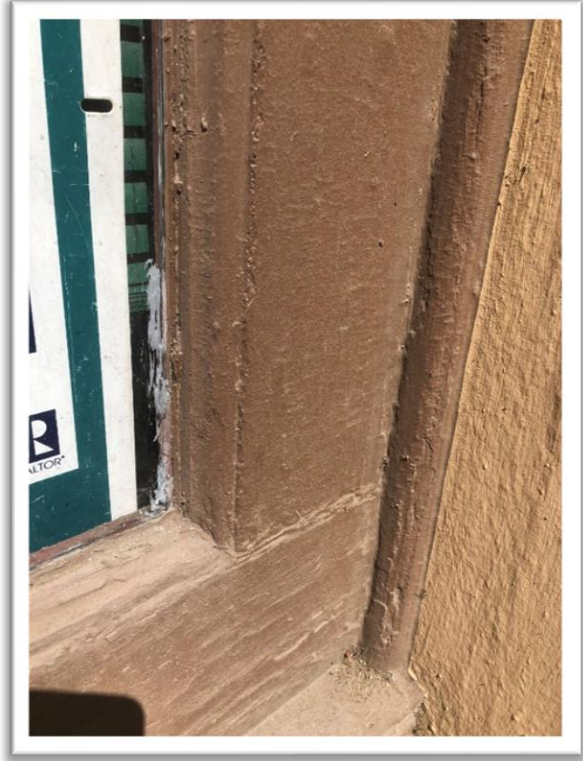
Our planning indicates this project will cost approximately \$35,000. Last year we received a Historic Preservation Grant in the amount of \$4,690. At the time of writing, we have not received this award yet, but when it is distributed, we will add it to the funds requested in this grant to accomplish this work.

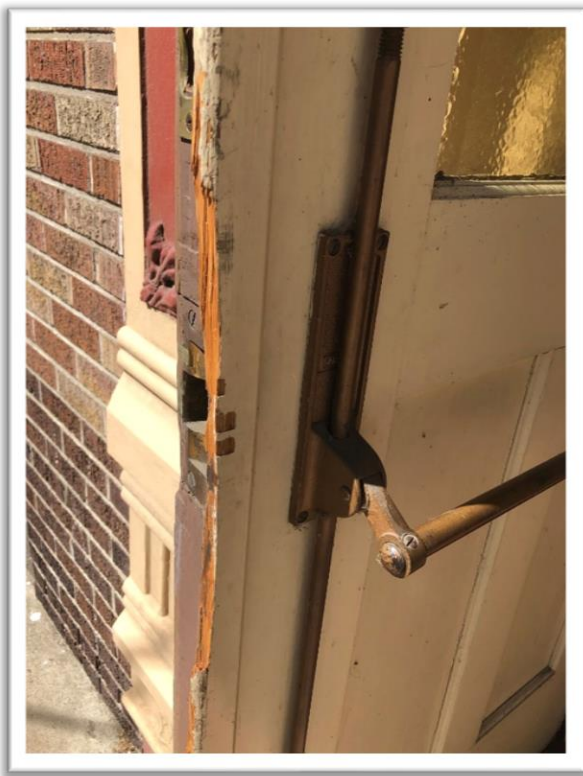
The work will be accomplished in two phases. We will first conduct a detailed analysis of the wood, glass, and hardware involved to determine its condition and then make decisions concerning the best course of action. To make these decisions, we will draw upon several relationships established in past projects, including The Washington Trust for Historic Preservation, The Washington State Department of Archeology and Historic Preservation, and Artifacts Consulting, Inc, a firm that performed a detailed condition assessment of the Temple in April of 2016. In all cases, work will be performed in compliance with U.S. Department of the Interior's Technical Preservation Brief #11, Rehabilitating Historic Storefronts.

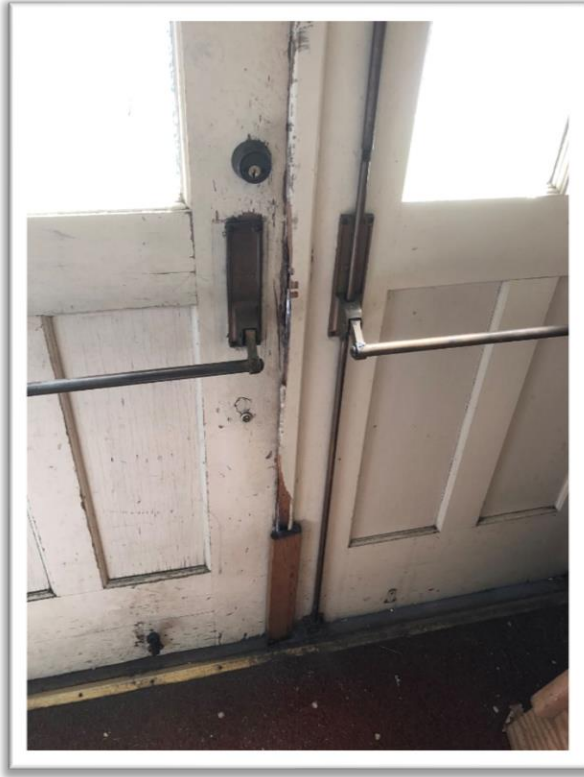
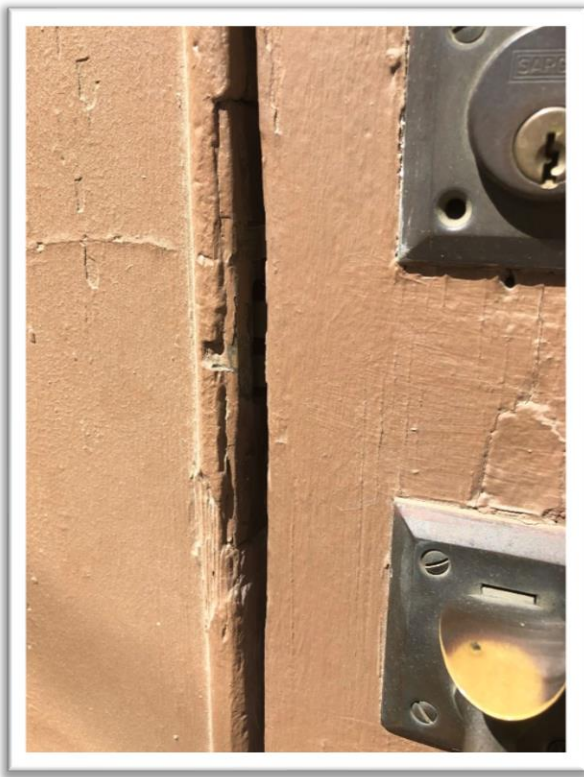
Once decisions are made concerning methods, we will hire local contractors to accomplish the work. In the past we have worked successfully with George Bottcher of Earth Contracting. We will also employ a local locksmith and joinery contractor for the more specialized work involving the Temple's doors and windows.

The Ellensburg Masonic Lodge is dedicated to the preservation of the Ellensburg Masonic Temple as the only building in the Downtown Historic District erected in the aftermath of the great fire of 1889 that is still owned by the organization that built it, and is still serving the purpose for which it was built. When complete, this project will preserve its unique and irreplaceable history for generations to come.









Landmarks and Design Commission Purposes	Comprehensive Plan Goals/Policies/Programs
Create and maintain landmark registers	
Historic resource inventory	HP-1 A1
Ellensburg landmarks register	HP-1 A1, HP-2 A7
Review citizen nominations to ELR	HP-1 A1
Submit nominations to WA & National Registers	HP-1 A1, A2
Review proposals to alter (including signage) or demolish landmarks	
Adopt standards to guide review & COA issuance	HP-1 A2, A4, HP-2 A8, HP-3 B1
Advise DCD on development proposals affecting historic resources	HP-2 A6, A8
Compile resources to assist in avoiding demolition	HP-1 A4, HP-2 A1, A4, A9, HP-4 A1
Consider proposing a property maintenance ordinance	HP-1 A3
Create incentives for historic preservation	
Develop incentive programs for reuse and redevelopment	HP-2 A1, A2, A3, HP-3 A1, HP-4 A1, A2
Investigate funding sources for preservation & heritage tourism	HP-2 A2, A3, HP-5 A1
Review requests for special valuation of historic properties	HP-2 A2
Outreach and advice	
Advise Council on city activities affecting historic resources	HP-2 A6, A9
Advise Council generally on historic preservation & heritage tourism	HP-3 B3, HP-5 B1
Establish relationships with nonprofits & other governments	HP-2 A5, HP-4 A1, HP-5 A1
Provide info to historic property owners on maintenance & rehab.	HP-1, A5, B1, B2, HP-2 A8, HP-3 A2, B1
Conduct educational and interpretive programs	HP-1 A5, B2, B3, HP-2 A5

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.

 10/28/21
AUDITING OFFICER 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 **1ST DAY OF NOVEMBER 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	154999	TO	155176	\$ 1,263,842.32
EFT #'s	5110	TO	5136	\$ 876,633.75

Payroll Fund				Total Amounts
Check #'s	95398	TO	95400	\$ 3,691.84
Direct Deposits	64111	TO	64329	\$ 395,092.08

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

ATTEST: _____
CITY CLERK



CITY COUNCIL AGENDA REPORT

City Council Meeting Date:	November 1, 2021
Item Title/Agenda Subject:	CenterFuse/Ellensburg Business Development Authority Board Applicant Confirmation
Submitted by:	Laurie Gigstead City Manager Department
Recommended Action or Motion:	Confirm the CenterFuse/Ellensburg Business Development Authority Board recommendation of the appointment of Bob Rapp.
Background/Summary:	Bob Rapp recently applied to serve on the CenterFuse/Ellensburg Business Development Authority Board. The EBDA considered applications at their October 13, 2021 meeting and is recommending confirmation of the appointment of Bob Rapp. See attached email and application.
Previous Council Action:	N/A
Analysis:	CenterFuse/EBDA solicits applications to open board positions and makes recommendations to the City Council for appointments to the Board. The procedure for filling open positions is outlined in City Code and in the EBDA Charter. The recommended board appointment process was consistent with City Code and the EBDA Charter.
Financial Impact:	None.
Attachments:	Bob Rapp Recommendation for Appointment and Application

Laurie Gigstead

From: Margaret Reich <director@ellensburgcenterfuse.com>
Sent: Monday, October 18, 2021 11:30 AM
To: Laurie Gigstead
Subject: [Ext] Board vacancy filled
Attachments: Bob Rapp _ Application for New Board Members.pdf

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

Laurie,

At the October 13, 2021 board meeting, the CenterFuse/EBDA board endorsed the application received from Bob Rapp to fill the current vacancy and voted in favor of appointing him to the board. Please find Mr. Rapp's application attached to this email for reference.

Let me know if you need any other information.

Thank you,
Margaret

Margaret Reich, M.P.A.
CenterFuse
100 W. 3rd Avenue, #2, Ellensburg
(509) 955-3880
Visit us online at ellensburgcenterfuse.com

Application for New Board Members : Entry # 63**Date**

09/08/2021

Name

Bob Rapp

Address

Ellensburg, Wa 98926

Email**Phone where we can reach you during the day****Do you live in Ellensburg?**

Yes

What is your current occupation and background?

Artificial Intelligence Architect MICROSOFT Corp
Many roles in tech - cio/principal/vp et al for 30 years

What organizations are you affiliated with?

Rotary, gates foundation, Junior state foundation, kids who code, robotics

What interests you in serving on the Centerfuse Board?

Make ellensburg and kittitas valley a happier, healthier place where clean job help create amazing lives

As a member of the board, will you be able to attend monthly meetings on a regular basis?

Yes

Notes**Admin Notification (ID: 5fd3ad48a2ca6)**

added 8 mins ago

WordPress successfully passed the notification email to the sending server.

How did you learn about CenterFuse?

Learned about center fuse via Linda and Andreas

What skills and attributes do you possess that will add value to the work of CenterFuse?

Care about helping make ellensburg even a more amazing by attracting high-tech, clean jobs that are a natural extension of my work with college kids and the community



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: November 1, 2021

Item Title/Agenda Subject: Board and Commission Applications.

Submitted by: Laurie Gigstead City Manager Department

Recommended Action or Motion: Conduct the introduction of Darren Reid.

Background/Summary: One person has recently applied to serve on the Landmarks and Design Commission as the Ellensburg Downtown Association representative. 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: Council accepted the resignation of Megan West from the Landmarks and Design Commission as part of the November 1, 2021 Consent Agenda.

Analysis: There is currently one vacancy on the Landmarks and Design Commission, the Ellensburg Downtown Association representative.

Financial Impact: N/A

Attachments:

[B and C Agenda Report Chart 11-1-21](#)

[Darren Reid Application for Appointment](#)

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

* Resignation accepted in Consent Agenda.

Laurie Gigstead

From: noreply@civicplus.com
Sent: Thursday, October 14, 2021 10:30 AM
To: Laurie Gigstead
Subject: [Ext] Online Form Submittal: Application for Appointment

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

Application for Appointment

Application for Appointment

For volunteering to serve on a Board or Commission

Boards & Commissions Landmarks and Design Commission

Have you attended a meeting for the board or commission you are applying to? Yes

Name of Applicant: Darren Reid

Address

Mailing Address (If Different) Field not completed.

City Ellensburg

State WA

Zip 98926

Email Address

Phone Number

Length of Residence in Ellensburg 15 years in total

Do you live within the city limits? Yes

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

you at least 55 years of age?

Occupation Status and Background:	Commercial Lender with Cashmere Valley Bank. Background in Lending, Finance, Historic Preservation, Project Management, and Contract Law.

Organization Affiliations:	EDA Board Member. Member of Yakima Downtown Rotary

Why are you seeking appointment?	Historic preservation and downtown Ellensburg are both important to me. Being a part of preserving and improving downtown Ellensburg is something I would love to be a part of.

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	<i>Field not completed.</i>

Boards & Commissions	<i>Field not completed.</i>

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



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: November 1, 2021

Item Title/Agenda Subject: Letter of Support for HopeSource Federal Transportation Administration Grant for Buses and Bus Facilities - Washington State Department of Transportation for purchase of Historic Train Depot

Submitted by: Heidi Behrends Cerniwey City Manager Department

Recommended Action or Motion: Approve the Mayor's signature on the Letter of Support.

Background/Summary: HopeSource requested a letter of support from the City of Ellensburg for the Federal Transportation Administration's Section 5339(b) Grants for Buses and Bus Facilities through the Washington State Department of Transportation for purchase of Historic Train Depot to serve as centralized transit facility.

Previous Council Action: HopeSource is the designated operator of Central Transit services through contract with the City of Ellensburg.

Analysis: For the Mayor to sign a formal letter of support on behalf of the City Council, approval of the Council is required.

Financial Impact: None at this time.

Attachments:
[HopeSource Letter of Support 2021](#)



CITY OF ELLENSBURG
501 North Anderson Street
Ellensburg, WA 98926
Phone: (509) 962-7221 Fax: (509) 962-7143

November 1, 2021

Nuria Fernandez
Administrator
Federal Transit Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Federal Transit Administration Section 5339(b) Grants for Buses and Bus Facilities –
Washington State Department of Transportation

Dear Administrator Fernandez:

On behalf of the Ellensburg City Council, I submit this letter in support of HopeSource, and its Buses and Bus Facilities grant application submitted by the Washington State Department of Transportation (WSDOT) to the Federal Transit Administration (FTA). HopeSource is an important partner in Ellensburg's Central Transit operations.

HopeSource is a rural, nonprofit transportation provider in Kittitas County, Washington. HopeSource is seeking \$2,750,00.00, including \$550,000.00 of HopeSource matching funds provided through other fees and donations, to purchase the Ellensburg Historic Depot and establish a transfer point for multiple transportation providers throughout Central Washington.

Currently, Kittitas County lacks a central transfer point to provide a safe and inviting connection site in the community and serve as headquarters for HopeSource's transportation operations. The Northern Pacific Railroad Depot in downtown Ellensburg is a restored National Historic site that is currently empty and awaiting a purpose as a vital component in the region's transportation network. HopeSource is seeking funds to buy this facility and transform it into an accessible location with roots in the past and an eye toward the future. HopeSource's project will fill the need for a central point to house our bus operations and provide a safe, inviting, intermodal connection point for Central Washington.

At 606 W. 3rd Avenue in Ellensburg, the Depot is centrally located to lower-income neighborhoods and has excellent access from Main Street. The iconic brick and sandstone Depot, built in 1910, would provide a secure indoor location for transfers with public restrooms. Multiple regional bus lines could make this a central stop to link with local transportation options. If a passenger rail were to resume in Ellensburg, the Depot would be a natural location for creating connections within the community.

Maintaining buses and supporting infrastructure in a state of good repair is both cost-effective and safer for the traveling public. Transit agencies that can maintain their capital assets in a state of good repair contribute positively to the local community's economy while providing a safe and environmentally conscious transportation option for the public. Ensuring that transit agencies have the capital assets they need supports many of Washington State's transportation system policy goals: mobility, economic vitality, stewardship, environment, and safety.

I am pleased to support this funding application, and I urge your full and fair consideration of this request. Please contact our City Manager, Heidi Behrends Cerniwey at (509) 962-7221 or cerniweyh@ci.ellensburg.wa.us if you have questions.

Sincerely,

Bruce Tabb
Mayor



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: November 1, 2021

Item Title/Agenda Subject: Public Hearing (legislative) for Proposed 2022 Property Tax Levy Ordinance (First Reading)

Submitted by: Jerica Pascoe Finance Department

Recommended Action or Motion: Consider first reading of the proposed ordinance establishing the Ad Valorem Property Tax Levy for 2022.

Background/Summary: The proposed ordinance reflects the 2022 levy for property taxes to be collected in 2022 for municipal purposes. The ordinance establishes the 2022 regular property tax levy, the 2022 excess property tax levy, and certifies the 2022 property tax levy to the Kittitas County Commissioners.

RCW 84.55.005 limits the increase in property taxes to the lower of one percent over the prior year levy rate or the Implicit Price Deflator (IPD). The IPD inflation rate for setting 2022 property tax was 3.86%; therefore, the City is limited to 101%.

Tax revenue funds are approximately 60% of the General Fund budget, of which property tax alone accounts for 15.6%. Because Council has very limited control over revenue/funding sources that support general government activities, without increases in General Fund revenues such as property tax, the City cannot fund the necessary overhead increases without further reducing fund balance. In order for delivery of service to remain consistent from year to year, funding of these services must also remain consistent and thus rise as expenses rise.

This increase in IPD does reflect the overall rate of inflation that we are seeing locally. For example, EMS services are scheduled to increase \$8,828 (11.25%) over the 2021 actual cost, and we have been notified of Kittcom dispatch and cost center user fee increases of \$75,558 (15.17%) over 2021 for the General Fund. In addition, labor contract increases including \$75,582 (3.4%) for Teamsters Police salaries including anticipated class promotions, and 3% for OPEIU resulting in increased General Fund salaries & wages of

\$60,759, and a 5.83% increase in minimum wage are just a few of the General Fund increases in 2022.

Previous Council Action: Council held a public hearing on revenue sources, including property tax, on October 4, 2021.

Analysis: Property tax collections for the City of Ellensburg are estimated to be \$3,416,197, equaling the highest lawful levy limit for this tax year. This is an increase of \$49,276 over the 2020 levy. This increase reflects a one percent (1.00%) increase of \$33,669, an increase of \$36,090 attributed to new construction, improvements, wind turbines, solar, biomass, and geothermal facilities, \$0 for an increase in the value of state-assessed property, \$1,324 from annexations, and a decrease of (\$21,807) due to a prior year refund levy. This decrease (reduction) happens when, in the tax collection process, there are more cancellations than supplements in a prior year and the taxing district requests a refund levy to be included within the current year's levy. The 2020 refund levy is not included in the highest lawful levy amount calculation. These numbers may change slightly as updated numbers come in from the county.

Financial Impact: Adoption of the Ordinance at 1.00% will increase the property tax revenue by \$33,669. The proposed 2022 budget includes the 1.00% increase.

Attachments:
[Property Tax Levy 2022 Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, LEVYING PROPERTY TAXES FOR THE CITY OF ELLENSBURG FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2022, ON ALL PROPERTY IN SAID CITY WHICH IS SUBJECT TO TAXATION FOR THE PURPOSE OF PAYING SUFFICIENT REVENUE TO CARRY ON GENERAL OPERATIONS, RECOGNIZE VOTER APPROVED LEVIES AND PAY DEBT SERVICE OBLIGATIONS OF SAID CITY AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Ellensburg adopted Ordinance 4592 in 2011 establishing a two-year fiscal biennial budget process as provided in Chapter 35A.34 RCW; and

WHEREAS, the City Council of the City of Ellensburg held a duly advertised public hearing on October 4, 2021 to consider proposed 2022 revenue sources, including property taxes; and

WHEREAS, the City Council of the City of Ellensburg has met and considered its budget for 2021-2022 biennial budget pursuant to RCW 84.55.120; and

WHEREAS, pursuant to RCW 84.55.120, the City Council of the City of Ellensburg held a duly advertised public hearing on November 1, 2021, to consider possible increases in property tax revenue for the calendar year 2022; and

WHEREAS, the City's actual levy amount from previous year was \$3,366,921; and

WHEREAS, the population of the city is more than 10,000,

NOW, THEREFORE, the City Council of the City of Ellensburg, Washington do hereby ordain as follows:

Section 1. General Tax Levy for 2022. An increase in the regular property tax levy is hereby authorized for the levy to be collected in the 2022 tax year. The dollar amount of the increase over the actual levy amount from previous year shall be \$33,669, which is a percentage increase of 1% from previous year. This increase is exclusive of additional revenue resulting from new construction, improvements to property, newly constructed wind turbines, solar, biomass, and geothermal facilities, and any increase in the value of the state assessed property, any annexations that have occurred and refunds made.

Section 2. Excess Tax Levy for 2022. In addition to the above levies for the ensuing fiscal year of 2022, there shall be and are hereby levied current taxes of \$175,000, the purpose of which is to retire the outstanding obligation incurred by the City for general obligation bonds that have been issued after an affirmative vote of the citizens in favor thereof.

Section 3. Majority Approval. This ordinance was passed by a majority of the entire Council.

Section 4. Transmittal to Auditor. A certified copy of this Ordinance shall be transmitted to the Kittitas County Assessor's Office and to the Clerk of the Kittitas County Commissioners, and such other governmental agencies as provided by law.

Section 5. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

Section 6. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 7. Effective Date. This ordinance, 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 a regular meeting of the City Council on the _____ day of November, 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: November 1, 2021

Item Title/Agenda Subject: Public Hearing (legislative) for Second reading of Ordinance 4877 approving petition for annexation P21-066 for parcels 916833, 708633, 698633 & 528633 located on the west side of Anderson Rd

Submitted by: Jamey Ayling Community Development

Recommended Action or Motion:

1. Hold an open record legislative public hearing;
2. Conduct second reading and adoption of ordinance 4877 (attached)

Background/Summary: The parcel proposed for annexation is located on the west side of Anderson Road, 805 Anderson Road, approximately 900 feet north of Umptanum Road. A map of the parcel 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 published in the Ellensburg Daily Record on October 14, 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).

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.

City Council held the first public hearing on September 7, 2021 to consider an annexation petition, submitted by property owner MTA Holdings LLC, for parcel 916833, 708633, 698633 & 528633 located at 805 Anderson Rd. The annexation request was approved at the conclusion of the hearing and was immediately followed by first reading of Ordinance 4877.

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. 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 properties 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 (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 this parcel would be a logical extension of the City.

Staff recommends Light Industrial (I-L) zoning for the parcels

proposed to be annexed, which is supported by the Light Industrial designation in the Comprehensive Plan Future Land Use Map (Exhibit 3).

Financial Impact: No fiscal impact at this time.

Attachments:

Ordinance 4877

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

Exhibit 7 Affidavit of Publication

Exhibit 8 Certificate of Mailing

Exhibit 9 Affidavit of Posting

ORDINANCE NO. 4877

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, the City provided public notice of the petition for annexation and has provided an opportunity for comment thereon by all interested citizens at a duly called and noticed public hearing; 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 November 1, 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 1st day of November, 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. 4877 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4877 was published as required by law.

EXHIBIT A: ANNEXATION PARCELS



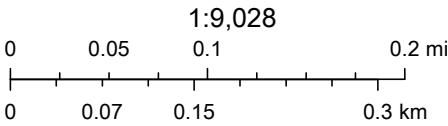
Ellensburg GIS
Google Maps | Kittitas County Public Works | Kittitas County Auditor | U.S. Fish and Wildlife Service, National Standards and Support Team, wetlands_team@fws.gov |

Proposed Anderson Annexation



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

-  Override 1
-  Urban Growth Area
-  City Limits



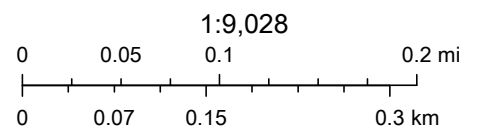
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Zoning map



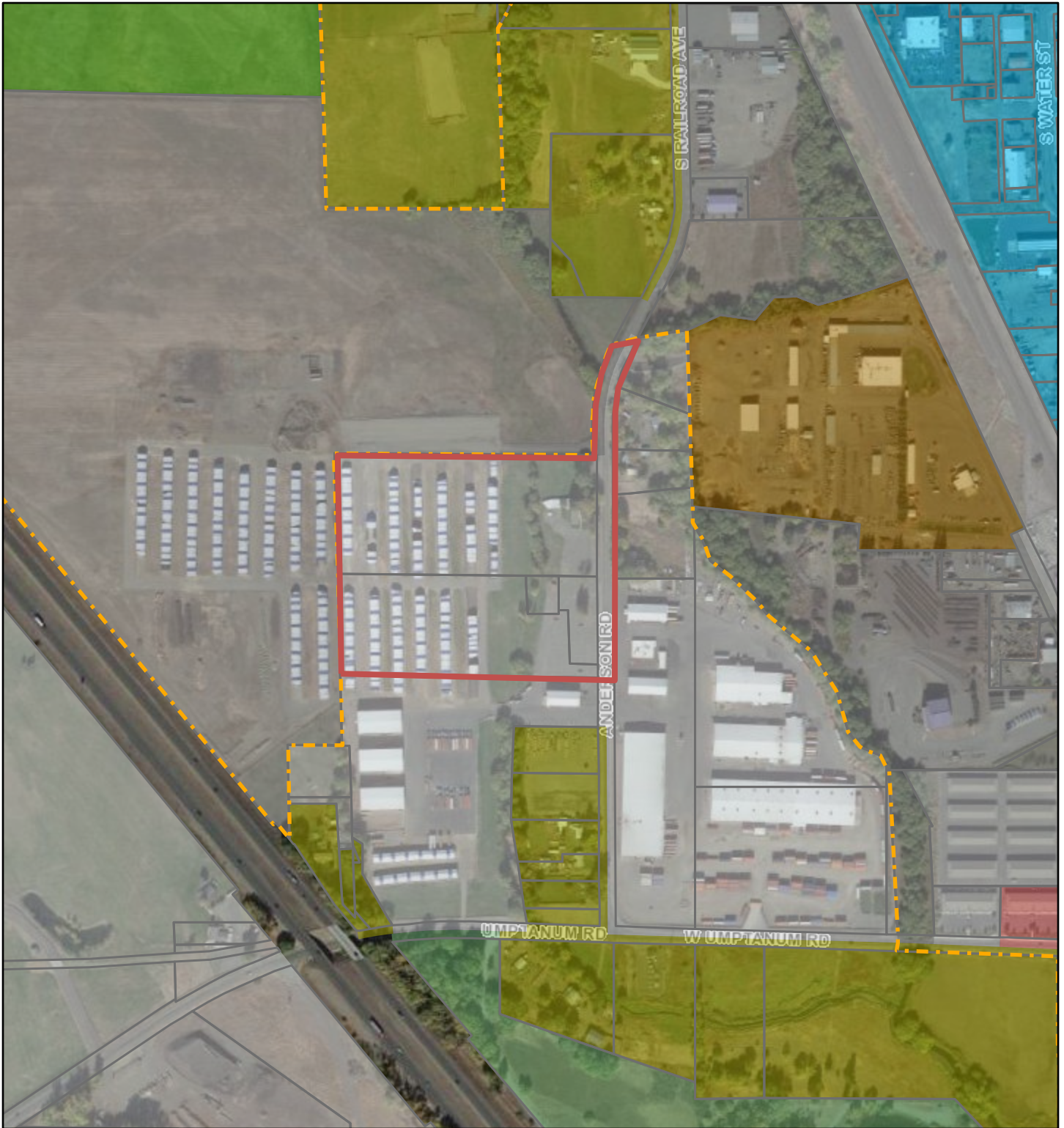
7/8/2021, 8:18:35 AM

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



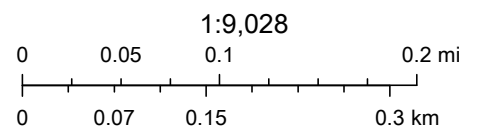
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Future Land Use map



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	
■ Urban center	■ Public/institutional
■ Industrial residential	■ Open space (pvt/non-city owned)
	■ 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

>

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.

Exhibit "B" Proposed Anderson Annexation



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

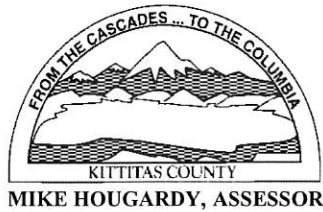
- Override 1
- Urban Growth Area
- City Limits

1:9,028

0 0.05 0.1 0.15 0.2 mi

0 0.07 0.15 0.3 km

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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:
10/12/21	50080

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

AD #	DESCRIPTION	START	STOP	TIMES	AMOUNT
157370	NOTICE OF A PUBLIC H	10/14/21	10/14/21	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 **Monday November 1, 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 Monday November 1, 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 Friday, October 29, 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: October 14, 2021 / LEGAL
#: 157370

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

P 21-066

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 10/12/2021 Signed

Alina Uri

CERTIFICATE OF TRANSMITTAL

On this day, the enclosed is sent to
the address set forth in the
enclosed letter, by U.S. Mail.
I certify under penalty of perjury
under the laws of the State of WA
that the foregoing is true and correct.

Date _____ Signed _____



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

October 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 **Monday November 1, 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.

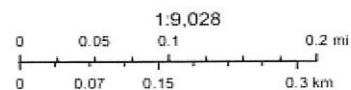
Project Location: The parcel is located at 805 Anderson Road, Ellensburg, Washington 98926. Kittitas County Assessor's Parcel Numbers 916833, 708633, 698633 & 528633.

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 Monday November 1, 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 Friday October 29, 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,

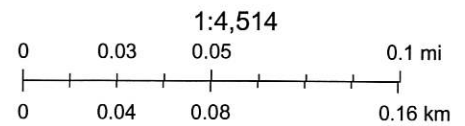
Jamey Ayling
Planning Manager

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

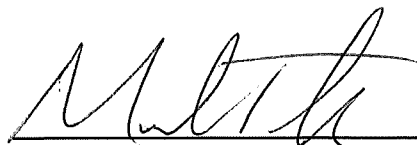
As per Revised Code of Washington (RCW) 35A.14.130, Ellensburg City Code requires that all public hearings pertaining to annexation requests shall have a notice posted in **three** publicly accessible places within the territory proposed for annexation. Per ECC 15.220.050, the following shall apply:

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: October 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

Oct. 18 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: November 1, 2021

Item Title/Agenda Subject: Resolution to Approve Application for Preliminary Plat Approval (P21-088) Bill Sparks – Rolling Meadows Plat
Closed Record Hearing (quasi-judicial)

Submitted by: Jamey Ayling Community Development

Recommended Action or Motion:

- 1) Hold Closed Record Hearing.
- 2) Adopt the attached Resolution approving the Preliminary Plat application of Rolling Meadows Subdivision, submitted by Doug Stalder, agent for property owner CWH, LLC, and incorporating the Hearing Examiner's September 28, 2021 Recommended Findings of Fact, Conclusion of Law, Decision and Conditions of Approval.

Background/Summary: The purpose of this closed record quasi-judicial hearing is for City Council to consider the application for a proposed preliminary plat subdivision, known as "Rolling Meadows," submitted by Douglas Stalder, agent for property owner. This hearing is being held pursuant to the requirements of Chapter 15.260, Subdivision Procedures, of the Ellensburg City Code. A SEPA Mitigated Determination of Non-Significance (MDNS) was issued for this project on May 4, 2021. The Hearing Examiner's September 28, 2021 Findings of Fact, Conclusions of Law, Decision and Conditions of Approval is attached to this report as Exhibit 1, and includes 19 exhibits which are attached to this report as Exhibits 1.1 thru 1.19. The September 21, 2021 Staff Agenda Report submitted to the Hearing Examiner is Exhibit 1.16.

The applicant appeared at the hearing and testified in favor of the project, and agreed with the staff proposed conditions of approval as outlined in Exhibit 1.16. At the conclusion of the public testimony, staff indicated that a secondary access road was required because the subdivision contains more than 30 lots. Staff stated that the secondary access would be a connecting road to Pioneer Road. Mr. Sparks stated he was never aware that a road would be required to connect to Pioneer and neighbors were not aware of any road connecting

to Pioneer. Hearing Examiner Kottkamp made the decision to leave the record open until five o'clock on Friday, September 24, 2021 to allow the City to submit any additional comments from Public Works and the Fire Marshall clarifying their positions on the Pioneer Road secondary access. The Hearing Examiner further left the record open for the applicant to submit any additional comments. Clarifications were made and a solution to the secondary access was reached by having the applicant construct a temporary secondary access road on the eastern boundary of the proposed plat to serve as secondary access until the connection to East Countryside is completed. Marte Fallshore and Barbara Brim provided public testimony at the hearing. In advance of the hearing, a written public comment was received from Peter and Karen Schrantz, which is included as Exhibit 1.8. The written staff response is attached as Exhibit 1.9.

This proposed preliminary plat is located on Kittitas County Assessor's Parcel ID#'s 20998, 20999, and 322733 located at W. Bender Road, and generally north of, and adjacent to, Bender Road and east of Pioneer Road, in the City of Ellensburg, WA.

A vicinity map and reduced scale preliminary drawing showing the location of the lots and other plat features are included as Exhibits 1.1 and 1.2.

The subject property is 44.15 acres in size and is currently zoned Residential Suburban Density (R-S) and lies within the Airport Overlay (A-O) zone. This zoning allows for detached single-family dwellings as the predominate land use with a base maximum density of 3 dwelling units/acre. The project site parcels were recently annexed into the City of Ellensburg on December 16, 2019. As specified in the recorded pre-annexation development agreement approved by City Council in December 2019, part of the proposal includes density consolidation by allowing densities from parcel #'s 20998 and 322733 to be transferred to parcel #20999, and limits the density to one dwelling unit per parcel on parcel #'s 20998 and 322733. The applicant's proposal would create 49 separate residential lots, which is within the allowable maximum density. Lots will range in size from 8,957 square feet to 12.87 acres, intended for single-family homes.

The plat will have lots that front onto public roadway which will need to be improved as part of this project. The southern street frontage known as Bender Road is an existing major collector street and is further defined as a landscaped street. Half street improvements will be required along Bender Road, and full street improvements will be required on all proposed interior streets which will be classified as local access streets and further defined as landscaped streets. An easement for future connectivity to Pioneer Road will need to be depicted on the plat but not improved at this time. The private drive within the unimproved right-of-way along the eastern boundary of the plat will need to be improved as a secondary access per the direction of the Fire Marshall and the Public Works Department.

The Public Works Department works with the Ellensburg School District at the time of civil construction review of the plat to ensure that the goals of their “Guide for Planning and improving School Walk and Bike Routes” are implemented on projects within one mile of schools. In speaking with the Ellensburg School District Director of Transportation, this particular plat is located outside of the required ½ mile radius for the nearest elementary schools, which are Mount Stuart Elementary and Ida Nason Aronica Elementary. This means that the school district does not expect children in this area to walk to school; therefore, continued and expanded bus services will be planned for this area. The extension and construction of the street frontage improvements as discussed above, provide beginning connectivity to achieve goals and policies within the land use, housing, and transportation chapters of the Ellensburg Comprehensive Plan. Parks and open space requirements will be met through the payment of park impact fees.

Site Characteristics:

North: Residential - Vacant land

South: Residential

East: Residential

West: Low Density Residential

Previous Council Action: Not applicable.

Analysis:

The Review Procedures and Criteria for the Preliminary Plat process are outlined in Chapter 15.260 of the Land Development Code. Pursuant to ECC 15.260.060(D), a public hearing was held before Hearing Examiner Andrew Kottkamp on September 21, 2021. Kottkamp's September 28, 2021 Recommended Findings of Fact, Conclusion of Law, and Decision and Conditions of Approval have been included within this report as Exhibit 1. The Hearing Examiner recommended that the Rolling Meadows Preliminary Plat be approved with the nine conditions as depicted on pages 4 and 5 of Exhibit 1.

The Hearing Examiner recommendation is now being forwarded to City Council for consideration during a closed record hearing, for which notification requirements were met as depicted in Exhibits 2 thru 4. Pursuant to ECC 15.260.060(E) (1), the City Council shall, at the conclusion of the hearing, make its own decision supported by written findings of fact and conclusions of law and approve, approve with conditions, or disapprove the preliminary subdivision application.

Council is being requested to approve the preliminary plat subdivision application by adopting the proposed Resolution, which incorporates the Hearing Examiner's Recommendations. Alternatively, prior to making a decision and pursuant to ECC 15.260.060(E)(2), Council may: 1) refer the preliminary subdivision application back to the hearing examiner for further consideration; 2) require the applicant to modify the preliminary subdivision application; or 3) require more information to be submitted by the applicant.

The decision criteria that City Council must consider are set forth in ECC 15.260.060(F) as follows:

1. The preliminary subdivision conforms to all applicable zoning standards of the city as set forth in the LDC, including the form and intensity standards in Chapter 15.320 ECC, the streetscape design standards in Chapter 15.410 ECC, the subdivision design standards in Chapter 15.420 ECC, the project design standards in Division V, and the public works development standards;

2. All lots within the preliminary subdivision are provided with satisfactory access established consistent with the requirements of the public works development standards, ECC Title 4, public works construction, the streetscape design standards and subdivision design and block standards in Division IV, and the project design standards in Division V;
3. All lots within the preliminary subdivision are provided with adequate provisions for water supplies, sanitary wastewater facilities, and storm drainage and surface water facilities consistent with the requirements of the public works development standards and ECC Title 9, Utilities;
4. All lots within the preliminary subdivision are provided with adequate provisions for electric service, and for natural gas service if applicable, consistent with the requirements of the city's energy services department design standards and with ECC Title 9, Utilities;
5. The preliminary subdivision conforms to all applicable critical areas standards set forth in Division VI; and
6. The preliminary subdivision makes appropriate provisions for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, natural gas mains and services, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.

Staff agrees with the Hearing Examiner's conclusion that the proposed preliminary plat application meets the above requirements.

Financial Impact:

None at this time.

Attachments:

Resolution-Findings of Fact P21-088 Rolling Meadows Preliminary Plat
Exhibit 1 P21-88 Hearing Examiner Recommendation 9-28-21
Exhibit 1.1 P21-088 Vicinity Map
Exhibit 1.2 P21-088 Plat Map
Exhibit 1.3 P21-088 Energy Services Comments
Exhibit 1.4 P21-088-P20-059 Gas Comments
Exhibit 1.5 P21-088 Public Works Comments
Exhibit 1.6 P21-088 KVFR Comments
Exhibit 1.7 P21-088 Cascade Irrigation District Comments
Exhibit 1.8 P21-088 August 24, 2021 Comment Letter from Peter & Karen Schrantz
Exhibit 1.9 Staff Response to Schrantz Letter
Exhibit 1.10 P20-123 Signed Final MDNS
Exhibit 1.11 Recorded Pre-Annexation Agreement CWH LLC 12.17.19
Exhibit 1.12 P21-088 H.E. Public Hearing Notice
Exhibit 1.13 P21-088 Certificate of Mailing
Exhibit 1.14 P21-088 Sign Posting
Exhibit 1.15 P21-088 Application Materials
Exhibit 1.16 P21-088 H.E. Preliminary Plat Agenda Report
Exhibit 1.17 September 20, 2021 Perpetual Easement
Exhibit 1.18 Fire Marshal comments dated September 23 2021
Exhibit 1.19 Applicants response to Fire Marshalls comments dated September 28 2021
Exhibit 2 P21-088 CC Hearing Legal Notice
Exhibit 3 P21-088 Sign Posting for CC Closed PH
Exhibit 4 Notification of CC Hearing to Parties of Record

RESOLUTION NO. 2021-____

A RESOLUTION OF THE CITY COUNCIL OF ELLENSBURG, WASHINGTON relating to the preliminary plat approval of the Rolling Meadows Subdivision No. P21-088 of property located in Ellensburg, Washington.

WHEREAS, on July 19, 2021 Douglas Stalder, agent for property owner CWH, LLC, filed a preliminary plat application (P21-088) for forty-nine (49) lots to be developed on approximately 44.51 acres of property located at W. Bender Road, commonly referred to as the “Rolling Meadows Subdivision”; and

WHEREAS, the applicant also submitted an associated Washington State Environmental Policy Act (SEPA) checklist as part of the application; and

WHEREAS, on May 5, 2021 the City’s SEPA Responsible Official issued a Mitigated Determination of Non-Significance (MDNS) for the preliminary plat; and

WHEREAS, following a duly noticed open record public hearing held before the Hearing Examiner on September 21, 2021 to consider the preliminary plat application for the Rolling Meadows Subdivision, as provided by Chapter 15.260 ECC, the Hearing Examiner received exhibits and testimony into evidence, and issued his September 28, 2021 Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval; and

WHEREAS, following a duly noticed closed record public hearing held during a regularly scheduled Ellensburg City Council Meeting on November 1, 2021, regarding the preliminary plat application for the Rolling Meadows Subdivision application, the City Council approved the preliminary plat subject to certain conditions;

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

Section 1. The Ellensburg City Council makes the following findings of fact:

A. The proposed preliminary plat is in conformance with the goals and policies of the City of Ellensburg Comprehensive Plan, as amended, if developed in accordance with the conditions stated herein;

B. The proposed use and corresponding preliminary plat has been designated in accordance with the permitted uses and future land use designations within the Comprehensive Plan classification and standards for development set forth in the City’s Land Development Code if developed in accordance with the conditions stated herein;

C. Appropriate provisions have been made for public health, safety, and general welfare and for such other factors enumerated in RCW 58.17.110(2)(a) if the preliminary plat is developed subject to the conditions stated herein. Public facilities, such as roads, sewer and water and other public facilities are adequate to support the use and layout of the proposed preliminary plat if developed in accordance with the conditions stated herein;

D. The public use and interest will be served if the preliminary plat is developed in accordance with the conditions stated herein;

E. The proposal for the preliminary plat development conforms to the policies, standards and design principles specified in Chapter 15.260 of the Ellensburg City Code if developed in accordance with the conditions stated herein; and

F. The findings of fact and recommendations of the Hearing Examiner dated September 28, 2021 are hereby adopted and incorporated herein as the findings of the Ellensburg City Council with respect to the preliminary plat.

G. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

Section 2. The preliminary plat involving property located at W. Bender Road, commonly referred to as the Rolling Meadows Subdivision, and legally described as follows:

Parcels B, C and D of that certain Survey as recorded August 26, 2004, in Book 30 of Surveys, page 129, under Auditor's File No. 200408260006, records of Kittitas County, Washington; being a portion of the Northwest Quarter of Section 26, Township 18 North, Range 18 East, W.M., in the County of Kittitas, State of Washington; also being a portion of Lot 10, MEADOW VIEW NO. 2, in the County of Kittitas, State of Washington, as per plat thereof recorded in Book 5 of Plats, page 15, records of said County.

Section 3. The preliminary plat of the Rolling Meadows Subdivision (P21-088) shall be developed in accordance with the following conditions of approval, which shall apply to the applicant, and the applicant's heirs, successors in interest and assigns:

1. Fulfillment of all City code required final plat design and construction requirements for on-site and off-site improvements prior to final plat approval.
2. The applicant will meet the requirements of the Energy Services – Light Department discussed in its memorandum dated September 3, 2021.
3. The applicant will meet the requirements of the Energy Services – Gas Department discussed in its memorandum dated July 30, 2021.
4. The applicant will meet the requirements of the Public Works & Utilities Department discussed in its memoranda dated September 7, 2021.
5. The applicant will meet the requirements of the Pre-Application Report Page Comments from the City of Ellensburg Fire Marshall dated September 7, 2021.
6. The applicant will meet the requirements of the Cascade Irrigation District (CID) as per CID's Pre-Application Comments dated August 18, 2021.

7. The applicant will meet the requirements of the SEPA Official's issuance of Mitigated Determination of Non-Significance (MDNS) dated May 4, 2021.
8. If applicable, the applicant may be required to obtain an NPDES Construction Storm Water General Permit from the Washington State Department of Ecology, as well as all other permits (site grading permit, SWPPP, etc.) that may be required as a result of plat development. Subdivision and land development activities shall follow the requirements of the Ellensburg City Code, including the Design Standards.
9. All requirements of utility providers, City departments, and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents.
10. No certificates of occupancy shall be issued prior to completion of required public improvements in a manner acceptable to the City in its sole discretion. Issuance of any certificate of occupancy prior to full completion of any of the required improvements shall not be deemed to be a waiver of this section, and such issuance shall not stop the City or impair its ability to demand full completion of required improvements prior to issuance of any further certificates of occupancy.

Section 4. The Ellensburg City Council makes the following conclusions of law:

A. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Ellensburg City Code and Comprehensive Plan.

B. As conditioned, the proposal does conform to the standards specified in Ellensburg City Code.

C. As conditioned, the use will comply with all required performance standards as specified in the Ellensburg City Code.

D. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of the Ellensburg City Code or the Comprehensive Plan.

E. As conditioned, this proposal does comply with Comprehensive Plan, the zoning code and other land use regulations, and SEPA.

F. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

Section 5. This resolution is the final decision of the City of Ellensburg upon this matter.

Section 6. Notice is hereby given that appeal of the land use decision shall be barred unless a petition requesting review is filed in the Superior Court of the State of Washington and properly served within twenty-one (21) days after passage of this resolution in accordance with Chapter 36.70C of the Revised Code of Washington.

Passed this 1st day of November, 2021.

MAYOR

Attest: _____
City Clerk

EXHIBIT 1

**CITY OF ELLENSBURG
LAND USE HEARING EXAMINER**

IN THE MATTER OF

P 21-88

Rolling Meadows Subdivision Preliminary Plat
(formerly proposed as Bender Subdivision Plat)

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**RECOMMENDED FINDINGS OF
FACT, CONCLUSIONS OF LAW,
DECISION AND CONDITIONS
OF APPROVAL**

THIS MATTER having come on for hearing in front of the City of Ellensburg Hearing Examiner on September 21, 2021, the Hearing Examiner having taken evidence hereby submits the following Recommended Findings of Fact, Conclusions of Law, and Decision and Conditions of Approval as follows:

I. RECOMMENDED FINDINGS OF FACT

1. The applicant seeks a preliminary plat subdivision. This proposed preliminary plat is located generally north of and adjacent to Bender Road, and east of Pioneer Road, on Kittitas County Assessor's Parcel ID#'s 322733,20998 and 20999, in the City of Ellensburg, WA. A vicinity map and reduced scale preliminary drawing showing the location of the lots and other plat features are included.
2. The applicant is CWH, LLC. Their agent is Douglas Stalder.
3. The subject property is 44.51 acres in size and is currently zoned Residential Suburban Density (R-S) and lies within the Airport Overlay (A-O) Zone. The project site parcels were recently annexed into the City of Ellensburg on December 16, 2019.
4. Property zoned as Residential Suburban (R-S) allows for detached single-family dwellings as the predominate land use, with a base maximum density of 6 dwelling units/acre. Additionally, the property is subject to density limitations of 3 dwelling units/acre as regulated by the Airport Overlay (A-O) zone. As specified in the recorded Pre-Annexation Development Agreement, part of the proposal includes density consolidation by allowing densities from parcel #'s 20998 and 322733 to be transferred to parcel #20999, and limits the density to one dwelling unit per parcel on parcel #'s 20998 and 322733. The applicant's proposal would create 49 separate residential lots ranging in size from 8,957 square feet to 12.87 acres. This 49 lot project intended for single family homes is within the allowable maximum density.
5. The plat will have lots that front onto public roadway which will need to be improved as part of this project. The southern street frontage known as Bender Road is an existing major collector street and is further defined as a landscaped street. Half street improvements will be required along Bender Road, and full street improvements will be required on all proposed interior streets. The interior streets will be classified as local access streets and further defined as landscaped streets.

P21-088
Rolling Meadows Preliminary Plat
Page 1 of 6

6. The Public Works Department works with the Ellensburg School District at the time of civil construction review of the plat to ensure that the goals of their “Guide for Planning and improving School Walk and Bike Routes” are implemented on projects within one mile of schools. In speaking with the Ellensburg School District Director of Transportation, this particular plat is located outside of the required ½ mile radius for the nearest elementary school, which is Mount Stuart Elementary. This means that the school district does not expect children in this area to walk to school, therefore, continued and expanded bus services will be planned for this area. The extension and construction of the street frontage improvements as discussed above, provide beginning connectivity to achieve goals and policies within the land use, housing, and transportation chapters of the Ellensburg Comprehensive Plan.
7. Specific to meeting open space and parks needs that will result from the new development, the applicant will be required to pay a park impact fee of \$1925 for each single family lot or structure, which will in turn be used to enhance the City of Ellensburg Parks system.
8. Site Characteristics:
North: the land to the north is vacant land outside city limits
South: residential – vacant land within city limits preliminarily approved for long plats
East: residential land outside city limits, and one parcel inside city limits (located along Bender Road)
West: residential land outside city limits.
12. A SEPA checklist was submitted as a requirement of the preliminary plat process, and a SEPA Mitigated Determination of Non-Significance (MDNS) was issued on May 5, 2021.
13. Subsequent to the SEPA environmental review, public notice and distribution of the full preliminary plat application was undertaken. As a result of that effort, departmental comments for the application have been received from the following: The Ellensburg Fire Department, the Cascade Irrigation District, Ellensburg Public Works Department and the Ellensburg Utility Services Gas and Light Departments. Those comments received mirrored their previous SEPA environmental points regarding final design and construction of required facilities, and referred to the previous comments submitted for SEPA and/or the Pre-Application Reviews.
14. The requirements pertaining to preliminary plat approval are found within ECC Sections 15.260.060 through 15.260.090. Specifically, the decision criteria are found in ECC 15.260.060(F), which states the following:
 - 14.1 Decision Criteria. The city may approve, approve with conditions, or deny a preliminary subdivision application based on conformance with the following decision criteria:
 - 14.1.1. The preliminary subdivision conforms to all applicable zoning standards of the city as set forth in the LDC, including the form and intensity standards in Chapter 15.320 ECC, the streetscape design standards in Chapter 15.410 ECC, the subdivision design standards in Chapter 15.420 ECC, the project design standards in Division V, and the public works development standards;
 - 14.1.2. All lots within the preliminary subdivision are provided with satisfactory access established consistent with the requirements of the public works development standards, ECC Title 4, public works construction, the

streetscape design standards and subdivision design and block standards in Division IV, and the project design standards in Division V;

- 14.1.3. All lots within the preliminary subdivision are provided with adequate provisions for water supplies, sanitary wastewater facilities, and storm drainage and surface water facilities consistent with the requirements of the public works development standards and ECC Title 9, Utilities;
 - 14.1.4. All lots within the preliminary subdivision are provided with adequate provisions for electric service, and for natural gas service if applicable, consistent with the requirements of the city's energy services department design standards and with ECC Title 9, Utilities;
 - 14.1.5. The preliminary subdivision conforms to all applicable critical areas standards set forth in Division VI; and
 - 14.1.6. The preliminary subdivision makes appropriate provisions for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, natural gas mains and services, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.
- 14.2 Based on the evidence within the file of record, and evidence admitted in the open record public hearing, the Applicant has demonstrated compliance with all criteria for approval.
16. The public agency comments relate to normal plat design and construction requirements that are routinely part of the final plat design and approval process. It is the full intention of the City to enforce and follow those final plat requirements. Two members of the public commented regarding road access (Peter & Karen Schrantz).
17. Prior to final plat approval, the applicant will need to include the signature blocks on the face of the final plat to read as follows: City Engineer, Community Development Director, Public Works & Utilities Director, Cascade Irrigation District, County Treasurer, County Auditor; & the Mayor of Ellensburg with individual statements of approval.
18. Construction of the subdivision and single-family units will be required to comply with all applicable standards outlined in the Ellensburg City Code design standards and guidelines.
19. An open record public hearing after due legal notice was held September 21, 2021 via Zoom videoconference.
21. The following exhibits were admitted into the record:
- 21.1 Ex. 1: Vicinity Location Map;
 - 21.2 Ex. 2: Preliminary Plat of Rolling Meadows Plat;
 - 21.3 Ex. 3: September 3, 2021 memo from City of Ellensburg Energy Services Light Department;
 - 21.4 Ex. 4: July 30, 2021 memo from City of Ellensburg Energy Services Gas;
 - 21.6 Ex. 5: September 7, 2021 memo from City of Ellensburg Public Works Department;
 - 21.6 Ex. 6: September 7, 2021 memo from City of Ellensburg Fire Marshall;
 - 21.7 Ex. 7: August 18, 2021 memo from Cascade Irrigation District;
 - 21.8 Ex. 8: August 24, 2021 Comment Letter from Peter & Karen Schrantz;

- 21.9 Ex. 9: September 1, 2021 Staff Response to letter from Peter & Karen Schrantz;
 - 21.10 Ex. 10: May 4, 2021 SEPA MDNS Determination;
 - 21.11 Ex. 11: December 17, 2021 Pre-Annexation Development Agreement;
 - 21.12 Ex. 12: Legal Notice of Public Hearing;
 - 21.13 Ex. 13: Area of Notification Map with 300-Foot Buffer Notification List;
 - 21.14 Ex. 14 Photo of Notice Signs on Property;
 - 21.15 Ex. 15 Application Cover Page & Materials;
 - 21.16 Ex. 16 Staff Report;
 - 21.17 Ex. 17 September 20, 2021 Perpetual Easement;
 - 21.18 Ex. 18 Fire Marshall Joe Delvo comments dated September 23, 2021;
 - 21.19 Ex. 19 Applicant's response to Fire Marshall's comments dated September 28, 2021.
22. Appearing and testifying on behalf of the applicant was Bill Sparks. Mr. Sparks testified that he is the property owner and the Applicant. Mr. Sparks agreed with all the representations set forth within the staff report and had no objections to any of the proposed Conditions of Approval.
23. Testifying from the public were the following individuals:
- 23.1 Marte Fallshore had questions regarding the Pioneer Road connection indicating that this connection was not preferred.
 - 23.2 Barbara Brim testified that she lived on Pioneer Road and was notified as to the site plans for access off of Pioneer Road.
24. At the conclusion of the public testimony, staff indicated that the second access road was required because the subdivision would have more than 30 lots. He believed that the Pioneer Road access would be secondary fire access.
25. Mr. Sparks testified that it was his understanding that he did not need to build out a secondary access.
26. At the conclusion of the hearing, the Hearing Examiner kept the record open until Friday, September 24, 2021 for the City to submit any additional comments from Public Works and the Fire Marshall clarifying their positions on the Pioneer Road secondary access. The Hearing Examiner further left the record open for the Applicant to submit any additional comments.
27. Fire Marshall Joe Delvo submitted his clarifying comments on September 24, 2021. Those comments are admitted as Exhibit 18 to the record. Staff represented that Public Works agreed with the Fire Marshall's additional comments.
28. On September 28, 2021, the Applicant submitted its response to the Fire Marshall's comments. This letter is admitted into the record as Exhibit 19.
29. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located.
30. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
31. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. RECOMMENDED CONCLUSIONS OF LAW

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

III. RECOMMENDED DECISION

Based on the above Findings of Fact and Conclusions of Law, the Hearing Examiner hereby recommends **APPROVAL** of the Rolling Meadows Plat preliminary plat application to the City Council subject to the following Conditions of Approval.

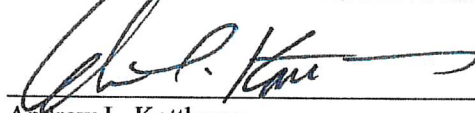
IV. RECOMMENDED CONDITIONS OF APPROVAL

1. The applicant will meet the requirements of the Public Works Department discussed in its memorandum dated September 7, 2021.
2. The applicant will meet the requirements of the Energy Services - Light Department discussed in its memorandum dated September 3, 2021.
3. The applicant will meet the requirements of the Energy Services – Gas Department discussed in its memorandum dated July 30, 2021.
4. The applicant will meet the requirements of the Fire Department for hydrants and access as per Fire Marshall's memorandum dated September 7, 2021, and as supplemented by Exhibit 18, the Fire Marshall's written comments from September 23, 2021.
5. The applicant will meet the requirements of the Cascade Irrigation District (CID) as per CID's memorandum dated August 18, 2021.
6. The applicant will meet the requirements of the SEPA Official's issuance of Mitigated Determination of Non-Significance (MDNS) (File # P20-123) dated May 4, 2021.

7. The applicant will meet the requirements of the Pre-Annexation Agreement recorded December 17, 2021.
8. The applicant may be required to obtain an NPDES Construction Storm Water General Permit from the Washington State Department of Ecology, as well as all other permits (site grading permit, SWPPP, etc.) that may be required as a result of plat development. Subdivision and land development activities shall follow the requirements of the Ellensburg City Code, including the Design Standards.
9. All requirements of utility providers, City departments, and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents.

Dated this 28th day of September, 2021.

CITY OF ELLENSBURG HEARING EXAMINER

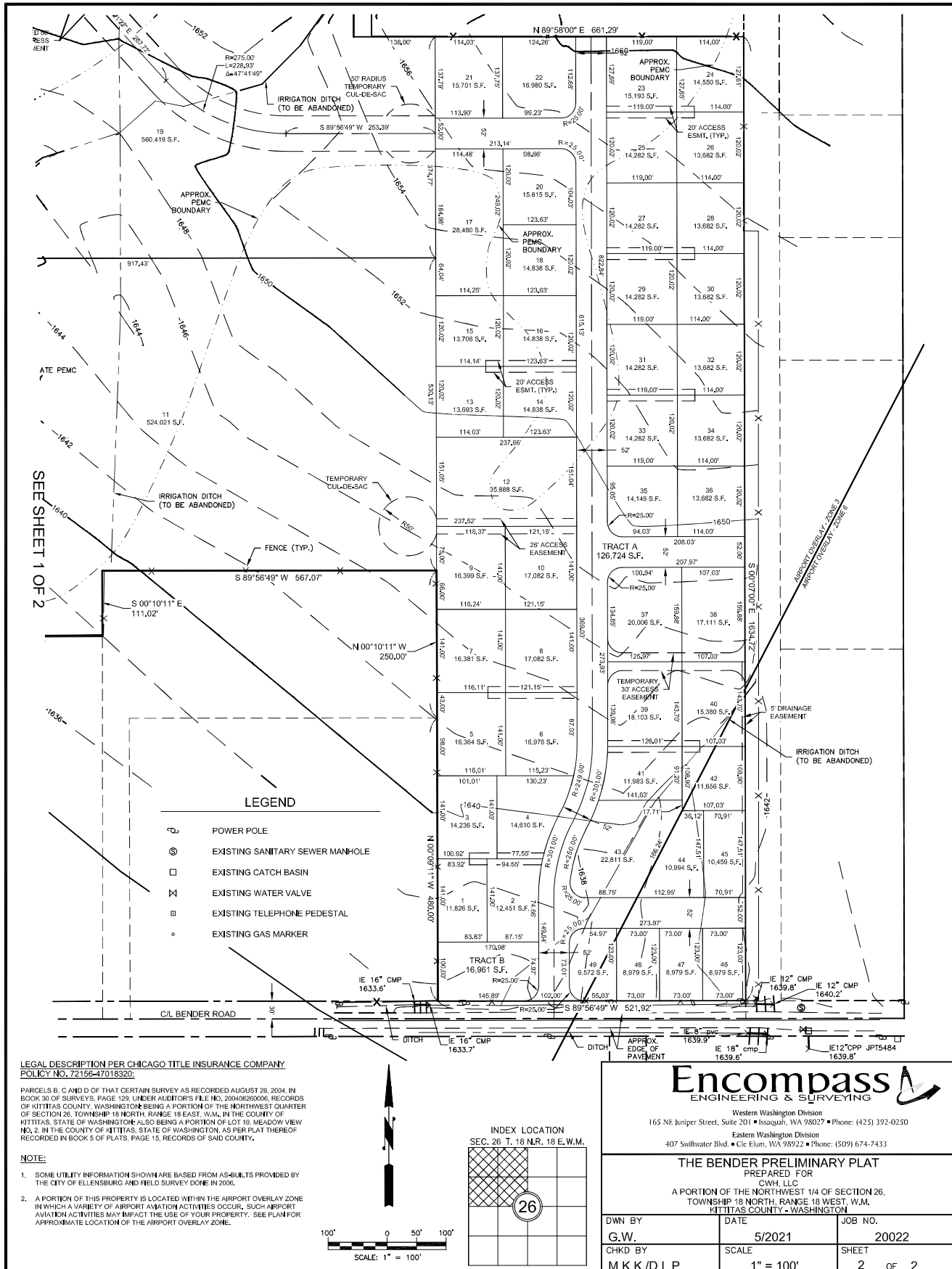


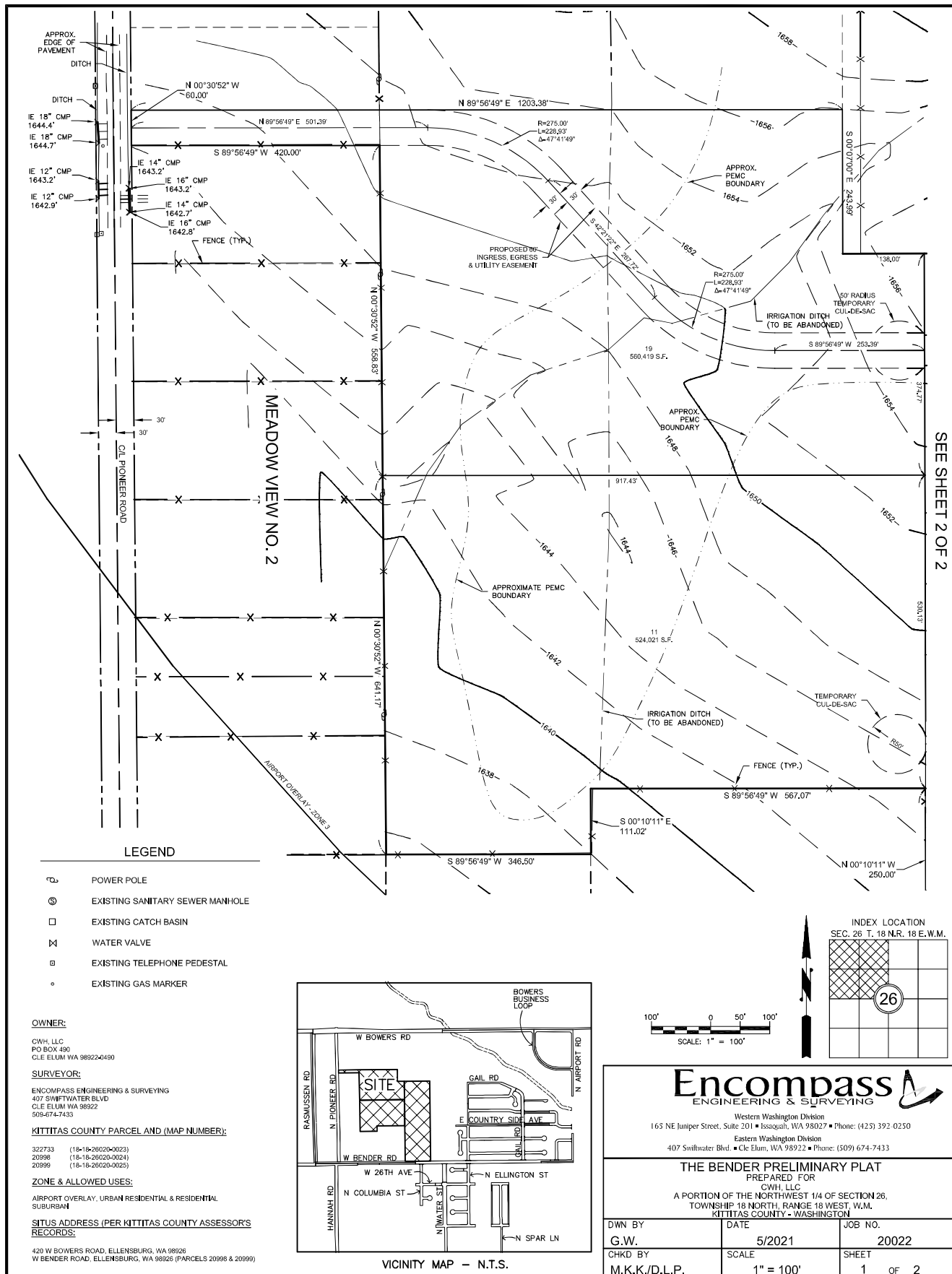
Andrew L. Kottkamp

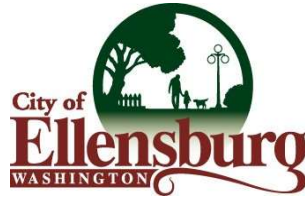
EXHIBIT 1.1



Project Location: The property is addressed as Bender Road, Ellensburg, WA 98926. Kittitas County Assessor's ID#'s 322733, 20998 and 20999 as seen in the map above.







CITY OF ELLENSBURG

City Light Department

501 North Anderson Street; Ellensburg, WA 98926

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

www.ci.ellensburg.wa.us

Memorandum

Date: September 3rd, 2021

To: Shannon, Office of Community Development

From: Tyler Goeden, Project Engineer

Re: P21-088 Rolling Meadows Plat – City Light Comments

The following are the City of Ellensburg Light Department (City Light) comments for the P21-088 Rolling Meadows Plat, located on the north side of Bender Road, roughly across from Columbia Street. These comments are very similar to the Pre-Application comments for the P20-059 Bender Long Plat.

Electric:

Puget Sound Energy currently has a high-voltage power pole line along the north side of Bender Road, with Telephone & TV on the PSE pole line. The newer plat map appears to have eliminated the conflict with the proposed 'Road B' and an existing PSE pole as previously mentioned in the pre-application comment letter for permit #P20-059. With that said, the applicant is advised to keep an eye on this conflict, and if any type of pole relocation or modification to PSE facilities is required, applicant is advised to contact PSE directly.

City Light has a high-voltage power pole line along the south side of Bender Road, which will serve as the source of power for this proposed plat. The optimal pole to use as the source for this plat is just to the west of Columbia Street, on the south side of Bender Road. The applicant would need to cross Bender Road and extend City Electric facilities from this pole through the development. City Electric facilities would need to be extended to all of the extents of the development, to the end of 'Road A', 'Road B', 'Road D', & 'Road E'. They would also need to extend along the easement road that accesses Lot 11.

The proposed 26' access easement that goes from 'Road B' to Lot 11 may not be a sufficient width, and will need to be changed to an Ingress, Egress, & Utilities easement to accommodate not only access, but also all of the different utilities that will be required to serve Lot 11 in the future.

The City Electric Utility must adhere to the different regulations of the National Electric Code (NEC), National Electric Safety Code (NESC), Washington Administrative Code (WAC), among others. These regulations include minimum clearances from our transformers to any

combustible structure (10 feet), and clearances from our transformers to any non-combustible structure (3 feet). The City Electric Utility must have 24/7 full access to our electrical system for proper maintenance & operations from a street or alley. There are also minimum clearances we must maintain between our electrical facilities to other utilities, such as water, sewer, gas, & communications.

Locations for transformers and junction boxes will need to be determined where they are protected from vehicle traffic and where they will be in a utility easement, typically a 10 foot utility easement along the frontage of each lot throughout the plat. Communications generally install with the electric utility and may have similar considerations for space.

Meters must be accessible 24/7, and cannot be placed behind fences, in backyards, or other situations where City Light cannot safely and easily access the meters.

Street lights are not shown on the drawing and since these are public streets, they will need to be part of the civil plans submitted to Public Works and we will come up with a design to serve them as part of this plat. New street lighting may conflict with the PSE facilities on the north side of Bender Road, and will need to be accounted for during the design phase of this project. If street lighting requires any modification to PSE's facilities, developer is responsible for contacting PSE directly.

Applicant will need to complete a Residential Plat Development Application, which is also available on the City Website,

<https://ci.ellensburg.wa.us/DocumentCenter/View/11298/Residential-Plat-Application> .

The Development Requirements template is below for your reference.

CITY OF ELLENSBURG
ENERGY SERVICES – ELECTRIC DIVISION
501 N. ANDERSON ST
ELLENSBURG, WA 98926
TEL: (509) 962-7124

This information summarizes the requirements to provide electrical utility equipment in the City of Ellensburg and Urban Growth Area.

Developer will be required to provide electrical facilities to all resulting lots in the proposed development according to the following specifications and provide easement for those facilities that will be used to serve the development. For multi-family dwelling developments, the scope of design will cover all the electrical facilities up to the meter locations on or near the building(s) within the development. If this plat is not annexed into the City, we will need City Council approval to provide electrical service to the plat and we will require a signed agreement with the developer to establish the future terms of monthly billing to the City Light division for street light operation, maintenance, and daily street light energy usage payment prior to construction.

A completed Residential Plat Application will help facilitate us getting an electric system designed for this plat and tell us more about the homes proposed to be built and whether they will have electric or gas heat, among other things.

DESIGN

The City of Ellensburg will furnish the electrical design for your development within the City of Ellensburg service area.

To facilitate the design process, Developer must furnish the following information to Energy Services:

- Plans showing existing conditions, with proposed development "grayed-out".
- "Cut-and-Fill" plan showing any proposed changes in finished grade.
- All proposed loads should be provided. (Include irrigation pumps).

The above should be provided in digital format, preferably in AutoCAD2010 or later version.

For apartment complexes, or multifamily dwellings, you will also need to include:

- Proposed building locations
- All proposed meter locations.
- Service application including proposed electrical loads and panel size.

Contact City of Ellensburg, Energy Services Department for the following specifications you will need for your project. Some of these will be included with your application for electrical service.

1. A standard trench profile, outlining the depths & separations between utilities.
2. Permanent electrical meter specifications if applicable.

3. Temporary power for construction - meter specifications, if applicable.
4. Vault pit dimensions for electrical vaults.

Contact City of Ellensburg, Public Works Department for all specifications for street lights you are required to furnish and install. Public Works will also determine the number, location, and type of street lights you will be required to install.

Communications facilities will typically follow the electrical design layout, and will most likely be installed jointly in the same trench with electrical.

A complete drawing set showing plans for electrical layout will be e-mailed to your engineering consultant, for inclusion in the bid packages. These will be in the latest version of AutoCAD. If necessary, we can e-mail an earlier version or mail hard copies.

Following this electrical design work, the design, inspection, and installation costs will be invoiced to the developer per City Code. For developments, the scope of the design will include facilities in the proposed City right-of-way in order to serve each proposed lot.

For multi-family dwelling developments, the scope of design will cover all the electrical facilities up to the meter locations on the building(s) within the development.

After the City of Ellensburg receives payment for the invoiced amount, Energy Services will consider the project active, and will order all materials required for the project. (except vault, conduit & street lighting materials, which must be furnished by the developer).



CITY OF ELLENSBURG
Public Works & Utilities Department
501 North Anderson Street; Ellensburg, WA 98926
Ph: (509) 962-7124 Fax: (509) 925-8662
www.ci.ellensburg.wa.us

Memorandum

Date: July 30, 2020
To: Shannon Johnson, Community Development
From: Darin Yusi, Gas Engineer 
Re: Bender Road Plat – P20-059

The following are the Gas Divisions pre-application comments on the proposed Bender Road Development.

Natural Gas:

There is a 6-inch main along Bender Road that would be used to serve the proposed development. The proposed development would be required to tie into the 6-inch main and extend the gas main throughout the development and provide service stubs to each lot. The gas main line needs to be shown on the civil plans but will not need to have any details, as the final gas installation plans will be provided by the City Gas Division. The final location for service stubs will be dependent on the layout of the homes. The sooner this is known and provided the sooner the Gas Division can complete plans. If the home layout is known at the time of the civil plan submittal from the applicant, it would be preferred that the service stubs be shown on the civils for better planning for the applicant, excavators and other utilities. It is preferred that the gas is installed after power has been installed to prevent exposing gas pipe during excavation and limit the opportunity for live gas pipe to be hit during excavation.

City gas crews will install the gas main and service stubs in developer provided trenches. The applicant is to provide the trench, smooth sand bedding, and backfill at the specified depth and required utility separation as indicated on the details G-12 and G-13.

The applicant is not required to serve the homes with natural gas, but if the applicant is interested in serving the proposed lots with gas, please call the City Gas Division at 962-7124 for an application for service. The City does provide service credits to help offset the developer's contribution for the installation of natural gas facilities.

Remember any contractor digging on the property or in the right of way must call the One-Call Underground Utility Notification Center - 811.



CITY OF ELLENSBURG
NATURAL GAS DIVISION
UTILITY MAP REQUEST INFORMATION

PROJECT ADDRESS

BENDER ROAD

DATE

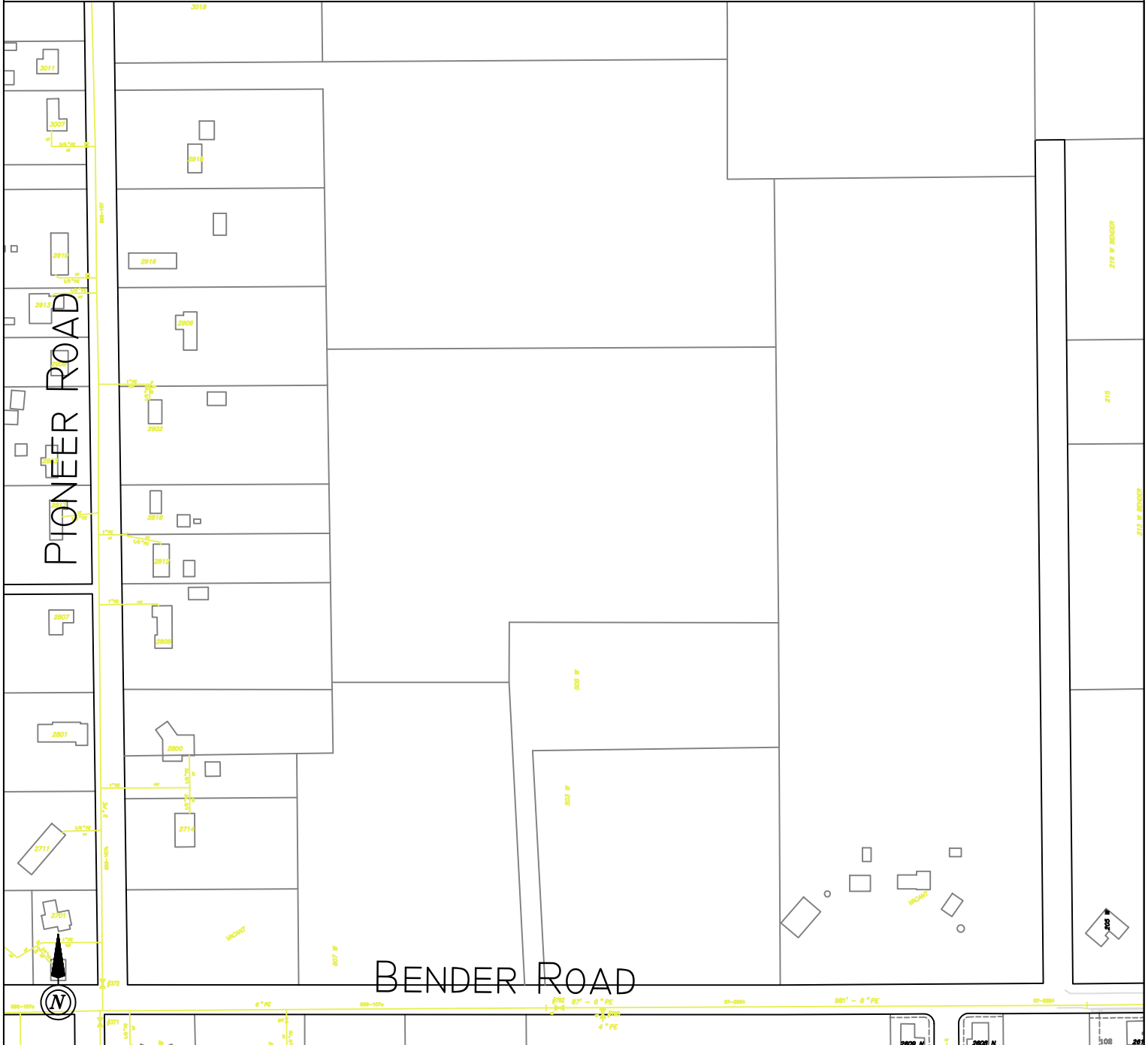
07/15/20

CONTACT NAME

DOUG STALDER

WORK PHONE

509-929-0301



QUESTIONS: DARIN YUSI 509-962-7229

DISCLAIMER:

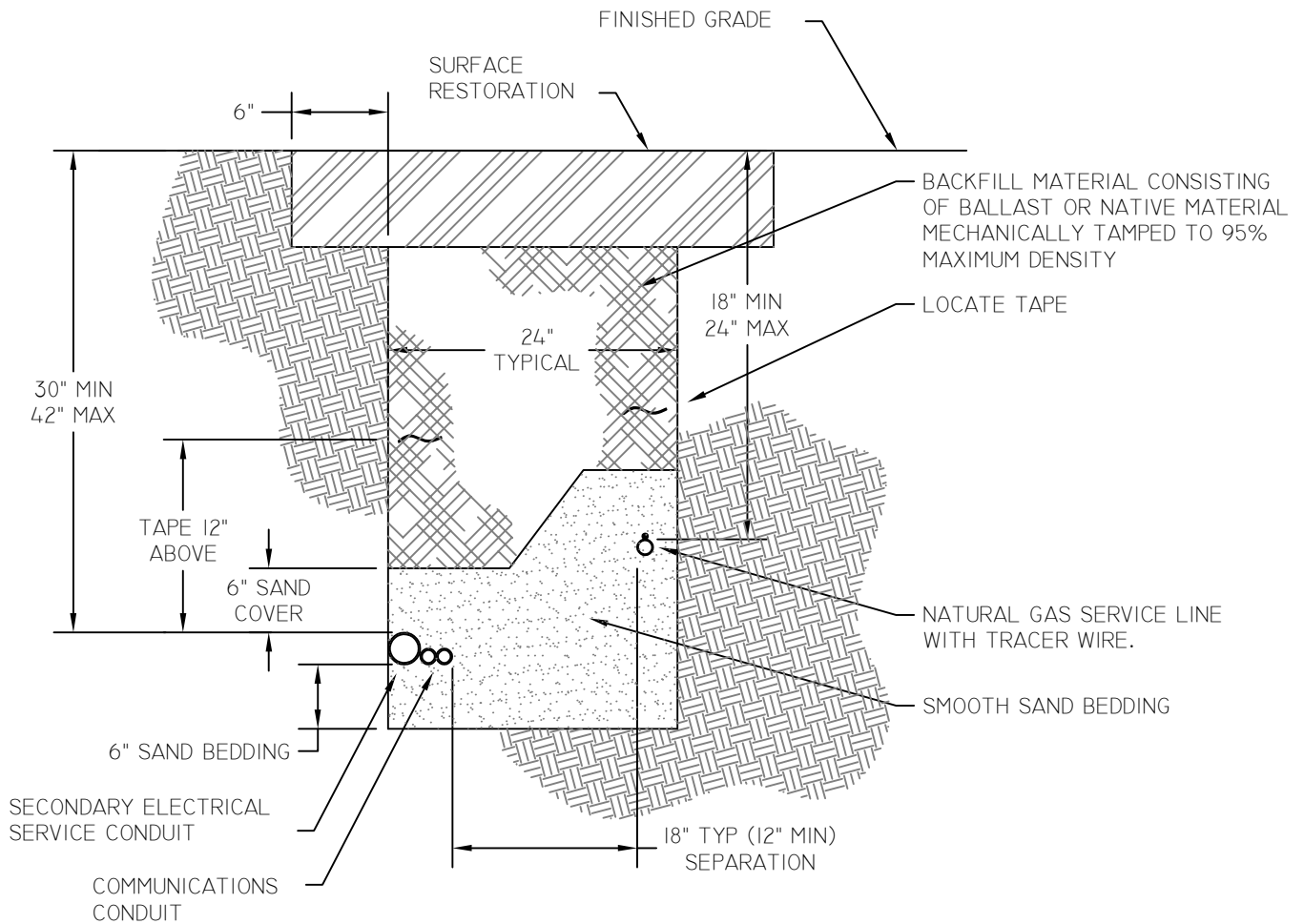
THE CITY OF ELLENSBURG ENERGY SERVICES DEPARTMENT CANNOT VERIFY THE ACCURACY OF THE UTILITIES REPRESENTED ON THIS PLAN. THEY ARE DISPLAYED FOR EASE OF PLANNING AND INSTALLATION AND ARE BASED UPON BEST INFORMATION AVAILABLE. CONTRACTORS AND DEVELOPERS SHOULD REFER TO CIVIL PLAN FOR MOST CURRENT DESIGN REVISION AND CALL 811 BEFORE YOU DIG.



Know what's below.
Call before you dig



- REVISÉ 11-25-15



GENERAL NOTES:

1) THE MINIMUM DEPTH OF TRENCH REQUIRED FOR NATURAL GAS SERVICE LINE IS 18" ON PROPERTY WITH A MINIMUM DEPTH OF 24" IN THE RIGHT OF WAY. THE MINIMUM DEPTH OF TRENCH FOR SECONDARY ELECTRICAL SERVICE CONDUIT IS 30", MAXIMUM OF 42". TRENCH DEPTH MIN / MAX CAN CHANGE WITH PRIOR APPROVAL FROM ENERGY SERVICES.

2) TRENCH SHOULD BE AS STRAIGHT AS POSSIBLE WITH NO MORE THAN (3) 90° BENDS. IN AREAS WHERE TRENCH CHANGES DIRECTION, CORNERS SHOULD BE ROUNDED TO ALLOW FOR SWEEPS. THE FLOOR OF THE TRENCH, SHOULD BE AS LEVEL AND FLAT AS PRACTICALLY POSSIBLE. THE SWEEP BELOW THE METER SHOULD BE DIRECTED TOWARD THE SOURCE OF THE SERVICE (TYPICALLY THE TRANSFORMER OR HANDBOX AT THE PROPERTY CORNER), NOT PERPENDICULAR TO THE BUILDING.

3) BACKFILL SHOULD NOT BE USED IF IT CONTAINS LARGE ROCK, PAVING MATERIALS, CINDERS, LARGE OR SHARPLY ANGULAR SUBSTANCE OR CORROSIVE MATERIALS WHICH CAN DAMAGE THE PIPELINE, CONDUITS, CABLES OR OTHER SUBSTRUCTURES AND / OR PREVENTS ADEQUATE COMPACTION OF FILL.

4) SERVICE LINES MAY BE IN A JOINT TRENCH PROVIDED A MINIMUM SEPARATION OF 12" IS MAINTAINED, WHILE 18" IS PREFERRED. UTILITY MAY REQUIRE STAKING PRIOR TO BACKFILL TO MAINTAIN REQUIRED SEPARATION AND ADEQUATE COVERAGE. NO UTILITY WILL BE PLACED OVER THE TOP OF THE GAS SERVICE LINE.

5) SMOOTH SAND BEDDING IS REQUIRED FOR GAS SERVICE LINES AND SECONDARY ELECTRICAL CONDUITS. MAINTENANCE SAND MAY NOT BE USED AS SAND BEDDING.

6) BACKFILLING MUST BE COMPLETED AT THE TIME THE GAS SERVICE LINE IS INSTALLED AND MADE LIVE. WIRE WILL NOT BE PULLED INTO CONDUITS UNTIL BACKFILL IS COMPLETED.

REVISED 08-06-13



CITY OF ELLENSBURG
STANDARD PLANS & DETAILS

SERVICE LINE
TRENCH REQUIREMENTS

PLAN NO.

G-13

DRAWN BY: SP

DATE: 07-19-01

UPDATED BY: HF

SCALE: NONE



CITY OF ELLENSBURG

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

Memorandum

Date: September 7, 2021

To: Shannon Johnson, Senior Planner

From: Craig Jones, Development Coordinator *CJ*

Through: Derek Mayo, City Engineer *DKM*

Re: Rolling Meadows Preliminary Plat – P21-088

The following are the Public Works comments for the proposed Rolling Meadows Preliminary Plat on the north side of Bender Rd west of Water St.

The applicant can view the City of Ellensburg's Development Standards on the City's website for more information. <http://www.ci.ellensburg.wa.us/index.aspx?NID=339>

At time of civil plan review, Staff will work with the developer's engineer regarding the specific issues related to frontage and utility improvements.

Water:

The water main available to serve this development is a 12" Ductile Iron main that runs in Bender Road. The developer will need to build an 8" water main on the proposed north/south road and the east/west roads. Each lot will need a separate water service. The maximum number of lots that can be served by one water connection is 40 lots. As proposed an additional water connection will need to be made so the system is looped. See attached utility map.

Fire hydrant placement shall be per Fire Department requirements. Developer's engineer may be required to verify that fire flow capacity will meet the necessary requirements.

Specific issues related to water main and meter locations will be addressed at project civil submittal.

Sewer:

The sewer main available to serve this development is a 12" PVC main that runs along Bender Road. This main shall be extended to the west of the property along Bender Road to a future development. The developer will need to build an 8" sewer main on the proposed north/south road and the east/west roads. Each lot will need a separate sewer service. See attached utility map.

The developer may petition the City Council for over sizing costs associated with the cost difference with construction from an 8" main to a 12" main. The Council has the option to accept or deny the request. Latecomer's agreement can also be set up for the construction of the sewer

main for future reimbursement from adjoining properties.

Specific issues related to sewer main and side sewer construction will be addressed at project civil submittal.

Roadway and access:

This project will trigger the requirement for half street improvements along the Bender Road frontage and all the interior roads will need full street improvements. Street improvements include concrete curb/gutter, sidewalks, street lighting, permanent signage, asphalt, asphalt markings, gravel base, storm drainage, and other items associated with minimum public improvements consistent with Public Works Development Standards. There is an existing curb line to the west of this project that may be allowed to project the road alignment along this project. This alignment may require parking restrictions. Bender Road is on the Non-Motorized Transportation route and will need to include additional width to accommodate the future bike lane. The east/west roads will need to be aligned with other existing roads to the east. A larger map with centerline dimensions showing these roads will be needed to determine which roads need to align. The lots that front on Bender Road will need to have driveway access from the local access road directly to the north to limit driveways on Bender Road which is a collector street. Under the Land Development Code the sidewalks will need to be separated from the curb. Existing power poles may need to be relocated to accommodate these frontage improvements. No parking signs will need to be posted on the private access drives and turn arounds. The future access road to Pioneer Road may need to be graveled for the Fire Department as a secondary access. What is the reasoning for the 30' temporary access easement road one lot south of Road "D"?

Specific issues related to roadway and access construction will be addressed at project civil submittal.

Storm water:

There is no storm system available for a direct discharge. The existing road side ditch will need to be conveyed across the frontage of the property. See attached utility map.

The applicant shall use the current Stormwater Management Manual for Eastern Washington, or approved equivalent for reference in design of stormwater treatment and flow control for post construction requirements for new development and redevelopment. The design shall at a minimum use the following design storms, or as recommended for the proposed BMP, whichever is greater. Treatment shall be designed for the first ½" of rainfall on the property, and storm drainage detention on a 10 year storm event (1.2" of precipitation/24 hours) and retention facilities based on a 25 year storm event (1.6" of precipitation/24 hours). Specific issues related to storm water will be reviewed at time of civil plan submittal.

The applicant's design engineer should determine groundwater elevations in the vicinity of proposed storm water treatment and flow control facilities. The water surface elevation needs to be utilized in the facility designs and should be verified when groundwater is at its highest. Typically the groundwater in the Ellensburg area is elevated from April 15th through October 15th. However, groundwater on the subject site may not be associated with seasonal irrigation and could crest at another time during the year.

The following comments are from the City Stormwater Department;

1. If the site is an acre or greater the developer will need to make Notice of Intent (NOI) with Ecology and apply for a Stormwater General Construction Permit months in advance of construction. <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-general-permits/Construction-stormwater-permit>
2. The Ecology permit requires a Stormwater Pollution Prevention Plan (SWPPP) be submitted with the plan set and be reviewed by the City of Ellensburg Stormwater Utility along with a set of temporary sediment erosion control plans (TESC).
3. In addition, Ecology now requires an Operation and Maintenance (O&M) Plan be submitted to the City for review and retainage. The O&M Plan must address the long term maintenance of the stormwater facilities (swales) that will be constructed onsite to deal with the flow control and treatment requirements of Core Element 5&6 in the Eastern Washington Stormwater Management Manual.

Here is a link for additional information from Ecology;
<https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-general-permits/Construction-stormwater-permit/eCoverage-package>

Other issues:

During civil plan review, Public Works establishes the preliminary addressing plan, the developer will need to work with the Post Office to establish the mail delivery routing plan and mailbox locations. The Post Office requires the use of metal Collection Box Unit style mailboxes.

The city has established transportation impact fees. This project may be required to pay impact fees. You can view the traffic impact fees online at <http://www.codepublishing.com/wa/ellensburg/>

The developer is required to obtain all other permits (HPA if required, DOE construction site grading permit, etc.) that may be required as a result of plat development.

Additional utility easements may be required for any proposed utility outside of the right of way. Specific issues will be addressed at civil plan submittal.

Any phasing plans for the project will need to be reviewed and may have additional requirements associated with utilities, access or temporary turn around.

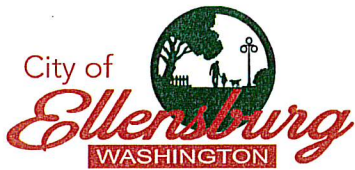
Irrigation water will need to comply with Irrigation District requirements, and be continued through the site to downstream users.

Landscape plans will need to be included for review of any conflicts with existing or proposed utilities.

Latecomer's fees have been established along Bender Road for water and sewer. These fees will be included in the Public Works permits for this development.

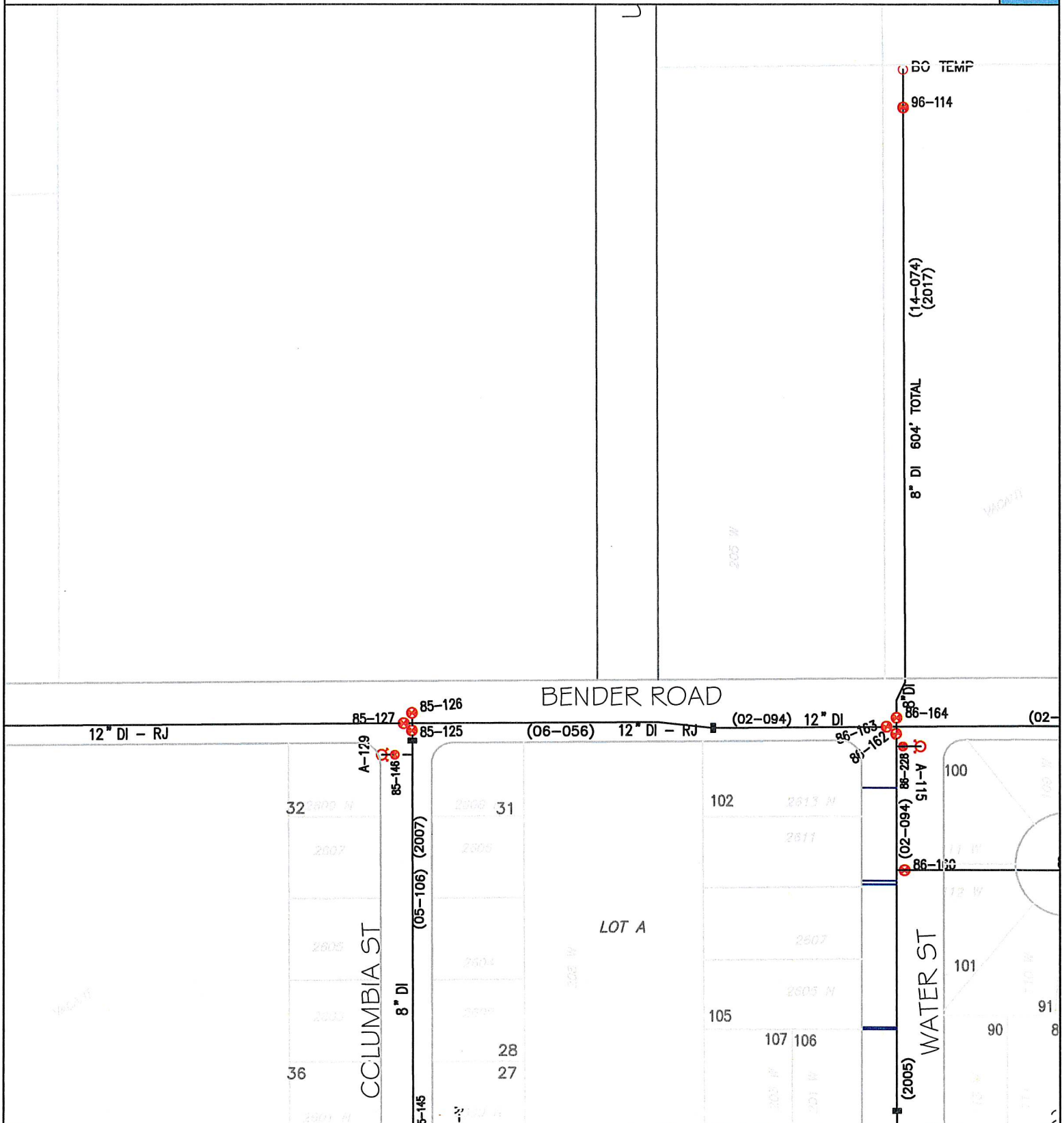
The proposed road names will need to comply with the City's road name ordinance.

Cc File 20-091



CITY OF ELLENSBURG
PUBLIC WORKS DEPARTMENT
UTILITY MAP REQUEST INFORMATION

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DISCLAIMER:
THE CITY OF ELLENSBURG PUBLIC WORKS DEPARTMENT CANNOT VERIFY THE ACCURACY OF THE UTILITIES
REPRESENTED ON THIS PLAN. THEY ARE DISPLAYED FOR EASE OF PLANNING AND INSTALLATION AND ARE
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PLANS FOR MOST CURRENT DESIGN REVISION AND CALL 811 BEFORE YOU DIG.

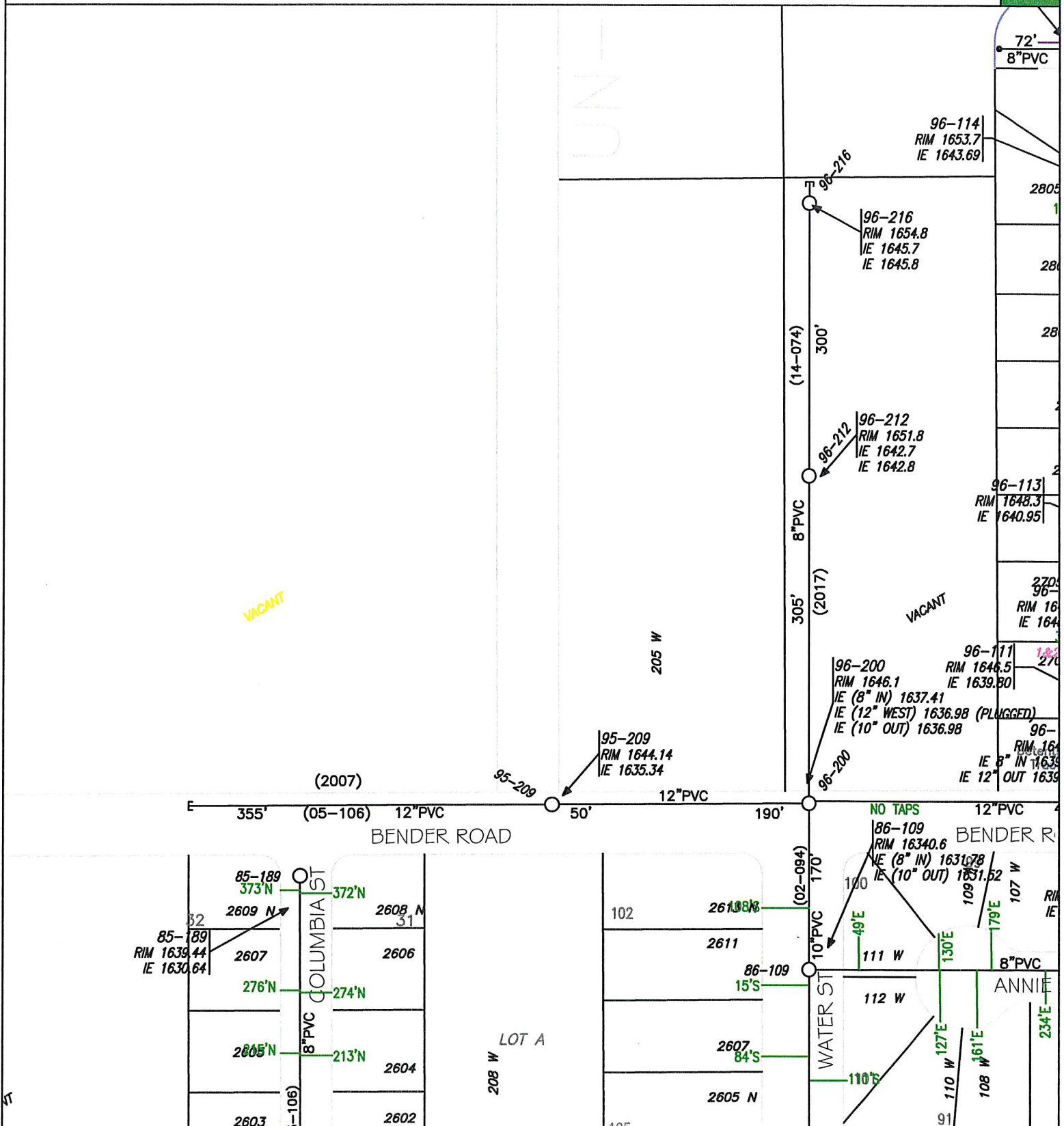


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CITY OF ELLENSBURG
PUBLIC WORKS DEPARTMENT
UTILITY MAP REQUEST INFORMATION

SEWER



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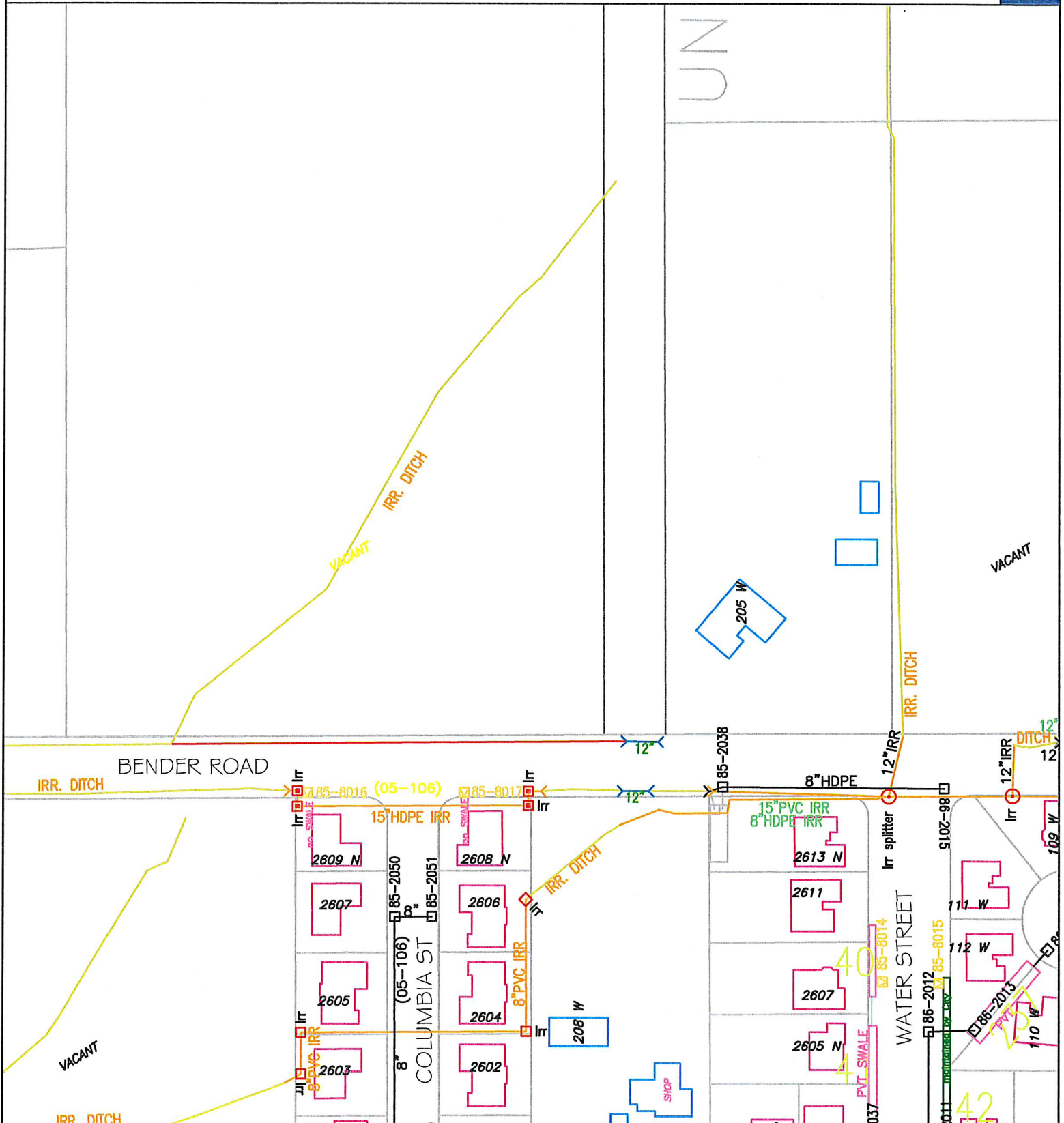


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CITY OF ELLENSBURG
PUBLIC WORKS DEPARTMENT
UTILITY MAP REQUEST INFORMATION

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EXHIBIT 1.6



Fire Marshal
509-856-4455 cell
509-933-7241 office
prevention@kvfr.org

Fire Marshal Long Plat Comments

Project: The Rolling Meadows Plat-W Bender Rd.
Permit#: P21-088
Date: 09/07/2021

Comments:

- Fire apparatus access roads exceeding 150' shall be provided with a temporary or permanent 140' hammerhead, 60' Y or a 90' diameter Cul-de-sac per ECC 3.03.430
- If the project is to going to be completed in phases, each phase must meet requirements for access and water supply.
- Per IFC Section 503 and Appendix D, Fire apparatus access roads shall be a minimum 20' wide and 26' wide adjacent to a fire hydrant. A 20' - 26' wide access road will require "NO PARKING FIRE LANE" signs on both sides. An access road wider than 26', but less than 32' wide will require "NO PARKING FIRE LANE" signs on one side.
- All fire dept. access roads shall be rated for a minimum imposed load of 75,000 lbs.
- Per IFC Appendix D, section D107 the project cannot exceed 30 dwelling units without a second approved access road. The second access road shall be placed at a distance apart equal to not less than ½ of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses. What is the schedule for completing construction of Road A connecting to Pioneer Road?
- What is the reasoning behind the Temporary 30' Access easement between lots 37, 38, 39, and 40? Why not just extend the egress road up to Road D?

- Fire Hydrants installed per ECC and 2018 IFC Appendix C.

Thank you,

A handwritten signature in blue ink, appearing to read "Joe Delvo", is positioned above a horizontal line.

Joe Delvo
Fire Prevention Captain
Fire Investigator, IAAI-FIT
Kittitas Valley Fire & Rescue
400 East Mountain View Ave.
Ellensburg, WA
Phone: 509-933-7241
Cell: 509-856-4455
Fax: 509-933-7245
prevention@kvfr.org

Shannon Johnson

From: Cascade Irrigation <cid@fairpoint.net>
Sent: Wednesday, August 18, 2021 8:19 AM
To: Shannon Johnson
Subject: [Ext] RE: P21-088 Rolling Meadows Preliminary Long Plat Survey Map & Application Materials for Review & Comments - Comments Due September 7, 2021
Attachments: Comment Letter.pdf

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

Shannon,

Please see attached letter for Cascade Irrigation comments.

Thank you,

Kelton Montgomery
District Manager
Cascade Irrigation District
8063 Hwy 10
Ellensburg, WA 98926
Office (509) 962-9583
Mobile (509) 899-3311
Email cid@fairpoint.net

From: Shannon Johnson <johnsons@ci.ellensburg.wa.us>
Sent: Tuesday, August 17, 2021 8:24 AM
To: Craig Jones <jonesc@ci.ellensburg.wa.us>; Tyler Goeden <goedent@ci.ellensburg.wa.us>; Paul Meyer <meyerp@ci.ellensburg.wa.us>; KVFR Fire Prevention <prevention@kvfr.org>; Alice DeWitt <dewitta@kvfr.org>; Darin Yusi <yusid@ci.ellensburg.wa.us>; Robert Doobovsky <doobovskyr@ci.ellensburg.wa.us>; keltonmontgomery@yahoo.com; cid@fairpoint.net; eburgwater@yahoo.com; Douglas Mitchell <mitchelld@ci.ellensburg.wa.us>
Cc: Jamey Ayling <aylingj@ci.ellensburg.wa.us>
Subject: P21-088 Rolling Meadows Preliminary Long Plat Survey Map & Application Materials for Review & Comments - Comments Due September 7, 2021
Importance: High

Good Morning,
Attached you will find the digital survey Preliminary Plat map and application materials, submitted by Douglas Stalder, as agent for property owner CWH, LLC. The survey map, and application materials are also scanned into SmartGov for your approval and conditions as P21-088. **Feel free to refer to you previous SEPA and or Pre-App. Comments.**

Please review the plat and submit your comments in SmartGov. as soon as possible, but no later than September 7, 2021.

Thank you,

Shannon D. Johnson
Senior Planner
Community Development
501 N. Anderson Street
Ellensburg, WA 98926
Office: (509) 962-7108
Email: johnsons@ci.ellensburg.wa.us



CASCADE IRRIGATION DISTRICT

8063 Highway 10
Ellensburg, Washington 98926
509-962-9583

Overview

Cascade Irrigation District will require a \$50 per lot plat fee (*CID Resolution #01-2006*) as well as an engineered irrigation plan based on Cascade Irrigation District specifications (*CID Resolution #3-94 & CID Procedure #1 Standard Specifications for Irrigation Water Distribution Systems*).

The irrigation plan must include the point of entry of irrigation water, the system for provision of irrigation water to each parcel, a description of system proposed, and a description of provisions made including right of ways for the protection of other parcel within Cascade Irrigation District which are affected.

If pressurized pipe is proposed, it must include a sump, pump and the proposed system of water to the sump. (*CID Resolution #03-94 and CID Procedure #1 Standard Specifications for Irrigation Water Distribution Systems*).

Before Cascade Irrigation District can release or sign-off we require 1) approved, inspected and in place irrigation system, or 2) a signed Irrigation Facility Installation Agreement with respective bond covering proposed construction and costs, (*CID Procedure #1*) or 3) a variance. A variance is only by Cascade Irrigation District Board of Directors action after Board of Directors receives, reviews, and approves a formal petition for such.

If the plat is part of or wishes to become part of an existing LID operating within CID, they must complete all work to hook-up to the LID and pay the associated hook-up fees or a signed Irrigation Facility Installation Agreement with respective bond covering proposed construction and costs involved in such hook-up.

If installing a pressurized system not associated with an LID, the Developer will be required to form an owner's association to cover the operating costs and maintenance of the infrastructure. (*CID Resolution #2-2006*)

Attachments: All attachments may be obtained by Dropbox, please call or email Cascade Irrigation District at CID@fairpoint.net for the Dropbox online link to the files OR you may come to our office and pick up hard copies.

Thank you,

Kelton Montgomery
Cascade Irrigation District Manager
509-962-9583

Shannon Johnson

From: kpschrantz@comcast.net
Sent: Tuesday, August 24, 2021 10:07 PM
To: Shannon Johnson
Subject: [Ext] Comments on Case #P21-088

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

Hello,

We live on Pioneer Road and received a notice regarding the new development being built behind us: P21-088.

We would like to register our opposition to one aspect of this development – the proposed road from Pioneer Road into this new development.

We understand the need for development and housing - and are not opposed to it - however the information provided regarding this project brings up several questions and concerns:

1. Why is the road from Pioneer Road even necessary? Why would there be any need to have a road access from the Pioneer Road side for this development? The plat map doesn't show any development on the two westernmost parcels (Lots 11 and 19, which seem to correspond with parcels 20998 and 322733) smaller than 12 acres. The proposed road wouldn't even access the large southern parcel (20998). Why can't all access to the development be from Bender Road – which is an arterial road?
2. What is the plan for access to parcel 20998?
3. This situation makes us think that this current application is not the final and complete plan and does not show the anticipated end-state of the development. The only reasonable expectation is that they will eventually want to add a large number of additional homes to the two western parcels with access via Pioneer Rd - but this is not part of the application at this time. They seem to be putting in a road now and once it's in, they can then change what they do with the two western parcels. What is the final, long-term plan for the two western parcels (20998 and 322733)?
4. Is there any current or known plan or application for more dense development in parcels 322733 and 20998?

The addition of a road into this development through Pioneer Road does not seem to be necessary. It will funnel traffic through an established street/neighborhood and will have a large impact on the residents of Pioneer Road.

Please confirm receipt of these comments.

Thank you,

Peter and Karen Schrantz
3106 N Pioneer Rd
Ellensburg, WA 98926
kpschrantz@comcast.net



Scanned by [McAfee](#) and confirmed virus-free.

Shannon Johnson

From: Shannon Johnson
Sent: Wednesday, September 1, 2021 1:28 PM
To: kpschrantz@comcast.net
Cc: Jamey Ayling
Subject: RE: [Ext] Response to Comments on Case #P21-088
Attachments: Fire Marshall Bender Flats SEPA letter COE P20-123 .pdf; Recorded Pre-Annexation Agreement CWH LLC 12.17.19.pdf; PW comments SEPA Bender Plat P20-123.pdf

Importance: High

Good Morning Peter & Karen,

Thank you for your comments. I will ensure they are forwarded on to the applicant and are included as an exhibit with my staff report for review at the public hearing. During the pre-application review process and subsequent SEPA (State Environmental Policy Act) for this proposed subdivision, the Fire Marshall and Public Works Department worked together to provide adequate access requirements including preserving a future connectivity corridor. I am attaching their comments, along with a copy of the recorded pre-annexation development agreement for your review.

The development agreement provides specific details to preserve a future east/west road corridor from Pioneer Road to the future north/south street in parcel #20999. It also provides density consolidation by allowing densities from parcel #'s 20998 and 322733 to be transferred to parcel #20999, and limits the density to one dwelling unit per parcel on parcel #'s 20998 and 322733.

I hope the information I've provided helps to answer your emailed questions below. Please don't hesitate to call me if you have further questions.

Thank you,

Shannon D. Johnson
Senior Planner
Community Development
501 N. Anderson Street
Ellensburg, WA 98926
Office: (509) 962-7108
Email: johnsons@ci.ellensburg.wa.us



From: kpschrantz@comcast.net <kpschrantz@comcast.net>
Sent: Tuesday, August 24, 2021 10:07 PM
To: Shannon Johnson <johnsons@ci.ellensburg.wa.us>
Subject: [Ext] Comments on Case #P21-088

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

Hello,

We live on Pioneer Road and received a notice regarding the new development being built behind us: P21-088.

We would like to register our opposition to one aspect of this development – the proposed road from Pioneer Road into this new development.

We understand the need for development and housing - and are not opposed to it - however the information provided regarding this project brings up several questions and concerns:

1. Why is the road from Pioneer Road even necessary? Why would there be any need to have a road access from the Pioneer Road side for this development? The plat map doesn't show any development on the two westernmost parcels (Lots 11 and 19, which seem to correspond with parcels 20998 and 322733) smaller than 12 acres. The proposed road wouldn't even access the large southern parcel (20998). Why can't all access to the development be from Bender Road – which is an arterial road?
2. What is the plan for access to parcel 20998?
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The addition of a road into this development through Pioneer Road does not seem to be necessary. It will funnel traffic through an established street/neighborhood and will have a large impact on the residents of Pioneer Road.

Please confirm receipt of these comments.

Thank you,

Peter and Karen Schrantz
3106 N Pioneer Rd
Ellensburg, WA 98926
kpschrantz@comcast.net



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

**State Environmental Policy Act (SEPA)
MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)**

Proponent: CWH LLC, Property Owner

Description: This SEPA Environmental Checklist review is for a proposed 49-Lot Long Plat intended for residential lots and single-family homes. Lots will range in size from 8,957sq. ft., to 12.87 acres. The zoning on the property is Residential Suburban (R-S).

Location: The parcels are located on the north side of Bender Road approximately 300 feet west of the Water Street intersection, parcel ID #322733, #20998 and #20999.

Lead Agency: City of Ellensburg

File #: P20-123

The City of Ellensburg acting as lead agency for this proposal, has determined that the proposal, as mitigated, does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

The lead agency for this proposal has determined that certain **mitigation measures** shall be necessary in order to issue a Determination of Non-Significance for this proposal. Failure to comply with the mitigation measures herein will result in the issuance of a Determination of Significance (DS) for this project. **The mitigation measures include the following conditions which shall apply based on project specific analysis:**

1. Requirements of all City Departments, the Fire District, all utility providers, and affected agencies must be satisfied, as outlined in adopted City Codes and other regulatory documents.
2. The applicant shall comply with all requirements outlined in the City of Ellensburg Public Works division memo, dated 1/04/2021, regarding roadway and access, post office, water, sewer, and stormwater. The applicant shall abide by all other requirements of the Public Works Department to ensure compliance with the Public Works standards and adopted City codes.
3. The applicant shall meet the requirements of the Fire Marshal outlined in the Memo dated 1/04/2021 to comply with the 2015 IFC and IBC, including, but not limited to, fire hydrant flows and locations, access and turnarounds.
4. In the event that previously unknown cultural resources or human remains are encountered during the implementation of the project, work in the vicinity of the discovery shall be halted and a professional archaeologist, the Washington State DAHP, and all affected tribes should be consulted before proceeding.

5. If the applicant wishes to add to, or change, the proposed scope of work included in this application, a new SEPA proposal will need to be submitted to address any changes.

This **Mitigated Determination of Non-significance (MDNS)** is issued using the standard MDNS process under WAC 197-11-350. There is no further comment period on the MDNS. Any action to set aside, enjoin, review, or otherwise challenge this administrative SEPA action on the grounds of noncompliance with the provisions of Chapter 43.21C RCW shall be made to the Hearings Examiner within 14-days of this decision.

Responsible Official: Kirsten Sackett
Title: Community Development Director
Address: City of Ellensburg
Community Development Dept.
501 N. Anderson St.
Ellensburg WA 98926
Phone: (509) 962-7232 Fax: (509) 925-8655

Date: May 5, 2021 **Signature:** Kirsten Sackett

Pursuant to ECC 15.270.200, the City of Ellensburg establishes administrative appeal procedures, which are contained in ECC 15.230.040, which shall be made to the Hearing Examiner, as applicable to the matter being appealed.

EXHIBIT 1.11

TREASURER'S USE ONLY	RECORDER'S USE ONLY
REVIEWED BY KITTITAS COUNTY TREASURER DEPUTY <i>[Signature]</i> DATE <i>12-17-2019</i>	12/17/2019 04:18:09 PM 201912170041 \$119.50 Page: 1 of 17 Agreement CITY OF ELLENSBURG Kittitas County Auditor 

Return To: City of Ellensburg, City Clerk
 501 North Anderson Street
 Ellensburg, WA 98926

Kittitas County Auditor/Recorder's Indexing Form

Please Print or Type All Information

- Document Titles (or transactions contained therein):
Pre-Annexation Development Agreement
- Grantor(s) (last name, first name, middle initial):
City of Ellensburg
- Grantee(s) (last name, first name, middle initial):
CWH, LLC
- Legal description (lot, block, plat or section, township, range):
Parcels B, C, and D of that certain Survey as recorded August 26, 2004, in Book 30 of Surveys, page 129, under Auditor's File No. 200408260006, records of Kittitas County, Washington; being a portion of the Northwest Quarter of Section 26, Township 18 North, Range 18 East, W.M., in the County of Kittitas, State of Washington; also being a portion of Lot 10, MEADOW VIEW NO. 2, in the County of Kittitas, State of Washington, as per plat thereof recorded in Book 5 of Plats, page 15, records of said County.
- Assessor's property tax parcel/account number(s):
322733, 20998 and 20999
- Reference numbers of documents assigned or released:

The auditor or recording officer will rely on the information provided on this form. The staff will not read the document to verify the accuracy of or the completeness of the indexing information provided herein.

PRE-ANNEXATION DEVELOPMENT AGREEMENT

CITY OF ELLENSBURG AND CWH LLC

THIS PRE-ANNEXATION DEVELOPMENT AGREEMENT (hereinafter the "Agreement") is entered into this 16th day of December, 2019 ("Effective Date"), by and between CWH, LLC, a Washington limited liability company ("CWH"), and the CITY OF ELLENSBURG, a Washington municipal corporation (the "City") in connection with the real property described herein (hereinafter referred to as the "Property"), and development of the Property by CWH, its successors and assigns (hereinafter referred to as the "Project") for purposes and on the terms set forth herein. The City and CWH are collectively referred to as the "Parties."

RECITALS

WHEREAS, The State Legislature has specifically authorized the negotiation and execution of Development Agreements, pursuant to RCW 36.70B.170 – 210, where appropriate to provide additional land use approval and mitigation certainty, especially for larger-scale developments intended to be constructed as a unified whole, but over a period of several to many years. These agreements may be executed before or after annexation has occurred; and

WHEREAS, CWH owns the Property legally described in **Exhibit A**, attached hereto; and consists of parcels 322733, 20998, and 20999, which are located in Kittitas County, Washington, on the north side of Bender Road, generally east of Pioneer Road, west of Water Street, and south of Bowers Road; and

WHEREAS, the easternmost parcel of the Property is bordered by City limits on the east and south side. The incorporated parcel on the east side of the proposed annexation area is bordered by unincorporated land to the north, west, and remainder of the south and east sides. The unincorporated areas bordering the proposed annexation area are zoned by Kittitas County as Urban Residential; and

WHEREAS, the two westernmost parcels of the Property (322733 and 20998) are located entirely within Airport Overlay Zone 3, which restricts the density to a maximum of one dwelling unit per acre; and

WHEREAS, the easternmost parcel of the Property (20999) is primarily in Airport Overlay Zone 3, with the southeast corner in Airport Overlay Zone 6. Airport Overlay Zone 6 restricts the average density to three dwelling units per acre and has a minimum lot size of 7,000 square feet; and

WHEREAS, CWH intends to pursue consolidation of all but two residential units of the allowable residential density for all three parcels in the Property into just one parcel, 20999, which is the easternmost lot with access from Bender Road, to create through the subdivision

process a maximum density to be determined by a professional land survey of the property that includes the airport overlay zones; and

WHEREAS, this consolidation is allowed pursuant to Chapter 15.380 ECC, ECC 15.350.040 and .050, and RCW 36.70B.170(2)(a)-(j) and WAC 365-196-845(17)(c)(i)-(x); and

WHEREAS, this consolidation is approved by the Washington State Department of Transportation; said approval is attached as **Exhibit B**; and

WHEREAS, the Property is not currently serviced by City utilities, nor does the Property have a Utility Extension Agreement; and

WHEREAS, the consolidation of the residential densities of all three parcels allows for easier access to City utilities and services; and

WHEREAS, the consolidation of the allowable residential density of all three parcels is consistent with the City's comprehensive plan land use, capital facility, and housing goals and policies for compact urban growth, consideration of regulation and procedure impacts on housing costs, and efficient provision of services; and

WHEREAS, Kittitas County zoning of the subject property is Urban Residential and the City of Ellensburg Comprehensive Plan presently designates the property as Residential Neighborhood and the June 3, 2019 City Community Development Department's Council Agenda Report recommends the Property be zoned Residential-Suburban upon annexation into the City; and

WHEREAS, on or about January 22, 2019, the City received a Notice of Intent to Commence Annexation Proceedings pursuant to RCW 35A.14.120 with respect to the Property. On February 19, 2019, the City Council accepted the proposed annexation as geographically proposed in the Notice of Intent; and

WHEREAS, on or about February 26, 2019, the Assessor determined the petition for annexation sufficient with regard to legal description and corresponding owner of record; and

WHEREAS, as set forth in these Recitals and other adopted Findings, the City has determined that the terms and conditions set forth herein will serve a public purpose and will promote the health, safety, prosperity, and general welfare of the citizens of the City; and

WHEREAS, CWH is willing to enter into the following Agreement, in conjunction with annexation of the Property in question by the City; and

WHEREAS, the Agreement is to be consistent with all development regulations adopted by the City of Ellensburg and Kittitas County;

NOW, THEREFORE, in consideration of the above-representations, and the covenants and conditions set forth herein, the City and CWH agree as follows:

AGREEMENT

1. Effective Date and Duration of Agreement

- 1.1. This Agreement shall take effect immediately upon its adoption by the City Council and execution by all parties on 12-16-19, provided that the time periods specified in this Agreement shall be tolled pending any appeals of the City's land use decisions necessary to commence development and pending any delays in receipt of approvals or appeals of any state or federal approvals necessary to commence development.
- 1.2. Subject to the potential default and/or termination provisions of Section 5 below, this Agreement shall be valid for a period of five (5) years from the date it takes effect, with a one-time option to extend the Agreement for a maximum of five (5) additional years, in accordance with Ellensburg City Code ("ECC") 15.380.050(C). At the end of that period, the Property shall be subject to all policies, plans, rules, and regulations in effect for the City generally, whether they have been adopted since the effective date of this Agreement or not, and nothing shall prevent the City from adopting whatever subsequent policies, plans, rules, or regulations it deems are in the public interest for the City of Ellensburg as a whole.

2. Description of Approved Development and Zoning

- 2.1. Rezoning. By execution of this Agreement, the City warrants that upon annexation into the City, the Property shall cease being zoned by Kittitas County as Urban Residential. Instead, the Property shall be zoned consistent with the City Community Development Department's June 3, 2019 Agenda Report, which recommends the Property be zoned for Residential-Suburban use.
- 2.2. Airport Overlay Zones. Parcels 322733 and 20998 are located within the City's Airport Overlay Zone 3, which allows an average maximum density of one dwelling unit per acre. Parcel 20999 is also mostly located in Airport Overlay Zone 3, with the exception of the southeast corner of the parcel, which is located in Airport Overlay Zone 6, which allows an average maximum density of three dwelling units per acre.
- 2.3. Residential Density Consolidation. By execution of this Agreement, the City warrants that upon annexation into the City, the allowable residential densities of parcels 322733, 20998, and 20999 shall be consolidated into parcel 20999. The maximum number of residential dwelling units on Parcel 20999 following consolidation shall be determined by a professional land survey that includes the airport overlay zones. Within thirty (30) days of CWH submitting a development application for Parcel 20999, it shall record with the Kittitas County Auditor's Office perpetual restrictive covenants, binding on all heirs and successors in interest, on titles for Parcels 20998 and 322733 limiting density to one unit for each parcel.

- 2.4. Utilities and Public Improvements. By execution this Agreement, CWH warrants that upon annexation into the City, further development will necessitate connection to City utilities. CWH shall bear the cost of connection to necessary City utilities and any fees derived therefrom. CWH warrants that further development may also trigger improvements consistent with the City's Public Works Development Standards. CWH shall comply with, and bear the cost for, all Public Works Development Standards that may be triggered by further development of the Property. With the density transfer from Parcels 322733 and 20998 to Parcel 20999, roadway and utility main extensions through Parcels 322733 and 20998 will not be required. However, at time of density transfer and platting, an exclusive and perpetual roadway and utility easement shall be granted to the City to preserve a future east/west road corridor from Pioneer Road to the future north/south street in parcel 20999. The easement width shall be consistent with the Local Access street widths as proscribed in the Public Works Development Standards.
- 2.5. Pursuant to Chapter 15.420 of the Ellensburg City Code, the City agrees to allow for a block length greater than 660 feet but no greater than 1,000 feet on the eastern side of the development of Parcel 20999.

3. Vesting

- 3.1. The Property shall vest to all future City reviews and approvals, per Chapter 57.18 RCW, necessary to construct the Project and shall be subject to the Applicable Law as of the effective date of this Agreement, with the following exceptions:
- 3.1.1. All Property development shall be subject to all regulations and development standards in the Ellensburg City Code (including, but not limited to, Building Codes, Fire Codes, and Electrical Codes) in effect on the date a complete application for the particular construction or building permit(s) is submitted to the City.
 - 3.1.2. Other laws, rules, or regulations deemed by the City as necessary to impose as the only reasonable method to address a public health or safety concern.
 - 3.1.3. Any additional rules, requirements, or mitigation measures determined reasonably necessary to avoid a decision by a state or federal administrative agency, or a court of competent jurisdiction, that the City unlawfully failed to comply with any state or federal laws or regulations in approving subsequent development or construction permits.
 - 3.1.4. Any requirement or new regulation which the City reasonably believes in good faith is necessary to avoid a decision by a state or federal administrative agency, or a court of competent jurisdiction, that the City's eligibility for funding, grants, program eligibility, or other resources sought by the City would be impaired (for example, if approval of any portion of the development would result in higher premium rates to the City or its property owners).

3.2. The City's ability to impose new requirements or modifications pursuant to the provisions of Subsection 3.1 above shall be limited to the minimum necessary to avoid consequence or address the requirement described in each Subsection. The City further agrees to advise and consult with CWH when the City believes any such circumstances arise.

3.3. This Section and this Agreement are intended to implement the vesting provisions of RCW 36.70B.170-180, and nothing herein is intended to address or in any way modify other existing state or federal rules or court decisions regarding vested rights under laws adopted by jurisdictions other than the City, including state or federal laws or regulations.

4. Transfers of Obligation

4.1. CWH shall have the right to assign or transfer all or any portion of its interests, rights, obligations, or responsibilities under this Agreement to third parties acquiring an interest in all or any portion of the Property, subject to the requirements for City consent described in this section

4.2. Transfers Not Requiring City Consent. CWH may enter into a transfer agreement to transfer or assign all or any portion of CWH's interests, rights, obligations, and responsibilities under this Agreement and to release CWH from its obligation and responsibilities without obtaining written consent from the City if such transfer relates to the transfer of:

4.2.1. Any single family residential parcel conveyed to a purchaser;

4.2.2. Any single condominium, time-share, or fractionally-owned unit conveyed to a purchaser;

4.2.3. Any property that has been established as a separate legal parcel, but only to the extent that CWH may transfer without City consent those obligations and responsibilities that can be fulfilled exclusively within the boundaries of, and by the development upon, the parcel or parcels being transferred (the "Parcel Obligations"). Parcel Obligations include, by way of illustration only and without limitation, such items as individual lot landscaping or buffering requirements, building setback, height or design requirements, wood-burning stove prohibitions, and such access and infrastructure improvements to be constructed solely within the boundaries of the parcel and intended to serve only the building(s) or uses located within that parcel. As a condition of this type of transfer, CWH shall remain responsible for all obligations and responsibilities pursuant to this Agreement other than the Parcel Obligations.

4.3. Transfers Requiring City Consent.

- 4.3.1. All other transfers of any of the rights, responsibilities, and obligations of CWH that propose to release CWH from its obligations and responsibilities pursuant to this Agreement shall not take effect unless and until CWH has obtained written consent from the City. The City's consent shall not be unreasonably withheld, conditioned, or delayed.
- 4.3.2. Such proposed transfers may release CWH from obligations under this Agreement that pertain to that portion of the Property being transferred, provided that the transferee expressly assumes such obligations and responsibilities.
- 4.3.3. A Notice of the proposed transfer agreement, including the provisions regarding assumption of CWH's obligations, shall be provided to the City in the matter set forth in Subsection 6.6 below at least sixty (60) days in advance of the proposed date of transfer. Failure of the City to respond within forty-five (45) days after the date the notice is received by the City shall be deemed to be the City's approval of the transfer in question.
- 4.3.4. The City may refuse to give its consent to a transfer only if there is a material reason for such refusal. A material reason includes, without limitation, the transferee's failure to perform under a similar Development Agreement or a failure to demonstrate adequate financial capability to perform the obligations proposed to be transferred.
- 4.3.5. The City shall be entitled to contract, at CWH's expense, with third parties to assist with a reasonable due diligence review of a proposed transfer agreement. City determinations shall be made by the City Council and are appealable to the Superior Court, consistent with other decisions of the City Council.

5. Default and Termination

- 5.1. No party shall be in default under this Agreement unless it has failed to perform as required under this Agreement for a period of thirty (30) days after written notice of default from any other party. Each notice of default shall specify the nature of the alleged default and the manner in which the default may be cured satisfactorily. If the nature of the alleged default is such that it cannot be reasonably cured within the thirty (30) day period, then commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed a cure. The provisions of the Subsection notwithstanding, the City shall retain the authority to require immediate cure of any default that the City determines constitutes an immediate threat to public health or safety.
- 5.2. A party not in default under this Agreement shall have all rights and remedies provided by law or equity including, without limitation, damages, specific performance, or writs to compel performance or require action consistent with this Agreement. The City shall further have the right to withhold or withdraw development, construction, and/or

occupancy approvals for all or any portion of the Project as determined necessary by the City to ensure cure of the default.

5.3. In recognition of the anticipated transfers of one or more parcels within the Property to other entities pursuant to the provisions for the transfers of obligations described in Section 4, the parties agree to pursue relief for default as much as is feasible only against those portions of the Property and against only those parcel owners to which the default applies.

5.4. The City shall have no liability to any person or party for any damages, costs, or attorneys' fees under this Section so long as the City exercises reasonable and good faith judgment in seeking remedies against appropriate parties or portions of the Property.

5.5. Termination

5.5.1. CWH shall have the right, at its sole option, to elect to terminate this Agreement by giving the City six (6) months' written notice of its intent to do so, provided such notice includes CWH's intent to abandon development of the Property pursuant to this Agreement and its commitment to pay the City for any post-termination obligations as described in this Agreement. Any proposal to simply revise or to restart Residential-Suburban Zoning review of the Property shall be processed as an amendment, rather than through termination. Termination shall take effect six months after the City's receipt of CWH's notice of termination. If termination occurs following annexation, the Property shall retain Residential-Suburban Zoning in the City, but shall require a new Residential-Suburban Zoning subdivision review and approval prior to any additional development to the Property.

5.5.2. The City shall have the right to terminate this Agreement only if the Property is not annexed to the City within one year, as may be tolled under Subsection 1.1, from the effective date of this Agreement, or CWH defaults on its obligations pursuant to this Agreement, if the City follows the notice of default requirements in Subsection 5.1, and CWH fails to cure the default within the time periods specified in this Agreement. The City is entitled to withhold development, construction, and/or occupancy approvals until the default issue is resolved.

5.6. In the event this Agreement is terminated, CWH shall be obligated to reimburse the City for all its expenses reasonably incurred in an effort to restore the City to its pre-CWH fiscal condition, as are specified in this Agreement. To the extent possible, the Parties agree to first rely on cost reimbursement mechanisms, such as utility connection charges or latecomer's payments, as security for any post-termination obligations. CWH's post-termination obligations shall be either paid in cash to the City, or, if the obligations are to be incurred over time, may be secured through a set-aside account, a letter of credit or some other security in a form acceptable by the City. Any proposal to pay these obligations other than in cash upon termination must be agreed to by the City in writing, prior to the effective date of the termination.

6. General Provisions

- 6.1. **PARTIES AND AUTHORITY.** The signatories below to this Agreement represent that they have the full authority of their respective entities to commit to all of the terms of this Agreement, to perform the obligations hereunder, and to execute the same.
- 6.2. **VOLUNTARY AGREEMENT.** The Parties intend and acknowledge that this Agreement is a voluntary contract binding upon the Parties hereto, as well as their successors and assigns. The Parties recognize that the financial obligations undertaken by CWH are voluntary, and CWH acknowledges that it is fully aware that the City has relied on CWH's recitals and commitments contained in this Agreement in making the land use and development decisions contained in this Agreement. CWH acknowledges that it is entering into this Agreement knowingly and voluntarily in consideration of the benefits to be derived therefrom. CWH waives and disclaims for itself and its successors and assigns any right of claim for refund or modification of the mitigations, whether based on constitutional or statutory grounds, unless such are subsequently changed by agreement of the Parties pursuant to the provisions for monitoring and revised mitigation described in this Agreement.
- 6.3. **AMENDMENT.** This Agreement shall only be amended in writing, signed by all Parties to this initial Agreement and only after approval by the Ellensburg City Council.
- 6.4. **ENTIRE AGREEMENT.** This document contains the entire agreement between the Parties with respect to the subject matter of the Agreement.
- 6.5. **UNCONTROLLABLE CIRCUMSTANCES.** Neither Party shall be deemed to be in default where delays in performance or failures to perform are due to war, insurrection, strikes or other labor disturbances, walk-outs, riots, floods, earthquakes, fires, casualties, acts of God, or other restrictions or bases for excused performance which is not within the reasonable control of the Party to be excused, provided that any such cause that excuses one Party from performing its obligations pursuant to this Agreement shall similarly be cause for the other Party to not perform its corresponding obligations pursuant to this Agreement.
- 6.6. **CORRESPONDENCE AND NOTICE.** All notices or communications required by this Agreement must be in writing, and may either be delivered personally, or by certified mail, or by express delivery service, return receipt requested. Such notices or communications shall be deemed to be received upon the delivery date indicated on the return receipt. Any Party may, by giving ten (10) days' written notice to the other Party, designate any other address to substitute for the address contained in this Agreement, either for a particular duration or permanently. Such notices and communications shall be given to the Parties at their addresses set forth below:

To the City:

City of Ellensburg *with a copy to:*
Attn: Community Development Department
501 N. Anderson St.
Ellensburg, WA 98926

Terry Weiner
City Attorney
501 North Anderson Street
Ellensburg, WA 98926

To CWH:

CWH, Inc. *with a copy to:*
P.O. Box 490
400 E. 1st St. WA. 98922
Bill Sparks

6.7. APPLICABLE LAW AND VENUE.

6.7.1. This Agreement is entered into under the laws of the State of Washington, and the Parties intend that Washington law shall apply to interpretation of this Agreement

6.7.2. Venue and jurisdiction to enforce all obligations under this Agreement shall lie in the Kittitas County Superior Court.

6.8. SEVERABILITY

6.8.1. If any term or provision of this Agreement, or its applicability to a particular situation, is found to be invalid, void or unenforceable by a court of competent jurisdiction, and if such cause of action was brought by someone who was not a party to this Agreement, then the remaining provisions of this Agreement or its applications to other situations shall continue in full force and effect. Provided, however, if the provision found invalid, void, or unenforceable is a material provision of this Agreement, necessary to accomplish its purpose and intent, this Agreement shall be terminated, unless the Parties negotiate and execute an amendment to this Agreement that addresses the material invalid, void, or unenforceable provision in a manner that responds to the Court's decision and is consistent with the intent of this Agreement. The Parties agree to negotiate in good faith to agree on such amendment.

6.8.2. If the action which results in a court finding any provision of this Agreement to be invalid, void, or unenforceable is brought by CWH or its successors or assigns, then this Agreement shall be deemed to be terminated and the termination provisions of Section 5, including the post-termination obligations, shall apply.

6.9. NO THIRD PARTY BENEFICIARY. Except as expressly provided for, nothing in this Agreement is intended to create any third party beneficiary relationships.

- 6.10. NO JOINT VENTURE. Nothing in this Agreement is intended to create any type of joint venture relationship between the Parties as to the Property or its development.
- 6.11. ATTORNEY FEES AND COSTS. In any judicial action to enforce or determine a party's rights under this Agreement, the prevailing party (or the substantially prevailing party, if no one party prevails entirely) shall be entitled to reasonable attorneys' fees and costs, including fees and costs incurred in the appeal of any ruling of a lower court.
- 6.12. MUTUAL DRAFTING AND CONSTRUCTION. The Parties agree that both Parties participated fully in the negotiation and drafting of this Agreement and the rules of construction of ambiguities against the drafter shall not apply to either Party.
- 6.13. BINDING ON SUCCESSORS AND RECORDING. This Agreement shall run with the land and be binding upon and insure to the benefit of the Parties, their respective heirs, successors, and assigns, subject to the provisions for transfers of obligations described in Section 4 above. A memorandum of this Agreement shall be recorded by CWH against the Property with the Kittitas County Auditor. A complete copy of this Agreement shall be kept at Ellensburg City Hall and made available to anyone requesting review or a copy.
- 6.14. COVENANTS NOT INCONSISTENT WITH CONDITIONS OF APPROVAL AND THIS AGREEMENT. CWH shall have the right to record such additional covenants, conditions, and restrictions ("CC&R's") against all or any portion of the Property, provided that those CC&R's are not inconsistent with this Agreement. At least sixty (60) days prior to recording any such CC&R's, CWH shall provide the City Attorney with a copy of the CC&R's proposed to be recorded for the City Attorney to review for consistency with this Agreement. The City Attorney shall review the CC&R's and provide CWH with any objections, in writing, within thirty (30) days after receipt of the CC&R's. The CC&R's shall not be recorded by CWH until after receipt of the City Attorney's approval. The proposed CC&R's shall not require any public review or comment prior to recording.
- 6.15. SECURITY FOR PERFORMANCE. When the City deems reasonably necessary, CWH shall provide to the City reasonable and adequate security or financial assurances that CWH, or its successors and assigns, can and will perform all of CWH's obligations pursuant to this Agreement that are to be fulfilled after the City has taken a permitting action or issued an approval including by way of illustration only, obligations to construct improvements, pay mitigation, or fulfill post-termination obligations. Such financial assurances may include, by way of illustration only, adopted reimbursement mechanisms, bonds, letters of credit, set-aside bank accounts, or other comparable financial assets. If CWH does not or cannot provide financial assurances to the City as provided by this Section without need to resort to litigation or other extraordinary enforcement obligations, then the Parties agree that the City may record a Notice of Lien Claim against such part of the Property as is still owned by CWH. The lien shall encumber such part of the Property as is still owned by CWH until paid and may be

foreclosed upon in accordance with the general lien foreclosure laws then in effect in the State of Washington. The foreclosure amount shall include the cost of filing the lien, attorney's fees, and such other fees and costs as may be necessary to enforce the lien and collect the amount due.

6.16. INDEMNIFICATION

6.16.1. General Indemnification. Each party shall protect, defend, indemnify, and hold harmless the other party and their officers, agents, and employees, or any of them, from and against any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever ("claims"), which are caused by or result from any negligent act or omission of the party's own officers, agents, and employees in performing obligations pursuant to this Agreement. In the event that any suit based upon such a claim is brought against a party, the party whose negligent action or omissions gave rise to the claim shall defend the other party at the indemnifying party's sole cost and expense, provided that each party shall retain the right to select its own counsel for such defense. If final judgment be rendered against the other party and its officers, agents, and employees, the party whose action or omissions gave rise to the claim shall satisfy the same. In the event of concurrent negligence, each party shall indemnify and hold the other party harmless only to the extent of that party's negligence. The indemnification to the City hereunder shall be for the benefit of the City as an entity, and not for members of the general public.

6.16.2. Additional Indemnification. If any person or entity brings suit or counterclaim against the City challenging the provisions of or the City's authority to enter into this Agreement and/or seeking recovery of any monies paid pursuant to this Agreement, then CWH agrees to indemnify, defend, and hold the City harmless from any judgment and shall pay for the City's (and its officers' agents', employees', and contractors') costs of suit, pre- or post-judgment interest, consequential damages, and reasonable attorneys' fees, expert witness fees, staff time, consultants' fees, and all other directly related out-of-pocket expenses, and reimbursement of any monies paid pursuant to this Agreement. The City shall retain the right to select its own counsel. The provisions of this indemnification shall survive the expiration or termination of this Agreement.

Dated as of the day and year first above written.

CITY OF ELLENSBURG

By B. Tabb
Bruce Tabb, Mayor

Date: 12/16/19

Betty Leader
City Clerk

Approved as to form:



Terry Weiner
City Attorney

CWH, ~~INC.~~ LLC

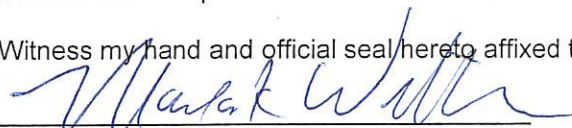
By  _____

Date: 12-10-19

STATE OF WASHINGTON)
)ss.
COUNTY OF KITTITAS)

On this 10th day of December, **2019**, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared William F. Sparks, to me known to be the member of CWH, a Washington limited liability company, the llc that executed the foregoing instrument, and acknowledge the said instrument to be the free and voluntary act and deed of said llc, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument and that the seal affixed (if any) is the corporate seal of said corporation.

Witness my hand and official seal hereto affixed the day and year first above written.



NOTARY PUBLIC in and for the State of
Washington residing at: Ellensburg
My appointment expires: 08/25/21

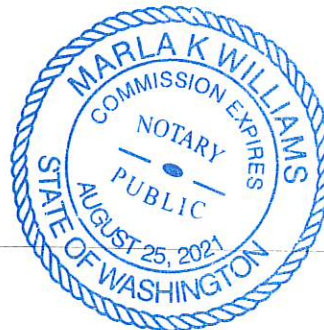


EXHIBIT A

Legal description of parcels 322733, 20998, and 20999:

Parcels B, C, and D of that certain Survey as recorded August 26, 2004, in Book 30 of Surveys, page 129, under Auditor's File No. 200408260006, records of Kittitas County, Washington; being a portion of the Northwest Quarter of Section 26, Township 18 North, Range 18 East, W.M., in the County of Kittitas, State of Washington; also being a portion of Lot 10, MEADOW VIEW NO. 2, in the County of Kittitas, State of Washington, as per plat thereof recorded in Book 5 of Plats, page 15, records of said County.

EXHIBIT B

Angela San Filippo

From: Wright, Patrick <WrightP@wsdot.wa.gov>
Sent: Thursday, April 4, 2019 3:53 PM
To: Angela San Filippo
Subject: RE: [Ext] RE: City of Ellensburg - Airport Overlay Questions

Hi Angela,

If the city were to leave the zones where they are it is still up to the city on what development they would allow in that area. I have no concern where the city has the zones laid out, and urban development in that portion of the zone will not hamper the airport operations. If it were to move into my zone 3 that I depicted, then I would like to discuss further.

Regards,

Patrick

Patrick Wright
WSDOT Aviation Division
(Work) 360-709-8019
(Cell) 360-742-4850

From: Angela San Filippo <sanfilippoa@ci.ellensburg.wa.us>
Sent: Monday, March 25, 2019 4:29 PM
To: Wright, Patrick <WrightP@wsdot.wa.gov>
Subject: RE: [Ext] RE: City of Ellensburg - Airport Overlay Questions

Patrick,

Thank you, that is really helpful information for the City to have, I will definitely follow-up on your recommendation. However, if the City were to leave the Airport Zone 3 boundaries as they are do you think there are issues with the proposal as described in my original email?

Thanks again for all your help,

Angela

From: Wright, Patrick <WrightP@wsdot.wa.gov>
Sent: Monday, March 25, 2019 4:00 PM
To: Angela San Filippo <sanfilippoa@ci.ellensburg.wa.us>
Subject: [Ext] RE: City of Ellensburg - Airport Overlay Questions

Hi Angela,

I did a quick evaluation on your Zone 3 and it seems really large. For this type runway the pie should start 2000' from the end of the runway and run 20 degrees for 6000 feet out either side of the center line. I have provided a depiction on the map you provided me.

This is our recommendations to you and you can tweak as needed, but I would go any smaller. If you go with my recommendation then there shouldn't be any issues with the property.

Thoughts

Patrick

Patrick Wright
WSDOT Aviation Division
(Work) 360-709-8019
(Cell) 360-742-4850

From: Angela San Filippo <sanfilippoa@ci.ellensburg.wa.us>
Sent: Monday, March 25, 2019 3:19 PM
To: Wright, Patrick <WrightP@wsdot.wa.gov>
Subject: City of Ellensburg - Airport Overlay Questions

Patrick,

Thank you for responding to my voicemail. In follow-up to our conversation this morning, I attached a map of the area in question. The property owner of the three parcels outlined in light blue is petitioning to be annexed into the City of Ellensburg. While these parcels are currently under the jurisdiction of Kittitas County, upon annexation the three parcels would be subject to City zoning and other land use regulations. The parcels are primarily in Airport Overlay Zone 3 which restricts residential density to one dwelling unit per acre (there is a small portion of parcel 20999 in Airport Overlay Zone 6).

The property owner has asked if they could consolidate the allowable density on all three parcels onto the easternmost parcel (parcel 20999). This would enable easier and more economical connection to City utilities as well as generally more cost effective development of the property. The total acreage of the parcels is as follows: parcel 322733 = 12.87 acres; 20998 = 12.03 acres; and 20999 = 19.61 acres.

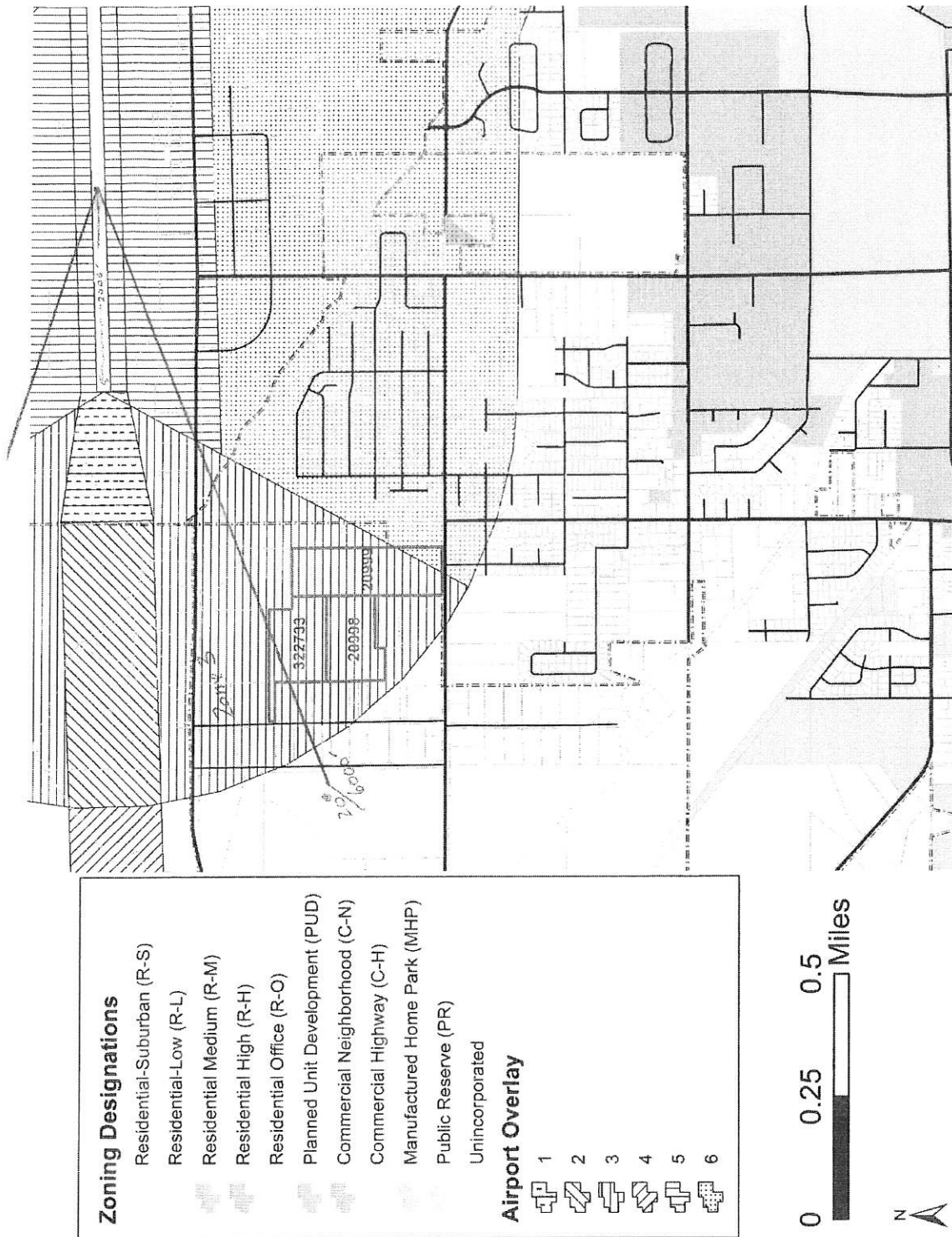
Ellensburg City Code Chapter 15.350 uses the term "average residential density" in the development requirements and restrictions for Airport Overlay Zone 3. I am hoping that you can provide an opinion on whether or not the proposal to consolidate the density from all three parcels onto parcel 20999 would achieve the intention of "average residential density" in the Airport Overlay zone.

Should this proposal move forward, the City is considering whether or not a public park would be able to be developed on the parcels that no longer have allowable residential density. Consistent with WSDOT's Airports and Compatible Land Use Volume 1, Ellensburg City Code does not allow play fields in Airport Overlay Zone 3. It is my understanding from our conversation this morning that the term play field is meant to restrict large gatherings of people in areas such as an athletic field, or stadium. Further, this would not restrict the development of a public park that does not have facilities for large congregations of people.

Please let me know if you need any further clarification or have follow-up questions. Thank you again for your time and I look forward to hearing your thoughts.

Best,

Angela



**NOTICE OF A PUBLIC HEARING
SUBDIVISION REQUEST**

NOTICE IS HEREBY GIVEN that the Hearings Examiner for the City of Ellensburg will hold an open record public hearing on Tuesday September 21, 2021 at 2:00 pm, held both in-person in the Council Chambers AND virtually via Zoom, to consider Application P21-088 submitted by Douglas Stalder, Agent for Property Owner CWH, LLC for a Preliminary Plat Subdivision. The proposed preliminary plat within the Residential Suburban (R-S) and Airport Overlay (A-O) zones is a 49-Lot Long Plat intended for residential lots and single-family home construction. Lots will range in size from 8,957sq. ft., to 12.87 acres and are located on the north side of Bender Road approximately 300 feet west of the Water Street intersection,. A notice of SEPA Mitigated Determination of Non-Significance (MDNS) was published in the Daily Record on May 5, 2021.

Permit application: July 19, 2021

Determination of completeness: August 9, 2021

Notice of application: August 17, 2021 **Comment due date:** September 9, 2021

Project Location: The property is addressed as TBD Bender Road, Ellensburg, WA 98926. Kittitas County Assessor's Parcel ID Numbers: 322733, 20998 and #20999.

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

Written Comments from interested persons will be accepted by email up until 5:00 p.m. on September 9, 2021 by sending them to johnsons@ci.ellensburg.wa.us. Written comments sent via USPS must arrive by the same deadline.

Mailing Address: Community Development Dept., 501 N. Anderson St., Ellensburg, WA 98926.

Staff contact: Shannon Johnson, Senior Planner johnsons@ci.ellensburg.wa.us

NOTICE IS FURTHER GIVEN that all persons interested in this matter may participate in the Hybrid/REMOTE meeting by contacting Staff no later than 5:00 pm on **Monday, September 20, 2021**. An email link, text link, or phone number will be provided which will allow for electronic participation in the public hearing. * In-person attendees that are not fully vaccinated will need to wear face coverings.

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. A "Request for Accommodation" form may be obtained from the City Clerk Beth Leader by calling 509-925-8614.

PUBLISH IN LEGAL: **Tuesday, July 17, 2021**

AFFIDAVIT OF PUBLICATION

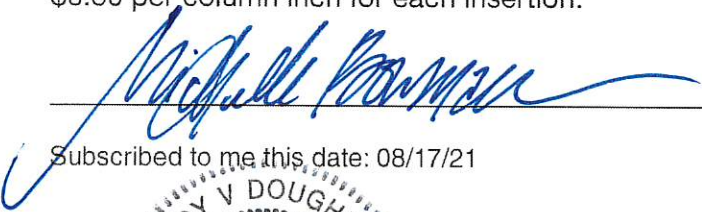
State of Washington, County of Kittitas, ss: The undersigned being first duly sworn on oath, deposes and says: That he/she is the representative of The Daily Record, a daily newspaper. That said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the superior court in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

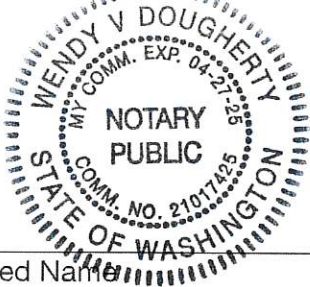
ELLENSBURG, CITY OF - CLERK
N/PUBLIC HEARING: P21-088

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

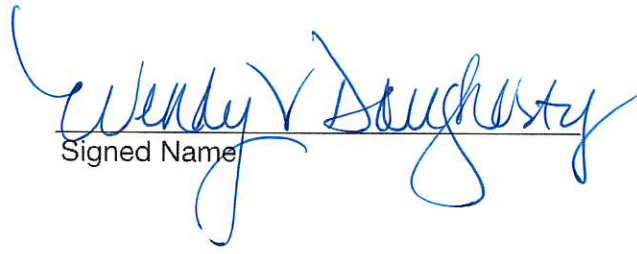
08/17/21

All dates inclusive and that such newspaper were regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of \$177.71 the rate of \$8.80 per column inch for each insertion.


Subscribed to me this date: 08/17/21



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


Signed Name _____

Legals

Ellensburg School District No. 401

PUBLISH Daily Record August 10, 17, 2021
LEGAL #: 132444

EXHIBIT 1.13

VAN LIEW, FRANK & VONDA
9408 NE 27TH AVE
VANCOUVER, WA 98665-5801

SPARKS, WILLIAM F
PO BOX 490
CLE ELUM, WA 98922-0490

PIRO, ROBERT E
1425 BROADWAY # 527
SEATTLE, WA 98122-3854

DAY, CATHERINE A & COPPIN, PAUL L
503 W BENDER RD
ELLENSBURG, WA 98926-9487

ROSS, PETER WAYNE & AMANDA LERAE
2800 N PIONEER RD
ELLENSBURG, WA 98926-9475

PATON, JAMES & KRISTEN L
2605 N WATER ST
ELLENSBURG, WA 98926-3096

NORRIS FAMILY REVOCABLE TRUST
19629 10TH DR SE
BOTHELL, WA 98012-7765

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

CWH LLC
PO BOX 490
CLE ELUM, WA 98922-0490

DONOGH, RYAN
3011 N PIONEER RD
ELLENSBURG, WA 98926-9493

SCHRANTZ, PETER & KAREN M
3106 N PIONEER RD
ELLENSBURG, WA 98926-9492

P21-088
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 **8/16/2021** Signed

Alivia Winkles

GLAHN, CRYSTAL
1760 LINBROOKE DR
SAN DIEGO, CA 92111

ANGLIN, JOSHUA R JONESAND,
STEPHANIE A
2607 N COLUMBIA ST
ELLENSBURG, WA 98926-2313

KUIPERS, ORVILLE G & CAROLYN L
2902 N PIONEER RD
ELLENSBURG, WA 98926-9494

FAWCETT, RYAN P & LAURA K
2906 N PIONEER RD
ELLENSBURG, WA 98926-9494

FALCON RIDGE INVESTMENTS LLC
2550 BORTON RD
YAKIMA, WA 98903-9766

BDN PROPERTIES LLC
PO BOX 926
ELLENSBURG, WA 98926-1924

ERICKSON, PHILLIP J & LAURIE W
PO BOX 3507
BELLEVUE, WA 98009

GLAHN, GUY
15049 W WOODRIDGE DR
SURPRISE, AZ 85374-8548

SNY, BRILEY
2812 N PIONEER RD
ELLENSBURG, WA 98926-9475

FORTIER, CRAIG R & ELIZABETH I
15218 NE 298TH ST
BATTLE GROUND, WA 98604

COBOS, CRYSTAL
1760 LINBROOK DR
SAN DIEGO, CA 92111-7143

YODER, JOHN A & JANINE C
PO BOX 1625
ELLENSBURG, WA 98926-1927

STAWICKI, CAROL V
607 W BENDER RD
ELLENSBURG, WA 98926

FISCHER, RICHARD A & PATRICIA K
505 W BENDER RD
ELLENSBURG, WA 98926-9487

BRAMSTEDT, GERALD E & CAROLYN R
3007 N PIONEER RD
ELLENSBURG, WA 98926-9493

RABANAL, LAWRENCE & JILL
3019 N PIONEER RD
ELLENSBURG, WA 98926-9493

ESCOBAR, DAVID A & VERONICA N
2611 N WATER ST
ELLENSBURG, WA 98926-3096

GRISWOLD, JONATHAN & REBECCA
219 W BENDER RD
ELLENSBURG, WA 98926-9406

HERBERT, MARK L
213 W BENDER RD
ELLENSBURG, WA 98926-9406

GAMACHE, SCOTT THOMAS GAMACHE,
LISA MARIE
2919 N PIONEER RD
ELLENSBURG, WA 98926-9494

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

PICHA, JOHN L ETUX
1560 CLARKE RD
ELLENSBURG, WA 98926

CALLFAS, FRANK & VICTORIA
4058 SALTSPRING DR
FERNDAL, WA 98248-9538

NICOULIN, TIMOTHY L JR & NICOULIN,
LYNDA C
3018 N PIONEER RD
ELLENSBURG, WA 98926-9493

BROWIN, GINA M & CEAJ J
2607 N WATER ST
ELLENSBURG, WA 98926-3096

FLINT, GLENN G
205 W BENDER RD
ELLENSBURG, WA 98926-9406

LOWERY, ROBERT ETUX
2714 PIONEER RD
ELLENSBURG, WA 98926

VIRDEN, LARRY ETUX
2808 N PIONEER RD
ELLENSBURG, WA 98926

CHRISTENSON, MARION
2918 N PIONEER RD
ELLENSBURG, WA 98926-9494

MORRIS, TROY
2818 N PIONEER RD
ELLENSBURG, WA 98926-9475



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 17, 2021

RE: Notice of Application and Open Record Public Hearing for Subdivision Application, Case # P21-088, submitted by Douglas Stalder, Agent for CWH, LLC, Property Owner

Dear Property Owner,

Notice is hereby given that the City of Ellensburg has received a Subdivision Permit Application for the following project that may be of interest to you. As a property owner within three hundred feet (300') of this proposal you are invited to comment on it.

Date of application: July 19, 2021

Date of notice of complete application: August 9, 2021

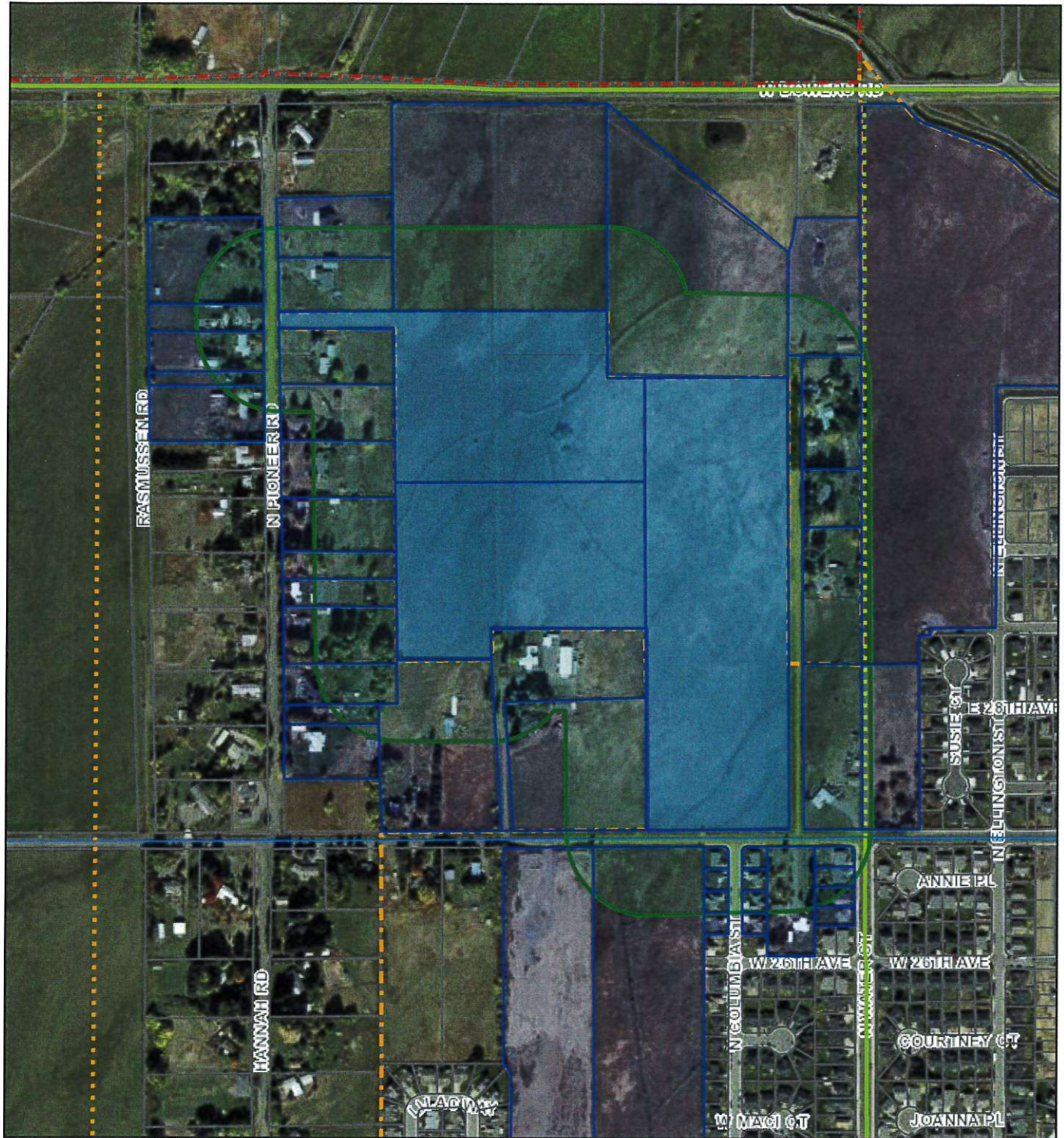
Comments due date: September 9, 2021

Project Applicant: Submitted by Douglas Stalder, Agent for CWH, LLC, Property Owner.

Project Description: **Case # P21-088;** a Preliminary Long Plat Subdivision. The proposed preliminary plat within the Residential Suburban (R-S) and Airport Overlay (A-O) zones is a 49-Lot Long Plat intended for single family homes. Lots will range in size from 8,957sq. ft., to 12.87 acres, and the project is located on parcel ID#'s 396133 (as shown on the map below). Part of the proposal also includes a street length departure. A SEPA Mitigated Determination of Non-Significance (MDNS) was published in the Daily Record on May 5, 2021.

NOTICE IS HEREBY GIVEN that an **Open Record Public Hearing** has been scheduled before the Ellensburg Hearing Examiner for **Tuesday, September 21, 2021 at 2:00 pm** to consider Long Plat Subdivision Application, P21-088. The hearing will be held both remotely via Zoom and in Council Chambers for those wishing to attend in person. *In-person attendees that are not fully vaccinated will need to wear face coverings.

eburg map

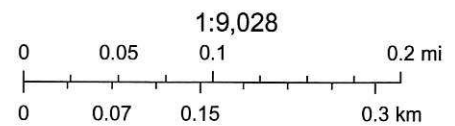


7/14/2021, 2:24:57 PM

Road Classifications

- Existing Minor Arterial
- - - Future Minor Arterial
- Existing Major Collector

- - - Future Minor Collector
- - - Urban Growth Area
- - - City Limits



© OpenStreetMap (and) contributors, CC-BY-SA

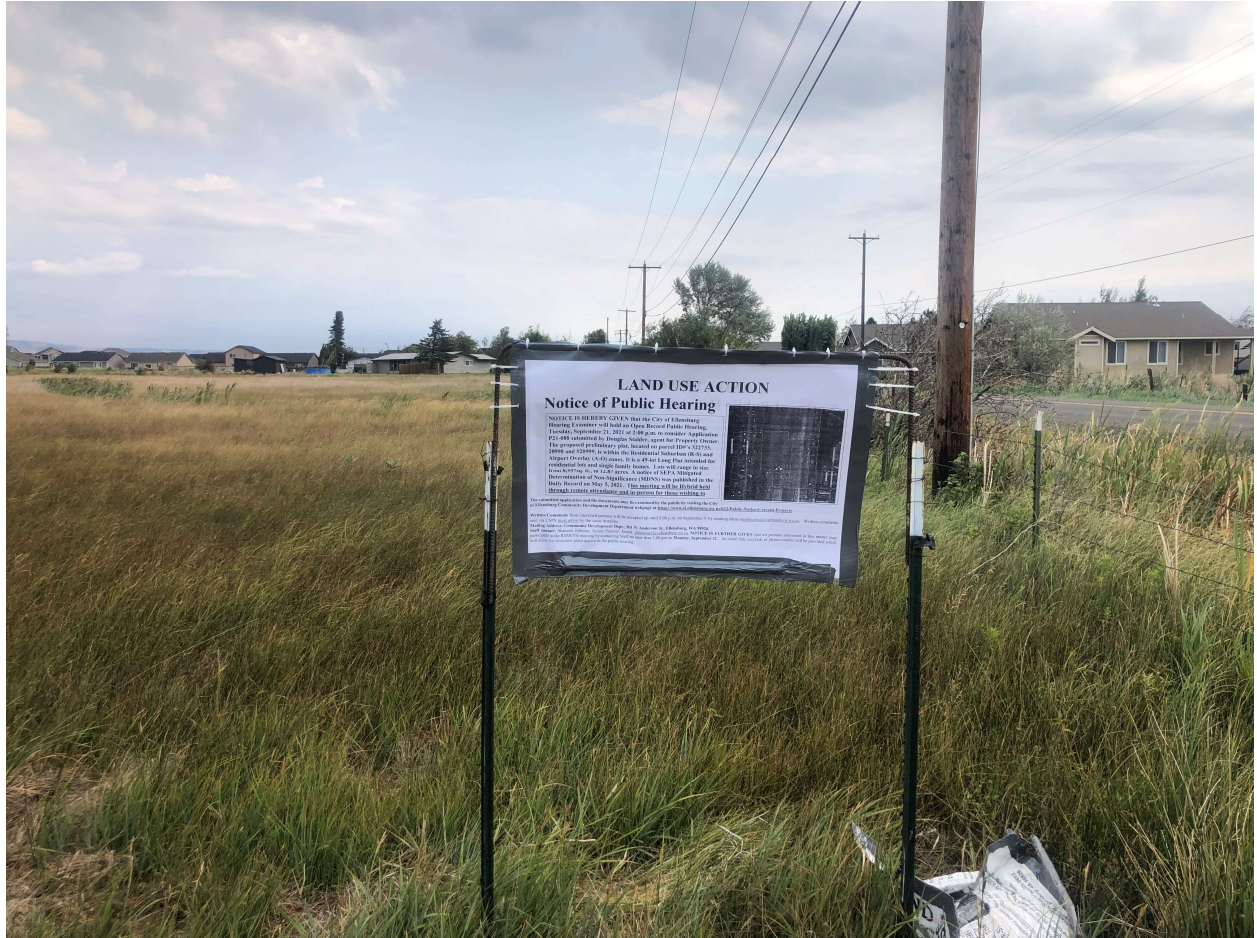
Shannon Johnson

From: Doug Stalder <doug.stalder1122@icloud.com>
Sent: Tuesday, August 17, 2021 1:47 PM
To: Shannon Johnson
Subject: [Ext] Pictures of the 3 signs I just put up

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

Here are the pictures of the land use signs I just put up. They are in three locations both sides. Am I suppose to sign an affidavit of posting also? This is for Rolling Meadows off Bender Rd. Doug Stalder







LAND USE ACTION Notice of Public Hearing

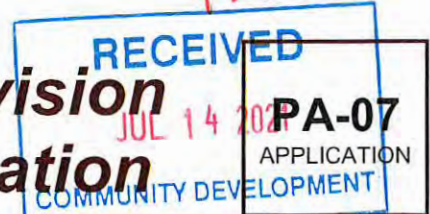
NOTICE IS HEREBY GIVEN that the City of Ellensburg Hearing Examiner will hold an Open Record Public Hearing, Tuesday, September 21, 2021 at 2:00 p.m. to consider Application P21-088 submitted by Douglas Stalder, agent for Property Owner. The proposed preliminary plat, located on parcel IDs: 5322733, 20998 and #20999, is within the Residential Suburban (R-S) and Airport Overlay (A-O) zones. It is a 49-lot Long Plat intended for residential lots and single family homes. Lots will range in size from 8,957 sq. ft. to 12.87 acres. A notice of SEPA Mitigated Determination of Non-Significance (MDNS) was published in the Daily Record on May 5, 2021. This meeting will be Hybrid held through remote attendance and in-person for those wishing to.



The submitted application and file documents may be examined by the public by visiting the City of Ellensburg Community Development Department webpage at <https://www.ci.ellensburg.wa.us/623/Public-Notice/Open-Record-Public-Hearing>. Written comments from interested persons will be accepted up until 5:00 p.m. on September 9, by sending them to development@ci.ellensburg.wa.us. Written comments sent via USPS must arrive by the same deadline. Mailing Address: Community Development Dept., 261 N. Anderson St., Ellensburg, WA 98926. Staff contact: Shannon Johnson, Senior Planner. Email: shannonjohnson@ci.ellensburg.wa.us. NOTICE IS FURTHER GIVEN that all persons interested in this matter may participate in the REMOTE meeting by contacting Staff no later than 5:00 pm on Monday, September 21. An email link, text link, or phone number will be provided which will allow for electronic participation in the public hearing.



Preliminary Subdivision (Long Plat) Application



Community Development Department

501 N. Anderson, Ellensburg, WA 98926 (509) 962-7239 (Building) (509) 962-7231 (Planning) commdev@ci.ellensburg.wa.us

A pre-application meeting is required prior to submitting a Long Plat application. Land Subdivisions that create 10 or more lots (referred to as long plats) are subject to the Type IV review process as set forth in Chapter 15.210 ECC. Subdivisions that are granted preliminary approval shall be effective for a period set forth in RCW 58.17.140, during which time the final subdivision application shall be submitted for approval and recording.

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

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

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

OFFICIAL USE ONLY:

Staff Person:	AW
Date Submitted:	7/14/14
Fee Total:	1800.00 - 900 PRE APP 900.00
FILE #:	P21-088
Associated Permit File #:	P20-059

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

Legal Owner Name(s):	CWH, LLC	Day Phone:	509 674-8159
Mailing Address:	P.O. BOX 490 Cle Elum, WA 98922		
E-mail:	WSSPARKS@GMAIL.COM	Cell Phone:	SAME

*APPLICANT: ☐ Owner ☐ Contractor ☐ Tenant ☐ Other

Name:	SAME	Day Phone:	
Mailing Address:			
E-mail:		Cell Phone:	

CONTACT PERSON: ☐ Owner ☐ Contractor ☐ Tenant ☒ Other AGENT

Name:	DOUGLAS STALDER	Day Phone:	509-929-0301
Mailing Address:	2000 E. QUARTZ MTN. DR. ELLensburg, WA		
E-mail:	douglasstalder@gmail.com	Cell Phone:	

PROJECT INFORMATION:

Parcel Number(s) of Site:	322733, 20998 & 20999
Site Address (if any):	
City Zoning Designation:	RS

PROJECT INFORMATION:

Ellensburg City Code 15.260.120 requires that application for short plats may only be approved if/all the following are satisfied

Application contents. Applications for a preliminary subdivision shall contain the following:

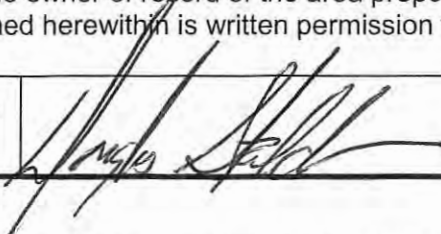
1. The minimum application requirements set forth in ECC 15.220.020 and a completed subdivision application form provided by the department, which shall include the signatures of all owner's of interest in the land involved in the preliminary subdivision;
2. Payment of a the application fee in the amount established in the city's adopted fee schedule;
3. A completed SEPA Checklist and payment of the SEPA application fee; ✓
4. A completed critical area information form or critical area report pursuant to ECC Article 6, if applicable; ✓
5. A title report of the property to be subdivided; ✓
6. A recorded copy of the deed for the property to be subdivided; ✓
7. Copies of all existing or proposed restrictive covenants involving the land within the proposed subdivision;
8. Names and addresses of the owner(s) of the property to be subdivided and of any person or entity holding an interest in the property as identified on the title report in sub-section 5 above;
9. Names and addresses of all property owners within 300 feet of the boundaries of the proposed subdivision as those names appear on the records of the Kittitas County Assessor;
10. The preliminary subdivision plat drawing which shall comply with all general drafting standards and Tier 3 drafting guidelines required by the city's public works development standards – Section 5 - drafting standards. Five copies of the drawing shall be provided with the application, along with an electronic copy on CD media in a format readable by the city's current version of AutoCAD, and one reduced copy not to exceed 11-inches by 17-inches. In addition to the drafting standards set forth in the city's public works development standards, such drawing shall clearly show the following:
 - a. Vicinity sketch showing the parcel boundaries and the major street system, with street names, within a one-quarter-mile radius;
 - b. Zoning of the property proposed for subdivision;
 - c. Location and size of existing and proposed utilities, railroads, and irrigation rights-of-way on the property proposed for subdivision;
 - d. Plan view of proposed streets, their names and widths, pedestrian ways, all utilities and easements;
 - e. Location and size of all proposed ditches, culverts, catch basins, detention or retention ponds or other parts of the design for the control of surface water drainage;
 - f. Approximate boundaries of all areas subject to irrigation or storm water overflow;
 - g. Location, width and direction of flow of all watercourses on the site; and
 - h. Location and identification of all critical areas, including associated buffers, on the property proposed for subdivision or on adjacent properties, as required by ECC Article 6;
11. Preliminary grading plan pursuant to public works department requirements;
12. Preliminary storm water plan pursuant to public works department requirements;
13. Preliminary landscaping plan pursuant to Articles 4 and 5 of this title;
14. A narrative addressing ownership and maintenance of open spaces, stormwater facilities, public trails and critical areas, and the applicable approval criteria and standards of the Ellensburg Municipal Code. It should also address any proposed building conditions or restrictions;
15. Transportation study, if required by the public works department;
16. Location of any proposed building envelopes on the lots being created; and
17. Any other information in the opinion of the director which is necessary to determine if the proposed subdivision makes appropriate provisions for physical problems or hazards involving public health, safety and/or welfare.

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

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

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

Signature of Legal Owner:
(or Authorized Agent)



Date:

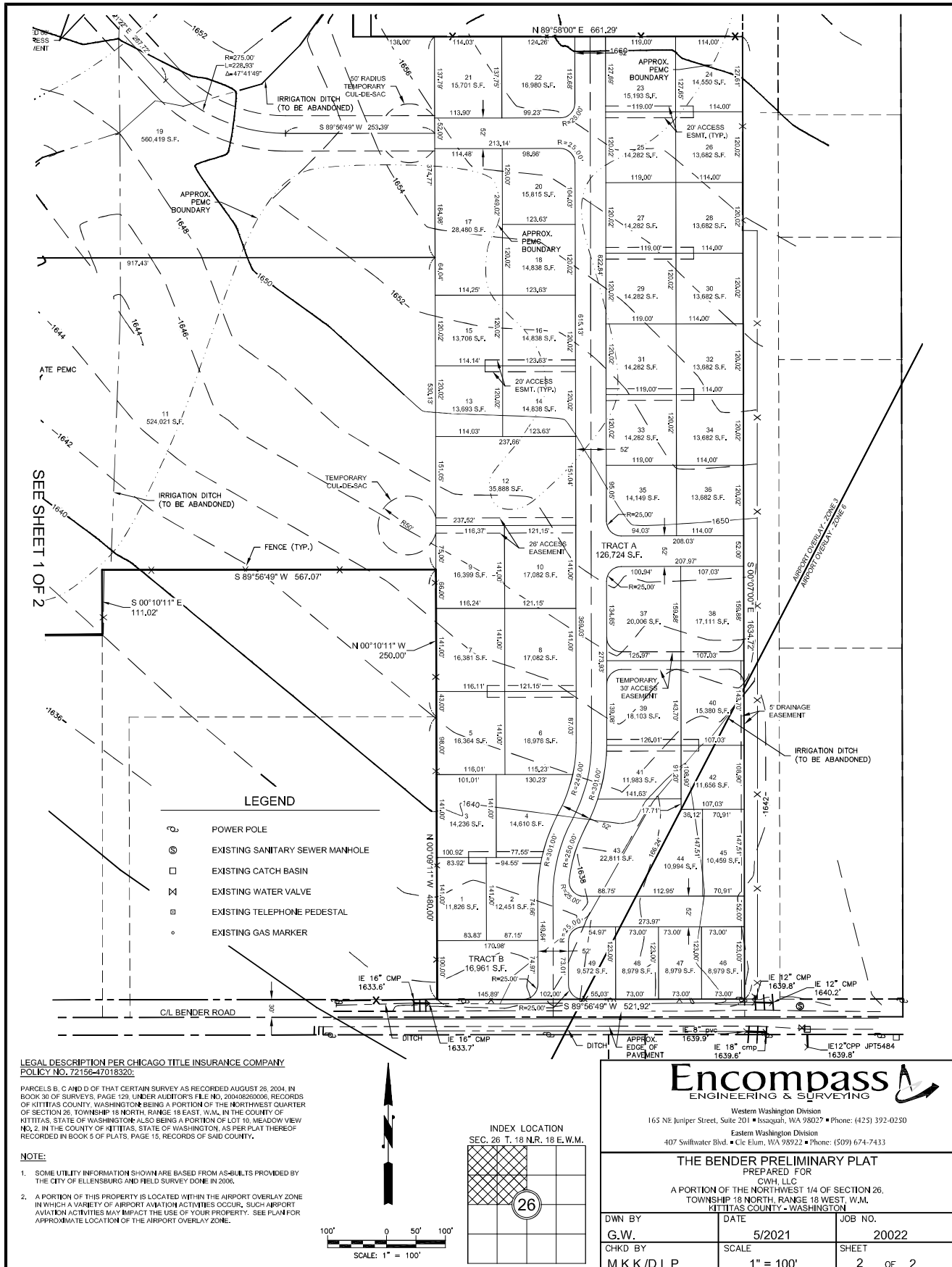
7-14-21

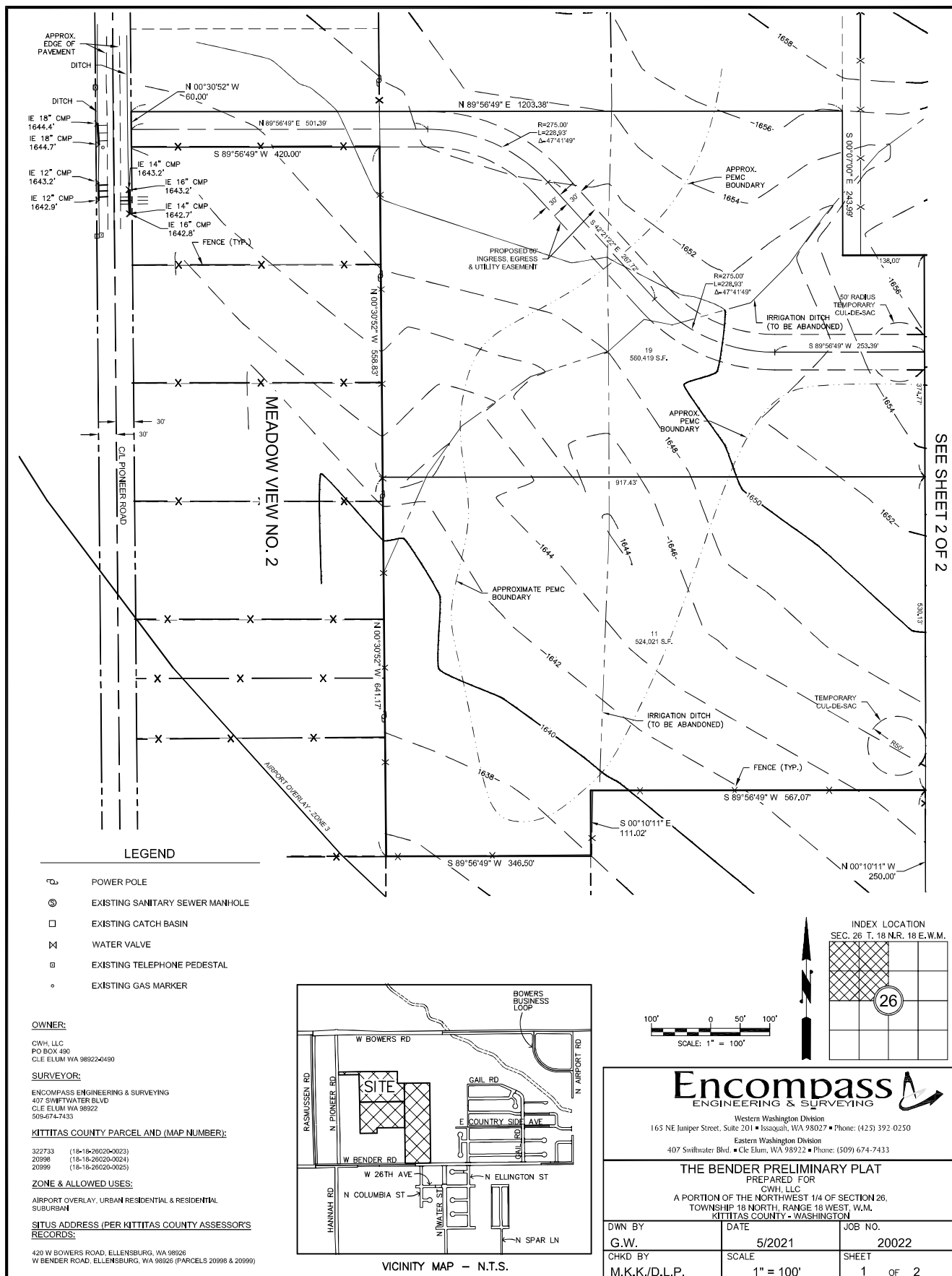
Bender Plat Narrative

Bender Plat contains approximately 45 acres. The Property was annexed into the City of Ellensburg with a pre-annexation agreement. The proposed plat contains 49 lots, ranging in size from 8,000 square feet to 12 acres. A critical areas report was completed in 2020 with a follow up site visit and staff and agencies in 2021.

At this time there are no covenants plan for the property other than the title restrictions required since the Property is in the Airport Overlay Zone.

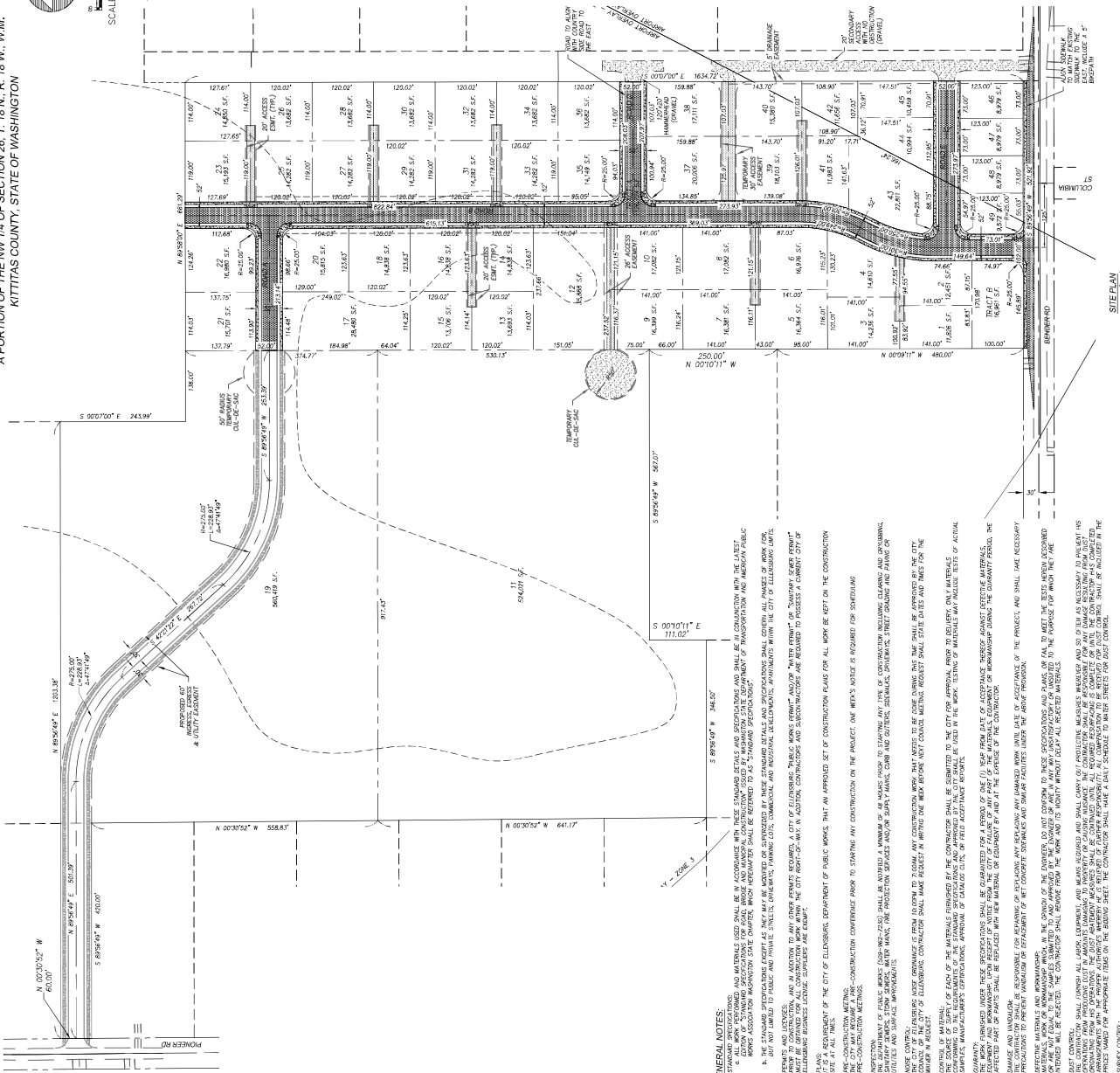
There will be no open common areas, trails or critical areas that will necessitate maintenance. The storm water will be designed according to the latest Eastern Washington Storm Manual and the City of Ellensburg's Public Works codes. The Storm Water treatment and retention area will be dedicated to the City as this storm water will be from the City Streets and Sidewalks. This area is located along Bender Road on the Southwest corner of the plat.





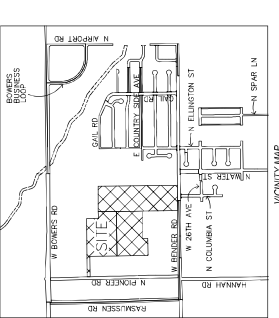
BENDER PRELIMINARY PLAT

A PORTION OF THE NW 1/4 OF SECTION 26, T. 18 N., R. 19 W., WM.
KITITAS COUNTY, STATE OF WASHINGTON



DISCREPANCIES:
EXISTING CONDITIONS WHICH AFFECT THE WORK, THE CONTRACTOR SHALL ADVISE THE CITY OF ELLENBURG PRIOR TO THE START OF CONSTRUCTION. THE CITY OF ELLENBURG SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE PLAT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE FIELD DATA. THE CITY OF ELLENBURG SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE PLAT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE FIELD DATA.

CONTRACTOR RESPONSIBILITY:
THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE FIELD DATA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE PLAT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE FIELD DATA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE PLAT.



PROJECT TEAM
OWNER: CITY OF ELLENBURG
DESIGNER: CWM, LLC
CONTRACT NO. 2020-008
PROJECT NO. 2020-008
PROJECT NAME: BENDER PRELIMINARY PLAT

PROPERTY INFORMATION
PARCEL NUMBER: 2020-008
PARCEL SIZE: 4.37 ACRES
ZONE: RESIDENTIAL SUBURBAN
PROPERTY ADDRESS: 1000 N. COLUMBIA ST.
CITY: ELLENBURG, WA 99004

NEIGHBORING PROPERTIES
N. COLUMBIA ST.
N. COLUMBIA ST.
N. COLUMBIA ST.
N. COLUMBIA ST.
N. COLUMBIA ST.

NOTES
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE FIELD DATA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE PLAT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE FIELD DATA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE PLAT.

LEGEND
EXISTING: LOT LINE, STREET MONUMENT IN CONCRETE, PROPERTY CORNER, BENCHMARK, CENTERLINE, EASEMENT, ETC.

PROPOSED
CONSTRUCTION, EASEMENT, ETC.

GENERAL NOTES
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE FIELD DATA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE PLAT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE FIELD DATA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE PLAT.



EnCompass
ENGINEERING & SURVEYING

 407 Southview Blvd. • Ch. Elm, WA 98922 • Phone: (509) 674-7433
Eastern Washington Division
186 Juniper Street, Suite 201 • Issaquah, WA 98027 • Phone: (425) 392-0250
Western Washington Division

JOB NO.	20022
DATE	05/27/20
SCALE	1"=50'
DESIGNED	MK
DRAWN	TLK
CHECKED	MK
APPROVED	MK



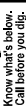
**Know what's below.
Call before you dig.**

CITY OF ELLENSBURG
APPROVED FOR CONSTRUCTION

CITY ENGINEER

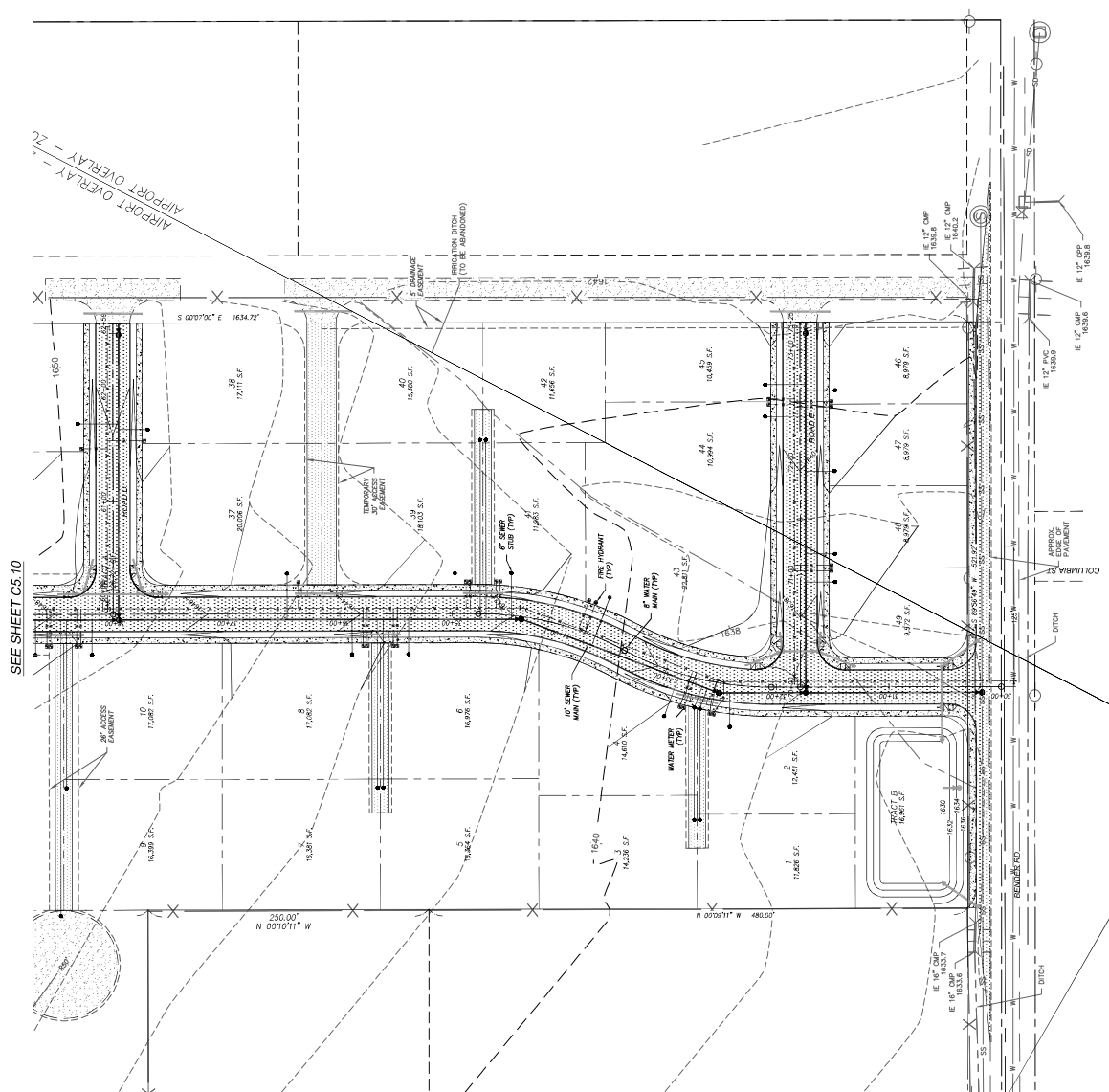
DATE _____

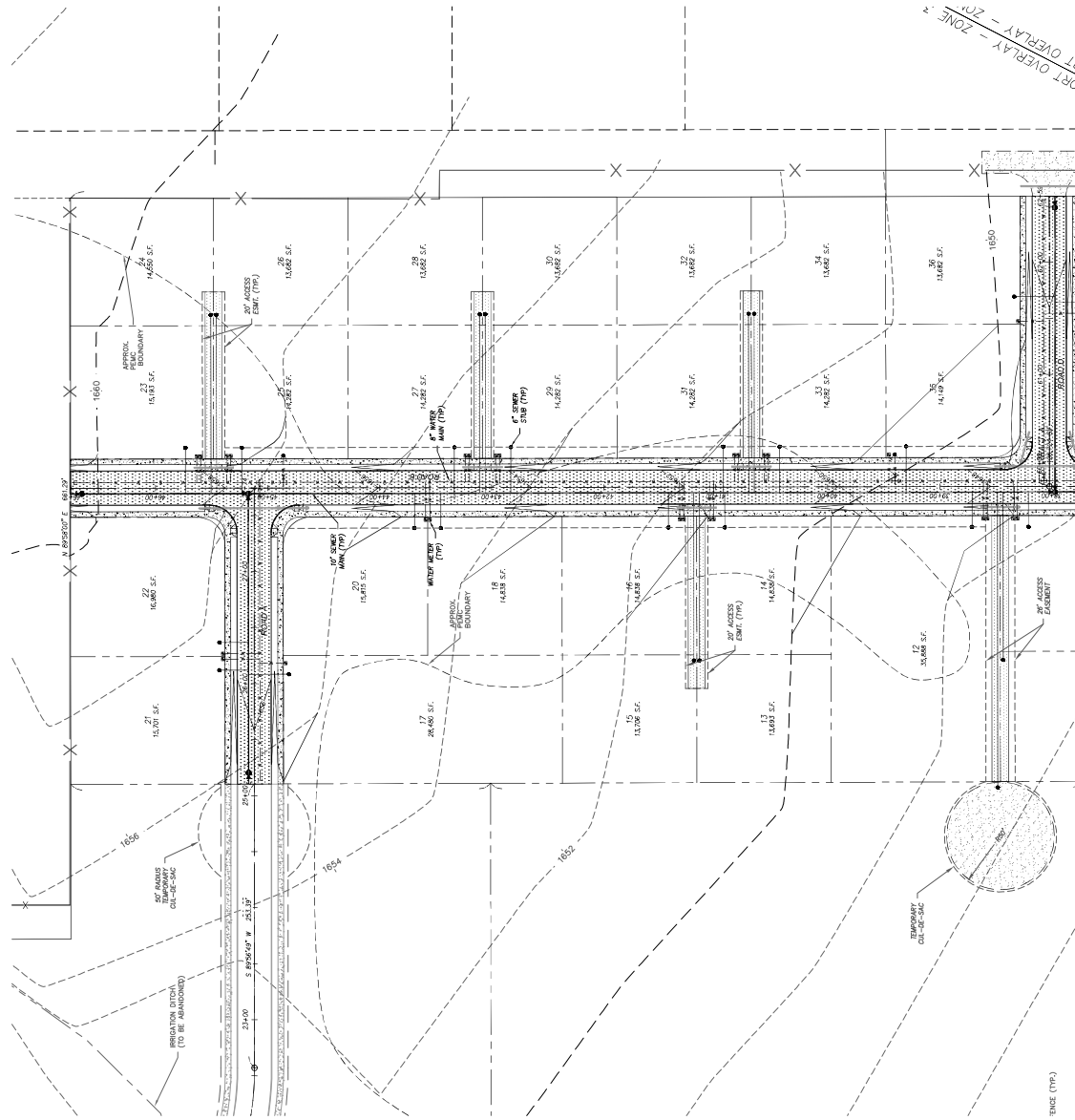
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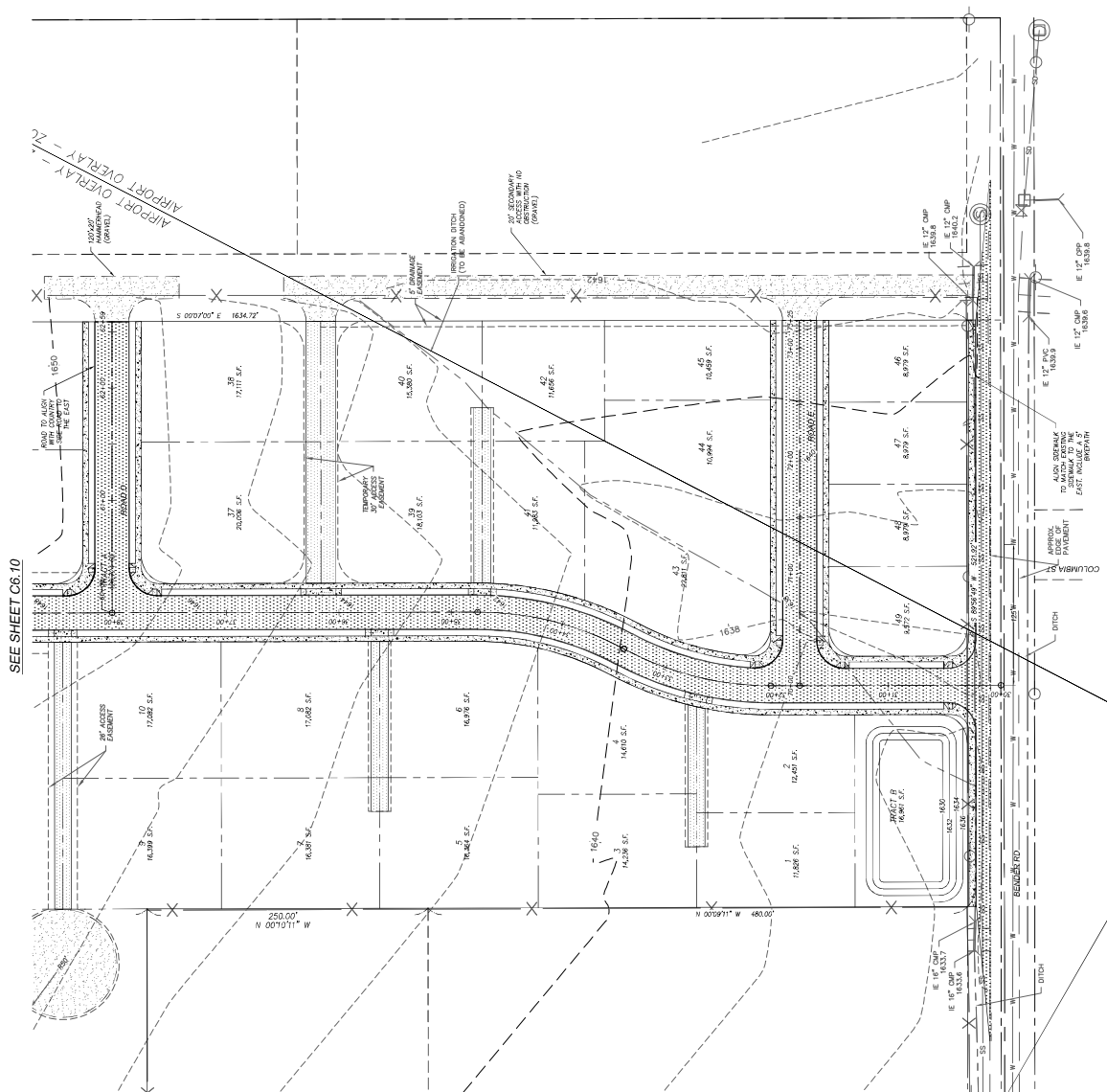
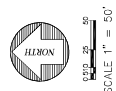


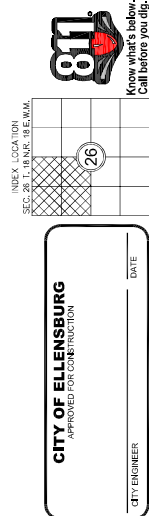
CITY ENGINEER



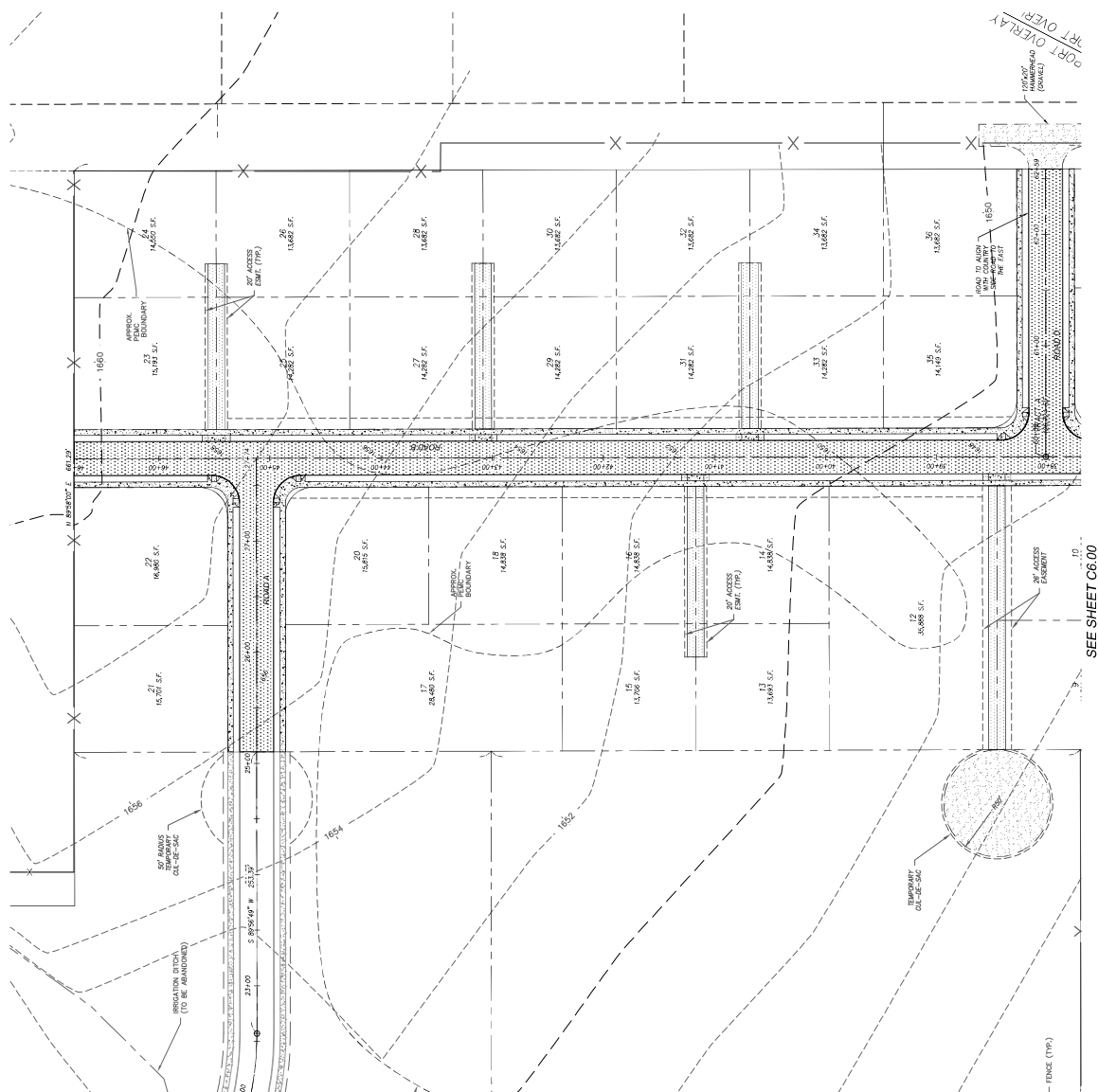
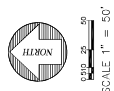








BENDER PRELIMINARY PLAT
A PORTION OF THE NW 1/4 OF SECTION 26, T. 18 N., R. 18 W., W.M.
KITITAS COUNTY, STATE OF WASHINGTON



CHICAGO TITLE INSURANCE COMPANY

Policy No. 72156-47608049

GUARANTEE

CHICAGO TITLE INSURANCE COMPANY, a Florida corporation, herein called the Company, guarantees the Assured against actual loss not exceeding the liability amount stated in Schedule A which the Assured shall sustain by reason of any incorrectness in the assurances set forth in Schedule A.

1. No guarantee is given nor liability assumed with respect to the identity of any party named or referred to in Schedule A or with respect to the validity, legal effect or priority of any matter shown therein.
2. The Company's liability hereunder shall be limited to the amount of actual loss sustained by the Assured because of reliance upon the assurance herein set forth, but in no event shall the Company's liability exceed the liability amount set forth in Schedule A.

PLEASE NOTE CAREFULLY THE LIABILITY EXCLUSIONS AND LIMITATIONS AND THE SPECIFIC ASSURANCES AFFORDED BY THIS GUARANTEE. IF YOU WISH ADDITIONAL LIABILITY, OR ASSURANCES OTHER THAN AS CONTAINED HEREIN, PLEASE CONTACT THE COMPANY FOR FURTHER INFORMATION AS TO THE AVAILABILITY AND COST.

Dated: June 24, 2021

Issued by:

AmeriTitle, LLC

101 W Fifth Ave.

Ellensburg, WA 98926

(509)925-1477

Authorized Signer

CHICAGO TITLE INSURANCE COMPANY



By:

[Signature]

President

ATTEST

[Signature]

Secretary

Note: This endorsement shall not be valid or binding until countersigned by an authorized signatory.

Subdivision Guarantee Policy Number: 72156-47608049

SUBDIVISION GUARANTEE

Order No.: 476121AM
Guarantee No.: 72156-47608049
Dated: June 24, 2021

Liability: \$1,000.00
Fee: \$350.00
Tax: \$29.05
Additional Work Charge: \$150.00
Sales Tax: \$12.45

Your Reference: 420 W Bowers Rd, Ellensburg, WA 98926

Assured: Stalder Interests

The assurances referred to on the face page are:

That, according to those public records with, under the recording laws, impart constructive notice of matters relative to the following described real property:

Parcels B, C and D of that certain Survey as recorded August 26, 2004, in Book 30 of Surveys, page 129, under Auditor's File No. 200408260006, records of Kittitas County, Washington; being a portion of the Northwest Quarter of Section 26, Township 18 North, Range 18 East, W.M., in the County of Kittitas, State of Washington; also being a portion of Lot 10, MEADOW VIEW NO. 2, in the County of Kittitas, State of Washington, as per plat thereof recorded in Book 5 of Plats, page 15, records of said County.

Title to said real property is vested in:

CWH, LLC, a Washington Limited Liability Company

END OF SCHEDULE A

(SCHEDULE B)

Order No: 476121AM
Policy No: 72156-47608049

Subject to the matters shown below under Exceptions, which Exceptions are not necessarily shown in the order of their priority.

EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Unpatented mining claims; reservations or exceptions in the United States Patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
3. Title to any property beyond the lines of the real property expressly described herein, or title to streets, roads, avenues, lanes, ways or waterways on which such real property abuts, or the right to maintain therein vaults, tunnels, ramps, or any other structure or improvement; or any rights or easements therein unless such property, rights or easements are expressly and specifically set forth in said description.
4. Any lien for service, installation, connection, maintenance, tap, capacity or construction or similar charges for sewer, water, electricity, natural gas or other utilities, or for garbage collection and disposal not shown by the Public Records
5. Indian tribal codes or regulations, Indian treaty or aboriginal rights, including easements or equitable servitudes.
6. General Taxes and Assessments – total due may include fire patrol assessment, weed levy assessment and/or irrigation assessment, if any. Taxes noted below do not include any interest or penalties which may be due after delinquency.

Note: Tax year runs January through December with the first half becoming delinquent May 1st and second half delinquent November 1st if not paid. For most current tax information or tax printouts visit: <http://taxsifter.co.kittitas.wa.us> or call their office at (509) 962-7535.

Tax Year: 2021
Tax Type: County
Total Annual Tax: \$1,422.85
Tax ID #: 322733
Taxing Entity: Kittitas County Treasurer
First Installment: \$711.43
First Installment Status: Paid
First Installment Due/Paid Date: April 30, 2021
Second Installment: \$711.42
Second Installment Status: Due
Second Installment Due/Paid Date: October 31, 2021

Subdivision Guarantee Policy Number: 72156-47608049

7. Tax Year: 2021
Tax Type: Irrigation
Total Annual Tax: \$797.94
Tax ID #: 322733
Taxing Entity: Kittitas County Treasurer
First Installment: \$398.97
First Installment Status: Paid
First Installment Due/Paid Date: April 30, 2021
Second Installment: \$398.97
Second Installment Status: Due
Second Installment Due/Paid Date: October 31, 2021
8. Tax Year: 2021
Tax Type: County
Total Annual Tax: \$1,403.11
Tax ID #: 20998
Taxing Entity: Kittitas County Treasurer
First Installment: \$701.56
First Installment Status: Paid
First Installment Due/Paid Date: April 30, 2021
Second Installment: \$701.55
Second Installment Status: Due
Second Installment Due/Paid Date: October 31, 2021
9. Tax Year: 2021
Tax Type: Irrigation
Total Annual Tax: \$820.88
Tax ID #: 20998
Taxing Entity: Kittitas County Treasurer
First Installment: \$410.44
First Installment Status: Paid
First Installment Due/Paid Date: April 30, 2021
Second Installment: \$410.44
Second Installment Status: Due
Second Installment Due/Paid Date: October 31, 2021
10. Tax Year: 2021
Tax Type: County
Total Annual Tax: \$1,581.28
Tax ID #: 20999
Taxing Entity: Kittitas County Treasurer
First Installment: \$790.64
First Installment Status: Paid
First Installment Due/Paid Date: April 30, 2021
Second Installment: \$790.64
Second Installment Status: Due
Second Installment Due/Paid Date: October 31, 2021

11. Tax Year: 2021
Tax Type: Irrigation
Total Annual Tax: \$1,290.84
Tax ID #: 20999
Taxing Entity: Kittitas County Treasurer
First Installment: \$645.42
First Installment Status: Paid
First Installment Due/Paid Date: April 30, 2021
Second Installment: \$645.42
Second Installment Status: Due
Second Installment Due/Paid Date: October 31, 2021
12. Lien of real estate excise sales tax upon any sale of said premises, if unpaid.
13. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:
Granted To: Kamiakin Corporation, a Washington corporation, its successors and assigns
Purpose: Construction of an irrigation ditch for the service of adjacent lands, together with the right of ingress to and egress from said ditch
Recorded: January 10, 1969
Instrument No.: 351967
Volume 1, Page 131
Affects: Portion of Parcel B
14. Any rights, interests, or claims which may exist or arise by reason of the following matters(s) disclosed by Meadow View No. 2,
Book: 5 of Plats Page: 15
Instrument No.: 351986
Matters shown:
a) Dedication contained thereon
Affects: Portion of Parcel B
15. The provisions contained in Real Estate Contract by and between Robert M. Hill and Margaret Hill, husband and wife; and William H. Robertson and Connie Robertson, husband and wife, Seller, and Raymond J. Jensen and Diane E. Jensen, husband and wife; and Charles F. Worthington and Sharon M. Worthington, husband and wife
Recorded: September 22, 1975,
Volume 64, Page 619
Instrument No.: 399969.
As follows: "There shall be no mobile homes or travel trailers on the property on a permanent basis. The existing fence North of the Potter property to be moved by Purchasers to the proper location, if so desired."
16. Reservation of Oil, gas, minerals, or other hydrocarbons, including the terms and provisions contained therein, in deed from Raymond J. Jensen and Diane E. Jensen, husband and wife, and Charles F. Worthington and Sharon M. Worthington, husband and wife.
Recorded: October 28, 1992
Volume: 336, Page 1050
Instrument No.: 554060
The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.

17. Any rights, interests, or claims which may exist or arise by reason of the following matters(s) disclosed by survey,
Recorded: August 26, 2004
Book: 30 of Surveys Page: 129
Instrument No.: 200408260006
Matters shown:
a) Location of fencelines in relation to property boundaries
b) Thirty foot (30') gap in legals affecting the East boundaries of Parcels A and B
18. Cascade Irrigation District Resolution 03-2006, Formation of LID#3-Hannah Road/Pioneer Road Project, and the terms and conditions contained therein
For: Cascade Irrigation District
Recorded: October 4, 2007
Instrument No.: 200710040004
Affects: Portion of Parcel B

Amendment Resolution recorded January 9, 2008, under Auditor's File No. 200801090005.
19. Contract for Reimbursement for Water/Sewer Facilities, and the terms and conditions contained therein
Between: SSHI, LLC dba D.R. Horton and the City of Ellensburg
Recorded: August 5, 2008
Instrument No.: 200808050001
Affects: Parcel D
20. Pre-Annexation Development Agreement and the terms and conditions contained therein
Between: City of Ellensburg
And: CWH, LLC
Recorded: December 17, 2019
Instrument No.: 201912170041

END OF EXCEPTIONS

Notes:

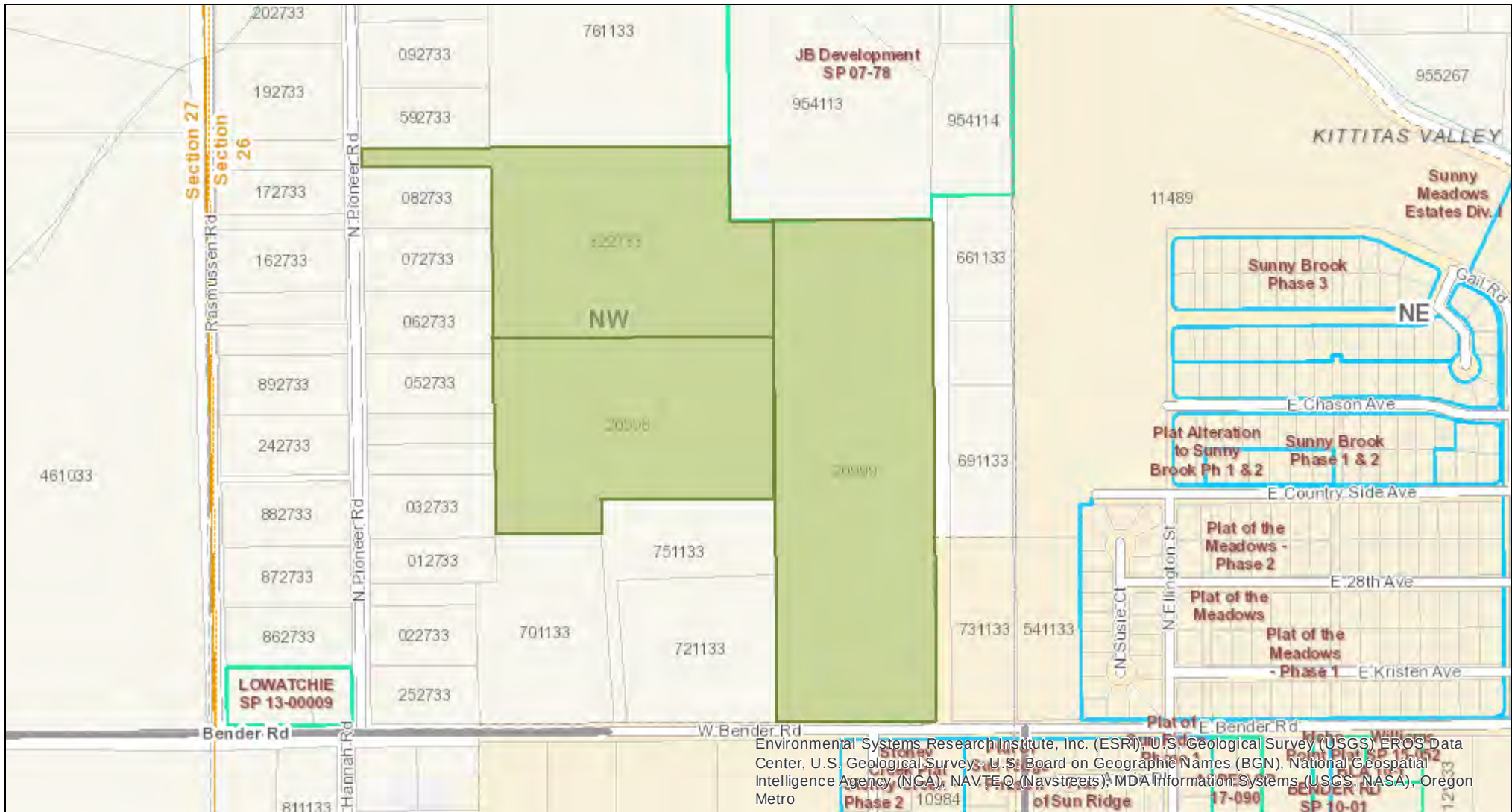
- a. Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.
- b. Pursuant to information previously provided to the Company, we note the following party/parties is/are authorized to sign on behalf of the named entity. In the event of any revision to said authorization, the Company must be notified immediately, and provided with evidence of the identity and authority of any party/parties to execute the forthcoming instrument(s); the Company makes no further commitment pending review of any such evidence.
Entity: CWH LLC
Authorized Signatories: William F. Sparks, as Manager
- c. All documents recorded in Washington State must include an abbreviated legal description and tax parcel number on the first page of the document. The abbreviated description for this property is: Parcels B, C and D, Book 30 of Surveys, page 129, ptn of the NW Quarter of Section 26, Township 18 N, Range 18 E, W.M., and ptn of Lot 10, MEADOW VIEW NO. 2, Book 5 of Plats, page 15

NOTE: In the event any contracts, liens, mortgages, judgments, etc. which may be set forth herein are not
Subdivision Guarantee Policy Number: 72156-47608049

paid off and released in full, prior to or immediately following the recording of the forthcoming plat (short plat), this Company will require any parties holding the beneficial interest in any such matters to join in on the platting and dedication provisions of the said plat (short plat) to guarantee the insurability of any lots or parcels created thereon. We are unwilling to assume the risk involved created by the possibility that any matters dedicated to the public, or the plat (short plat) in its entirety, could be rendered void by a foreclosure action of any such underlying matter if said beneficial party has not joined in on the plat (short plat).

END OF GUARANTEE

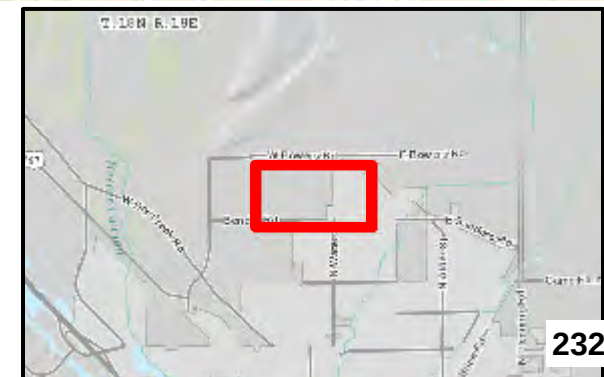
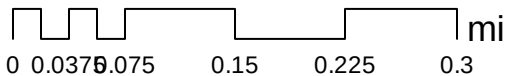
420 W Bowers Rd

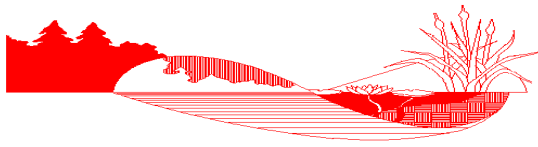


Date: 6/30/2021

1 inch = 690 feet
Relative Scale 1:8,274

Disclaimer:
Kittitas County makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data, its use, or its interpretation. Kittitas County does not guarantee the accuracy of the material contained herein and is not responsible for any use, misuse or representations by others regarding this information or its derivatives.





Sewall Wetland Consulting, Inc.

PO Box 880
Fall City, WA 98024

Phone: 253-859-0515

P21-088
RECEIVED
7/15/2021
COMMUNITY
DEVELOPMENT

February 12, 2020

Bill Sparks
CWH, LLC
PO Box 490
Cle Elum, Washington 98922

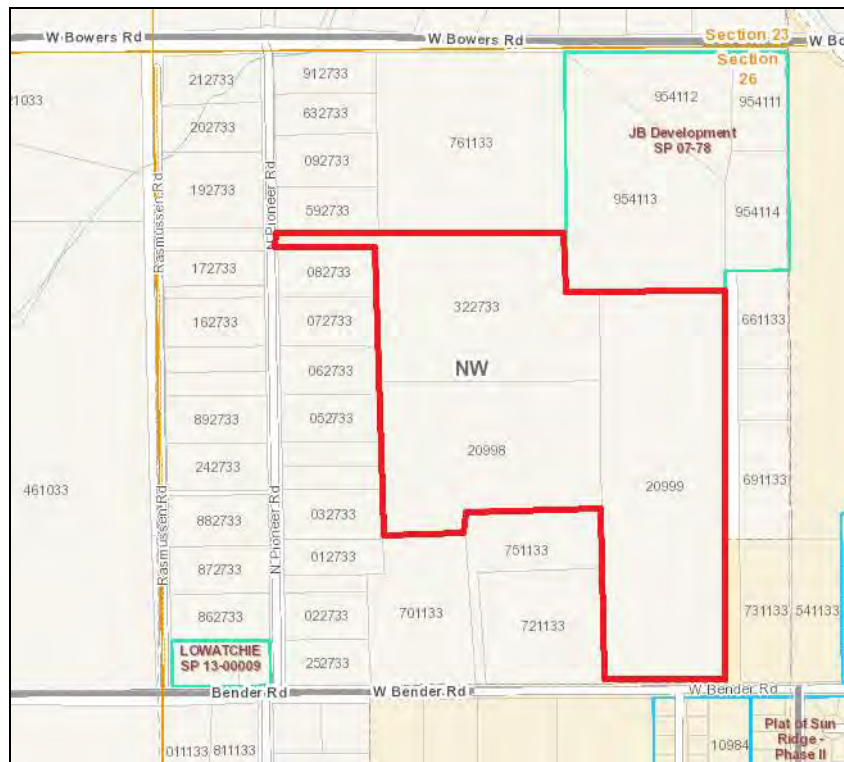
RE: Critical Area Report – Parcels #322733, 20998& 20999
City of Ellensburg, Washington
SWC Job #19-194

Dear Bill,

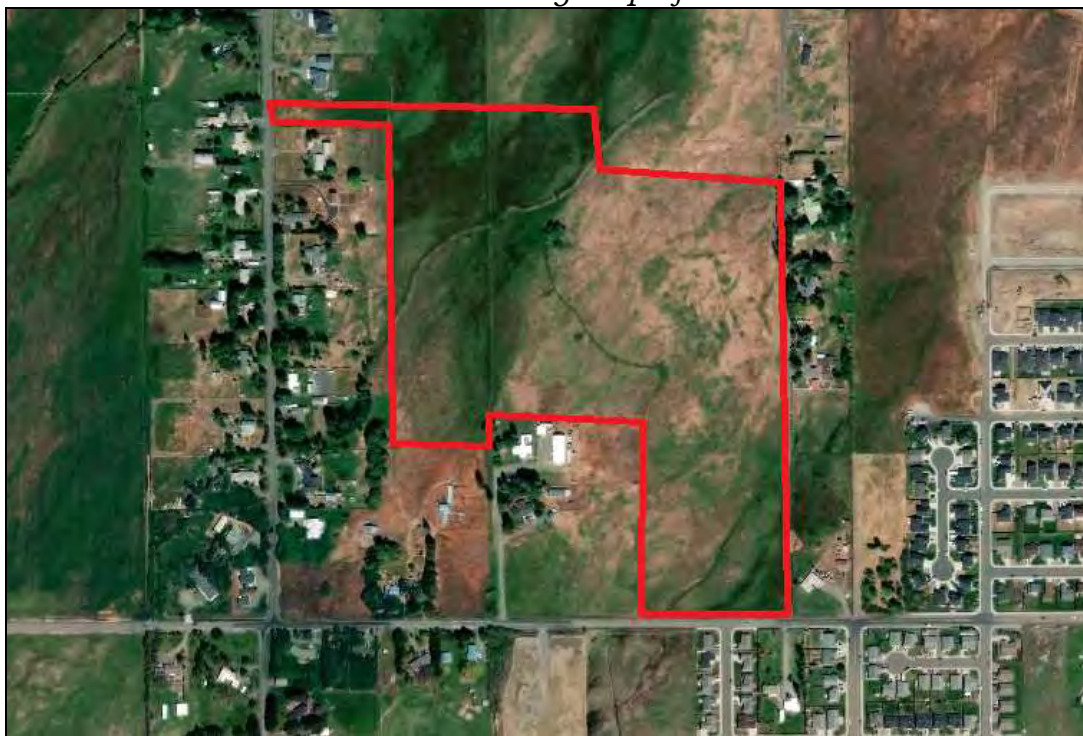
This report describes our observations of any jurisdictional wetlands, streams and/or buffers on Parcels #322733, 20998& 20999, in the City of Ellensburg, Washington (the “site”). The site consists of three abutting parcels with a total area of 44.5 acres and located north of West Bender Road within Section 26, Township 18 North, Range 18 East of the W.M.

METHODOLOGY

Ed Sewall of Sewall Wetland Consulting, Inc. inspected the site on January of 2020. The site was reviewed using methodology described in the ***Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0)*** (USACOE September 2008) as required by the US Army Corps of Engineers starting in June of 2009. This is the methodology currently recognized by the City of Ellensburg for wetland determinations and delineations. The site was also reviewed using methodology described in Soil colors were identified using the 1990 Edited and Revised Edition of the ***Munsell Soil Color Charts*** (Kollmorgen Instruments Corp. 1990).



Above: Vicinity Map of site



Above: Aerial photograph from Kittitas Mapsifter website

OBSERVATIONS

Existing Site Documentation.

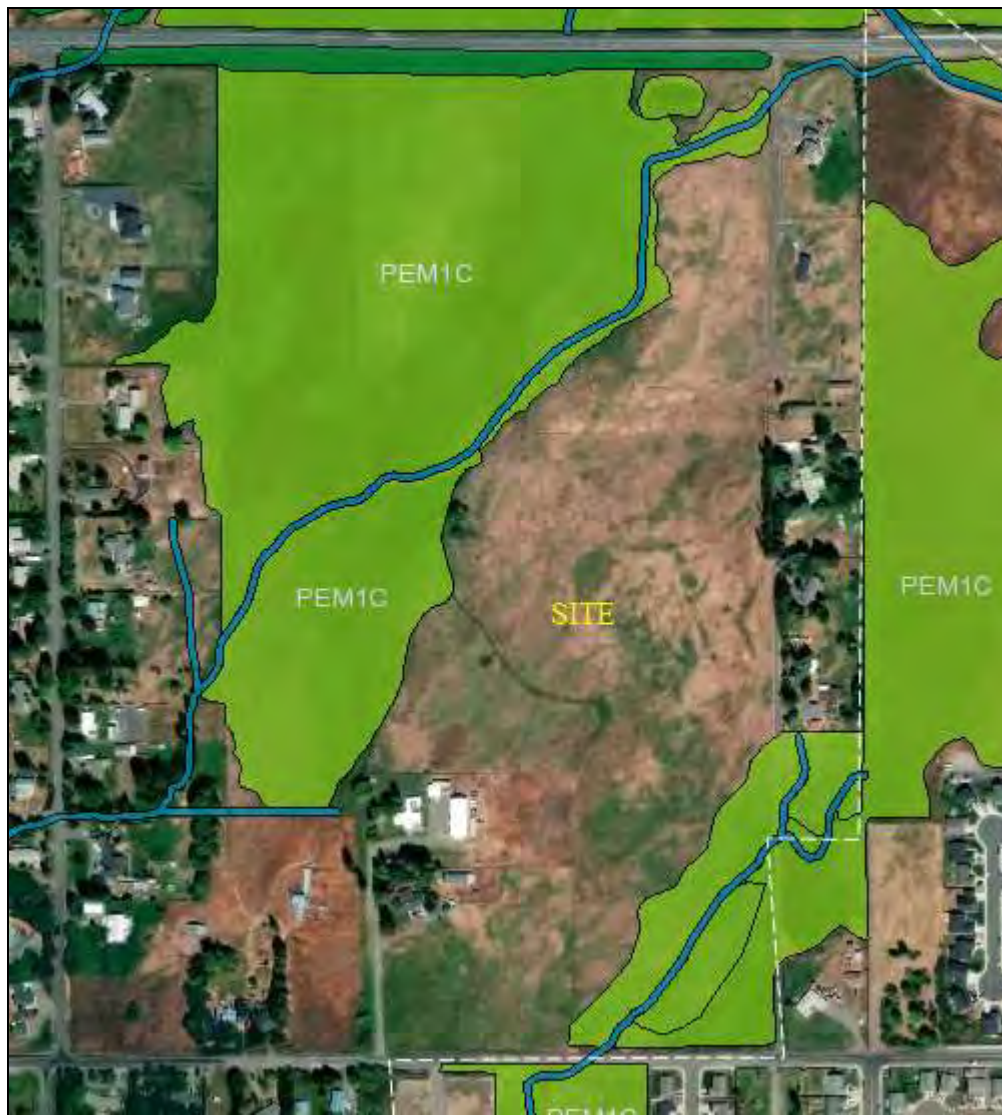
Prior to visiting the site, a review of several natural resource inventory maps was conducted. Resources reviewed included the National Wetland Inventory Map and the NRCS Soil Survey online mapping and Data.

National Wetlands Inventory (NWI)

The NWI map depicts an emergent wetland on the northwest side of the site as well as the south east. Both of these wetland areas depict flood irrigation patterns around irrigation ditches passing through the site

The USFWS data indicates this wetland was mapped in 2017 and not field checked during the inventory. This wetland depiction appears to be the historic pattern of flood irrigation flow paths that are no longer present on the site. The Inventory mapping for Kittitas County specifically states for this area;

The wetland signatures mapped in the eastern portion of the project area are a mix of naturally occurring wetlands and wetlands resulting from long term flood irrigation practices. This is a case where a farming practice has created wetland "like" conditions in and around naturally occurring wetland features. The general wetland pattern we created captures 2017 conditions. This signature will vary from year to year and within any given year depending on the month(s) the photography is collected. These data represent "normal circumstances" for this irrigation district, and should not be taken as a representation for how wetlands naturally occur in the Columbia Basin. Wetland extents in the eastern portion of the project area may be greater or lesser than the delineation captures due to our mapping the extent of both natural and artificial water distribution in the project area. The data collected suggests these artificially flooded lands possess all three criteria that define wetlands, and yet would revert to upland should the practice of flood irrigation cease.



Above: NWI map of the area of the site

Soil Survey

According to the NRCS Soil Mapper website, the site is mapped as containing 5 soil types; Nanum Ashy loam (Map unit 480), Ackna ashy loam (Map Unit 610), Mitta ashy silt loam (Map Unit #621), Nack ashy loam (Map unit #633) and Opnish ashy loam (Map unit #635). These soils range from somewhat poorly drained to well drained.



Above: NRCS soil map of the site.

None of these soil series are considered "hydric" or wetland soils according to the publication Hydric Soils of the United States (USDA NTCHS Pub No.1491, 1991).

Kittitas County Mapsifter – Flood Layer

The Kittitas County Mapsifter website depicts the 100 year floodplain off-site to the west several hundred feet. There is no mapped floodplain on the site.



Above: Kittitas County flood mapping of the site.

WDNR Fpars Stream Mapping

According to the WDNR Fpars stream mapping website, there are no streams on or near the site.

WDFW Priority Habitats and Species Maps

The WDFW Priority Habitats and Species mapping for the site depicts a portion of the site as wetland somewhat similar to the NWI mapping of the site.



Above: WADNR Fpars stream mapping of the site



Above: WDFW Priority habitat mapping of the area of the site.

Field observations

The site is a large flat agricultural site used primarily as grazing lands for cattle. Several irrigation ditches that originate on the Cascade Canal north of Bowers Road pass through parcels to the north, then through the site with a southerly irrigation flow pattern. The main irrigation ditches are shown below;



Above: Main irrigation ditches that originate at the Cascade Canal on the site.

The site is characterized by a grazed plant community of a mix of weeds and various pasture grasses. Species noted in the pastures include tall fescue, quackgrass, timothy, sedge, Baltic rush, cheatgrass, bentgrass, thistle, aster and some knapweed.

In general the soils on the site are sandy loams with soil chroma colors of 3 or 2 without any redoximorphic features. Portions of the site include cobbly sandy loams with similar soil colors.

Areas within the irrigation channels has some wetland species and hydric soil indicators. However, these areas are clearly irrigation features and man-made and should not be regulated as a jurisdictional wetland.

Off-site Areas

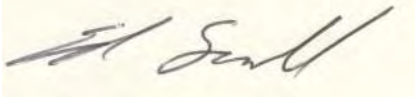
We also reviewed the parcels to the north although they are not included as part of this study. The findings on the area to the north was the same for the southern portions of the site, facultative grasses with non-hydric soils.

Conclusion

No areas meeting wetland, stream or buffer criteria were found on the site. Any wetland vegetation observed on the site was within man-made irrigation channels that only have any water when irrigation flows are passing through the site.

If you have any questions in regards to this report or need additional information, please feel free to contact me at (253) 859-0515 or at esewall@sewallwc.com.

Sincerely,
Sewall Wetland Consulting, Inc.

A handwritten signature in dark ink, appearing to read 'Ed Sewall', is written over a light yellow rectangular background.

Ed Sewall
Senior Wetlands Ecologist PWS #212

Attached: Data sheets

REFERENCES

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Munsell Color. 1988. Munsell Soil Color Charts. Kollmorgen Instruments Corp., Baltimore, Maryland.

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Reed, P.B. Jr. 1993. 1993 Supplement to the list of plant species that occur in wetlands: Northwest (Region 9). USFWS supplement to Biol. Rpt. 88(26.9) May 1988.

USDA NRCS & National Technical Committee for Hydric Soils, September 1995. Field Indicators of Hydric Soils in the United States - Version 2.1

within irrigation
swale

WETLAND DETERMINATION DATA FORM - Arid West Region

Project/Site: CWH City/County: Ellensburg Sampling Date: 1-3-20
 Applicant/Owner: _____ State: WA Sampling Point: DP#6
 Investigator(s): Ed Smith Section, Township, Range: _____
 Landform (hillslope, terrace, etc.): _____ Local relief (concave, convex, none): _____ Slope (%): _____
 Subregion (LRR): _____ Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: _____ NMI classification: _____
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)
 Are Vegetation ☒ Soil ☐ or Hydrology ☒ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐
 Are Vegetation ☐ Soil ☐ or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ☒ No ☐	Is the Sampled Area within a Wetland? Yes ☐ No ☒
Hydric Soil Present?	Yes ☐ No ☒	
Wetland Hydrology Present?	Yes ☐ No ☒	
Remarks: <u>grazed, irrigated</u>		

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>2</u> (A)
1. _____				
2. _____				Total Number of Dominant Species Across All Strata: <u>2</u> (B)
3. _____				
4. _____				Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100</u> (AB)
5. _____				
Total Cover: _____				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____
Sapling/Shrub Stratum				
1. _____				OBL species ☐ x 1 = _____
2. _____				
3. _____				FACW species ☐ x 2 = _____
4. _____				
5. _____				FAC species ☐ x 3 = _____
6. _____				
Total Cover: _____				FACU species ☐ x 4 = _____
Herb Stratum				
1. <u>Carex spp</u>	<u>50</u>		<u>DBL</u>	UPL species ☐ x 5 = _____
2. <u>Suaeda frutescens</u>	<u>50</u>		<u>FACW</u>	
3. _____				Column Totals: (A) _____ (B) _____
4. _____				
5. _____				Prevalence Index = B/A = _____
6. _____				
Total Cover: _____				Hydrophytic Vegetation Indicators: Dominance Test is >50% ☒ Prevalence Index is <3.0 ☒ Morphological Adaptations? (Provide supporting data in Remarks or on a separate sheet) Problematic Hydrophytic Vegetation? (Explain)
Woody Vine Stratum				
1. _____				Indicators of hydric soil and wetland hydrology must be present.
2. _____				
Total Cover: _____				Hydrophytic Vegetation Present? Yes ☐ No ☒
% Bare Ground in Herb Stratum _____ % Cover of Biotic Crust _____				
Remarks: _____				

SOIL

Sampling Point: DP#6

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)							
Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type	Loc	Texture
6	<u>7.5YR 2.5/2</u>						
16	<u>10YR 3/2</u>		<u>conc red F1</u>				<u>Silty loam</u>
Type: C=Concentration, D=Depletion, RM=Reduced Matrix, Location: PL=Pore Lining, RC=Root Channel, M=Matrix							
Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)							
Histosol (A1) _____ Sandy Redox (B5) _____ Histic Epipedon (A2) _____ Stripped Matrix (B6) _____ Black Histic (A3) _____ Loamy Mucky Mineral (F1) _____ Hydrogen Sulfide (A4) _____ Loamy Gleyed Matrix (F2) _____ Stratified Layers (A5) (LRR C) _____ Depleted Matrix (F3) _____ 1 cm Muck (A8) (LRR D) _____ Redox Dark Surface (F6) _____ Depleted Below Dark Surface (A11) _____ Depleted Dark Surface (F7) _____ Thick Dark Surface (A12) _____ Redox Depressions (F8) _____ Sandy Mucky Mineral (B1) _____ Vernal Pools (F9) _____ Sandy Gleyed Matrix (S4) _____				Indicators for Problematic Hydric Soils: 1 cm Muck (A9) (LRR C) _____ 2 cm Muck (A10) (LRR B) _____ Reduced Vetic (F18) _____ Red Parent Material (TF2) _____ Other (Explain in Remarks) _____			
Indicators of hydrophytic vegetation and wetland hydrology must be present.							
Restrictive Layer (if present):							
Type: _____							
Depth (inches): _____							
Hydric Soil Present? Yes ☒ No ☐							
Remarks: _____							

HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (2 or more required)
Primary Indicators (any one indicator is sufficient)		
Surface Water (A1) _____ High Water Table (A2) _____ Saturation (A3) _____ Water Marks (B1) (Nonriverine) _____ Sediment Deposits (B2) (Nonriverine) _____ Drift Deposits (B3) (Nonriverine) _____ Surface Soil Cracks (B6) _____ Inundation Visible on Aerial Imagery (B7) _____ Water-Stained Leaves (B9) _____	Salt Crust (B11) _____ Biotic Crust (B12) _____ Aquatic Invertebrates (B13) _____ Hydrogen Sulfide Odor (C1) _____ Oxidized Rhizospheres along Living Roots (C3) _____ Presence of Reduced Iron (C4) _____ Recent Iron Reduction in Flowed Soils (C6) _____ Other (Explain in Remarks) _____	Water Marks (B1) (Riverine) _____ Sediment Deposits (B2) (Riverine) _____ Drift Deposits (B3) (Riverine) _____ Drainage Patterns (B10) _____ Dry-Season Water Table (C2) _____ Thin Muck Surface (C7) _____ Crayfish Burrows (C8) _____ Saturation Visible on Aerial Imagery (C9) _____ Shallow Aquitard (D3) _____ FAC-Neutral Test (D5) _____
Field Observations:		
Surface Water Present? Yes ☐ No ☒	Depth (inches): _____	Wetland Hydrology Present? Yes ☒ No ☐
Water Table Present? Yes ☐ No ☒	Depth (inches): _____	
Saturation Present? Yes ☐ No ☒	Depth (inches): _____	
(Includes capillary fringe)		
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks: <u>irrigation swale, artificial hydrology</u>		

Project/Site: CW # City/County: Ellsworth Sampling Date: 1-3-20
Applicant/Owner: _____ State: ME Sampling Point: DPB
Investigator(s): Ed Scumell Section, Township, Range: _____
Landform (hillslope, terrace, etc.): _____ Local relief (concave, convex, none): _____ Slope (%): _____
Subregion (LRR): _____ Lat: _____ Long: _____ Datum: _____
Soil Map Unit Name: _____ NWI classification: _____
Are climatic / hydrologic conditions on this site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)
Are Vegetation _____ Soil _____ or Hydrology _____ significantly disturbed? Yes ☒ No ☐
Are Vegetation _____ Soil _____ or Hydrology _____ naturally problematic? Yes ☐ No ☒ (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ☒	No ☐	Is the Sampled Area within a Wetland?	Yes ☐	No ☒
Hydric Soil Present?	Yes ☐	No ☒			
Wetland Hydrology Present?	Yes ☐	No ☒			
Remarks: <u>grazed, seasonal vegetation</u>					

VEGETATION

<u>Tree Stratum</u>	(Use scientific names.)	Absolute % Cover	Dominant Indicator Species?	Status	Dominance Test worksheet:
1.					Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A)
2.					Total Number of Dominant Species Across All Strata: <u>1</u> (B)
3.					Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100%</u> (AB)
4.					
<u>Sapling/Shrub Stratum</u>		Total Cover:			
1.					Prevalence Index worksheet:
2.					Total % Cover of: _____ Multiply by: _____
3.					OBL species _____ x 1 = _____
4.					FACW species _____ x 2 = _____
5.					FAC species _____ x 3 = _____
					FACU species _____ x 4 = _____
					UPL species _____ x 5 = _____
					Column Totals: _____ (A) _____ (B)
<u>Herb Stratum</u>		Total Cover:			Prevalence Index = B/A = _____
1.	<u>Agropyron repens</u>	<u>75</u>		<u>FAC</u>	<u>X</u> Hydrophytic Vegetation on Indicators:
2.					Dominance Test Is >50%
3.					Prevalence Index is <3.0 ¹
4.					Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet)
5.					Problematic Hydrophytic Vegetation ¹ (Explain)
6.					
7.					
8.					
<u>Woody Vine Stratum</u>		Total Cover:			¹ Indicators of hydric soil and wetland hydrology must be present.
1.					Hydrophytic Vegetation Present? Yes _____ No _____
2.					
% Bare Ground in Herb Stratum _____		% Cover of Biotic Crust _____			
Remarks:					

SOIL

Sampling Point: D-8

[illegible]

HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (2 or more required)	
Primary Indicators (any one indicator is sufficient)			
☐ Surface Water (A1)	☐ Salt Crust (B11)	☐ Water Marks (B1) (Riverine)	☐ Sediment Deposits (B2) (Riverine)
☐ High Water Table (A2)	☐ Biotic Crust (B12)	☐ Drift Deposits (B3) (Riverine)	☐ Drainage Patterns (B10)
☐ Saturation (A3)	☐ Aquatic Invertebrates (B13)	☐ Hydrogen Sulfide Odor (C1)	☐ Thin Muck Surface (C2)
☐ Water Marks (B1) (Nonriverine)	☐ Oxidized Rhizospheres along Living Roots (C3)	☐ Presence of Reduced Iron (C4)	☐ Crayfish Burrows (C6)
☐ Sediment Deposits (B2) (Nonriverine)	☐ Recent Iron Reduction in Plowed Soils (C6)	☐ Other (Explain in Remarks)	☐ Saturation Visible on Aerial Imagery (C9)
☐ Drift Deposits (B3) (Nonriverine)			☐ Shallow Aquitard (D3)
☐ Surface Soil Cracks (B6)			☐ FAC-Neutral Test (D5)
☐ Inundation Visible on Aerial Imagery (B7)			
☐ Water-Stained Leaves (B9)			
Field Observations:			
Surface Water Present?	Yes ☐ No ☒	Depth (inches):	
Water Table Present?	Yes ☐ No ☒	Depth (inches):	
Saturation Present?	Yes ☐ No ☒	Depth (inches):	
(includes capillary fringe)		Wetland Hydrology Present? Yes ☐ No ☒	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:			
Remarks: no indicators			

WETLAND DETERMINATION DATA FORM-2 and West Region

1-28-20

Project/Site: CWH City/County: Ellensburg Sampling Date: _____
Applicant/Owner: _____ State: WA Sampling Point: DP#29
Investigator(s): JA Smith Section, Township, Range: _____
Landform (hillslope, terrace, etc.): _____ Local relief (concave, convex, none): _____ Slope (%): _____
Subregion (LRR): _____ Lat: _____ Long: _____ Datum: _____
Soil Map Unit Name: _____ NMI classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No _____ (If no, explain in Remarks.)

Are Vegetation _____ Soil ☒ or Hydrology ☒ significantly disturbed? Are "Normal Circumstances" present? Yes _____ No ☒

Are Vegetation _____ Soil _____ or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

Hydrophytic Vegetation Present? Yes ☒ No ☐
Hydric Soil Present? Yes ☐ No ☒
Wetland Hydrology Present? Yes ☐ No ☒

Is the Sampled Area within a Wetland? Yes ☐ No ☒

grad, sensand irrigation

Tree Stratum (Use scientific names.)		Absolute % Cover	Dominant Species?	Indicator Status
1.				
2.				
3.				
4.				
Total Cover:				
<u>Sapling/Shrub Stratum</u>				
1.				
2.				
3.				
4.				
5.				
Total Cover:				
<u>Herb Stratum</u>				
1.	<i>Festuca spp</i>	<i>60</i>	<i>FAL</i>	
2.				
3.				
4.				
5.				
6.				
7.				
8.				
Total Cover:				
<u>Woody Vine Stratum</u>				
1.				
2.				
Total Cover:				
% Bare Ground in Herb Stratum		% Cover of Elatic Crust		
Remarks:				

Dominance Test worksheet:	
Number of Dominant Species That Are OBL, FACW, or FAC:	<u>1</u> (A)
Total Number of Dominant Species Across All Strata:	<u>1</u> (B)
Percent of Dominant Species That Are OBL, FACW, or FAC:	<u>100</u> (A/B)
Prevalence Index worksheet:	
Total % Cover of:	Multiply by:
OBL species	x 1 =
FACW species	x 2 =
FAC species	x 3 =
FACU species	x 4 =
UPL species	x 5 =
Column Totals:	(A) (B)
Prevalence Index = B/A =	
Hydrophytic Vegetation Indicators:	
☒ Dominance Test is >50%	
☐ Prevalence Index is $\leq 3.0^1$	
☐ Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet)	
☐ Problematic Hydrophytic Vegetation ¹ (Explain)	
¹ Indicators of hydric soil and wetland hydrology must be present.	
Hydrophytic Vegetation Present?	Yes ☒ No ☐

[illegible]

Wetland Hydrology Indicators:		Secondary Indicators (2 or more required)	
Primary Indicators (any one indicator is sufficient)			
☐ Surface Water (A1) ☐ High Water Table (A2) ☐ Saturation (A3) ☐ Water Marks (B1) (Nonriverine) ☐ Sediment Deposits (B2) (Nonriverine) ☐ Drift Deposits (B3) (Nonriverine) ☐ Surface Soil Cracks (B6) ☐ Inundation Visible on Aerial Imagery (B7) ☐ Water-Stained Leaves (B8)	☐ Salt Crust (B11) ☐ Biotic Crust (B12) ☐ Aquatic Invertebrates (B13) ☐ Hydrogen Sulfide Odor (C1) ☐ Oxidized Rhizospheres along Living Roots (C3) ☐ Presence of Reduced Iron (C4) ☐ Recent Iron Reduction in Flowed Soils (C6) ☐ Other (Explain in Remarks)	☐ Water Marks (B1) (Riverine) ☐ Sediment Deposits (B2) (Riverine) ☐ Drift Deposits (B3) (Riverine) ☐ Drainage Patterns (B10) ☐ Dry-Season Water Table (C2) ☐ Thin Muck Surface (C7) ☐ Crayfish Burrows (C8) ☐ Saturation Visible on Aerial Imagery (C9) ☐ Shallow Aquitard (D3) ☐ FAC-Neutral Test (D5)	
Field Observations:			
Surface Water Present? Yes ☐ No ☒ Water Table Present? Yes ☐ No ☒ Saturation Present? Yes ☐ No ☒ (includes capillary fringe)	Depth (inches): _____ Depth (inches): _____ Depth (inches): _____	Wetland Hydrology Present? Yes ☐ No ☒	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:			
Remarks: no indicators			

Project/Site: CW H City/County: Ellensburg Sampling Date: 1-28-20
Applicant/Owner: _____ State: WA Sampling Point: DP#10
Investigator(s): Ed Sewall Section, Township, Range: _____
Landform (hill/slope, terrace, etc.): _____ Local relief (concave, convex, none): _____ Slope (%): _____
Subregion (LRR): _____ Lat: _____ Long: _____ Datum: _____
Soil Map Unit Name: _____ NWI classification: _____
Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No _____ (If no, explain in Remarks.)
Are Vegetation ☒ Soil ☒ or Hydrology ☒ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No _____
Are Vegetation ☐ Soil ☐ or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

Hydrophytic Vegetation Present?	Yes ☒ No ☐	Is the Sampled Area within a Wetland?	Yes ☐ No ☒
Hydric Soil Present?	Yes ☐ No ☒		
Wetland Hydrology Present?	Yes ☐ No ☒		
Remarks:			

Tree Stratum (Use scientific names)			Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:	
1.						Number of Dominant Species That Are OBL, FACW, or FAC:	2 (A)
2.						Total Number of Dominant Species Across All Strata:	2 (B)
3.						Percent of Dominant Species That Are OBL, FACW, or FAC:	100 (AB)
4.							
Sapling/Shrub Stratum			Total Cover:				
1.						Prevalence Index worksheet:	
2.						Total % Cover of:	Multiply by:
3.						OBL species	x 1 =
4.						FACW species	x 2 =
5.						FAC species	x 3 =
Herb Stratum			Total Cover:			FACU species	x 4 =
1.	<i>Festuca</i>	300	30	FAL		UPL species	x 5 =
2.	<i>Agrostis</i>	10	30	FAC		Column Totals:	(A) (B)
3.						Prevalence index = B/A =	
4.						Hydrophytic Vegetation indicators:	
5.						Dominance Test is >50%	
6.						Prevalence Index is <3.0 ¹	
7.						Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet)	
8.						Problematic Hydrophytic Vegetation ¹ (Explain)	
Woody Vine Stratum			Total Cover:			¹ Indicators of hydric soil and wetland hydrology must be present.	
1.						Hydrophytic Vegetation Present? Yes No	
2.							
% Bare Ground in Herb Stratum			% Cover of Biotic Crust				
Remarks:							

Sampling Point: DP 10

[illegible]

Wetland Hydrology Indicators:		Secondary Indicators (2 or more required)	
Primary Indicators (any one indicator is sufficient)			
☐ Surface Water (A1)	☐ Salt Crust (B11)	☐ Water Marks (B1) (Riverine)	
☐ High Water Table (A2)	☐ Biotic Crust (B12)	☐ Sediment Deposits (B2) (Riverine)	
☐ Saturation (A3)	☐ Aquatic Invertebrates (B13)	☐ Drift Deposits (B3) (Riverine)	
☐ Water Marks (B1) (Nonriverine)	☐ Hydrogen Sulfide Odor (C1)	☐ Drainage Patterns (B10)	
☐ Sediment Deposits (B2) (Nonriverine)	☐ Oxidized Rhizospheres along Living Roots (C3)	☐ Dry-Season Water Table (C2)	
☐ Drift Deposits (B3) (Nonriverine)	☐ Presence of Reduced Iron (C4)	☐ Thin Muck Surface (C7)	
☐ Surface Soil Cracks (B6)	☐ Recent Iron Reduction in Flowed Soils (C6)	☐ Crayfish Burrows (C8)	
☐ Inundation Visible on Aerial Imagery (B7)	☐ Other (Explain in Remarks)	☐ Saturation Visible on Aerial Imagery (C9)	
☐ Water-Stained Leaves (B9)		☐ Shallow Aquifers (D3)	
		☐ FAC-Neutral Test (D5)	
Field Observations:			
Surface Water Present?	Yes ☐ No ☒ Depth (inches): _____	Wetland Hydrology Present? Yes ☐ No ☒	
Water Table Present?	Yes ☐ No ☒ Depth (inches): _____		
Saturation Present?	Yes ☐ No ☒ Depth (inches): _____		
(includes capillary fringe)			
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:			
Remarks: <i>no indicators</i>			

WETLAND DETERMINATION DATA FORM - And West Region

Project/Site: CW # City/County: Ellensburg Sampling Date: 1-28-20
Applicant/Owner: _____ State: WA Sampling Point: DP#11
Investigator(s): Ed Semell Section, Township, Range: _____
Landform (hilllope, terrace, etc.): _____ Local relief (concave, convex, none): _____ Slope (%): _____
Subregion (LRR): _____ Lat: _____ Long: _____ Datum: _____
Soil Map Unit Name: _____ NMI classification: _____
Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (if no, explain in Remarks.)
Are Vegetation ☐ Soil ☐ or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐
Are Vegetation ☐ Soil ☐ or Hydrology ☐ naturally problematic? (if needed, explain any answers in Remarks.)

Hydrophytic Vegetation Present?	Yes ☒	No ☐	Is the Sampled Area within a Wetland?	Yes ☐	No ☒
Hydric Soil Present?	Yes ☐	No ☒			
Wetland Hydrology Present?	Yes ☐	No ☒			
Remarks: grazed, seasonal irrigation					

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status	Dominate Test worksheet: Number of Dominant Species That are OBL, FACW, or FAC:
1. _____	_____	_____	_____	1 (A)
2. _____	_____	_____	_____	Total Number of Dominant Species Across All Strata: 1 (B)
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
Total Cover: _____				Percent of Dominant Species That are OBL, FACW, or FAC: 100 (A/B)
<u>Sapling/Shrub Stratum</u>				
1. _____	_____	_____	_____	Prevalence Index worksheet: Total % Cover of: _____ Multiplied by: OBL species _____ x 1 = FACW species _____ x 2 = FAC species _____ x 3 = FACU species _____ x 4 = UPL species _____ x 5 = Column Totals: _____ (A) _____ (B)
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
Total Cover: _____				Prevalence Index = B/A = _____
<u>Herb Stratum</u>				
1. <u>Festuca 2pp</u>	<u>65</u>	<u>FAC</u>		Hydrophytic Vegetation Indicators: ☒ Dominance Test is >50% ☐ Prevalence Index is <3.0 ¹ ☐ Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ☐ Problematic Hydrophytic Vegetation ¹ (Explain)
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
Total Cover: _____				¹ Indicators of hydric soil and wetland hydrology must be present
<u>Woody Vine Stratum</u>				
1. _____	_____	_____	_____	Hydrophytic Vegetation Present? Yes ☒ No ☐
2. _____	_____	_____	_____	
Total Cover: _____				
% Bare Ground in Herb Stratum _____ % Cover of Biotic Crust _____				
Remarks: _____				

Sampling Point:

[illegible]

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix. ²Location: PL=Pore Lining, RC=Root Channel, M=Matrix

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

Indicators for Problematic Hydric Soils³:

_____ Histric (A1)	_____ Sandy Redox (S5)	_____ 1 cm Muck (A9) (LRR C)
_____ Histic Epipedon (A2)	_____ Stripped Matrix (S6)	_____ 1 cm Muck (A10) (LRR B)
_____ Black Histic (A3)	_____ Loamy Mucky Mineral (F1)	_____ Reduced Vertic (F18)
_____ Hydrogen Sulfide (A4)	_____ Loamy Gleyed Matrix (F2)	_____ Red Parent Material (TF2)
_____ Stratified Layers (A5) (LRR C)	_____ Depleted Matrix (F3)	_____ Other (Explain in Remarks)
_____ 1 cm Muck (A9) (LRR D)	_____ Redox Dark Surface (F6)	
_____ Depleted Below Dark Surface (A11)	_____ Depleted Dark Surface (F7)	
_____ Thick Dark Surface (A12)	_____ Redox Depressions (F8)	
_____ Sandy Mucky Mineral (B1)	_____ Vernal Pools (F9)	
_____ Sandy Gleyed Matrix (S4)		

_____ Indicators of hydrophytic vegetation and wetland hydrology must be present.

²Indicators of hydrophytic vegetation and wetland hydrology must be present.

Restrictive Layer (If present):

Type: _____
Depth (Inches): _____

Hydric Soil Present? Yes _____ No ☒

Remarks:	no indicators

Wetland Hydrology Indicators:		Secondary Indicators (2 or more required)	
Primary Indicators (any one indicator is sufficient)			
☐ Surface Water (A1)	☐ Salt Crust (B11)	☐ Water Marks (B1) (Riverine)	
☐ High Water Table (A2)	☐ Biotic Crust (B12)	☐ Sediment Deposits (B2) (Riverine)	
☐ Saturation (A3)	☐ Aquatic Invertebrates (B13)	☐ Drift Deposits (B3) (Riverine)	
☐ Water Marks (B1) (Nonriverine)	☐ Hydrogen Sulfide Odor (C1)	☐ Drainage Patterns (B10)	
☐ Sediment Deposits (B2) (Nonriverine)	☐ Oxidized Rhizospheres along Living Roots (C3)	☐ Dry-Season Water Table (C2)	
☐ Drift Deposits (B3) (Nonriverine)	☐ Presence of Reduced Iron (C4)	☐ Thin Muck Surface (C7)	
☐ Surface Soil Cracks (B6)	☐ Recent Iron Reduction in Plowed Soils (C6)	☐ Crayfish Burrows (C8)	
☐ Inundation Visible on Aerial Imagery (B7)	☐ Other (Explain in Remarks)	☐ Saturation Visible on Aerial Imagery (C9)	
☐ Water-Stained Leaves (B9)		☐ Shallow Aquitard (D3)	
		☐ FAC-Neutral Test (D5)	
Field Observations:			
Surface Water Present?	Yes ☐ No ☒ Depth (inches): _____	Wetland Hydrology Present? Yes ☐ No ☒	
Water Table Present?	Yes ☐ No ☒ Depth (inches): _____		
Saturation Present?	Yes ☐ No ☒ Depth (inches): _____		
(includes capillary fringe)			
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:			
Remarks: no indicators			

Project/Site: CWA City/County: St. Louis Sampling Date: 1-28-20
Applicant/Owner: _____ State: MO Sampling Point: DP#12
Investigator(s): 21 Smith Section, Township, Range: _____
Landform (hillslope, terrace, etc.): _____ Local relief (concave, convex, none): _____ Slope (%): _____
Subregion (LRR): _____ Lat: _____ Long: _____ Datum: _____
Soil Map Unit Name: _____ NMR classification: _____
Are climatic / hydrologic conditions on the site typical for this time of year? Yes _____ No _____ (If no, explain in Remarks.)
Are Vegetation _____ Soil _____ or Hydrology _____ significantly disturbed? _____
Are Vegetation _____ Soil _____ or Hydrology _____ naturally problematic? _____ (If needed, explain any answers in Remarks.)

Hydrophytic Vegetation Present? ☒ Yes ☐ No	Is the Sampled Area within a Wetland? ☒ Yes ☐ No
Hydric Soil Present? ☐ Yes ☒ No	
Wetland Hydrology Present? ☐ Yes ☒ No	
Remarks: <u>grazed + seasonal irrigation</u>	

Tree Stratum (Use scientific names.)		Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:	
1.					Number of Dominant Species That Are OBL, FACW, or FAC:	2 (A)
2.					Total Number of Dominant Species Across All Strata:	2 (B)
3.					Percent of Dominant Species That Are OBL, FACW, or FAC:	100 (A/B)
4.						
Total Cover:						
Sapling/Shrub Stratum					Prevalence Index worksheet:	
1.					Total % Cover of:	Multiply by:
2.					OBL species	x 1 =
3.					FACW species	x 2 =
4.					FAC species	x 3 =
5.					FACU species	x 4 =
					UPL species	x 5 =
Total Cover:					Column Totals:	(A) (B)
Herb Stratum					Prevalence Index = B/A =	
1.	<i>Festuca arvensis</i>	50		FAC	Hydrophytic Vegetation Indicators:	
2.	<i>Agropyron repens</i>	50		FAC	☒ Dominance Test is >50% ☐ Prevalence Index is <3.0 ¹ ☐ Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ☐ Problematic Hydrophytic Vegetation ¹ (Explain)	
3.						
4.						
5.						
6.						
7.						
8.						
Total Cover:						
Woody Vine Stratum					¹ Indicators of hydric soil and wetland hydrology must be present.	
1.					Hydrophytic Vegetation Present? Yes No	
2.						
Total Cover:						
% Bare Ground in Herb Stratum		% Cover of Biotic Crust				
Remarks:						

[illegible]

Wetland Hydrology Indicators:		Secondary Indicators (2 or more required)	
<u>Primary Indicators (any one indicator is sufficient)</u>			
☐ Surface Water (A1)	☐ Salt Crust (B11)	☐ Water Marks (B1) (Riverine)	
☐ High Water Table (A2)	☐ Biotic Crust (B12)	☐ Sediment Deposits (B2) (Riverine)	
☐ Saturation (A3)	☐ Aquatic Invertebrates (B13)	☐ Drift Deposits (B3) (Riverine)	
☐ Water Marks (B1) (Nonriverine)	☐ Hydrogen Sulfide Odor (C1)	☐ Drainage Patterns (B10)	
☐ Sediment Deposits (B2) (Nonriverine)	☐ Oxidized Rhizospheres along Living Roots (C3)	☐ Dry-Season Water Table (C2)	
☐ Drift Deposits (B3) (Nonriverine)	☐ Presence of Reduced Iron (C4)	☐ Thin Muck Surface (C7)	
☐ Surface Soil Cracks (B6)	☐ Recent Iron Reduction in Plowed Soils (C6)	☐ Creyfish Burrows (C8)	
☐ Inundation Visible on Aerial Imagery (B7)	☐ Other (Explain in Remarks)	☐ Saturation Visible on Aerial Imagery (C9)	
☐ Water-Stained Leaves (B9)		☐ Shallow Aquitard (D3)	
		☐ FAC-Neutral Test (D5)	
<u>Field Observations:</u>			
Surface Water Present? Yes ☐ No ☒	Depth (inches): _____		
Water Table Present? Yes ☐ No ☒	Depth (inches): _____		
Saturation Present? Yes ☐ No ☒	Depth (inches): _____		
(includes capillary fringe)		Wetland Hydrology Present? Yes ☐ No ☒	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:			
Remarks: no indicators			

Project/Site: CW # City/County: Ellenburgh Sampling Date: 1-28-20
Applicant/Owner: _____ State: WA Sampling Point: DP-13
Investigator(s): Ed Scmidt Section, Township, Range: _____
Landform (hillslope, terrace, etc.): _____ Local relief (concave, convex, none): _____ Slope (%): _____
Subregion (LRR): _____ Lat: _____ Long: _____ Datum: _____
Soil Map Unit Name: _____ NMI classification: _____
Are climatic / hydrologic conditions on the site typical for this time of year? Yes _____ No _____ (If no, explain in Remarks.)
Are Vegetation _____ Soil _____, or Hydrology _____ significantly disturbed? Yes _____ No _____
Are Vegetation _____ Soil _____, or Hydrology _____ naturally problematic? Yes _____ No _____
(If needed, explain any answers in Remarks.)

Hydrophytic Vegetation Present?	Yes ☒ No ☒	Is the Sampled Area within a Wetland?	Yes ☐ No ☒
Hydric Soil Present?	Yes ☐ No ☒		
Wetland Hydrology Present?	Yes ☐ No ☒		
Remarks: grazed + seasonal irrigation			

Tree Stratum (Use scientific names)		Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:
1.					Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)
2.					Total Number of Dominant Species Across All Strata: 1 (B)
3.					Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)
4.					
Sapling/Shrub Stratum		Total Cover:			
1.					Prevalence Index worksheet:
2.					Total % Cover of: Multiply by:
3.					OBL species x 1 =
4.					FACW species x 2 =
5.					FAC species x 3 =
					FACU species x 4 =
					UPL species x 5 =
Herb Stratum		Total Cover:			Column Totals: (A) (B)
1.	Festuca	40		FAL	Prevalence Index = B/A =
2.	Juncus bulbosus	15		FACW	Hydrophytic Vegetation Indicators:
3.					Dominance Test is >50%
4.					Prevalence Index is ≤3.0 ¹
5.					Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet)
6.					Problematic Hydrophytic Vegetation ¹ (Explain)
7.					
8.					
Woody Vine Stratum		Total Cover:			¹ Indicators of hydric soil and wetland hydrology must be present
1.					Hydrophytic Vegetation Present? Yes No
2.					
% Bare Ground in Herb Stratum		% Cover of Biotic Crust			
Remarks:					

DP #13

[illegible]

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted).	Indicators for Problematic Hydric Soils:
— Histosol (A1)	— 1 cm Muck (A9) (LRR C)
— Histic Epipedon (A2)	— 2 cm Muck (A10) (LRR B)
— Black Histic (A3)	— Reduced Vertic (F18)
— Hydrogen Sulfide (A4)	— Red Parent Material (TF2)
— Stratified Layers (A5) (LRR C)	— Other (Explain in Remarks)
— 1 cm Muck (A9) (LRR D)	
— Depleted Below Dark Surface (A11)	
— Thick Dark Surface (A12)	
— Sandy Mucky Mineral (S1)	
— Sandy Gleyed Matrix (S4)	
— Sandy Redox (S5)	
— Stripped Matrix (S8)	
— Loamy Mucky Mineral (F1)	
— Loamy Gleyed Matrix (F2)	
— Depleted Matrix (F3)	
— Redox Dark Surface (F8)	
— Depleted Dark Surface (F7)	
— Redox Depressions (F8)	
— Vernal Pools (F9)	
	Indicators of hydrophytic vegetation and wetland hydrology must be present.

Type: _____	Hydric Soil Present? Yes _____ No ☒
Depth (inches): _____	
Remarks: no indicators	

Wetland Hydrology Indicators:		Secondary Indicators (2 or more required)	
Primary Indicators (any one indicator is sufficient)			
☐ Surface Water (A1)	☐ Soil Crust (B11)	☐ Water Marks (B1) (Riverine)	
☐ High Water Table (A2)	☐ Biotic Crust (B12)	☐ Sediment Deposits (B2) (Riverine)	
☐ Saturation (A3)	☐ Aquatic Invertebrates (B13)	☐ Drill Deposits (B3) (Riverine)	
☐ Water Marks (B1) (Nonriverine)	☐ Hydrogen Sulfide Odor (C1)	☐ Drainage Patterns (B10)	
☐ Sediment Deposits (B2) (Nonriverine)	☐ Oxidized Rhizospheres along Living Roots (C3)	☐ Dry-Season Water Table (C2)	
☐ Drill Deposits (B3) (Nonriverine)	☐ Presence of Reduced Iron (C4)	☐ Thin Muck Surface (C7)	
☐ Surface Soil Cracks (B6)	☐ Recent Iron Reduction in Flowed Soils (C6)	☐ Crayfish Burrows (C8)	
☐ Inundation Visible on Aerial Imagery (B7)	☐ Other (Explain in Remarks)	☐ Saturation Visible on Aerial Imagery (C9)	
☐ Water-Stained Leaves (B9)		☐ Shallow Aquitard (D3)	
		☐ FAC-Neutral Test (D5)	

Surface Water Present? Yes ☐ No ☒ Depth (inches): _____
 Water Table Present? Yes ☐ No ☒ Depth (inches): _____
 Saturation Present? Yes ☐ No ☒ Depth (inches): _____
 (includes capillary fringe)

Wetland Hydrology Present? Yes ☐ No ☒

Remarks:

Project/Site: CWH City/County: Slingsburg Sampling Date: 1-28-20
Applicant/Owner: _____ State: WA Sampling Point: DP#14
Investigator(s): Ed Smith Section, Township, Range: _____
Landform (hillslope, terrace, etc.): _____ Local relief (concave, convex, none): _____ Slope (%): _____
Subregion (LRR): _____ Lat: _____ Long: _____ Datum: _____
Soil Map Unit Name: _____ NWI classification: _____
Are climatic / hydrologic conditions on the site typical for this time of year? Yes 1 No _____ (If no, explain in Remarks.)
Are Vegetation 1 Soil _____ or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes 1 No _____
Are Vegetation 1 Soil _____ or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)
SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ☒	No ☐	Is the Sampled Area within a Wetland?	Yes ☐ No ☒
Hydric Soil Present?	Yes ☐	No ☒		
Wetland Hydrology Present?	Yes ☐	No ☒		
Remarks: <u>grazed + Seasonal Irrigation</u>				

VEGETATION

Tree Stratum (Use scientific names.)		Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test Worksheet:	
1.					Number of Dominant Species That Are OBL, FACW, or FAC:	3 (A)
2.					Total Number of Dominant Species Across All Strata:	3 (B)
3.					Percent of Dominant Species That Are OBL, FACW, or FAC:	100 (A/B)
4.						
Sapling/Shrub Stratum		Total Cover:			Prevalence Index worksheet:	
1.					Total % Cover of:	Multiply by:
2.					OBL species	x 1 =
3.					FACW species	x 2 =
4.					FAC species	x 3 =
5.					FACU species	x 4 =
					UPL species	x 5 =
		Total Cover:			Column Totals:	(A) (B)
Herb Stratum					Prevalence Index = B/A =	
1.	<i>Festuca</i>	50		FAC	Hydrophytic Vegetation Indicators:	
2.	<i>Juncus balticus</i>	20		FACW	☒ Dominance Test is >50%	
3.	<i>Asarum</i>	20		FAC	☐ Prevalence Index is $\leq 3.0^1$	
4.					☐ Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet)	
5.					☐ Problematic Hydrophytic Vegetation ¹ (Explain)	
6.						
7.						
8.						
		Total Cover:			¹ Indicators of hydric soil and wetland hydrology must be present.	
Woody Vine Stratum					Hydrophytic Vegetation Present? Yes No	
1.						
2.						
		Total Cover:				
% Bare Ground in Herb Stratum		% Cover of Biotic Crust				
Remarks:						

SOIL

Sampling Point: DP#14

[illegible]

HYDROLOGY

Wetland Hydrology Indicators		Secondary Indicators (2 or more required)	
<u>Primary Indicators (any one indicator is sufficient)</u>			
☐ Surface Water (A1)	☐ Salt Crust (B11)	☐ Water Marks (B1) (Rivertine)	
☐ High Water Table (A2)	☐ Biotic Crust (B12)	☐ Sediment Deposits (B2) (Rivertine)	
☐ Saturation (A3)	☐ Aquatic Invertebrates (B13)	☐ Drift Deposits (B3) (Rivertine)	
☐ Water Marks (B1) (Nonrivertine)	☐ Hydrogen Sulfide Odor (C1)	☐ Drainage Patterns (B10)	
☐ Sediment Deposits (B2) (Nonrivertine)	☐ Oxidized Rhizospheres along Living Roots (C3)	☐ Dry-Season Water Table (C2)	
☐ Drift Deposits (B3) (Nonrivertine)	☐ Presence of Reduced Iron (C4)	☐ Thin Muck Surface (C7)	
☐ Surface Soil Cracks (B6)	☐ Recent Iron Reduction in Plowed Soils (C6)	☐ Crayfish Burrows (C8)	
☐ Inundation Visible on Aerial Imagery (B7)	☐ Other (Explain in Remarks)	☐ Saturation Visible on Aerial Imagery (C9)	
☐ Water-Stained Leaves (B9)		☐ Shallow Aquitard (D3)	
		☐ FAC-Neutral Test (D5)	
Field Observations:			
Surface Water Present? Yes ☐ No ☒	Depth (inches): _____		
Water Table Present? Yes ☐ No ☒	Depth (inches): _____		
Saturation Present? Yes ☐ No ☒	Depth (inches): _____	Wetland Hydrology Present? Yes ☐ No ☒	
(Includes capillary fringe)			
Describe Recorded Date (stream gauge, monitoring well, aerial photo, previous inspections), if available:			
Remarks: <i>no indicators</i>			

Project/Site: CW # City/County: Ellensburg Sampling Date: 1-28-20
Applicant/Owner: _____ State: WA Sampling Point: DP#16
Investigator(s): Ed Smith Section, Township, Range: _____
Landform (hillslope, terrace, etc.): _____ Local relief (concave, convex, none): _____ Slope (%): _____
Subregion (LRR): _____ Lat: _____ Long: _____ Datum: _____
Soil Map Unit Name: _____ NWI classification: _____
Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (if no, explain in Remarks.)
Are Vegetation ☐ Soil ☐ or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐
Are Vegetation ☐ Soil ☐ or Hydrology ☐ naturally problematic? (if needed, explain any answers in Remarks.)

Hydrophytic Vegetation Present?	Yes ☒ No ☐	Is the Sampled Area within a Wetland?	Yes ☐ No ☒
Hydric Soil Present?	Yes ☐ No ☒		
Wetland Hydrology Present?	Yes ☐ No ☒		
Remarks: grazed + seasonal irrigation			

Tree Stratum (Use scientific names.)		Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:	
1.					Number of Dominant Species That Are OBL, FACW, or FAC:	1 (A)
2.					Total Number of Dominant Species Across All Strata:	1 (B)
3.					Percent of Dominant Species That Are OBL, FACW, or FAC:	100 (A/B)
4.						
Sapling/Shrub Stratum		Total Cover:			Prevalence Index worksheet:	
1.					Total % Cover of:	Multiply by:
2.					OBL species	x 1 =
3.					FACW species	x 2 =
4.					FAC species	x 3 =
5.					FACU species	x 4 =
Herb Stratum		Total Cover:			UPL species	x 5 =
1.	Festuca sp	75		PAL	Column Totals:	(A) (B)
2.					Prevalence Index = B/A =	
3.					Hydrophytic Vegetation Indicators:	
4.					Dominance Test is >50%	
5.					Prevalence Index is ≤3.0 ¹	
6.					Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet)	
7.					Problematic Hydrophytic Vegetation ¹ (Explain)	
8.						
Woody Vine Stratum		Total Cover:			¹ Indicators of hydric soil and wetland hydrology must be present.	
1.					Hydrophytic Vegetation Present?	Yes No
2.						
% Bare Ground in Herb Stratum		% Cover of Biotic Crust				
Remarks:						

[illegible]

Wetland Hydrology Indicators:		Secondary Indicators (2 or more required)	
Primary Indicators (any one indicator is sufficient)			
☐ Surface Water (A1)	☐ Soil Crust (B11)	☐ Water Marks (B1) (Riverine)	
☐ High Water Table (A2)	☐ Biotic Crust (B12)	☐ Sediment Deposits (B2) (Riverine)	
☐ Saturation (A3)	☐ Aquatic Invertebrates (B13)	☐ Drift Deposits (B3) (Riverine)	
☐ Water Marks (B1) (Nonriverine)	☐ Hydrogen Sulfide Odor (C1)	☐ Drainage Patterns (B10)	
☐ Sediment Deposits (B2) (Nonriverine)	☐ Oxidized Rhizospheres along Living Roots (C3)	☐ Dry-Season Water Table (C2)	
☐ Drift Deposits (B3) (Nonriverine)	☐ Presence of Reduced Iron (C4)	☐ Thin Muck Surface (C7)	
☐ Surface Soil Cracks (B6)	☐ Recent Iron Reduction in Plowed Soils (C5)	☐ Crayfish Burrows (C8)	
☐ Inundation Visible on Aerial Imagery (B7)	☐ Other (Explain in Remarks)	☐ Saturation Visible on Aerial Imagery (C9)	
☐ Water-Stained Leaves (B8)		☐ Shallow Aquitard (D3)	
		☐ FAC-Neutral Test (D5)	
Field Observations:			
Surface Water Present?	Yes ☒ No ☐ Depth (inches):	Wetland Hydrology Present? Yes ☐ No ☒	
Water Table Present?	Yes ☐ No ☒ Depth (inches):		
Saturation Present?	Yes ☒ No ☐ Depth (inches):		
(includes capillary fringe)			
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:			
Remarks: no indicators			

Project/Site: CW H City/County: Ellensburg Sampling Date: 1-28-20
Applicant/Owner: _____ State: WA Sampling Point: DD ± 20
Investigator(s): SI Smith Section, Township, Range: _____
Landform (hillslope, terrace, etc.): _____ Local relief (concave, convex, none): _____ Slope (%): _____
Subregion (LRR): _____ Lat: _____ Long: _____ Datum: _____
Soil Map Unit Name: _____ NMI classification: _____
Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (if no, explain in Remarks.)
Are Vegetation ☒ Soil ☐ or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐
Are Vegetation ☐ Soil ☐ or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

Hydrophytic Vegetation Present?	Yes ☒ No ☐	Is the Sampled Area within a Wetland?	Yes ☐ No ☒
Hydric Soil Present?	Yes ☐ No ☒		
Wetland Hydrology Present?	Yes ☐ No ☒		

Remarks: graze + seasonal irrigation

Tree Stratum (Use scientific names.)		Absolute % Cover	Dominant Species?	Status	Dominance Test worksheet:	
1.					Number of Dominant Species That Are OBL, FACW, or FAC:	2 (A)
2.					Total Number of Dominant Species Across All Strata:	2 (B)
3.					Percent of Dominant Species That Are OBL, FACW, or FAC:	100 (A/B)
4.						
Sapling/Shrub Stratum		Total Cover:			Prevalence Index worksheet:	
1.					Total % Cover of:	Multiply by:
2.					OBL species	x 1 =
3.					FACW species	x 2 =
4.					FAC species	x 3 =
5.					FACU species	x 4 =
					UPL species	x 5 =
Herb Stratum		Total Cover:			Column Totals:	(A) (B)
1.	<i>Anemone nemorosa</i>	50		FAC	Prevalence Index = B/A =	
2.	<i>Sanicula europaea</i>	50		FACW	Hydrophytic Vegetation indicators:	
3.					Dominance Test is >50%	
4.					Prevalence Index is ≥ 3.0	
5.					Morphological Adaptations (Provide supporting data in Remarks on a separate sheet)	
6.					Problematic Hydrophytic Vegetation (Explain)	
7.						
8.						
Woody Vine Stratum		Total Cover:			Indicators of hydric soil and wetland hydrology must be present.	
1.					Hydrophytic Vegetation Present? Yes No	
2.						
% Bare Ground in Herb Stratum		% Cover of Biotic Crust				
Remarks:						

Sampling Point: DPE-20

[illegible]

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix. ²Location: PL=Pore Lining, RC=Root Channel, M=Matrix.

Indicators for Problematic Hydric Soils³:

— Histolic (A1)	— Sandy Redox (S5)	— 1 cm Muck (A9) (LRR C)
— Histic Epipedon (A2)	— Stripped Matrix (S8)	— 2 cm Muck (A10) (LRR B)
— Black Histic (A3)	— Loamy Mucky Mineral (F1)	— Reduced Vertic (F18)
— Hydrogen Sulfide (A4)	— Loamy Gleyed Matrix (F2)	— Red Parent Material (TF2)
— Stratified Layers (A5) (LRR C)	— Depleted Matrix (F3)	— Other (Explain in Remarks)
— 1 cm Muck (A9) (LRR D)	— Redox Dark Surface (F6)	
— Depleted Below Dark Surface (A11)	— Depleted Dark Surface (F7)	
— Thick Dark Surface (A12)	— Redox Depressions (F8)	
— Sandy Mucky Mineral (S1)	— Vernal Pools (F9)	
— Sandy Gleyed Matrix (S4)		
- Indicators of hydrophytic vegetation and wetland hydrology must be present in the soil profile.

²Indicators of hydrophytic vegetation and wetland hydrology must be present.

Type: _____
Depth (inches): _____

Hydric Soil Present? Yes _____ No ☒

Remarks:

no mch

Wetland Hydrology Indicators:		Secondary Indicators (2 or more required)
Primary Indicators (any one indicator is sufficient)		
☐ Surface Water (A1)	☐ Salt Crust (B11)	☐ Water Marks (B1) (Riverine)
☐ High Water Table (A2)	☐ Biotic Crust (B12)	☐ Sediment Deposits (B2) (Riverine)
☐ Saturation (A3)	☐ Aquatic Invertebrates (B13)	☐ Drift Deposits (B3) (Riverine)
☐ Water Marks (B1) (Nonriverine)	☐ Hydrogen Sulfide Odor (C1)	☐ Drainage Patterns (B10)
☐ Sediment Deposits (B2) (Nonriverine)	☐ Oxidized Rhizospheres along Living Roots (C3)	☐ Dry-Season Water Table (C2)
☐ Drift Deposits (B3) (Nonriverine)	☐ Presence of Reduced Iron (C4)	☐ Thin Muck Surface (C7)
☐ Surface Soil Cracks (B6)	☐ Recent Iron Reduction in Flowed Soils (C6)	☐ Grayish Burrows (C8)
☐ Inundation Visible on Aerial Imagery (B7)	☐ Other (Explain in Remarks)	☐ Saturation Visible on Aerial Imagery (C9)
☐ Water-Stained Leaves (B9)		☐ Shallow Aquitard (D3)
		☐ FAC-Neutral Test (D5)

Field Observations:

- Surface Water Present? Yes ☒ No ☐ Depth (inches): _____
- Water Table Present? Yes ☒ No ☐ Depth (inches): _____
- Saturation Present? Yes ☒ No ☐ Depth (inches): _____
- (includes capillary fringe)
- Wetland Hydrology Present? Yes ☒ No ☐

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

no. 12100



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

STAFF REPORT

DATE: September 21, 2021

TO: Andrew Kottkamp, Hearing Examiner

THRU: Jamey Ayling, Community Development Planning Manager

FROM: Shannon Johnson, Senior Planner, Community Development

RE: P21-88 Rolling Meadows Subdivision Preliminary Plat Public Hearing
(formerly proposed as Bender Subdivision Plat)

Summary Statement: The purpose of this open record public hearing is to consider the proposed preliminary plat subdivision and any public or agency comments received by the City regarding the proposed Rolling Meadows Long Plat. This hearing is being held pursuant to the requirement of Chapter 15.260, Subdivision Procedures, of the Ellensburg City Code (ECC). At the conclusion of this public hearing, it is expected that the Hearing Examiner will develop a recommended action on the proposed subdivision for City Council's consideration and action at a future closed record public hearing. Attached to and made a part of this report is the SEPA Threshold Determination for this subdivision. Other exhibits document that all legal notices and mailings as required by the Ellensburg City Code for the preliminary plat application review processes have been fulfilled.

Citizen and agency comments on this proposed preliminary plat were due no later than 5:00 pm Thursday, September 9, 2021. Notice was further given that all persons interested could appear and be heard at the public hearing.

Background

This proposed preliminary plat is located generally north of and adjacent to Bender Road, and east of Pioneer Road, on Kittitas County Assessor's Parcel ID#'s 322733, 20998 and 20999, in the City of Ellensburg, WA. A vicinity map and reduced scale preliminary drawing showing the location of the lots and other plat features are included (**Exhibits 1 & 2**).

The subject property is 44.51 acres in size and is currently zoned Residential Suburban Density (R-S) and lies within the Airport Overlay (A-O) Zone. The project site parcels were recently annexed into the City of Ellensburg on December 16, 2019.

Property zoned as Residential Suburban (R-S) allows for detached single-family dwellings as the predominate land use, with a base maximum density of 6 dwelling units/acre. Additionally, the property is subject to density limitations of 6 dwelling units/acre as regulated by the Airport Overlay (A-O) zone. As specified in the recorded Pre-Annexation Development Agreement (**EXHIBIT 11**), part of the proposal includes density consolidation by allowing densities from parcel #'s 20998 and 322733 to be transferred to parcel #20999, and limits the density to one dwelling unit per parcel on parcel #'s 20998 and 322733. The applicant's proposal would create 49 separate residential lots ranging in size from 8,957 square feet to 12.87 acres. This 49 lot project intended for single family homes is within the allowable maximum density.

The plat will have lots that front onto public roadway which will need to be improved as part of this project. The southern street frontage known as Bender Road is an existing major collector street and is further defined as a landscaped street. Half street improvements will be required along Bender Road, and full street improvements will be required on all proposed interior streets. The interior streets will be classified as local access streets and further defined as landscaped streets.

The Public Works Department works with the Ellensburg School District at the time of civil construction review of the plat to ensure that the goals of their "Guide for Planning and improving School Walk and Bike Routes" are implemented on projects within one mile of schools. In speaking with the Ellensburg School District Director of Transportation, this particular plat is located outside of the required ½ mile radius for the nearest elementary school, which is Mount Stuart Elementary. This means that the school district does not expect children in this area to walk to school, therefore, continued and expanded bus services will be planned for this area. The extension and construction of the street frontage improvements as discussed above, provide beginning connectivity to achieve goals and policies within the land use, housing, and transportation chapters of the Ellensburg Comprehensive Plan.

Specific to meeting open space and parks needs that will result from the new development, the applicant will be required to pay a park impact fee of \$1925 for each single family lot or structure, which will in turn be used to enhance the City of Ellensburg Parks system.

Site Characteristics

North: the land to the north is vacant land outside city limits

South: residential – vacant land within city limits preliminarily approved for long plats

East: residential land outside city limits, and one parcel inside city limits (located along Bender Road)

West: residential land outside city limits

SEPA Review

A SEPA checklist was submitted as a requirement of the preliminary plat process, and a SEPA Mitigated Determination of Non-Significance (MDNS) was issued on May 5, 2021 (**Exhibit 10**).

Preliminary Plat Review

Subsequent to the SEPA environmental review, public notice and distribution of the full preliminary plat application was undertaken. As a result of that effort, departmental comments for the application have been received from the following: The Ellensburg Fire Department, the Cascade Irrigation District, Ellensburg Public Works Department; and the Ellensburg Utility Services Gas and Light Departments (**Exhibits 3-7**).

Those comments received mirrored their previous SEPA environmental points regarding final design and construction of required facilities, and referred to the previous comments submitted for SEPA and/or the Pre-Application Reviews.

One public comment was received and is included as **Exhibit 8**. Staff's response to the comment is included as **Exhibit 9**.

Analysis and Findings

The requirements pertaining to preliminary plat approval are found within ECC Sections 15.260.060 through 15.260.090. Specifically, the decision criteria are found in ECC 15.260.060(F), which states the following:

(F) Decision Criteria. The city may approve, approve with conditions, or deny a preliminary subdivision application based on conformance with the following decision criteria:

1. The preliminary subdivision conforms to all applicable zoning standards of the city as set forth in the LDC, including the form and intensity standards in Chapter 15.320 ECC, the streetscape design standards in Chapter 15.410 ECC, the subdivision design standards in Chapter 15.420 ECC, the project design standards in Division V, and the public works development standards;
2. All lots within the preliminary subdivision are provided with satisfactory access established consistent with the requirements of the public works development standards, ECC Title 4, public works construction, the streetscape design standards and subdivision design and block standards in Division IV, and the project design standards in Division V;
3. All lots within the preliminary subdivision are provided with adequate provisions for water supplies, sanitary wastewater facilities, and storm drainage and surface water facilities consistent with the requirements of the public works development standards and ECC Title 9, Utilities;
4. All lots within the preliminary subdivision are provided with adequate provisions for electric service, and for natural gas service if applicable,

consistent with the requirements of the city's energy services department design standards and with ECC Title 9, Utilities;

5. The preliminary subdivision conforms to all applicable critical areas standards set forth in Division VI; and

6. The preliminary subdivision makes appropriate provisions for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, natural gas mains and services, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.

The public agency comments relate to normal plat design and construction requirements that are routinely part of the final plat design and approval process. It is the full intention of the City to enforce and follow those final plat requirements.

Prior to final plat approval, the applicant will need to include the signature blocks on the face of the final plat to read as follows: City Engineer, Community Development Director, Public Works & Utilities Director, Cascade Irrigation District, County Treasurer, County Auditor; & the Mayor of Ellensburg with individual statements of approval.

Construction of the subdivision and single-family units will be required to comply with all applicable standards outlined in the Ellensburg City Code design standards and guidelines.

Recommendation

Staff proposes the Hearing Examiner recommend approval of the Rolling Meadows Plat preliminary plat application to City Council subject to the following conditions:

- a) The applicant will meet the requirements of the Public Works Department discussed in its memorandum dated September 7, 2021.
- b) The applicant will meet the requirements of the Energy Services - Light Department discussed in its memorandum dated September 3, 2021.
- c) The applicant will meet the requirements of the Energy Services – Gas Department discussed in its memorandum dated July 30, 2021.
- d) The applicant will meet the requirements of the Fire Department for hydrants and access as per Fire Marshal's memorandum dated September 7, 2021.
- e) The applicant will meet the requirements of the Cascade Irrigation District (CID) as per CID's memorandum dated August 18, 2021.

- f) The applicant will meet the requirements of the SEPA Official's issuance of Mitigated Determination of Non-Significance (MDNS) (File # P20-123) dated May 4, 2021.
- g) The applicant will meet the requirements of the Pre-Annexation Agreement recorded December 17, 2021.
- h) The applicant may be required to obtain an NPDES Construction Storm Water General Permit from the Washington State Department of Ecology, as well as all other permits (site grading permit, SWPPP, etc.) that may be required as a result of plat development. Subdivision and land development activities shall follow the requirements of the Ellensburg City Code, including the Design Standards.
- i) All requirements of utility providers, City departments, and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents.

Exhibits:

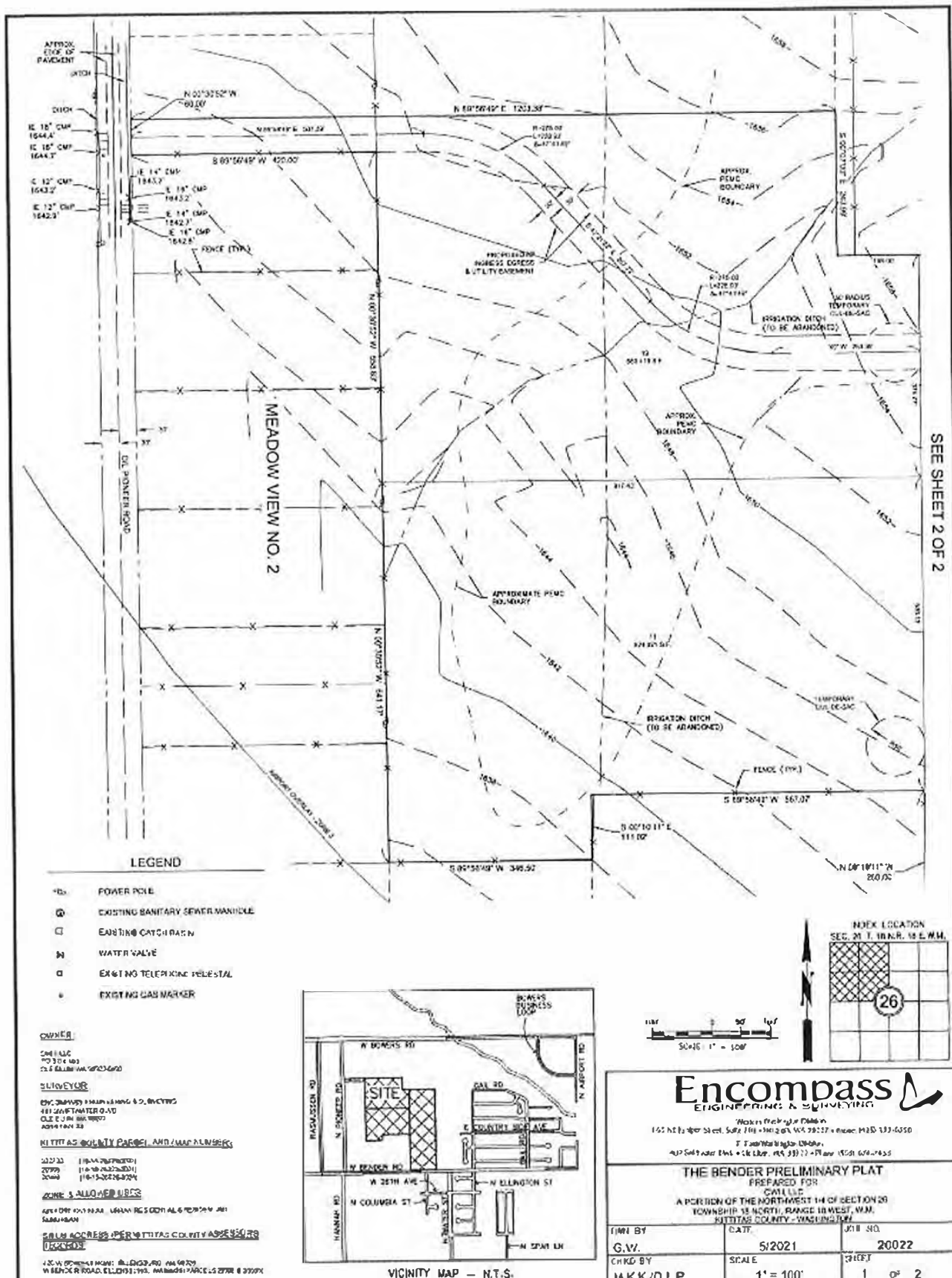
- 1. Vicinity Location Map
- 2. Preliminary Plat of Rolling Meadows Plat
- 3. September 3, 2021 memo from City of Ellensburg Energy Services Light Department
- 4. July 30, 2021 memo from City of Ellensburg Energy Services Gas
- 5. September 7, 2021 memo from City of Ellensburg Public Works Department
- 6. September 7, 2021 memo from City of Ellensburg Fire Marshall
- 7. August 18, 2021 memo from Cascade Irrigation District
- 8. August 24, 2021 Comment Letter from Peter & Karen Schrantz
- 9. September 1, 2021 Staff Response to letter from Peter & Karen Schrantz
- 10. May 4, 2021 SEPA MDNS Determination
- 11. December 17, 2021 Pre-Annexation Development Agreement
- 12. Legal Notice of Public Hearing
- 13. Area of Notification Map with 300-Foot Buffer Notification List
- 14. Photo of Notice Signs on Property
- 15. Application Cover Page & Materials

EXHIBIT 1



Project Location: The property is addressed as Bender Road, Ellensburg, WA 98926. Kittitas County Assessor's ID#'s 322733, 20998 and 20999 as seen in the map above.







CITY OF ELLENSBURG
Public Works & Utilities Department
501 North Anderson Street; Ellensburg, WA 98926
Ph: (509) 962-7124 Fax: (509) 925-8662
www.ci.ellensburg.wa.us

Memorandum

Date: July 30, 2020
To: Shannon Johnson, Community Development
From: Darin Yusi, Gas Engineer 
Re: Bender Road Plat – P20-059

The following are the Gas Divisions pre-application comments on the proposed Bender Road Development.

Natural Gas:

There is a 6-inch main along Bender Road that would be used to serve the proposed development. The proposed development would be required to tie into the 6-inch main and extend the gas main throughout the development and provide service stubs to each lot. The gas main line needs to be shown on the civil plans but will not need to have any details, as the final gas installation plans will be provided by the City Gas Division. The final location for service stubs will be dependent on the layout of the homes. The sooner this is known and provided the sooner the Gas Division can complete plans. If the home layout is known at the time of the civil plan submittal from the applicant, it would be preferred that the service stubs be shown on the civils for better planning for the applicant, excavators and other utilities. It is preferred that the gas is installed after power has been installed to prevent exposing gas pipe during excavation and limit the opportunity for live gas pipe to be hit during excavation.

City gas crews will install the gas main and service stubs in developer provided trenches. The applicant is to provide the trench, smooth sand bedding, and backfill at the specified depth and required utility separation as indicated on the details G-12 and G-13.

The applicant is not required to serve the homes with natural gas, but if the applicant is interested in serving the proposed lots with gas, please call the City Gas Division at 962-7124 for an application for service. The City does provide service credits to help offset the developer's contribution for the installation of natural gas facilities.

Remember any contractor digging on the property or in the right of way must call the One-Call Underground Utility Notification Center - 811.



CITY OF ELLENSBURG
NATURAL GAS DIVISION
UTILITY MAP REQUEST INFORMATION

PROJECT ADDRESS

BENDER ROAD

DATE

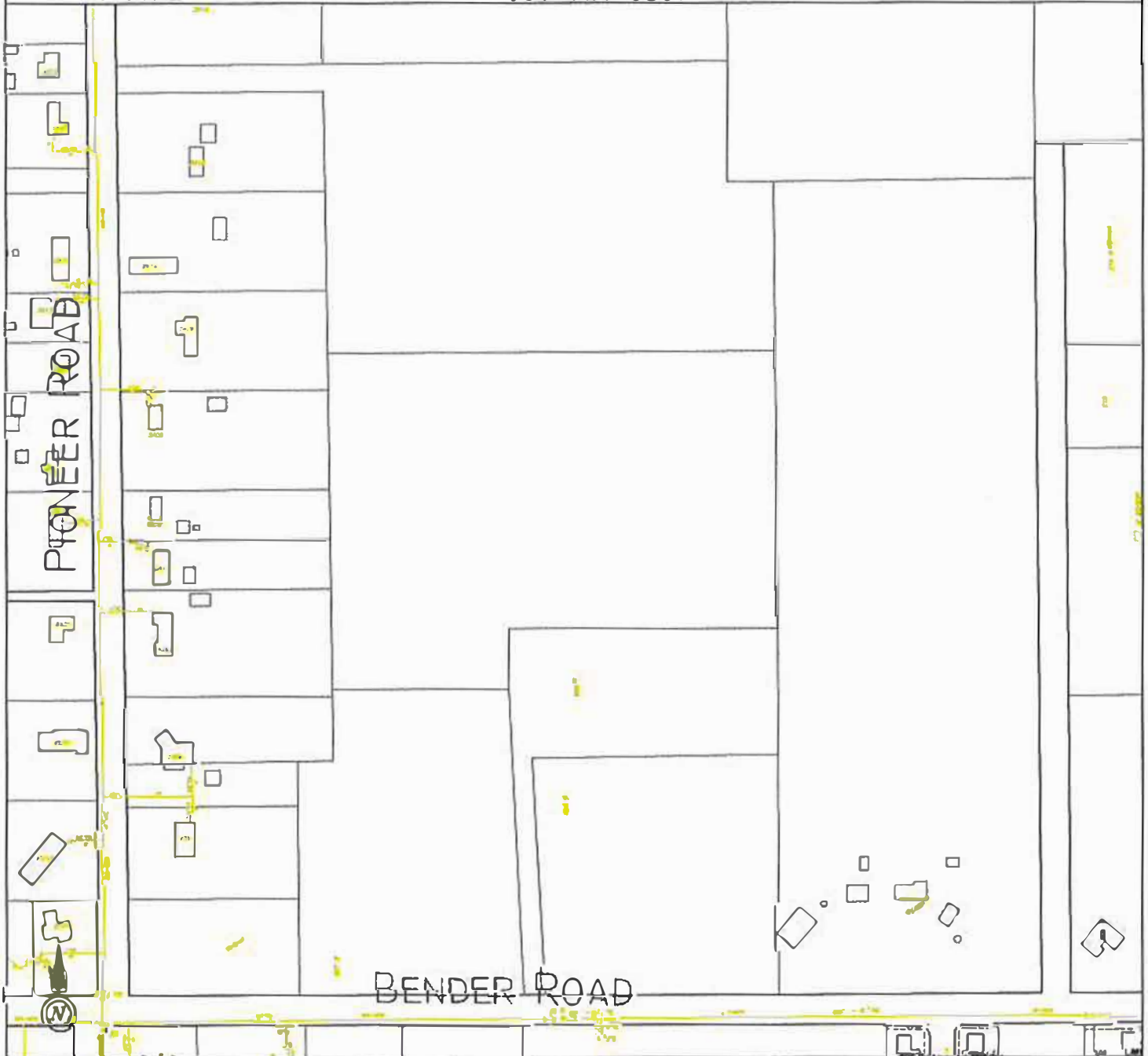
07/15/20

CONTACT NAME

DOUG STALDER

WORK PHONE

509-929-0301



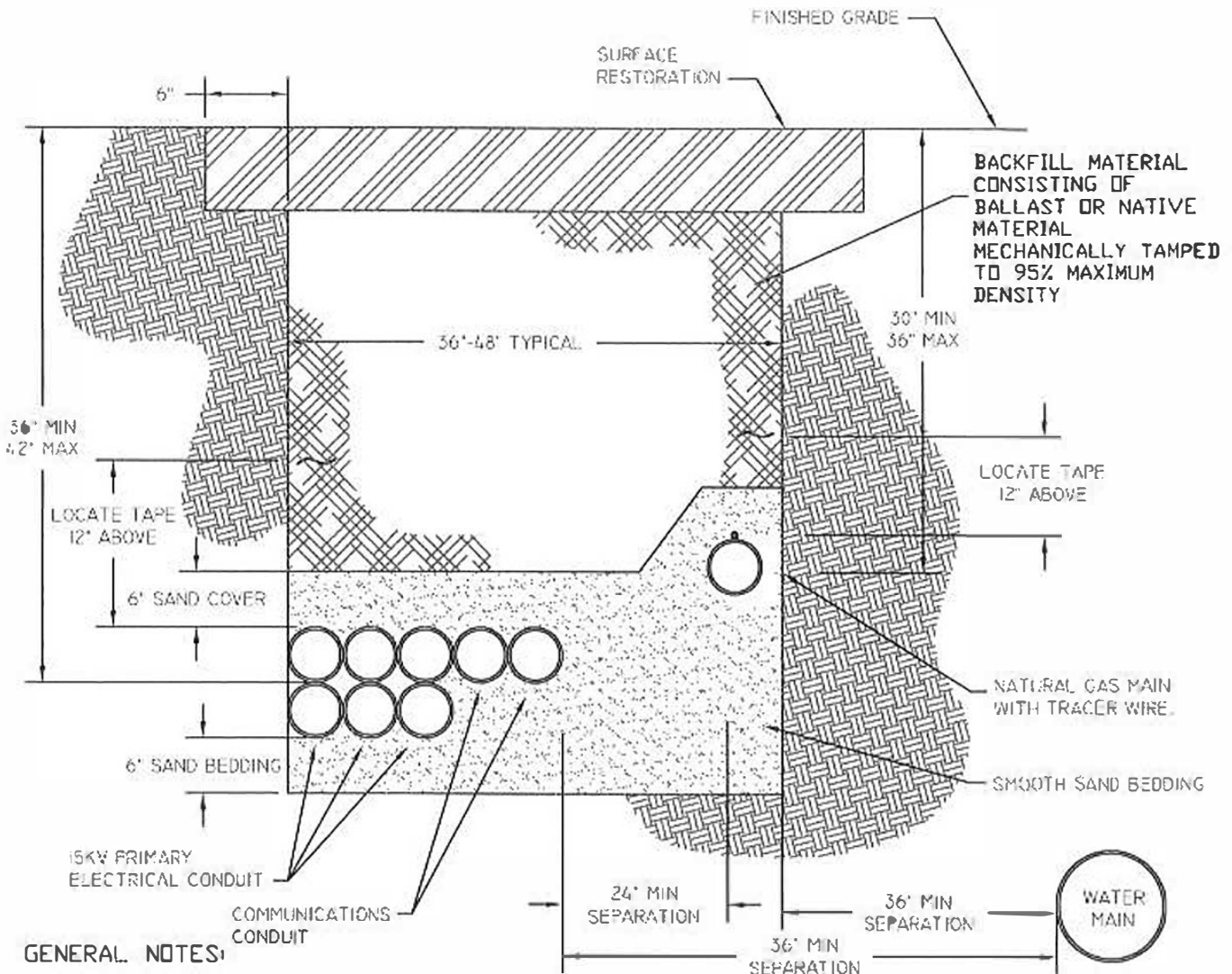
QUESTIONS: DARIN YUSI 509-962-7229

DISCLAIMER:

THE CITY OF ELLENSBURG ENERGY SERVICES DEPARTMENT CANNOT VERIFY THE ACCURACY OF THE UTILITIES REPRESENTED ON THIS PLAN. THEY ARE DISPLAYED FOR EASE OF PLANNING AND INSTALLATION AND ARE BASED UPON BEST INFORMATION AVAILABLE. CONTRACTORS AND DEVELOPERS SHOULD REFER TO CIVIL PLAN FOR MOST CURRENT DESIGN REVISION AND CALL 811 BEFORE YOU DIG.



Know what's below.
Call before you dig.



GENERAL NOTES:

1) THE MINIMUM TRENCH DEPTH REQUIRED FOR 15KV PRIMARY ELECTRICAL CONDUIT IS 36", MAXIMUM OF 42". THE MINIMUM TRENCH DEPTH REQUIRED FOR GAS MAINS IS 30", MAXIMUM OF 36". TRENCH DEPTH MIN / MAX CAN CHANGE WITH PRIOR APPROVAL FROM ENERGY SERVICES

2) BACKFILL SHOULD NOT BE USED IF IT CONTAINS LARGE ROCK, PAVING MATERIALS, CINDERS, LARGE OR SHARPLY ANGULAR SUBSTANCE OR CORROSIVE MATERIALS WHICH CAN DAMAGE CONDUITS, CABLES, GAS PIPES OR OTHER SUBSTRUCTURES OR PREVENT ADEQUATE COMPACTION OF FILL OR CONTRIBUTE TO CORROSION OF CONDUITS, CABLES OR OTHER SUBSTRUCTURES.

3) ELECTRICAL CONDUIT AND GAS MAIN MAY BE IN JOINT TRENCH WITH WATER MAIN PROVIDED A MINIMUM SEPARATION OF 36" IS MAINTAINED. THE UTILITY MAY REQUIRE STAKING PRIOR TO BACKFILL TO MAINTAIN REQUIRED SEPARATION. NO UTILITY WILL BE JOINT TRENCH WITH SEWER OR PLACED OVER THE TOP OF THE GAS MAIN OR SERVICE LINE.

4) SMOOTH SAND BEDDING IS REQUIRED FOR GAS MAINS AND PRIMARY ELECTRICAL CONDUITS, 6-INCHES BELOW AND 6-INCHES ABOVE. MAINTENANCE SAND MAY NOT BE USED AS SAND BEDDING.

REVISED 11-25-15



CITY OF ELLENSBURG
STANDARD PLANS & DETAILS

DISTRIBUTION
TRENCH REQUIREMENTS

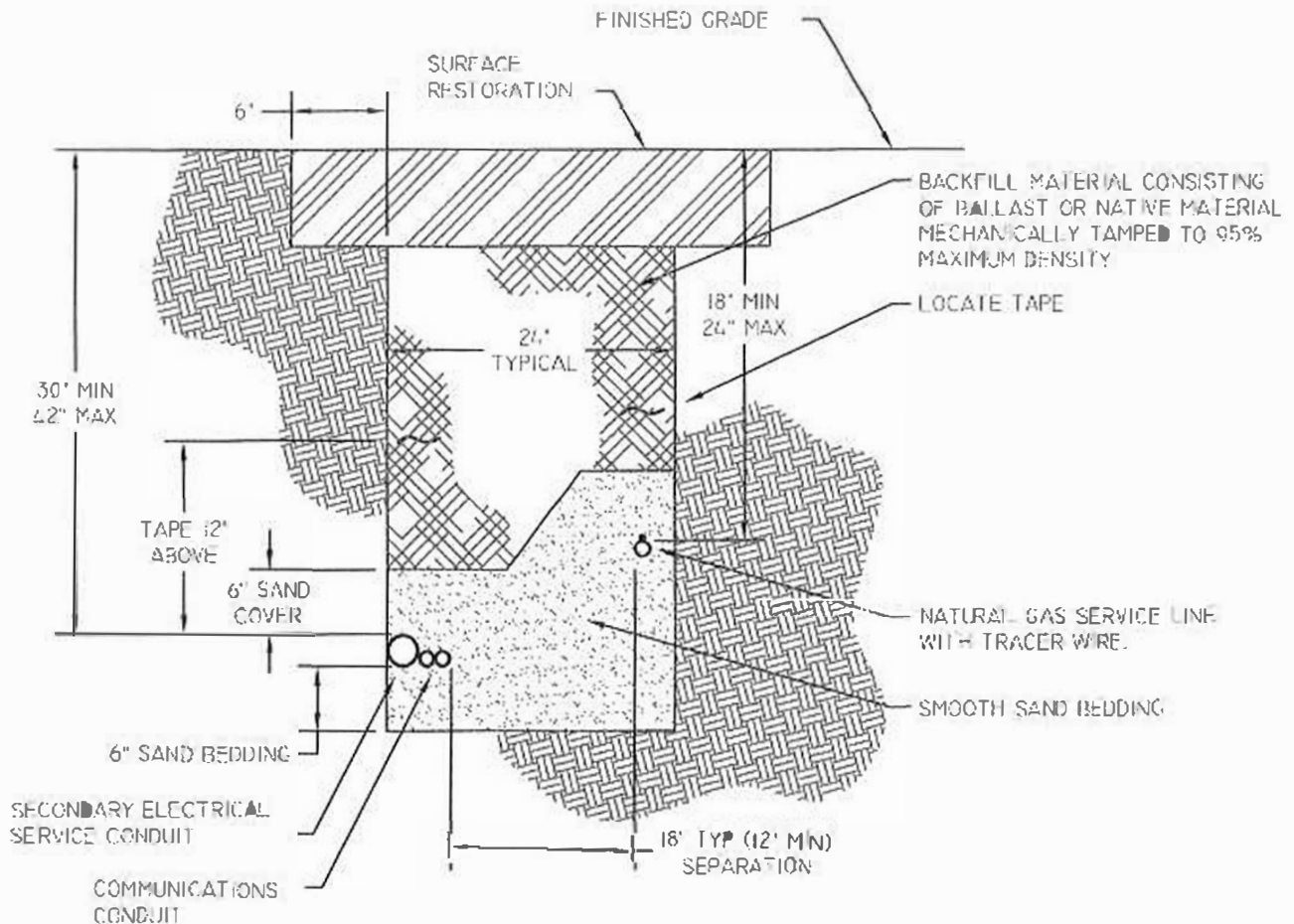
PLAN NO.

G-12

DRAWN BY: MIB DATE: 07-19-01

UPDATED BY: JC

SCALE: NONE



GENERAL NOTES:

1) THE MINIMUM DEPTH OF TRENCH REQUIRED FOR NATURAL GAS SERVICE LINE IS 18" ON PROPERTY WITH A MINIMUM DEPTH OF 24" IN THE RIGHT OF WAY. THE MINIMUM DEPTH OF TRENCH FOR SECONDARY ELECTRICAL SERVICE CONDUIT IS 30", MAXIMUM OF 42". TRENCH DEPTH MIN / MAX CAN CHANGE WITH PRIOR APPROVAL FROM ENERGY SERVICES.

2) TRENCH SHOULD BE AS STRAIGHT AS POSSIBLE WITH NO MORE THAN (3) 90° BENDS. IN AREAS WHERE TRENCH CHANGES DIRECTION, CORNERS SHOULD BE ROUNDED TO ALLOW FOR SWEEPS. THE FLOOR OF THE TRENCH, SHOULD BE AS LEVEL AND FLAT AS PRACTICALLY POSSIBLE. THE SWEEP BELOW THE METER SHOULD BE DIRECTED TOWARD THE SOURCE OF THE SERVICE (TYPICALLY THE TRANSFORMER OR HANDBOX AT THE PROPERTY CORNER), NOT PERPENDICULAR TO THE BUILDING.

3) BACKFILL SHOULD NOT BE USED IF IT CONTAINS LARGE ROCK, PAVING MATERIALS, CINDERS, LARGE OR SHARPLY ANGULAR SUBSTANCE OR CORROSIVE MATERIALS WHICH CAN DAMAGE THE PIPELINE, CONDUITS, CABLES OR OTHER SUBSTRUCTURES AND / OR PREVENTS ADEQUATE COMPACTION OF FILL.

4) SERVICE LINES MAY BE IN A JOINT TRENCH PROVIDED A MINIMUM SEPARATION OF 12" IS MAINTAINED, WHILE 18" IS PREFERRED. UTILITY MAY REQUIRE STAKING PRIOR TO BACKFILL TO MAINTAIN REQUIRED SEPARATION AND ADEQUATE COVERAGE. NO UTILITY WILL BE PLACED OVER THE TOP OF THE GAS SERVICE LINE.

5) SMOOTH SAND BEDDING IS REQUIRED FOR GAS SERVICE LINES AND SECONDARY ELECTRICAL CONDUITS. MAINTENANCE SAND MAY NOT BE USED AS SAND BEDDING.

6) BACKFILLING MUST BE COMPLETED AT THE TIME THE GAS SERVICE LINE IS INSTALLED AND MADE LIVE. WIRE WILL NOT BE PULLED INTO CONDUITS UNTIL BACKFILL IS COMPLETED.

REVISED 08-06-13



CITY OF ELLENSBURG
STANDARD PLANS & DETAILS

SERVICE LINE
TRENCH REQUIREMENTS

PLAN NO.

G-13

DRAWN BY: SP

DATE: 07-19-01

UPDATED BY: HF

SCALE: NONE



CITY OF ELLENSBURG

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

Memorandum

Date: September 7, 2021
To: Shannon Johnson, Senior Planner
From: Craig Jones, Development Coordinator *CJ*
Through: Derek Mayo, City Engineer *DKM*
Re: Rolling Meadows Preliminary Plat - P21-088

The following are the Public Works comments for the proposed Rolling Meadows Preliminary Plat on the north side of Bender Rd west of Water St.

The applicant can view the City of Ellensburg's Development Standards on the City's website for more information. <http://www.ci.ellensburg.wa.us/index.aspx?NID=339>

At time of civil plan review, Staff will work with the developer's engineer regarding the specific issues related to frontage and utility improvements.

Water:

The water main available to serve this development is a 12" Ductile Iron main that runs in Bender Road. The developer will need to build an 8" water main on the proposed north/south road and the east/west roads. Each lot will need a separate water service. The maximum number of lots that can be served by one water connection is 40 lots. As proposed an additional water connection will need to be made so the system is looped. See attached utility map.

Fire hydrant placement shall be per Fire Department requirements. Developer's engineer may be required to verify that fire flow capacity will meet the necessary requirements.

Specific issues related to water main and meter locations will be addressed at project civil submittal.

Sewer:

The sewer main available to serve this development is a 12" PVC main that runs along Bender Road. This main shall be extended to the west of the property along Bender Road to a future development. The developer will need to build an 8" sewer main on the proposed north/south road and the east/west roads. Each lot will need a separate sewer service. See attached utility map.

The developer may petition the City Council for over sizing costs associated with the cost difference with construction from an 8" main to a 12" main. The Council has the option to accept or deny the request. Latecomer's agreement can also be set up for the construction of the sewer

main for future reimbursement from adjoining properties.

Specific issues related to sewer main and side sewer construction will be addressed at project civil submittal.

Roadway and access:

This project will trigger the requirement for half street improvements along the Bender Road frontage and all the interior roads will need full street improvements. Street improvements include concrete curb/gutter, sidewalks, street lighting, permanent signage, asphalt, asphalt markings, gravel base, storm drainage, and other items associated with minimum public improvements consistent with Public Works Development Standards. There is an existing curb line to the west of this project that may be allowed to project the road alignment along this project. This alignment may require parking restrictions. Bender Road is on the Non-Motorized Transportation route and will need to include additional width to accommodate the future bike lane. The east/west roads will need to be aligned with other existing roads to the east. A larger map with centerline dimensions showing these roads will be needed to determine which roads need to align. The lots that front on Bender Road will need to have driveway access from the local access road directly to the north to limit driveways on Bender Road which is a collector street. Under the Land Development Code the sidewalks will need to be separated from the curb. Existing power poles may need to be relocated to accommodate these frontage improvements. No parking signs will need to be posted on the private access drives and turn arounds. The future access road to Pioneer Road may need to be graveled for the Fire Department as a secondary access. What is the reasoning for the 30' temporary access easement road one lot south of Road "D"?

Specific issues related to roadway and access construction will be addressed at project civil submittal.

Storm water:

There is no storm system available for a direct discharge. The existing road side ditch will need to be conveyed across the frontage of the property. See attached utility map.

The applicant shall use the current Stormwater Management Manual for Eastern Washington, or approved equivalent for reference in design of stormwater treatment and flow control for post construction requirements for new development and redevelopment. The design shall at a minimum use the following design storms, or as recommended for the proposed BMP, whichever is greater. Treatment shall be designed for the first ½" of rainfall on the property, and storm drainage detention on a 10 year storm event (1.2" of precipitation/24 hours) and retention facilities based on a 25 year storm event (1.6" of precipitation/24 hours). Specific issues related to storm water will be reviewed at time of civil plan submittal.

The applicant's design engineer should determine groundwater elevations in the vicinity of proposed storm water treatment and flow control facilities. The water surface elevation needs to be utilized in the facility designs and should be verified when groundwater is at its highest. Typically the groundwater in the Ellensburg area is elevated from April 15th through October 15th. However, groundwater on the subject site may not be associated with seasonal irrigation and could crest at another time during the year.

The following comments are from the City Stormwater Department:

1. If the site is an acre or greater the developer will need to make Notice of Intent (NOI) with Ecology and apply for a Stormwater General Construction Permit months in advance of construction. <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-general-permits/Construction-stormwater-permit>
2. The Ecology permit requires a Stormwater Pollution Prevention Plan (SWPPP) be submitted with the plan set and be reviewed by the City of Ellensburg Stormwater Utility along with a set of temporary sediment erosion control plans (TESC).
3. In addition, Ecology now requires an Operation and Maintenance (O&M) Plan be submitted to the City for review and retainage. The O&M Plan must address the long term maintenance of the stormwater facilities (swales) that will be constructed onsite to deal with the flow control and treatment requirements of Core Element 5&6 in the Eastern Washington Stormwater Management Manual.

Here is a link for additional information from Ecology;

<https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-general-permits/Construction-stormwater-permit/eCoverage-package>

Other issues:

During civil plan review, Public Works establishes the preliminary addressing plan, the developer will need to work with the Post Office to establish the mail delivery routing plan and mailbox locations. The Post Office requires the use of metal Collection Box Unit style mailboxes.

The city has established transportation impact fees. This project may be required to pay impact fees. You can view the traffic impact fees online at <http://www.codepublishing.com/wa/ellensburg/>

The developer is required to obtain all other permits (HPA if required, DOE construction site grading permit, etc.) that may be required as a result of plat development.

Additional utility easements may be required for any proposed utility outside of the right of way. Specific issues will be addressed at civil plan submittal.

Any phasing plans for the project will need to be reviewed and may have additional requirements associated with utilities, access or temporary turn around.

Irrigation water will need to comply with Irrigation District requirements, and be continued through the site to downstream users.

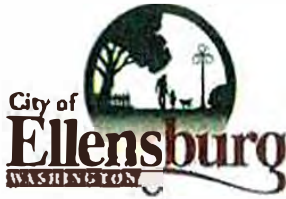
Landscape plans will need to be included for review of any conflicts with existing or proposed utilities.

Latecomer's fees have been established along Bender Road for water and sewer. These fees will be included in the Public Works permits for this development.

The proposed road names will need to comply with the City's road name ordinance.

Cc File 20-091

EXHIBIT 6



Fire Marshal
509-856-4455 cell
509-933-7241 office
prevention@kvfr.org

Fire Marshal Long Plat Comments

Project: The Rolling Meadows Plat-W Bender Rd.

Permit#: P21-088

Date: 09/07/2021

Comments:

- Fire apparatus access roads exceeding 150' shall be provided with a temporary or permanent 140' hammerhead, 60' Y or a 90' diameter Cul-de-sac per ECC 3.03.430
- If the project is to going to be completed in phases, each phase must meet requirements for access and water supply.
- Per IFC Section 503 and Appendix D, Fire apparatus access roads shall be a minimum 20' wide and 26' wide adjacent to a fire hydrant. A 20'- 26' wide access road will require "NO PARKING FIRE LANE" signs on both sides. An access road wider than 26', but less than 32' wide will require "NO PARKING FIRE LANE" signs on one side.
- All fire dept. access roads shall be rated for a minimum imposed load of 75,000 lbs.
- Per IFC Appendix D, section D107 the project cannot exceed 30 dwelling units without a second approved access road. The second access road shall be placed at a distance apart equal to not less than ½ of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses. What is the schedule for completing construction of Road A connecting to Pioneer Road?
- What is the reasoning behind the Temporary 30' Access easement between lots 37, 38, 39, and 40? Why not just extend the egress road up to Road D?

- Fire Hydrants installed per ECC and 2018 IFC Appendix C.

Thank you.



Joe Delvo
Fire Prevention Captain
Fire Investigator, IAAI-FIT
Kittitas Valley Fire & Rescue
400 East Mountain View Ave.
Ellensburg, WA
Phone: 509-933-7241
Cell: 509-856-4455
Fax: 509-933-7245
prevention@kvfr.org

Shannon Johnson

From: Cascade Irrigation <cid@fairpoint.net>
Sent: Wednesday, August 18, 2021 8:19 AM
To: Shannon Johnson
Subject: [Ext] RE: P21-088 Rolling Meadows Preliminary Long Plat Survey Map & Application Materials for Review & Comments - Comments Due September 7, 2021
Attachments: Comment Letter.pdf

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

Shannon,

Please see attached letter for Cascade Irrigation comments.

Thank you,

Kelton Montgomery
District Manager
Cascade Irrigation District
8063 Hwy 10
Ellensburg, WA 98926
Office (509) 962-9583
Mobile (509) 899-3311
Email cid@fairpoint.net

From: Shannon Johnson <johnsons@ci.ellensburg.wa.us>
Sent: Tuesday, August 17, 2021 8:24 AM
To: Craig Jones <jonesc@ci.ellensburg.wa.us>; Tyler Goeden <goedent@ci.ellensburg.wa.us>; Paul Meyer <meyerp@ci.ellensburg.wa.us>; KVFR Fire Prevention <prevention@kvfr.org>; Alice DeWitt <dewitta@kvfr.org>; Darin Yusi <yusid@ci.ellensburg.wa.us>; Robert Doobovsky <doobovskyr@ci.ellensburg.wa.us>; keltonmontgomery@yahoo.com; cid@fairpoint.net; eburgwater@yahoo.com; Douglas Mitchell <mitchelld@ci.ellensburg.wa.us>
Cc: Jamey Ayling <aylingj@ci.ellensburg.wa.us>
Subject: P21-088 Rolling Meadows Preliminary Long Plat Survey Map & Application Materials for Review & Comments - Comments Due September 7, 2021
Importance: High

Good Morning,

Attached you will find the digital survey Preliminary Plat map and application materials, submitted by Douglas Stalder, as agent for property owner CWH, LLC. The survey map, and application materials are also scanned into SmartGov for your approval and conditions as P21-088. **Feel free to refer to you previous SEPA and or Pre-App. Comments.**

Please review the plat and submit your comments in SmartGov. as soon as possible, but no later than September 7, 2021.

Thank you,

Shannon D. Johnson
Senior Planner
Community Development
501 N. Anderson Street
Ellensburg, WA 98926
Office: (509) 962-7108
Email: johnsons@ci.ellensburg.wa.us



CASCADE IRRIGATION DISTRICT

8063 Highway 10
Ellensburg, Washington 98926
509-962-9583

Overview

Cascade Irrigation District will require a \$50 per lot plat fee (*CID Resolution #01-2006*) as well as an engineered irrigation plan based on Cascade Irrigation District specifications (*CID Resolution #3-94 & CID Procedure #1 Standard Specifications for Irrigation Water Distribution Systems*).

The irrigation plan must include the point of entry of irrigation water, the system for provision of irrigation water to each parcel, a description of system proposed, and a description of provisions made including right of ways for the protection of other parcel within Cascade Irrigation District which are affected.

If pressurized pipe is proposed, it must include a sump, pump and the proposed system of water to the sump. (*CID Resolution #03-94 and CID Procedure #1 Standard Specifications for Irrigation Water Distribution Systems*).

Before Cascade Irrigation District can release or sign-off we require 1) approved, inspected and in place irrigation system, or 2) a signed Irrigation Facility Installation Agreement with respective bond covering proposed construction and costs, (*CID Procedure #1*) or 3) a variance. A variance is only by Cascade Irrigation District Board of Directors action after Board of Directors receives, reviews, and approves a formal petition for such.

If the plat is part of or wishes to become part of an existing LID operating within CID, they must complete all work to hook-up to the LID and pay the associated hook-up fees or a signed Irrigation Facility Installation Agreement with respective bond covering proposed construction and costs involved in such hook-up.

If installing a pressurized system not associated with an LID, the Developer will be required to form an owner's association to cover the operating costs and maintenance of the infrastructure. (*CID Resolution #2-2006*)

Attachments: All attachments may be obtained by Dropbox, please call or email Cascade Irrigation District at CID@fairpoint.net for the Dropbox online link to the files OR you may come to our office and pick up hard copies.

Thank you,

Kelton Montgomery
Cascade Irrigation District Manager
509-962-9583

EXHIBIT 8

Shannon Johnson

From: kpschrantz@comcast.net
Sent: Tuesday, August 24, 2021 10:07 PM
To: Shannon Johnson
Subject: [Ext] Comments on Case #P21-088

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

Hello,

We live on Pioneer Road and received a notice regarding the new development being built behind us: P21-088.

We would like to register our opposition to one aspect of this development – the proposed road from Pioneer Road into this new development.

We understand the need for development and housing - and are not opposed to it - however the information provided regarding this project brings up several questions and concerns:

1. Why is the road from Pioneer Road even necessary? Why would there be any need to have a road access from the Pioneer Road side for this development? The plat map doesn't show any development on the two westernmost parcels (Lots 11 and 19, which seem to correspond with parcels 20998 and 322733) smaller than 12 acres. The proposed road wouldn't even access the large southern parcel (20998). Why can't all access to the development be from Bender Road – which is an arterial road?
2. What is the plan for access to parcel 20998?
3. This situation makes us think that this current application is not the final and complete plan and does not show the anticipated end-state of the development. The only reasonable expectation is that they will eventually want to add a large number of additional homes to the two western parcels with access via Pioneer Rd - but this is not part of the application at this time. They seem to be putting in a road now and once it's in, they can then change what they do with the two western parcels. What is the final, long-term plan for the two western parcels (20998 and 322733)?
4. Is there any current or known plan or application for more dense development in parcels 322733 and 20998?

The addition of a road into this development through Pioneer Road does not seem to be necessary. It will funnel traffic through an established street/neighborhood and will have a large impact on the residents of Pioneer Road.

Please confirm receipt of these comments.

Thank you,

Peter and Karen Schrantz
3106 N Pioneer Rd
Ellensburg, WA 98926
kpschrantz@comcast.net



Scanned by [McAfee](#) and confirmed virus-free.

EXHIBIT 9

Shannon Johnson

From: Shannon Johnson
Sent: Wednesday, September 1, 2021 1:28 PM
To: kpschranzt@comcast.net
Cc: Jamey Ayling
Subject: RE: [Ext] Response to Comments on Case #P21-088
Attachments: Fire Marshall Bender Flats SEPA letter COE P20-123 .pdf; Recorded Pre-Annexation Agreement CWH LLC 12.17.19.pdf; PW comments SEPA Bender Plat P20-123.pdf

Importance: High

Good Morning Peter & Karen,

Thank you for your comments. I will ensure they are forwarded on to the applicant and are included as an exhibit with my staff report for review at the public hearing. During the pre-application review process and subsequent SEPA (State Environmental Policy Act) for this proposed subdivision, the Fire Marshall and Public Works Department worked together to provide adequate access requirements including preserving a future connectivity corridor. I am attaching their comments, along with a copy of the recorded pre-annexation development agreement for your review.

The development agreement provides specific details to preserve a future east/west road corridor from Pioneer Road to the future north/south street in parcel #20999. It also provides density consolidation by allowing densities from parcel #'s 20998 and 322733 to be transferred to parcel #20999, and limits the density to one dwelling unit per parcel on parcel #'s 20998 and 322733.

I hope the information I've provided helps to answer your emailed questions below. Please don't hesitate to call me if you have further questions.

Thank you,

Shannon D. Johnson
Senior Planner
Community Development
501 N. Anderson Street
Ellensburg, WA 98926
Office: (509) 962-7108
Email: johnsons@ci.ellensburg.wa.us



From: kpschranzt@comcast.net <kpschranzt@comcast.net>
Sent: Tuesday, August 24, 2021 10:07 PM
To: Shannon Johnson <johnsons@ci.ellensburg.wa.us>
Subject: [Ext] Comments on Case #P21-088

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Thank you,

Peter and Karen Schrantz
3106 N Pioneer Rd
Ellensburg, WA 98926
kpschrantz@comcast.net



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

**State Environmental Policy Act (SEPA)
MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)**

Proponent: CWH LLC, Property Owner

Description: This SEPA Environmental Checklist review is for a proposed 49-Lot Long Plat intended for residential lots and single-family homes. Lots will range in size from 8,957sq. ft., to 12.87 acres. The zoning on the property is Residential Suburban (R-S).

Location: The parcels are located on the north side of Bender Road approximately 300 feet west of the Water Street intersection, parcel ID #322733, #20998 and #20999.

Lead Agency: City of Ellensburg

File #: P20-123

The City of Ellensburg acting as lead agency for this proposal, has determined that the proposal, as mitigated, does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

The lead agency for this proposal has determined that certain **mitigation measures** shall be necessary in order to issue a Determination of Non-Significance for this proposal. Failure to comply with the mitigation measures herein will result in the issuance of a Determination of Significance (DS) for this project. **The mitigation measures include the following conditions which shall apply based on project specific analysis:**

1. Requirements of all City Departments, the Fire District, all utility providers, and affected agencies must be satisfied, as outlined in adopted City Codes and other regulatory documents.
2. The applicant shall comply with all requirements outlined in the City of Ellensburg Public Works division memo, dated 1/04/2021, regarding roadway and access, post office, water, sewer, and stormwater. The applicant shall abide by all other requirements of the Public Works Department to ensure compliance with the Public Works standards and adopted City codes.
3. The applicant shall meet the requirements of the Fire Marshal outlined in the Memo dated 1/04/2021 to comply with the 2015 IFC and IBC, including, but not limited to, fire hydrant flows and locations, access and turnarounds.
4. In the event that previously unknown cultural resources or human remains are encountered during the implementation of the project, work in the vicinity of the discovery shall be halted and a professional archaeologist, the Washington State DAHP, and all affected tribes should be consulted before proceeding.

5. If the applicant wishes to add to, or change, the proposed scope of work included in this application, a new SEPA proposal will need to be submitted to address any changes.

This **Mitigated Determination of Non-significance (MDNS)** is issued using the standard MDNS process under WAC 197-11-350. There is no further comment period on the MDNS. Any action to set aside, enjoin, review, or otherwise challenge this administrative SEPA action on the grounds of noncompliance with the provisions of Chapter 43.21C RCW shall be made to the Hearings Examiner within 14-days of this decision.

Responsible Official: Kirsten Sackett
Title: Community Development Director
Address: City of Ellensburg
Community Development Dept.
501 N. Anderson St.
Ellensburg WA 98926
Phone: (509) 962-7232 Fax: (509) 925-8655

Date: May 5, 2021 Signature: Kirsten Sackett

Pursuant to ECC 15.270.200, the City of Ellensburg establishes administrative appeal procedures, which are contained in ECC 15.230.040, which shall be made to the Hearing Examiner, as applicable to the matter being appealed.

EXHIBIT 11

TREASURER'S USE ONLY	RECORDER'S USE ONLY
REVIEWED BY KITTITAS COUNTY TREASURER DEPUTY <i>Burge</i> DATE <i>12-17-2019</i>	12/17/2019 04:18:09 PM \$119.50 Agreement CITY OF ELLENSBURG Kittitas County Auditor 201912170041 Page 1 of 17 

Return To: City of Ellensburg, City Clerk
501 North Anderson Street
Ellensburg, WA 98926

Kittitas County Auditor/Recorder's Indexing Form

Please Print or Type All Information

- Document Titles (or transactions contained therein):
Pre-Annexation Development Agreement
- Grantor(s) (last name, first name, middle initial):
City of Ellensburg
- Grantee(s) (last name, first name, middle initial):
CWH, LLC
- Legal description (lot, block, plat or section, township, range):
Parcels B, C, and D of that certain Survey as recorded August 26, 2004, in Book 30 of Surveys, page 129, under Auditor's File No. 200408260006, records of Kittitas County, Washington; being a portion of the Northwest Quarter of Section 26, Township 18 North, Range 18 East, W.M., in the County of Kittitas, State of Washington; also being a portion of Lot 10, MEADOW VIEW NO. 2, in the County of Kittitas, State of Washington, as per plat thereof recorded in Book 5 of Plats, page 15, records of said County.
- Assessor's property tax parcel/account number(s):
322733, 20998 and 20999
- Reference numbers of documents assigned or released:

The auditor or recording officer will rely on the information provided on this form. The staff will not read the document to verify the accuracy of or the completeness of the indexing information provided herein.

PRE-ANNEXATION DEVELOPMENT AGREEMENT

CITY OF ELLENSBURG AND CWH LLC

THIS PRE-ANNEXATION DEVELOPMENT AGREEMENT (hereinafter the "Agreement") is entered into this 14th day of December, 2019 ("Effective Date"), by and between CWH, LLC, a Washington limited liability company ("CWH"), and the CITY OF ELLENSBURG, a Washington municipal corporation (the "City") in connection with the real property described herein (hereinafter referred to as the "Property"), and development of the Property by CWH, its successors and assigns (hereinafter referred to as the "Project") for purposes and on the terms set forth herein. The City and CWH are collectively referred to as the "Parties."

RECITALS

WHEREAS, The State Legislature has specifically authorized the negotiation and execution of Development Agreements, pursuant to RCW 36.70B.170 – 210, where appropriate to provide additional land use approval and mitigation certainty, especially for larger-scale developments intended to be constructed as a unified whole, but over a period of several to many years. These agreements may be executed before or after annexation has occurred; and

WHEREAS, CWH owns the Property legally described in Exhibit A, attached hereto; and consists of parcels 322733, 20998, and 20999, which are located in Kittitas County, Washington, on the north side of Bender Road, generally east of Pioneer Road, west of Water Street, and south of Bowers Road; and

WHEREAS, the easternmost parcel of the Property is bordered by City limits on the east and south side. The incorporated parcel on the east side of the proposed annexation area is bordered by unincorporated land to the north, west, and remainder of the south and east sides. The unincorporated areas bordering the proposed annexation area are zoned by Kittitas County as Urban Residential; and

WHEREAS, the two westernmost parcels of the Property (322733 and 20998) are located entirely within Airport Overlay Zone 3, which restricts the density to a maximum of one dwelling unit per acre; and

WHEREAS, the easternmost parcel of the Property (20999) is primarily in Airport Overlay Zone 3, with the southeast corner in Airport Overlay Zone 6. Airport Overlay Zone 6 restricts the average density to three dwelling units per acre and has a minimum lot size of 7,000 square feet; and

WHEREAS, CWH intends to pursue consolidation of all but two residential units of the allowable residential density for all three parcels in the Property into just one parcel, 20999, which is the easternmost lot with access from Bender Road, to create through the subdivision

process a maximum density to be determined by a professional land survey of the property that includes the airport overlay zones; and

WHEREAS, this consolidation is allowed pursuant to Chapter 15.380 ECC, ECC 15.350.040 and .050, and RCW 36.70B.170(2)(a)-(j) and WAC 365-196-845(17)(c)(i)-(x); and

WHEREAS, this consolidation is approved by the Washington State Department of Transportation; said approval is attached as **Exhibit B**; and

WHEREAS, the Property is not currently serviced by City utilities, nor does the Property have a Utility Extension Agreement; and

WHEREAS, the consolidation of the residential densities of all three parcels allows for easier access to City utilities and services; and

WHEREAS, the consolidation of the allowable residential density of all three parcels is consistent with the City's comprehensive plan land use, capital facility, and housing goals and policies for compact urban growth, consideration of regulation and procedure impacts on housing costs, and efficient provision of services; and

WHEREAS, Kittitas County zoning of the subject property is Urban Residential and the City of Ellensburg Comprehensive Plan presently designates the property as Residential Neighborhood and the June 3, 2019 City Community Development Department's Council Agenda Report recommends the Property be zoned Residential-Suburban upon annexation into the City; and

WHEREAS, on or about January 22, 2019, the City received a Notice of Intent to Commence Annexation Proceedings pursuant to RCW 35A.14.120 with respect to the Property. On February 19, 2019, the City Council accepted the proposed annexation as geographically proposed in the Notice of Intent; and

WHEREAS, on or about February 26, 2019, the Assessor determined the petition for annexation sufficient with regard to legal description and corresponding owner of record; and

WHEREAS, as set forth in these Recitals and other adopted Findings, the City has determined that the terms and conditions set forth herein will serve a public purpose and will promote the health, safety, prosperity, and general welfare of the citizens of the City; and

WHEREAS, CWH is willing to enter into the following Agreement, in conjunction with annexation of the Property in question by the City; and

WHEREAS, the Agreement is to be consistent with all development regulations adopted by the City of Ellensburg and Kittitas County;

NOW, THEREFORE, in consideration of the above-representations, and the covenants and conditions set forth herein, the City and CWH agree as follows:

AGREEMENT

1. Effective Date and Duration of Agreement

- 1.1. This Agreement shall take effect immediately upon its adoption by the City Council and execution by all parties on 12-16-19, provided that the time periods specified in this Agreement shall be tolled pending any appeals of the City's land use decisions necessary to commence development and pending any delays in receipt of approvals or appeals of any state or federal approvals necessary to commence development.
- 1.2. Subject to the potential default and/or termination provisions of Section 5 below, this Agreement shall be valid for a period of five (5) years from the date it takes effect, with a one-time option to extend the Agreement for a maximum of five (5) additional years, in accordance with Ellensburg City Code ("ECC") 15.380.050(C). At the end of that period, the Property shall be subject to all policies, plans, rules, and regulations in effect for the City generally, whether they have been adopted since the effective date of this Agreement or not, and nothing shall prevent the City from adopting whatever subsequent policies, plans, rules, or regulations it deems are in the public interest for the City of Ellensburg as a whole.

2. Description of Approved Development and Zoning

- 2.1. Rezoning. By execution of this Agreement, the City warrants that upon annexation into the City, the Property shall cease being zoned by Kittitas County as Urban Residential. Instead, the Property shall be zoned consistent with the City Community Development Department's June 3, 2019 Agenda Report, which recommends the Property be zoned for Residential-Suburban use.
- 2.2. Airport Overlay Zones. Parcels 322733 and 20998 are located within the City's Airport Overlay Zone 3, which allows an average maximum density of one dwelling unit per acre. Parcel 20999 is also mostly located in Airport Overlay Zone 3, with the exception of the southeast corner of the parcel, which is located in Airport Overlay Zone 6, which allows an average maximum density of three dwelling units per acre.
- 2.3. Residential Density Consolidation. By execution of this Agreement, the City warrants that upon annexation into the City, the allowable residential densities of parcels 322733, 20998, and 20999 shall be consolidated into parcel 20999. The maximum number of residential dwelling units on Parcel 20999 following consolidation shall be determined by a professional land survey that includes the airport overlay zones. Within thirty (30) days of CWH submitting a development application for Parcel 20999, it shall record with the Kittitas County Auditor's Office perpetual restrictive covenants, binding on all heirs and successors in interest, on titles for Parcels 20998 and 322733 limiting density to one unit for each parcel.

- 2.4. Utilities and Public Improvements. By execution this Agreement, CWH warrants that upon annexation into the City, further development will necessitate connection to City utilities. CWH shall bear the cost of connection to necessary City utilities and any fees derived therefrom. CWH warrants that further development may also trigger improvements consistent with the City's Public Works Development Standards. CWH shall comply with, and bear the cost for, all Public Works Development Standards that may be triggered by further development of the Property. With the density transfer from Parcels 322733 and 20998 to Parcel 20999, roadway and utility main extensions through Parcels 322733 and 20998 will not be required. However, at time of density transfer and platting, an exclusive and perpetual roadway and utility easement shall be granted to the City to preserve a future east/west road corridor from Pioneer Road to the future north/south street in parcel 20999. The easement width shall be consistent with the Local Access street widths as proscribed in the Public Works Development Standards.
- 2.5. Pursuant to Chapter 15.420 of the Ellensburg City Code, the City agrees to allow for a block length greater than 660 feet but no greater than 1,000 feet on the eastern side of the development of Parcel 20999.

3. Vesting

- 3.1. The Property shall vest to all future City reviews and approvals, per Chapter 57.18 RCW, necessary to construct the Project and shall be subject to the Applicable Law as of the effective date of this Agreement, with the following exceptions:
- 3.1.1. All Property development shall be subject to all regulations and development standards in the Ellensburg City Code (including, but not limited to, Building Codes, Fire Codes, and Electrical Codes) in effect on the date a complete application for the particular construction or building permit(s) is submitted to the City.
- 3.1.2. Other laws, rules, or regulations deemed by the City as necessary to impose as the only reasonable method to address a public health or safety concern.
- 3.1.3. Any additional rules, requirements, or mitigation measures determined reasonably necessary to avoid a decision by a state or federal administrative agency, or a court of competent jurisdiction, that the City unlawfully failed to comply with any state or federal laws or regulations in approving subsequent development or construction permits.
- 3.1.4. Any requirement or new regulation which the City reasonably believes in good faith is necessary to avoid a decision by a state or federal administrative agency, or a court of competent jurisdiction, that the City's eligibility for funding, grants, program eligibility, or other resources sought by the City would be impaired (for example, if approval of any portion of the development would result in higher premium rates to the City or its property owners).

- 3.2. The City's ability to impose new requirements or modifications pursuant to the provisions of Subsection 3.1 above shall be limited to the minimum necessary to avoid consequence or address the requirement described in each Subsection. The City further agrees to advise and consult with CWH when the City believes any such circumstances arise.
- 3.3. This Section and this Agreement are intended to implement the vesting provisions of RCW 36.70B.170-180, and nothing herein is intended to address or in any way modify other existing state or federal rules or court decisions regarding vested rights under laws adopted by jurisdictions other than the City, including state or federal laws or regulations.

4. Transfers of Obligation

- 4.1. CWH shall have the right to assign or transfer all or any portion of its interests, rights, obligations, or responsibilities under this Agreement to third parties acquiring an interest in all or any portion of the Property, subject to the requirements for City consent described in this section
- 4.2. Transfers Not Requiring City Consent. CWH may enter into a transfer agreement to transfer or assign all or any portion of CWH's interests, rights, obligations, and responsibilities under this Agreement and to release CWH from its obligation and responsibilities without obtaining written consent from the City if such transfer relates to the transfer of:
- 4.2.1. Any single family residential parcel conveyed to a purchaser;
- 4.2.2. Any single condominium, time-share, or fractionally-owned unit conveyed to a purchaser;
- 4.2.3. Any property that has been established as a separate legal parcel, but only to the extent that CWH may transfer without City consent those obligations and responsibilities that can be fulfilled exclusively within the boundaries of, and by the development upon, the parcel or parcels being transferred (the "Parcel Obligations"). Parcel Obligations include, by way of illustration only and without limitation, such items as individual lot landscaping or buffering requirements, building setback, height or design requirements, wood-burning stove prohibitions, and such access and infrastructure improvements to be constructed solely within the boundaries of the parcel and intended to serve only the building(s) or uses located within that parcel. As a condition of this type of transfer, CWH shall remain responsible for all obligations and responsibilities pursuant to this Agreement other than the Parcel Obligations.

4.3. Transfers Requiring City Consent.

- 4.3.1. All other transfers of any of the rights, responsibilities, and obligations of CWH that propose to release CWH from its obligations and responsibilities pursuant to this Agreement shall not take effect unless and until CWH has obtained written consent from the City. The City's consent shall not be unreasonably withheld, conditioned, or delayed.
- 4.3.2. Such proposed transfers may release CWH from obligations under this Agreement that pertain to that portion of the Property being transferred, provided that the transferee expressly assumes such obligations and responsibilities.
- 4.3.3. A Notice of the proposed transfer agreement, including the provisions regarding assumption of CWH's obligations, shall be provided to the City in the manner set forth in Subsection 6.6 below at least sixty (60) days in advance of the proposed date of transfer. Failure of the City to respond within forty-five (45) days after the date the notice is received by the City shall be deemed to be the City's approval of the transfer in question.
- 4.3.4. The City may refuse to give its consent to a transfer only if there is a material reason for such refusal. A material reason includes, without limitation, the transferee's failure to perform under a similar Development Agreement or a failure to demonstrate adequate financial capability to perform the obligations proposed to be transferred.
- 4.3.5. The City shall be entitled to contract, at CWH's expense, with third parties to assist with a reasonable due diligence review of a proposed transfer agreement. City determinations shall be made by the City Council and are appealable to the Superior Court, consistent with other decisions of the City Council.

5. Default and Termination

- 5.1. No party shall be in default under this Agreement unless it has failed to perform as required under this Agreement for a period of thirty (30) days after written notice of default from any other party. Each notice of default shall specify the nature of the alleged default and the manner in which the default may be cured satisfactorily. If the nature of the alleged default is such that it cannot be reasonably cured within the thirty (30) day period, then commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed a cure. The provisions of the Subsection notwithstanding, the City shall retain the authority to require immediate cure of any default that the City determines constitutes an immediate threat to public health or safety.
- 5.2. A party not in default under this Agreement shall have all rights and remedies provided by law or equity including, without limitation, damages, specific performance, or writs to compel performance or require action consistent with this Agreement. The City shall further have the right to withhold or withdraw development, construction, and/or

occupancy approvals for all or any portion of the Project as determined necessary by the City to ensure cure of the default.

5.3. In recognition of the anticipated transfers of one or more parcels within the Property to other entities pursuant to the provisions for the transfers of obligations described in Section 4, the parties agree to pursue relief for default as much as is feasible only against those portions of the Property and against only those parcel owners to which the default applies.

5.4. The City shall have no liability to any person or party for any damages, costs, or attorneys' fees under this Section so long as the City exercises reasonable and good faith judgment in seeking remedies against appropriate parties or portions of the Property.

5.5. Termination

5.5.1. CWH shall have the right, at its sole option, to elect to terminate this Agreement by giving the City six (6) months' written notice of its intent to do so, provided such notice includes CWH's intent to abandon development of the Property pursuant to this Agreement and its commitment to pay the City for any post-termination obligations as described in this Agreement. Any proposal to simply revise or to restart Residential-Suburban Zoning review of the Property shall be processed as an amendment, rather than through termination. Termination shall take effect six months after the City's receipt of CWH's notice of termination. If termination occurs following annexation, the Property shall retain Residential-Suburban Zoning in the City, but shall require a new Residential-Suburban Zoning subdivision review and approval prior to any additional development to the Property.

5.5.2. The City shall have the right to terminate this Agreement only if the Property is not annexed to the City within one year, as may be tolled under Subsection 1.1, from the effective date of this Agreement, or CWH defaults on its obligations pursuant to this Agreement, if the City follows the notice of default requirements in Subsection 5.1, and CWH fails to cure the default within the time periods specified in this Agreement. The City is entitled to withhold development, construction, and/or occupancy approvals until the default issue is resolved.

5.6. In the event this Agreement is terminated, CWH shall be obligated to reimburse the City for all its expenses reasonably incurred in an effort to restore the City to its pre-CWH fiscal condition, as are specified in this Agreement. To the extent possible, the Parties agree to first rely on cost reimbursement mechanisms, such as utility connection charges or latecomer's payments, as security for any post-termination obligations. CWH's post-termination obligations shall be either paid in cash to the City, or, if the obligations are to be incurred over time, may be secured through a set-aside account, a letter of credit or some other security in a form acceptable by the City. Any proposal to pay these obligations other than in cash upon termination must be agreed to by the City in writing, prior to the effective date of the termination.

6. General Provisions

- 6.1. **PARTIES AND AUTHORITY.** The signatories below to this Agreement represent that they have the full authority of their respective entities to commit to all of the terms of this Agreement, to perform the obligations hereunder, and to execute the same.
- 6.2. **VOLUNTARY AGREEMENT.** The Parties intend and acknowledge that this Agreement is a voluntary contract binding upon the Parties hereto, as well as their successors and assigns. The Parties recognize that the financial obligations undertaken by CWH are voluntary, and CWH acknowledges that it is fully aware that the City has relied on CWH's recitals and commitments contained in this Agreement in making the land use and development decisions contained in this Agreement. CWH acknowledges that it is entering into this Agreement knowingly and voluntarily in consideration of the benefits to be derived therefrom. CWH waives and disclaims for itself and its successors and assigns any right of claim for refund or modification of the mitigations, whether based on constitutional or statutory grounds, unless such are subsequently changed by agreement of the Parties pursuant to the provisions for monitoring and revised mitigation described in this Agreement.
- 6.3. **AMENDMENT.** This Agreement shall only be amended in writing, signed by all Parties to this initial Agreement and only after approval by the Ellensburg City Council.
- 6.4. **ENTIRE AGREEMENT.** This document contains the entire agreement between the Parties with respect to the subject matter of the Agreement.
- 6.5. **UNCONTROLLABLE CIRCUMSTANCES.** Neither Party shall be deemed to be in default where delays in performance or failures to perform are due to war, insurrection, strikes or other labor disturbances, walk-outs, riots, floods, earthquakes, fires, casualties, acts of God, or other restrictions or bases for excused performance which is not within the reasonable control of the Party to be excused, provided that any such cause that excuses one Party from performing its obligations pursuant to this Agreement shall similarly be cause for the other Party to not perform its corresponding obligations pursuant to this Agreement.
- 6.6. **CORRESPONDENCE AND NOTICE.** All notices or communications required by this Agreement must be in writing, and may either be delivered personally, or by certified mail, or by express delivery service, return receipt requested. Such notices or communications shall be deemed to be received upon the delivery date indicated on the return receipt. Any Party may, by giving ten (10) days' written notice to the other Party, designate any other address to substitute for the address contained in this Agreement, either for a particular duration or permanently. Such notices and communications shall be given to the Parties at their addresses set forth below:

To the City:

City of Ellensburg *with a copy to:*
Attn: Community Development Department
501 N. Anderson St.
Ellensburg, WA 98926

Terry Weiner
City Attorney
501 North Anderson Street
Ellensburg, WA 98926

To CWH:

CWH, Inc. *with a copy to:*
P.O. Box 490
416 E. Main, WA 98922
Bill Sparks

6.7. APPLICABLE LAW AND VENUE.

6.7.1. This Agreement is entered into under the laws of the State of Washington, and the Parties intend that Washington law shall apply to interpretation of this Agreement

6.7.2. Venue and jurisdiction to enforce all obligations under this Agreement shall lie in the Kittitas County Superior Court.

6.8. SEVERABILITY

6.8.1. If any term or provision of this Agreement, or its applicability to a particular situation, is found to be invalid, void or unenforceable by a court of competent jurisdiction, and if such cause of action was brought by someone who was not a party to this Agreement, then the remaining provisions of this Agreement or its applications to other situations shall continue in full force and effect. Provided, however, if the provision found invalid, void, or unenforceable is a material provision of this Agreement, necessary to accomplish its purpose and intent, this Agreement shall be terminated, unless the Parties negotiate and execute an amendment to this Agreement that addresses the material invalid, void, or unenforceable provision in a manner that responds to the Court's decision and is consistent with the intent of this Agreement. The Parties agree to negotiate in good faith to agree on such amendment.

6.8.2. If the action which results in a court finding any provision of this Agreement to be invalid, void, or unenforceable is brought by CWH or its successors or assigns, then this Agreement shall be deemed to be terminated and the termination provisions of Section 5, including the post-termination obligations, shall apply.

6.9. NO THIRD PARTY BENEFICIARY. Except as expressly provided for, nothing in this Agreement is intended to create any third party beneficiary relationships.

- 6.10. NO JOINT VENTURE. Nothing in this Agreement is intended to create any type of joint venture relationship between the Parties as to the Property or its development.
- 6.11. ATTORNEY FEES AND COSTS. In any judicial action to enforce or determine a party's rights under this Agreement, the prevailing party (or the substantially prevailing party, if no one party prevails entirely) shall be entitled to reasonable attorneys' fees and costs, including fees and costs incurred in the appeal of any ruling of a lower court.
- 6.12. MUTUAL DRAFTING AND CONSTRUCTION. The Parties agree that both Parties participated fully in the negotiation and drafting of this Agreement and the rules of construction of ambiguities against the drafter shall not apply to either Party.
- 6.13. BINDING ON SUCCESSORS AND RECORDING. This Agreement shall run with the land and be binding upon and inure to the benefit of the Parties, their respective heirs, successors, and assigns, subject to the provisions for transfers of obligations described in Section 4 above. A memorandum of this Agreement shall be recorded by CWH against the Property with the Kittitas County Auditor. A complete copy of this Agreement shall be kept at Ellensburg City Hall and made available to anyone requesting review or a copy.
- 6.14. COVENANTS NOT INCONSISTENT WITH CONDITIONS OF APPROVAL AND THIS AGREEMENT. CWH shall have the right to record such additional covenants, conditions, and restrictions ("CC&R's") against all or any portion of the Property, provided that those CC&R's are not inconsistent with this Agreement. At least sixty (60) days prior to recording any such CC&R's, CWH shall provide the City Attorney with a copy of the CC&R's proposed to be recorded for the City Attorney to review for consistency with this Agreement. The City Attorney shall review the CC&R's and provide CWH with any objections, in writing, within thirty (30) days after receipt of the CC&R's. The CC&R's shall not be recorded by CWH until after receipt of the City Attorney's approval. The proposed CC&R's shall not require any public review or comment prior to recording.
- 6.15. SECURITY FOR PERFORMANCE. When the City deems reasonably necessary, CWH shall provide to the City reasonable and adequate security or financial assurances that CWH, or its successors and assigns, can and will perform all of CWH's obligations pursuant to this Agreement that are to be fulfilled after the City has taken a permitting action or issued an approval including by way of illustration only, obligations to construct improvements, pay mitigation, or fulfill post-termination obligations. Such financial assurances may include, by way of illustration only, adopted reimbursement mechanisms, bonds, letters of credit, set-aside bank accounts, or other comparable financial assets. If CWH does not or cannot provide financial assurances to the City as provided by this Section without need to resort to litigation or other extraordinary enforcement obligations, then the Parties agree that the City may record a Notice of Lien Claim against such part of the Property as is still owned by CWH. The lien shall encumber such part of the Property as is still owned by CWH until paid and may be

foreclosed upon in accordance with the general lien foreclosure laws then in effect in the State of Washington. The foreclosure amount shall include the cost of filing the lien, attorney's fees, and such other fees and costs as may be necessary to enforce the lien and collect the amount due.

6.16. INDEMNIFICATION

6.16.1. General Indemnification. Each party shall protect, defend, indemnify, and hold harmless the other party and their officers, agents, and employees, or any of them, from and against any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever ("claims"), which are caused by or result from any negligent act or omission of the party's own officers, agents, and employees in performing obligations pursuant to this Agreement. In the event that any suit based upon such a claim is brought against a party, the party whose negligent action or omissions gave rise to the claim shall defend the other party at the indemnifying party's sole cost and expense, provided that each party shall retain the right to select its own counsel for such defense. If final judgment be rendered against the other party and its officers, agents, and employees, the party whose action or omissions gave rise to the claim shall satisfy the same. In the event of concurrent negligence, each party shall indemnify and hold the other party harmless only to the extent of that party's negligence. The indemnification to the City hereunder shall be for the benefit of the City as an entity, and not for members of the general public.

6.16.2. Additional Indemnification. If any person or entity brings suit or counterclaim against the City challenging the provisions of or the City's authority to enter into this Agreement and/or seeking recovery of any monies paid pursuant to this Agreement, then CWH agrees to indemnify, defend, and hold the City harmless from any judgment and shall pay for the City's (and its officers' agents', employees', and contractors') costs of suit, pre- or post-judgment interest, consequential damages, and reasonable attorneys' fees, expert witness fees, staff time, consultants' fees, and all other directly related out-of-pocket expenses, and reimbursement of any monies paid pursuant to this Agreement. The City shall retain the right to select its own counsel. The provisions of this indemnification shall survive the expiration or termination of this Agreement.

Dated as of the day and year first above written.

CITY OF ELLENSBURG

By Bruce Tabb
Bruce Tabb, Mayor

Date: 12/16/19

Betty Leander
City Clerk

Approved as to form:


Terry Weiner
City Attorney

CWH, INC. LLC

By 
Date: 12-10-19

STATE OF WASHINGTON)
)ss.
COUNTY OF KITTITAS)

On this 10th day of December, 2019, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared William F. Sparks, to me known to be the member of CWH, a Washington limited liability company, the lic that executed the foregoing instrument, and acknowledge the said instrument to be the free and voluntary act and deed of said llc, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument and that the seal affixed (if any) is the corporate seal of said corporation.

Witness my hand and official seal hereto affixed the day and year first above written.

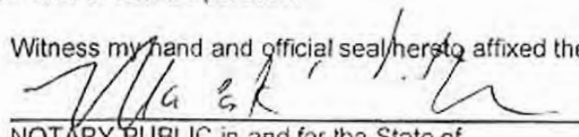

NOTARY PUBLIC in and for the State of
Washington residing at: Ellensburg
My appointment expires: 08/25/21



EXHIBIT A

Legal description of parcels 322733, 20998, and 20999:

Parcels B, C, and D of that certain Survey as recorded August 26, 2004, in Book 30 of Surveys, page 129, under Auditor's File No. 200408260006, records of Kittitas County, Washington; being a portion of the Northwest Quarter of Section 26, Township 18 North, Range 18 East, W.M., in the County of Kittitas, State of Washington; also being a portion of Lot 10, MEADOW VIEW NO. 2, in the County of Kittitas, State of Washington, as per plat thereof recorded in Book 5 of Plats, page 15, records of said County.

EXHIBIT B

Angela San Filippo

From: Wright, Patrick <WrightP@wsdot.wa.gov>
Sent: Thursday, April 4, 2019 3:53 PM
To: Angela San Filippo
Subject: RE: [Ext] RE: City of Ellensburg - Airport Overlay Questions

Hi Angela,

If the city were to leave the zones where they are it is still up to the city on what development they would allow in that area. I have no concern where the city has the zones laid out, and urban development in that portion of the zone will not hamper the airport operations. If it were to move into my zone 3 that I depicted, then I would like to discuss further.

Regards,

Patrick

Patrick Wright
WSDOT Aviation Division
Work) 360-7096019
Cell) 360-7424850

From: Angela San Filippo <sanfilippo@ci.ellensburg.wa.us>
Sent: Monday, March 25, 2019 4:29 PM
To: Wright, Patrick <WrightP@wsdot.wa.gov>
Subject: RE: [Ext] RE: City of Ellensburg - Airport Overlay Questions

Patrick,

Thank you, that is really helpful information for the City to have. I will definitely follow-up on your recommendation. However, if the City were to leave the Airport Zone 3 boundaries as they are do you think there are issues with the proposal as described in my original email?

Thanks again for all your help,

Angela

From: Wright, Patrick <WrightP@wsdot.wa.gov>
Sent: Monday, March 25, 2019 4:00 PM
To: Angela San Filippo <sanfilippo@ci.ellensburg.wa.us>
Subject: [Ext] RE: City of Ellensburg - Airport Overlay Questions

Hi Angela,

I did a quick evaluation on your Zone 3 and it seems really large. For this type runway the pie should start 2000' from the end of the runway and run 20 degrees for 6000 feet out either side of the center line. I have provided a depiction on the map you provided me.

This is our recommendations to you and you can tweak as needed, but I would go any smaller. If you go with my recommendation then there shouldn't be any issues with the property.

Thoughts

Patrick

Patrick Wright
WSCOT Aviation Division
(Work) 360-709-8019
(Cell) 360-712-4850

From: Angela San Filippo <sanfilippo@ci.ellensburg.wa.us>
Sent: Monday, March 25, 2019 3:19 PM
To: Wright, Patrick <Patrick.Wright@wscot.wa.gov>
Subject: City of Ellensburg - Airport Overlay Questions

Patrick,

Thank you for responding to my voicemail. In follow-up to our conversation this morning, I attached a map of the area in question. The property owner of the three parcels outlined in light blue is petitioning to be annexed into the City of Ellensburg. While these parcels are currently under the jurisdiction of Kittitas County, upon annexation the three parcels would be subject to City zoning and other land use regulations. The parcels are primarily in Airport Overlay Zone 3 which restricts residential density to one dwelling unit per acre (there is a small portion of parcel 20999 in Airport Overlay Zone 6).

The property owner has asked if they could consolidate the allowable density on all three parcels onto the easternmost parcel (parcel 20999). This would enable easier and more economical connection to City utilities as well as generally more cost effective development of the property. The total acreage of the parcels is as follows: parcel 327733 = 12.87 acres; 20998 = 12.03 acres; and 20999 = 19.61 acres.

Ellensburg City Code Chapter 15.350 uses the term "average residential density" in the development requirements and restrictions for Airport Overlay Zone 3. I am hoping that you can provide an opinion on whether or not the proposal to consolidate the density from all three parcels onto parcel 20999 would achieve the intention of "average residential density" in the Airport Overlay zone.

Should this proposal move forward, the City is considering whether or not a public park would be able to be developed on the parcels that no longer have allowable residential density. Consistent with WSCOT's Airports and Compatible Land Use Volume 1, Ellensburg City Code does not allow play fields in Airport Overlay Zone 3. It is my understanding from our conversation this morning that the term play field is meant to restrict large gatherings of people in areas such as an athletic field, or stadium. Further, this would not restrict the development of a public park that does not have facilities for large congregations of people.

Please let me know if you need any further clarification or have follow-up questions. Thank you again for your time and I look forward to hearing your thoughts.

Best,

Angela

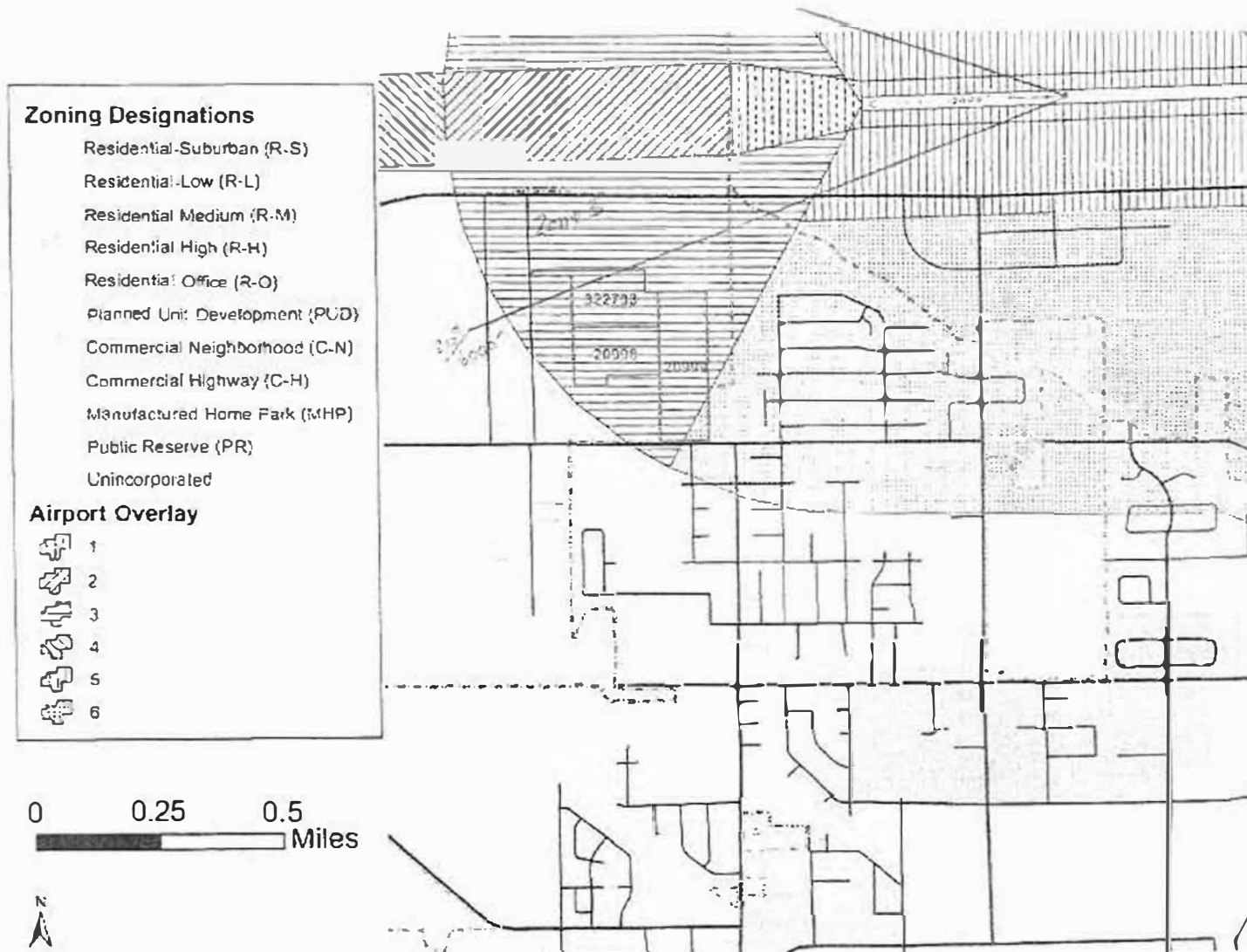


EXHIBIT 12

NOTICE OF A PUBLIC HEARING SUBDIVISION REQUEST

NOTICE IS HEREBY GIVEN that the Hearings Examiner for the City of Ellensburg will hold an open record public hearing on Tuesday September 21, 2021 at 2:00 pm, held both in-person in the Council Chambers AND virtually via Zoom, to consider Application P21-088 submitted by Douglas Stalder, Agent for Property Owner CWH, LLC for a Preliminary Plat Subdivision. The proposed preliminary plat within the Residential Suburban (R-S) and Airport Overlay (A-O) zones is a 49-Lot Long Plat intended for residential lots and single-family home construction. Lots will range in size from 8.957sq. ft., to 12.87 acres and are located on the north side of Bender Road approximately 300 feet west of the Water Street intersection,. A notice of SEPA Mitigated Determination of Non-Significance (MDNS) was published in the Daily Record on May 5, 2021.

Permit application: July 19, 2021 Determination of completeness: August 9, 2021

Notice of application: August 17, 2021 Comment due date: September 9, 2021

Project Location: The property is addressed as TBD Bender Road, Ellensburg, WA 98926. Kittitas County Assessor's Parcel ID Numbers: 322733, 20998 and #20999.

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

Written Comments from interested persons will be accepted by email up until 5:00 p.m. on September 9, 2021 by sending them to johnsons@ci.ellensburg.wa.us. Written comments sent via USPS must arrive by the same deadline.

Mailing Address: Community Development Dept., 501 N. Anderson St., Ellensburg, WA 98926.

Staff contact: Shannon Johnson, Senior Planner johnsons@ci.ellensburg.wa.us

NOTICE IS FURTHER GIVEN that all persons interested in this matter may participate in the Hybrid/REMOTE meeting by contacting Staff no later than 5:00 pm on **Monday, September 20, 2021**. An email link, text link, or phone number will be provided which will allow for electronic participation in the public hearing. * In-person attendees that are not fully vaccinated will need to wear face coverings.

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. A "Request for Accommodation" form may be obtained from the City Clerk Beth Leader by calling 509-925-8614.

PUBLISH IN LEGAL: Tuesday, July 17, 2021

AFFIDAVIT OF PUBLICATION

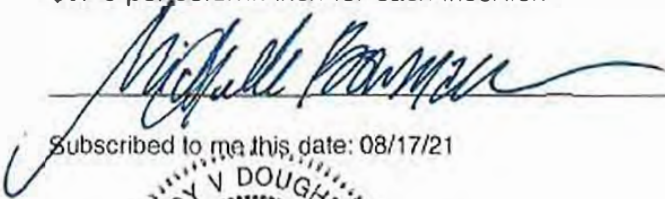
State of Washington, County of Kittitas, ss: The undersigned being first duly sworn on oath, deposes and says: That he/she is the representative of The Daily Record, a daily newspaper. That said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the superior court in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

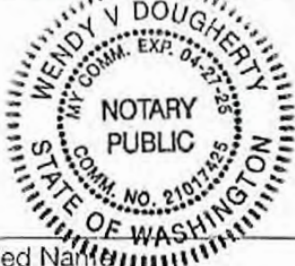
ELLENSBURG, CITY OF - CLERK
N/PUBLIC HEARING: P21-088

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

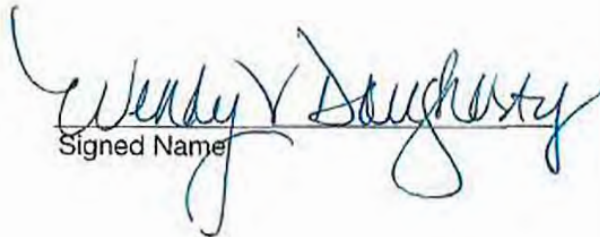
08/17/21

All dates inclusive and that such newspaper were regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of \$177.71 the rate of \$8.80 per column inch for each insertion.


Subscribed to me this date: 08/17/21



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

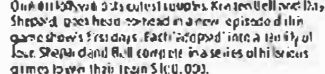

Signed Name

Legalis

[illegible]

PHILADELPHIA (AP) — A CITY OF PHILADELPHIA Environmental Health Department spokesman on Monday said a health advisory on Tuesday, September 21, 2011, at 12:00 PM for the Delaware River in the Center City area, will continue to remain in effect until September 28, 2011, at 12:00 PM. The advisory is for the Delaware River in the Center City area, which is the portion of the river that flows through the city of Philadelphia. The advisory is for the Delaware River in the Center City area, which is the portion of the river that flows through the city of Philadelphia. The advisory is for the Delaware River in the Center City area, which is the portion of the river that flows through the city of Philadelphia.

The City of Henderson strives to make our services, programs and activities readily accessible and usable by individuals with disabilities. Reasonable accommodations will be made upon request. A Request for Accommodation form may be obtained from the City Clerk's Office by calling 709-725-8612.



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3	5	2	9	8	4	7	1	6
4	7	9	3	1	6	5	2	8

[illegible][illegible][illegible]

SUBSCRIBE
TODAY

EXHIBIT 13

VAN LIEW, FRANK & VONDA
9408 NE 27TH AVE
VANCOUVER, WA 98665-5801

SPARKS, WILLIAM F
PO BOX 490
CLE ELUM, WA 98922-0490

PIRO, ROBERT E
1425 BROADWAY # 527
SEATTLE, WA 98122-3854

DAY, CATHERINE A & COPPIN, PAUL L
503 W BENDER RD
ELLENSBURG, WA 98926-9487

ROSS, PETER WAYNE & AMANDA LERAE
2800 N PIONEER RD
ELLENSBURG, WA 98926-9475

PATON, JAMES & KRISTEN L
2605 N WATER ST
ELLENSBURG, WA 98926-3096

NORRIS FAMILY REVOCABLE TRUST
19629 10TH DR SE
BOTHELL, WA 98012-7765

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

CWH LLC
PO BOX 490
CLE ELUM, WA 98922-0490

DONOGH, RYAN
3011 N PIONEER RD
ELLENSBURG, WA 98926-9493

SCHRANTZ, PETER & KAREN M
3106 N PIONEER RD
ELLE NSBURG, WA 98926-9492

P21-088

CERTIFICATE OF TRANSMITTAL

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

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

Date 8/16/2021 Signed

Olivia Winbush

CERTIFICATE OF TRANSMITTAL

On this day the undesignated sent to
the address(es) the original
the undersigned by U.S. Mail
I hereby certify to certify
under the laws of the State of
that the foregoing is true and correct.

Signed

Date

GLAHN, CRYSTAL
1760 LINBROOKE DR
SAN DIEGO, CA 92111

ANGLIN, JOSHUA R JONESAND,
STEPHANIE A
2607 N COLUMBIA ST
ELLENSBURG, WA 98926-2313

KUIPERS, ORVILLE G & CAROLYN L
2902 N PIONEER RD
ELLENSBURG, WA 98926-9494

FAWCETT, RYAN P & LAURA K
2906 N PIONEER RD
ELLENSBURG, WA 98926-9494

FALCON RIDGE INVESTMENTS LLC
2550 BORTON RD
YAKIMA, WA 98903-9766

BDN PROPERTIES LLC
PO BOX 926
ELLENSBURG, WA 98926-1924

ERICKSON, PHILLIP J & LAURIE W
PO BOX 3507
BELLEVUE, WA 98009

GLAHN, GUY
15049 W WOODRIDGE DR
SURPRISE, AZ 85374-8548

SNY, BRILEY
2812 N PIONEER RD
ELLENSBURG, WA 98926-9475

FORTIER, CRAIG R & ELIZABETH I
15218 NE 298TH ST
BATTLE GROUND, WA 98604

COBOS, CRYSTAL
1760 LINBROOK DR
SAN DIEGO, CA 92111-7143

YODER, JOHN A & JANINE C
PO BOX 1625
ELLENSBURG, WA 98926-1927

STAWICKI, CAROL V
607 W BENDER RD
ELLENSBURG, WA 98926

FISCHER, RICHARD A & PATRICIA K
505 W BENDER RD
ELLENSBURG, WA 98926-9487

BRAMSTEDT, GERALD E & CAROLYN R
3007 N PIONEER RD
ELLENSBURG, WA 98926-9493

RABANAL, LAWRENCE & JILL
3019 N PIONEER RD
ELLENSBURG, WA 98926-9493

ESCOBAR, DAVID A & VERONICA N
2611 N WATER ST
ELLENSBURG, WA 98926-3096

GRISWOLD, JONATHAN & REBECCA
219 W BENDER RD
ELLENSBURG, WA 98926-9406

HERBERT, MARK L
213 W BENDER RD
ELLENSBURG, WA 98926-9406

GAMACHE, SCOTT THOMAS GAMACHE,
LISA MARIE
2919 N PIONEER RD
ELLENSBURG, WA 98926-9494

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

PICHA, JOHN L ETUX
1560 CLARKE RD
ELLENSBURG, WA 98926

CALLFAS, FRANK & VICTORIA
4058 SALTSRING DR
FERNDAL, WA 98248-9538

NICOULIN, TIMOTHY LJR & NICOULIN,
LYNDA C
3018 N PIONEER RD
ELLENSBURG, WA 98926-9493

BROWIN, GINA M & CEAJ J
2607 N WATER ST
ELLENSBURG, WA 98926-3096

FLINT, GLENN G
205 W BENDER RD
ELLENSBURG, WA 98926-9406

LOWERY, ROBERT ETUX
2714 PIONEER RD
ELLENSBURG, WA 98926

VIRDEN, LARRY ETUX
2808 N PIONEER RD
ELLENSBURG, WA 98926

CHRISTENSON, MARION
2918 N PIONEER RD
ELLENSBURG, WA 98926-9494

MORRIS, TROY
2818 N PIONEER RD
ELLENSBURG, WA 98926-9475



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@cl.ellensburg.wa.us

August 17, 2021

RE: Notice of Application and Open Record Public Hearing for Subdivision Application, Case # P21-088, submitted by Douglas Stalder, Agent for CWH, LLC, Property Owner

Dear Property Owner,

Notice is hereby given that the City of Ellensburg has received a Subdivision Permit Application for the following project that may be of interest to you. As a property owner within three hundred feet (300') of this proposal you are invited to comment on it.

Date of application: July 19, 2021

Date of notice of complete application: August 9, 2021

Comments due date: September 9, 2021

Project Applicant: Submitted by Douglas Stalder, Agent for CWH, LLC, Property Owner.

Project Description: Case # P21-088; a Preliminary Long Plat Subdivision. The proposed preliminary plat within the Residential Suburban (R-S) and Airport Overlay (A-O) zones is a 49-Lot Long Plat intended for single family homes. Lots will range in size from 8,957sq. ft., to 12.87 acres, and the project is located on parcel ID#'s 396133 (as shown on the map below). Part of the proposal also includes a street length departure. A SEPA Mitigated Determination of Non-Significance (MDNS) was published in the Daily Record on May 5, 2021.

NOTICE IS HEREBY GIVEN that an **Open Record Public Hearing** has been scheduled before the Ellensburg Hearing Examiner for **Tuesday, September 21, 2021 at 2:00 pm** to consider Long Plat Subdivision Application, P21-088. The hearing will be held both remotely via Zoom and in Council Chambers for those wishing to attend in person. *In-person attendees that are not fully vaccinated will need to wear face coverings.



Project Location: The property is addressed as Bender Road, Ellensburg, WA 98926. Kittitas County Assessor's ID#'s 322733, 20998 and 20999 as seen in the map above.

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

Written Comments: The public is encouraged to review and comment on the proposed project. **Comments must be submitted in writing by 5:00 pm on Thursday, September 9, 2021 by either:**

Mail delivery postmarked by the deadline, addressed to:

- 1) City of Ellensburg Community Development Department
501 N Anderson Street, Ellensburg, WA 98926 or
- 2) Via email by 5:00 pm on the deadline, to the staff contact listed below

NOTICE IS FURTHER GIVEN that all persons interested in this matter may participate in the Hybrid meeting by contacting Staff no later than 5:00 pm on Monday, September 20.. An email link, text link, or phone number will be provided which will allow for electronic participation in the public hearing.

Staff contact: Shannon Johnson, Senior Planner. Email: johnsons@ci.ellensburg.wa.us

Sincerely,

Shannon D. Johnson
Senior Planner

eburg map



7/14/2021, 2:24:57 PM

Road Classifications

Existing Minor Arterial

Future Minor Arterial

Existing Major Collector

Future Minor Collector

Urban Growth Area



City Limits

1:9,028

© OpenStreetMap (and) contributors, CC-BY-SA

Blensburg GIS
Google Maps | Killebuck County Public Works | Killebuck County Auditor | U.S. Fish and Wildlife Service, National Standards and Support Team, wildlife_team@hqs.gov

Shannon Johnson

From: Doug Stalder <doug.stalder1122@icloud.com>
Sent: Tuesday, August 17, 2021 1:47 PM
To: Shannon Johnson
Subject: [Ext] Pictures of the 3 signs I just put up

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

Here are the pictures of the land use signs I just put up. They are in three locations both sides. Am I suppose to sign an affidavit of posting also? This is for Rolling Meadows off Bender Rd. Doug Stalder





Preliminary Subdivision (Long Plat) Application

721-088

RECEIVED
JUL 14 2018
PA-07
APPLICATION COMMUNITY DEVELOPMENT

Community Development Department

501 N. Anderson, Ellensburg, WA 98926 (509) 962-7239 (Building) (509) 962-7231 (Planning) commdev@ci.ellensburg.wa.us

A pre-application meeting is required prior to submitting a Long Plat application. Land Subdivisions that create 10 or more lots (referred to as long plats) are subject to the Type IV review process as set forth in Chapter 15.210 ECC. Subdivisions that are granted preliminary approval shall be effective for a period set forth in RCW 58.17.140, during which time the final subdivision application shall be submitted for approval and recording.

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

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

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

OFFICIAL USE ONLY:

Staff Person:	AW
Date Submitted:	7/14/21
Fee Total:	1800.00 - 970 PLUS APP (300.00)
FILE #:	721-088
Associated Permit File #:	720-059

PROPERTY OWNER: (Note: If the Applicant is not the Owner, attach written authorization from the legal owner(s).)	
Legal Owner Name(s):	CWH, LLC
Mailing Address:	P.O. BOX 490 Cle Elum, WA 98922
E-mail:	WSSPARKS@GMAIL.COM
☐ Owner ☐ Contractor ☐ Tenant ☐ Other	
Name:	SAME
Mailing Address:	
E-mail:	
CONTACT PERSON: ☐ Owner ☐ Contractor ☐ Tenant ☒ Other AGENT	
Name:	DOUGLAS STALDER
Mailing Address:	2000 E. QUARTZ MTN. DR. ELLensburg, WA
E-mail:	douglasstalder@gmail.com

PROJECT INFORMATION:	
Parcel Number(s) of Site:	322733, 20998 & 20999
Site Address (if any):	
City Zoning Designation:	RS

(OVER)

PROJECT INFORMATION:

Ellensburg City Code 15.260.120 requires that application for short plats may only be approved if/all the following are satisfied

Application contents. Applications for a preliminary subdivision shall contain the following:

1. The minimum application requirements set forth in ECC 15.220.020 and a completed subdivision application form provided by the department, which shall include the signatures of all owner's of interest in the land involved in the preliminary subdivision;
2. Payment of a the application fee in the amount established in the city's adopted fee schedule;
3. A completed SEPA Checklist and payment of the SEPA application fee; ✓
4. A completed critical area information form or critical area report pursuant to ECC Article 6, if applicable; ✓
5. A title report of the property to be subdivided; ✓
6. A recorded copy of the deed for the property to be subdivided; ✓
7. Copies of all existing or proposed restrictive covenants involving the land within the proposed subdivision;
8. Names and addresses of the owner(s) of the property to be subdivided and of any person or entity holding an interest in the property as identified on the title report in sub-section 5 above;
9. Names and addresses of all property owners within 300 feet of the boundaries of the proposed subdivision as those names appear on the records of the Kittitas County Assessor;
10. The preliminary subdivision plat drawing which shall comply with all general drafting standards and Tier 3 drafting guidelines required by the city's public works development standards – Section 5 - drafting standards. Five copies of the drawing shall be provided with the application, along with an electronic copy on CD media in a format readable by the city's current version of AutoCAD, and one reduced copy not to exceed 11-inches by 17-inches. In addition to the drafting standards set forth in the city's public works development standards, such drawing shall clearly show the following:
 - a. Vicinity sketch showing the parcel boundaries and the major street system, with street names, within a one-quarter-mile radius;
 - b. Zoning of the property proposed for subdivision;
 - c. Location and size of existing and proposed utilities, railroads, and irrigation rights-of-way on the property proposed for subdivision;
 - d. Plan view of proposed streets, their names and widths, pedestrian ways, all utilities and easements;
 - e. Location and size of all proposed ditches, culverts, catch basins, detention or retention ponds or other parts of the design for the control of surface water drainage;
 - f. Approximate boundaries of all areas subject to irrigation or storm water overflow;
 - g. Location, width and direction of flow of all watercourses on the site; and
 - h. Location and identification of all critical areas, including associated buffers, on the property proposed for subdivision or on adjacent properties, as required by ECC Article 6;
11. Preliminary grading plan pursuant to public works department requirements;
12. Preliminary storm water plan pursuant to public works department requirements;
13. Preliminary landscaping plan pursuant to Articles 4 and 5 of this title;
14. A narrative addressing ownership and maintenance of open spaces, stormwater facilities, public trails and critical areas, and the applicable approval criteria and standards of the Ellensburg Municipal Code. It should also address any proposed building conditions or restrictions;
15. Transportation study, if required by the public works department;
16. Location of any proposed building envelopes on the lots being created; and
17. Any other information in the opinion of the director which is necessary to determine if the proposed subdivision makes appropriate provisions for physical problems or hazards involving public health, safety and/or welfare.

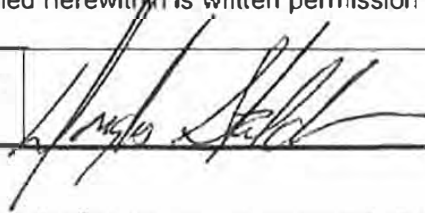
SIGNATURE OF LEGAL OWNER or REPRESENTATIVE AS AUTHORIZED BY THE LEGAL OWNER:

Doug Stalder

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

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

Signature of Legal Owner:
(or Authorized Agent)



Date:

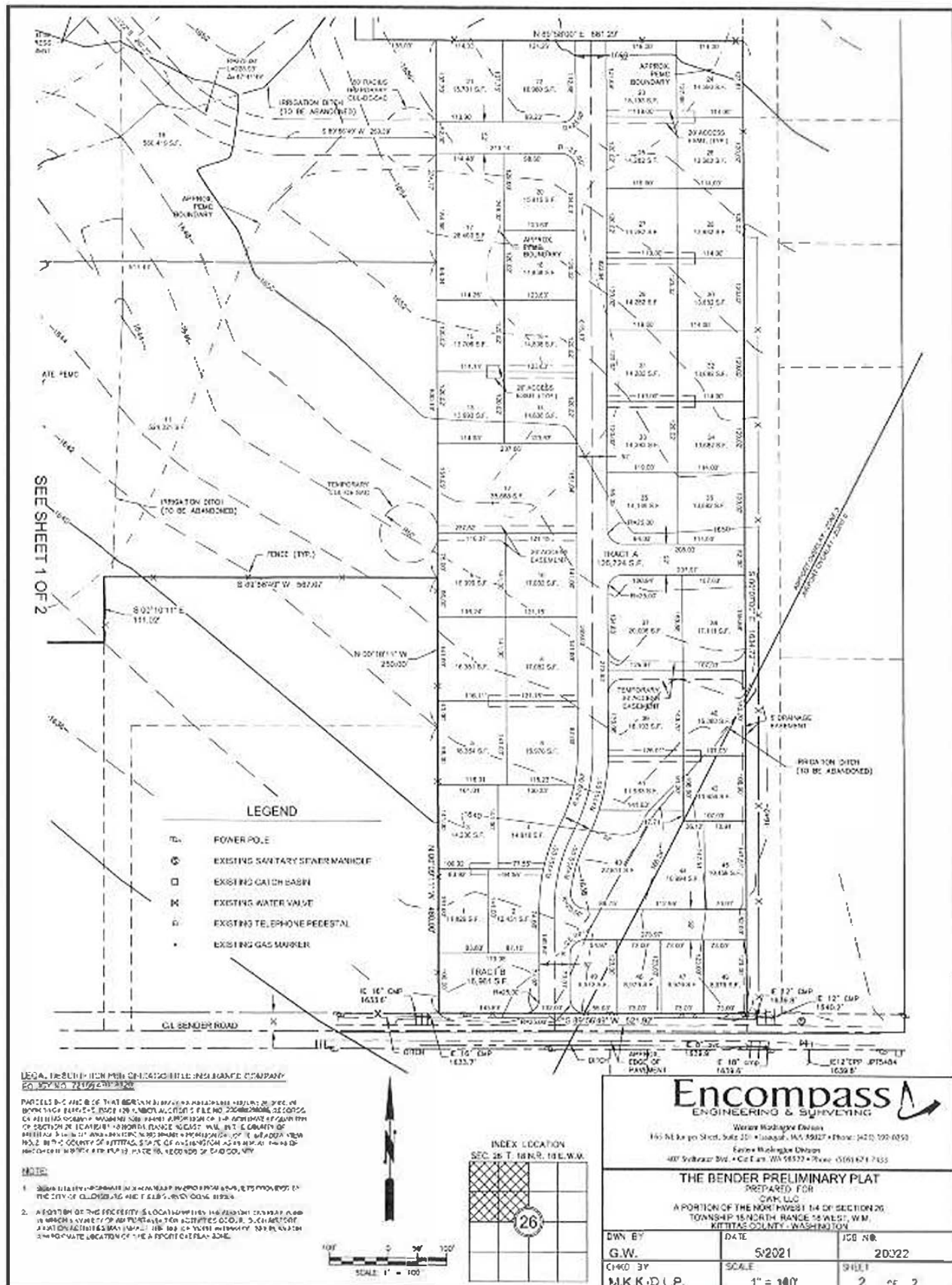
7-14-21

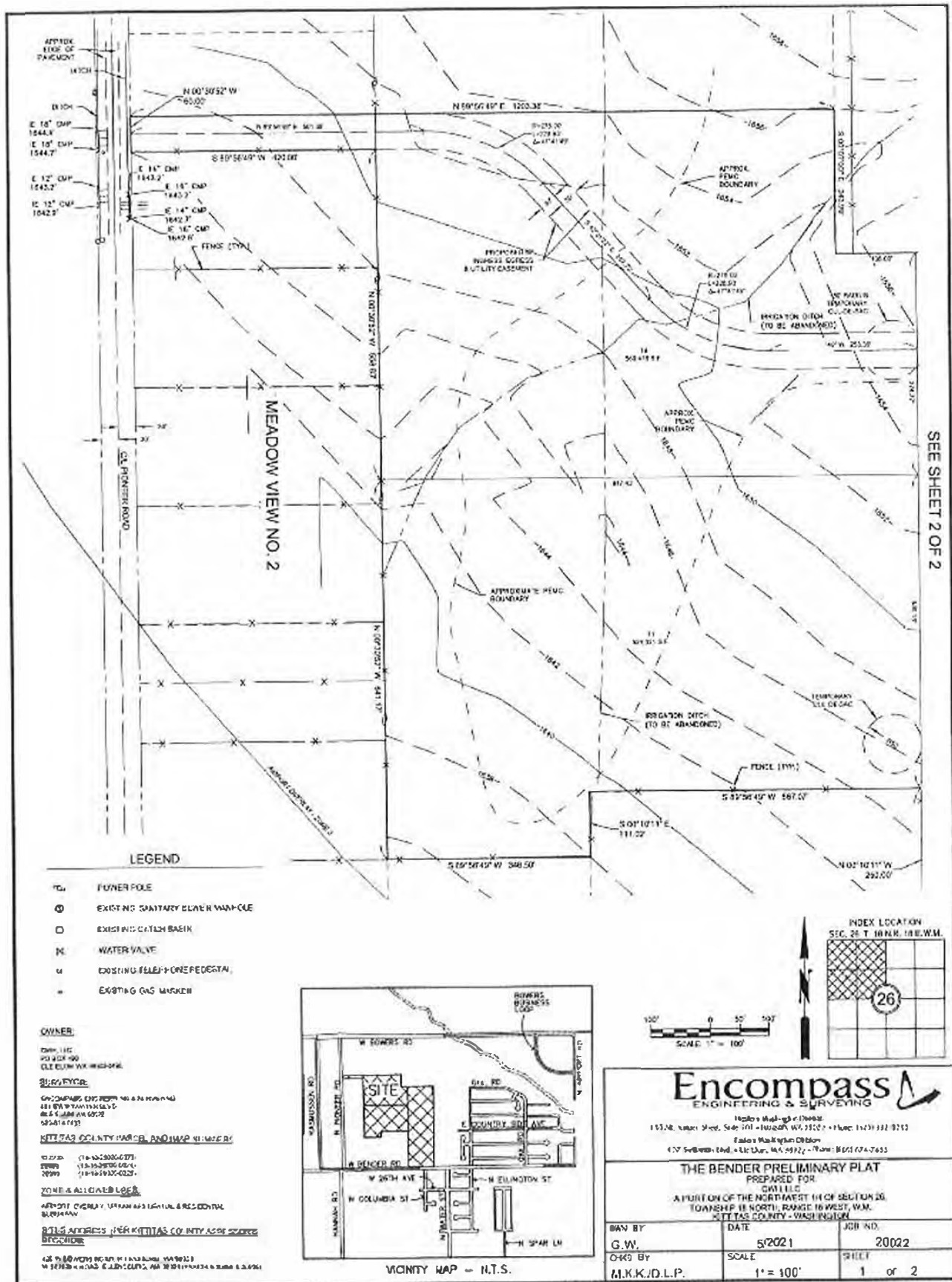
Bender Plat Narrative

Bender Plat contains approximately 45 acres. The Property was annexed into the City of Ellensburg with a pre-annexation agreement. The proposed plat contains 49 lots, ranging in size from 8,000 square feet to 12 acres. A critical areas report was completed in 2020 with a follow up site visit and staff and agencies in 2021.

At this time there are no covenants plan for the property other than the title restrictions required since the Property is in the Airport Overlay Zone.

There will be no open common areas, trails or critical areas that will necessitate maintenance. The storm water will be designed according to the latest Eastern Washington Storm Manual and the City of Ellensburg's Public Works codes. The Storm Water treatment and retention area will be dedicated to the City as this storm water will be from the City Streets and Sidewalks. This area is located along Bender Road on the Southwest corner of the plat.





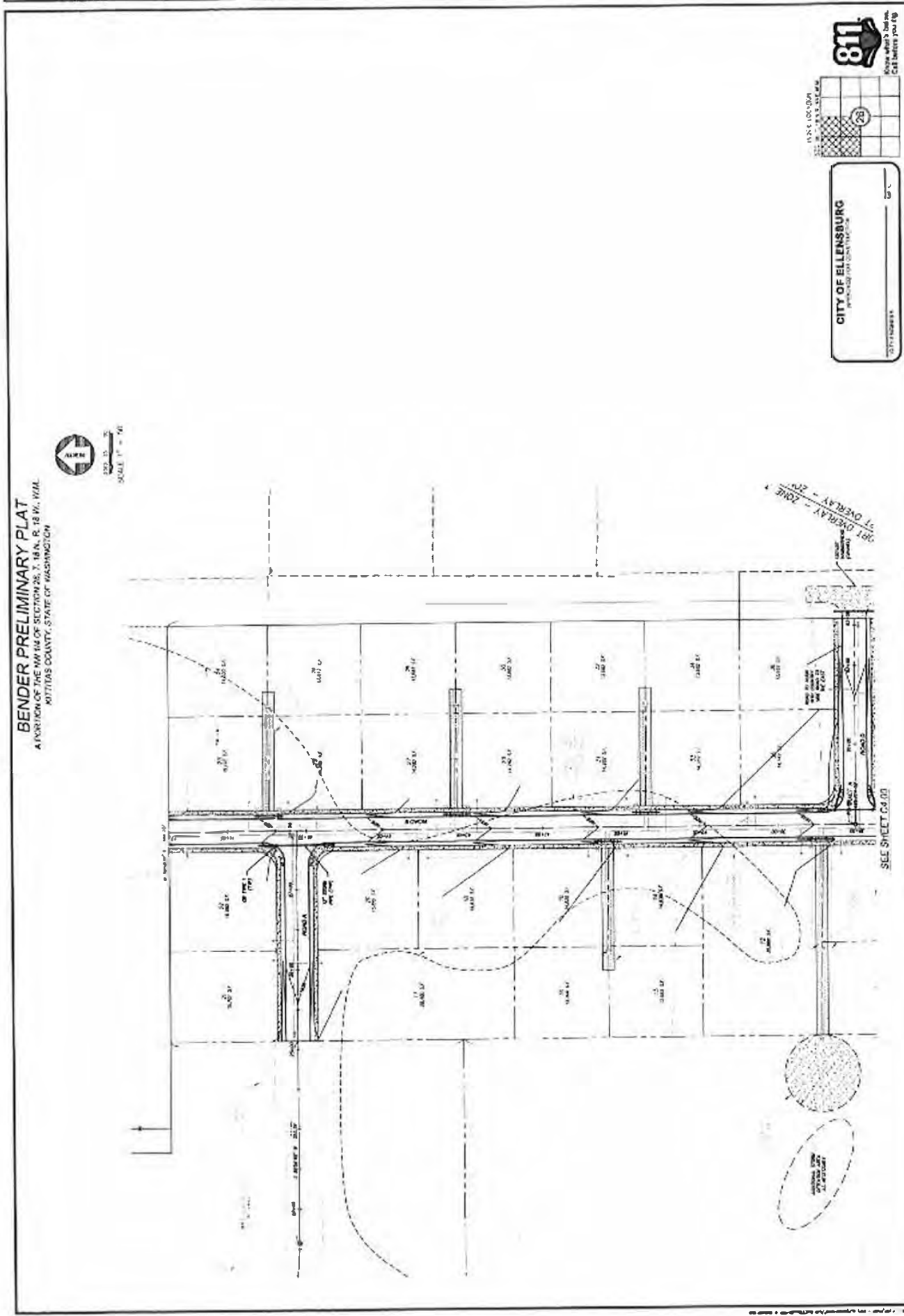
DATE	2/27/20
BY	W. J. B. / J. B. B.
CHECKED	W. J. B. / J. B. B.
APPROVED	W. J. B. / J. B. B.
PROJECT	BENDER PRELIMINARY PLAT
SHEET	C 4, 10

GRAPHIC & DRAINAGE PLAN (NORTH)

BENDER PRELIMINARY PLAT
CWH LLC

Encompass
A FORTITUDE WORLDWIDE COMPANY

11100 1st Avenue, Suite 100
Seattle, WA 98148
Phone: (206) 461-1000
Fax: (206) 461-1001
Email: info@encompass.com



811
Know what's below. Call before you dig.

CITY OF ELLENSBURG
Engineering and Construction

City Engineer: _____
City Clerk: _____

REVISIONS	NO. BY DATE
1	10/1/10
2	10/1/10
3	10/1/10
4	10/1/10
5	10/1/10
6	10/1/10
7	10/1/10
8	10/1/10
9	10/1/10
10	10/1/10

SANITARY SEWER & WATER PLAN (SOUTH)

BENDER PRELIMINARY PLAT

DWM, LLC

Encompass
ENGINEERING & SURVEYING

10000 Highway 100, Suite 100, Elkhart, IN 46517
Phone: (317) 833-1000
Fax: (317) 833-1001
www.encompass-engineering.com

DATE	10/1/10
BY	10/1/10
CHECKED	10/1/10
APPROVED	10/1/10
SCALE	1" = 50'
SHEET	C-5.00

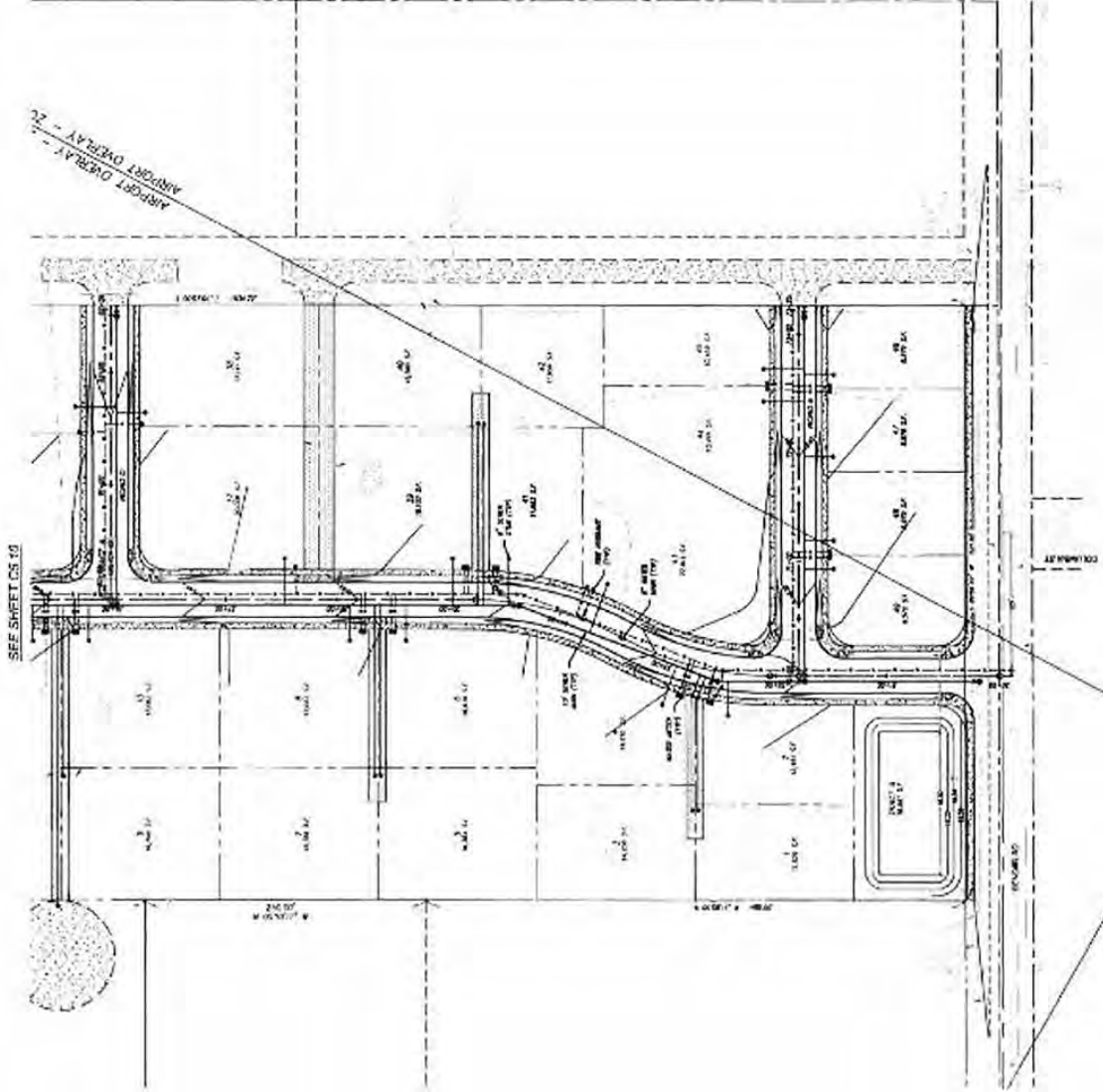
811
Know what's below
Call before you dig

KEY - LOCATION
100' X 100' GRID
26

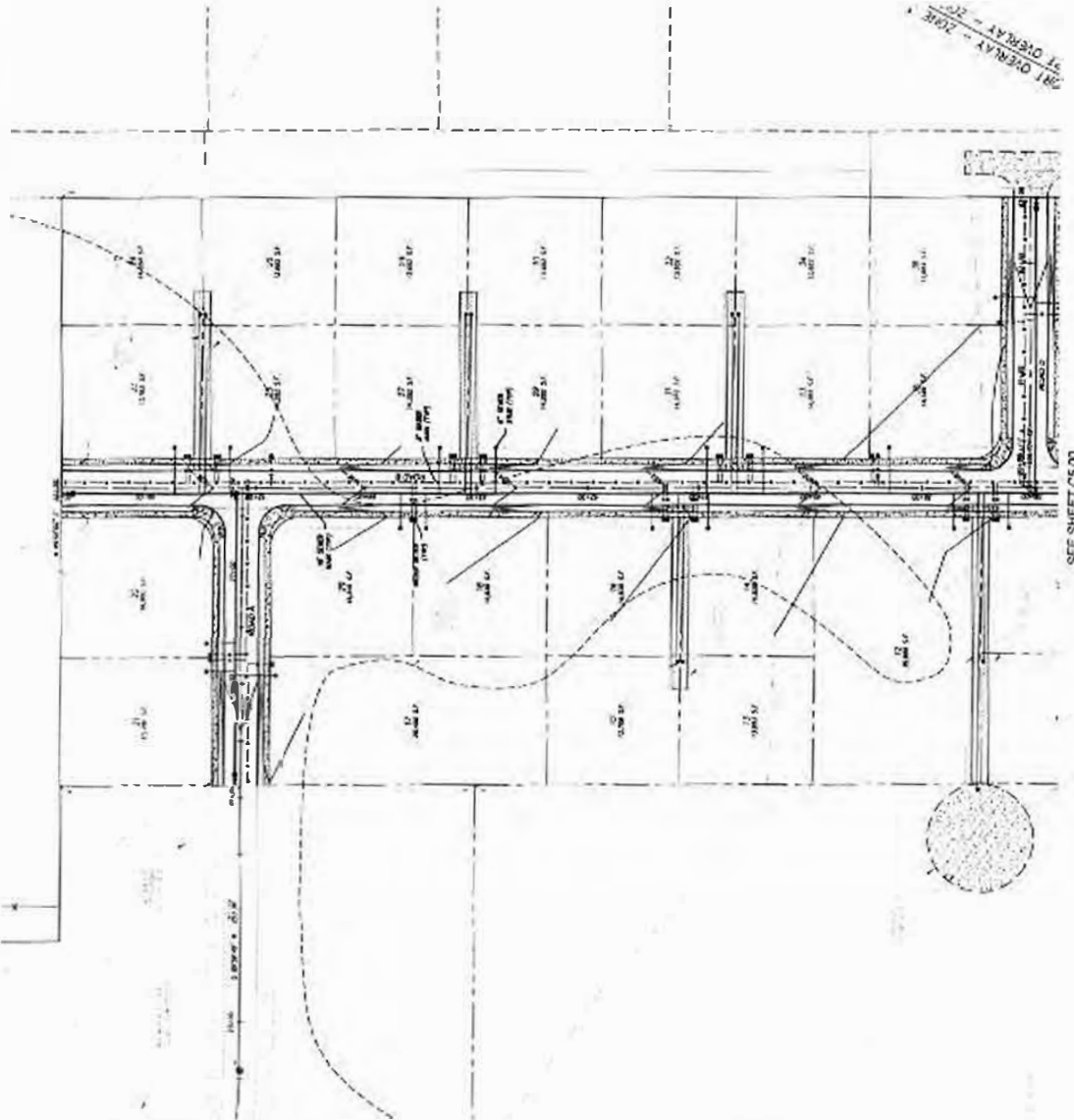
CITY OF ELLENSBURG
APPROVED FOR CONSTRUCTION

CITY ENGINEER

BENDER PRELIMINARY PLAT
A PORTION OF THE NW 1/4 OF SECTION 26, T. 19 N., R. 18 W., N. 14 E.
KITITAS COUNTY, STATE OF WISCONSIN



BENDER PRELIMINARY PLAT
A PORTION OF THE NW 1/4 OF SECTION 26, T. 18 N., R. 18 W., N.M.
ARTIZAS COUNTY, STATE OF OKLAHOMA



REVISIONS

NO.	DATE	DESCRIPTION
1	10/1/10	INITIAL DESIGN
2	10/1/10	REVISED DESIGN
3	10/1/10	REVISED DESIGN
4	10/1/10	REVISED DESIGN
5	10/1/10	REVISED DESIGN
6	10/1/10	REVISED DESIGN
7	10/1/10	REVISED DESIGN
8	10/1/10	REVISED DESIGN
9	10/1/10	REVISED DESIGN
10	10/1/10	REVISED DESIGN

BENDER PRELIMINARY PLAT
CWM, LLC
SANTARY SEWER & WATER PLAN (NORTH)

Encompass
Engineering & Surveying
1400 S. Broadway, Suite 100, Oklahoma City, Oklahoma 73101
Phone: (405) 555-1000
Fax: (405) 555-1001
Email: info@encompassok.com
Website: www.encompassok.com

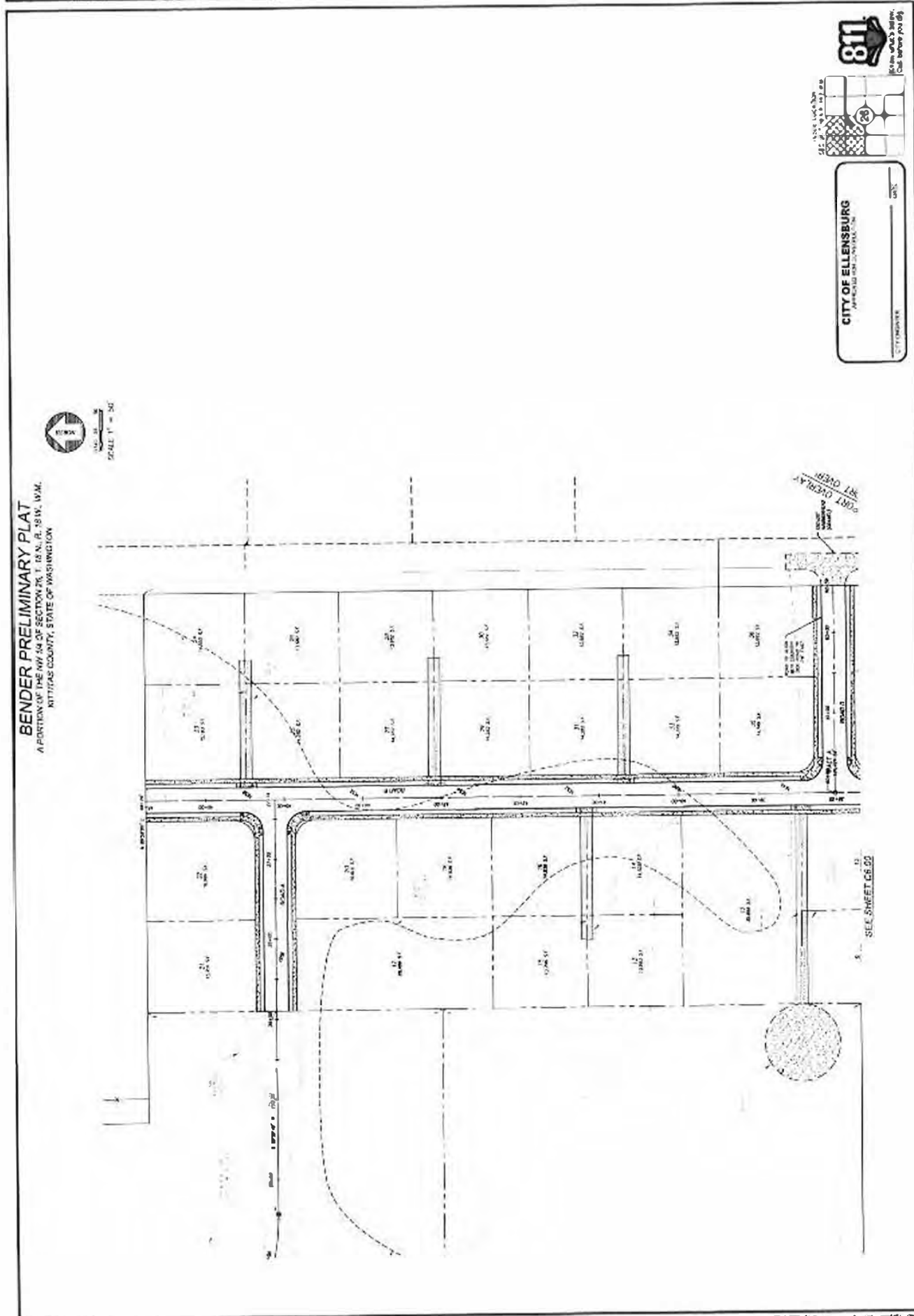
NO.	DATE	DESCRIPTION
1	10/1/10	INITIAL DESIGN
2	10/1/10	REVISED DESIGN
3	10/1/10	REVISED DESIGN
4	10/1/10	REVISED DESIGN
5	10/1/10	REVISED DESIGN
6	10/1/10	REVISED DESIGN
7	10/1/10	REVISED DESIGN
8	10/1/10	REVISED DESIGN
9	10/1/10	REVISED DESIGN
10	10/1/10	REVISED DESIGN

811
When you're down, call before you dig.

CITY OF ELLENBURG
APPROVED FOR CONSTRUCTION

DATE: _____

BY: _____



BENDER PRELIMINARY PLAT
 A PORTION OF THE NW 1/4 OF SECTION 26, T. 18 N., R. 18 W., WM.
 KITTITAS COUNTY, STATE OF WASHINGTON

811
 Call before you dig
 1-800-4-A-DIG
 1-800-427-4647

CITY OF ELLENBURG
 JEFFREY J. JENSEN, Mayor
 1000 1st Avenue, Suite 100
 Everett, WA 98201
 (206) 835-1111
 FAX (206) 835-1112
 www.cityofellenburg.com

CHICAGO TITLE INSURANCE COMPANY

Policy No. 72156-47608049

GUARANTEE

CHICAGO TITLE INSURANCE COMPANY, a Florida corporation, herein called the Company, guarantees the Assured against actual loss not exceeding the liability amount stated in Schedule A which the Assured shall sustain by reason of any incorrectness in the assurances set forth in Schedule A.

1. No guarantee is given nor liability assumed with respect to the identity of any party named or referred to in Schedule A or with respect to the validity, legal effect or priority of any matter shown therein.
2. The Company's liability hereunder shall be limited to the amount of actual loss sustained by the Assured because of reliance upon the assurance herein set forth, but in no event shall the Company's liability exceed the liability amount set forth in Schedule A.

PLEASE NOTE CAREFULLY THE LIABILITY EXCLUSIONS AND LIMITATIONS AND THE SPECIFIC ASSURANCES AFFORDED BY THIS GUARANTEE. IF YOU WISH ADDITIONAL LIABILITY, OR ASSURANCES OTHER THAN AS CONTAINED HEREIN, PLEASE CONTACT THE COMPANY FOR FURTHER INFORMATION AS TO THE AVAILABILITY AND COST.

Dated: June 24, 2021

Issued by:

AmeriTitle, LLC

101 W Fifth Ave.

Ellensburg, WA 98926

(509)925-1477

Authorized Signer

CHICAGO TITLE INSURANCE COMPANY



By:

[Signature]

President

ATTEST

[Signature]

Secretary

Note: This endorsement shall not be valid or binding until countersigned by an authorized signatory.

Subdivision Guarantee Policy Number: 72156-47608049

SUBDIVISION GUARANTEE

Order No.: 476121AM
Guarantee No.: 72156-47608049
Dated: June 24, 2021

Liability: \$1,000.00
Fee: \$350.00
Tax: \$29.05
Additional Work Charge: \$150.00
Sales Tax: \$12.45

Your Reference: 420 W Bowers Rd. Ellensburg, WA 98926

Assured: Stalder Interests

The assurances referred to on the face page are:

That, according to those public records with, under the recording laws, impart constructive notice of matters relative to the following described real property:

Parcels B, C and D of that certain Survey as recorded August 26, 2004, in Book 30 of Surveys, page 129, under Auditor's File No. 200408260006, records of Kittitas County, Washington; being a portion of the Northwest Quarter of Section 26, Township 18 North, Range 18 East, W.M., in the County of Kittitas, State of Washington; also being a portion of Lot 10, MEADOW VIEW NO. 2, in the County of Kittitas, State of Washington, as per plat thereof recorded in Book 5 of Plats, page 15, records of said County.

Title to said real property is vested in:

CWH, LLC, a Washington Limited Liability Company

END OF SCHEDULE A

Subdivision Guarantee Policy Number: 72156-47608049

(SCHEDULE B)

Order No: 476121AM
Policy No: 72156-47608049

Subject to the matters shown below under Exceptions, which Exceptions are not necessarily shown in the order of their priority.

EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Unpatented mining claims; reservations or exceptions in the United States Patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
3. Title to any property beyond the lines of the real property expressly described herein, or title to streets, roads, avenues, lanes, ways or waterways on which such real property abuts, or the right to maintain therein vaults, tunnels, ramps, or any other structure or improvement; or any rights or easements therein unless such property, rights or easements are expressly and specifically set forth in said description.
4. Any lien for service, installation, connection, maintenance, tap, capacity or construction or similar charges for sewer, water, electricity, natural gas or other utilities, or for garbage collection and disposal not shown by the Public Records
5. Indian tribal codes or regulations, Indian treaty or aboriginal rights, including easements or equitable servitudes.
6. General Taxes and Assessments – total due may include fire patrol assessment, weed levy assessment and/or irrigation assessment, if any. Taxes noted below do not include any interest or penalties which may be due after delinquency.

Note: Tax year runs January through December with the first half becoming delinquent May 1st and second half delinquent November 1st if not paid. For most current tax information or tax printouts visit: <http://taxsifter.co.kittitas.wa.us> or call their office at (509) 962-7535.

Tax Year: 2021
Tax Type: County
Total Annual Tax: \$1,422.85
Tax ID #: 322733
Taxing Entity: Kittitas County Treasurer
First Installment: \$711.43
First Installment Status: Paid
First Installment Due/Paid Date: April 30, 2021
Second Installment: \$711.42
Second Installment Status: Due
Second Installment Due/Paid Date: October 31, 2021

Subdivision Guarantee Policy Number: 72156-47608049

7. Tax Year: 2021
Tax Type: Irrigation
Total Annual Tax: \$797.94
Tax ID #: 322733
Taxing Entity: Kittitas County Treasurer
First Installment: \$398.97
First Installment Status: Paid
First Installment Due/Paid Date: April 30, 2021
Second Installment: \$398.97
Second Installment Status: Due
Second Installment Due/Paid Date: October 31, 2021
8. Tax Year: 2021
Tax Type: County
Total Annual Tax: \$1,403.11
Tax ID #: 20998
Taxing Entity: Kittitas County Treasurer
First Installment: \$701.56
First Installment Status: Paid
First Installment Due/Paid Date: April 30, 2021
Second Installment: \$701.55
Second Installment Status: Due
Second Installment Due/Paid Date: October 31, 2021
9. Tax Year: 2021
Tax Type: Irrigation
Total Annual Tax: \$820.88
Tax ID #: 20998
Taxing Entity: Kittitas County Treasurer
First Installment: \$410.44
First Installment Status: Paid
First Installment Due/Paid Date: April 30, 2021
Second Installment: \$410.44
Second Installment Status: Due
Second Installment Due/Paid Date: October 31, 2021
10. Tax Year: 2021
Tax Type: County
Total Annual Tax: \$1,581.28
Tax ID #: 20999
Taxing Entity: Kittitas County Treasurer
First Installment: \$790.64
First Installment Status: Paid
First Installment Due/Paid Date: April 30, 2021
Second Installment: \$790.64
Second Installment Status: Due
Second Installment Due/Paid Date: October 31, 2021

11. Tax Year: 2021
Tax Type: Irrigation
Total Annual Tax: \$1,290.84
Tax ID #: 20999
Taxing Entity: Kittitas County Treasurer
First Installment: \$645.42
First Installment Status: Paid
First Installment Due/Paid Date: April 30, 2021
Second Installment: \$645.42
Second Installment Status: Due
Second Installment Due/Paid Date: October 31, 2021
12. Lien of real estate excise sales tax upon any sale of said premises, if unpaid.
13. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:
Granted To: Kamiakin Corporation, a Washington corporation, its successors and assigns
Purpose: Construction of an irrigation ditch for the service of adjacent lands, together with the right of ingress to and egress from said ditch
Recorded: January 10, 1969
Instrument No.: 351967
Volume 1, Page 131
Affects: Portion of Parcel B
14. Any rights, interests, or claims which may exist or arise by reason of the following matters(s) disclosed by Meadow View No. 2,
Book: 5 of Plats Page: 15
Instrument No.: 351986
Matters shown:
a) Dedication contained thereon
Affects: Portion of Parcel B
15. The provisions contained in Real Estate Contract by and between Robert M. Hill and Margaret Hill, husband and wife; and William H. Robertson and Connie Robertson, husband and wife, Seller, and Raymond J. Jensen and Diane E. Jensen, husband and wife; and Charles F. Worthington and Sharon M. Worthington, husband and wife
Recorded: September 22, 1975,
Volume 64, Page 619
Instrument No.: 399969.
As follows: "There shall be no mobile homes or travel trailers on the property on a permanent basis. The existing fence North of the Potter property to be moved by Purchasers to the proper location, if so desired."
16. Reservation of Oil, gas, minerals, or other hydrocarbons, including the terms and provisions contained therein, in deed from Raymond J. Jensen and Diane E. Jensen, husband and wife, and Charles F. Worthington and Sharon M. Worthington, husband and wife.
Recorded: October 28, 1992
Volume: 336, Page 1050
Instrument No.: 554060
The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.

17. Any rights, interests, or claims which may exist or arise by reason of the following matters(s) disclosed by survey,
Recorded: August 26, 2004
Book: 30 of Surveys Page: 129
Instrument No.: 200408260006
Matters shown:
a) Location of fencelines in relation to property boundaries
b) Thirty foot (30') gap in legals affecting the East boundaries of Parcels A and B
18. Cascade Irrigation District Resolution 03-2006, Formation of LID#3-Hannah Road/Pioneer Road Project, and the terms and conditions contained therein
For: Cascade Irrigation District
Recorded: October 4, 2007
Instrument No.: 200710040004
Affects: Portion of Parcel B

Amendment Resolution recorded January 9, 2008, under Auditor's File No. 200801090005.
19. Contract for Reimbursement for Water/Sewer Facilities, and the terms and conditions contained therein
Between: SSHI, LLC dba D.R. Horton and the City of Ellensburg
Recorded: August 5, 2008
Instrument No.: 200808050001
Affects: Parcel D
20. Pre-Annexation Development Agreement and the terms and conditions contained therein
Between: City of Ellensburg
And: CWH, LLC
Recorded: December 17, 2019
Instrument No.: 201912170041

END OF EXCEPTIONS

Notes:

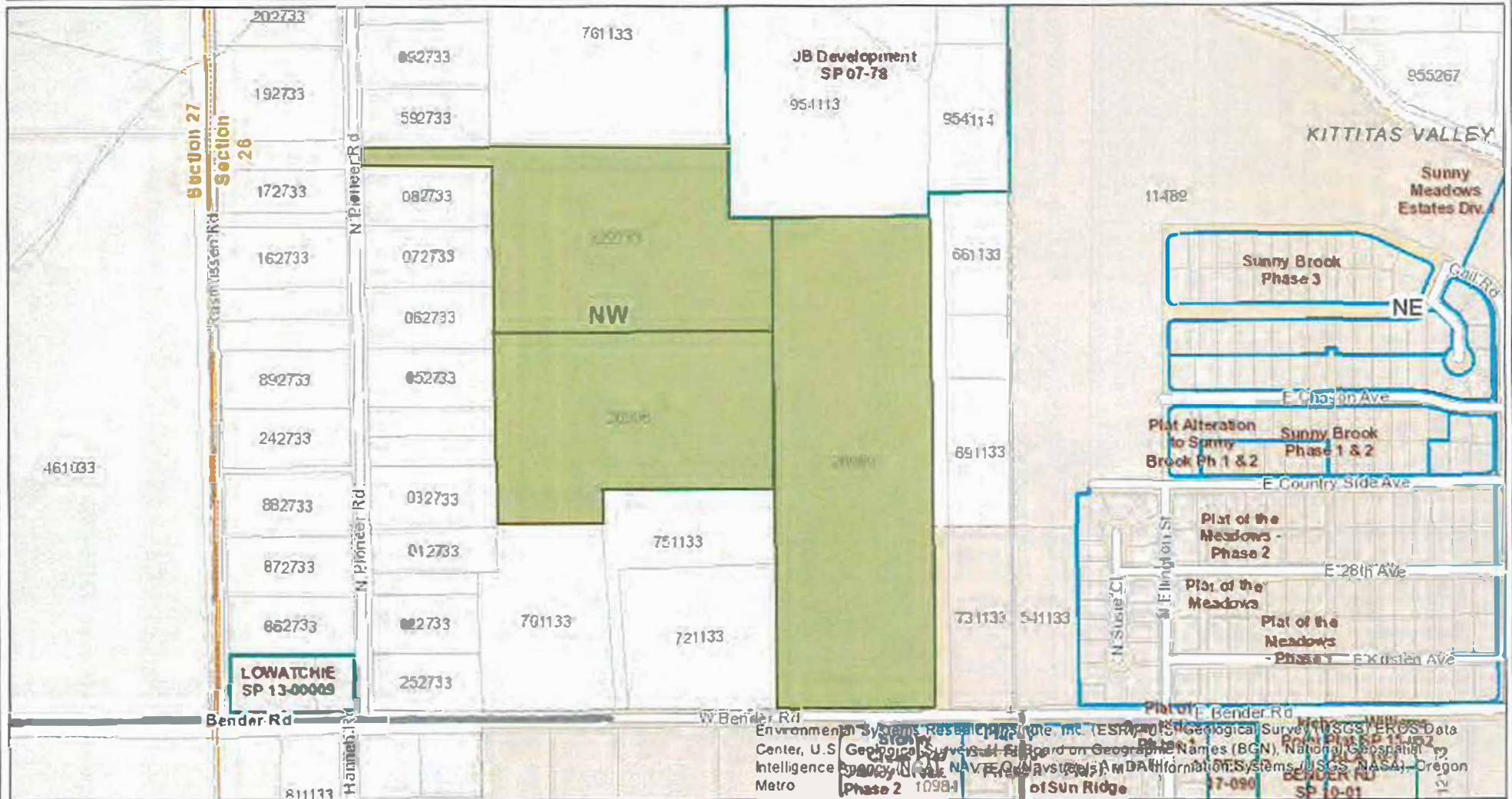
- a. Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.
- b. Pursuant to information previously provided to the Company, we note the following party/parties is/are authorized to sign on behalf of the named entity. In the event of any revision to said authorization, the Company must be notified immediately, and provided with evidence of the identity and authority of any party/parties to execute the forthcoming instrument(s); the Company makes no further commitment pending review of any such evidence.
Entity: CWH LLC
Authorized Signatories: William F. Sparks, as Manager
- c. All documents recorded in Washington State must include an abbreviated legal description and tax parcel number on the first page of the document. The abbreviated description for this property is: Parcels B, C and D, Book 30 of Surveys, page 129, ptn of the NW Quarter of Section 26, Township 18 N, Range 18 E, W.M., and ptn of Lot 10, MEADOW VIEW NO. 2, Book 5 of Plats, page 15

NOTE: In the event any contracts, liens, mortgages, judgments, etc. which may be set forth herein are not
Subdivision Guarantee Policy Number: 72156-47608049

paid off and released in full, prior to or immediately following the recording of the forthcoming plat (short plat), this Company will require any parties holding the beneficial interest in any such matters to join in on the platting and dedication provisions of the said plat (short plat) to guarantee the insurability of any lots or parcels created thereon. We are unwilling to assume the risk involved created by the possibility that any matters dedicated to the public, or the plat (short plat) in its entirety, could be rendered void by a foreclosure action of any such underlying matter if said beneficial party has not joined in on the plat (short plat).

END OF GUARANTEE

420 W Bowers Rd

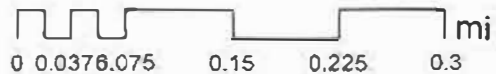


Date: 6/30/2021

1 inch = 690 feet
Relative Scale 1:8,274

Disclaimer:

Kittitas County makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data, its use, or its interpretation. Kittitas County does not guarantee the accuracy of the material contained herein and is not responsible for any use, misuse or representations by others regarding this information or its derivatives.





Sewall Wetland Consulting, Inc.

PO Box 880
Fall City, WA 98024

Phone: 206-889-4015

P21-088
RECEIVED
7/15/2021
COMMUNITY
DEVELOPMENT

February 12, 2020

Bill Sparks
CWH, LLC
PO Box 490
Cle Elum, Washington 98922

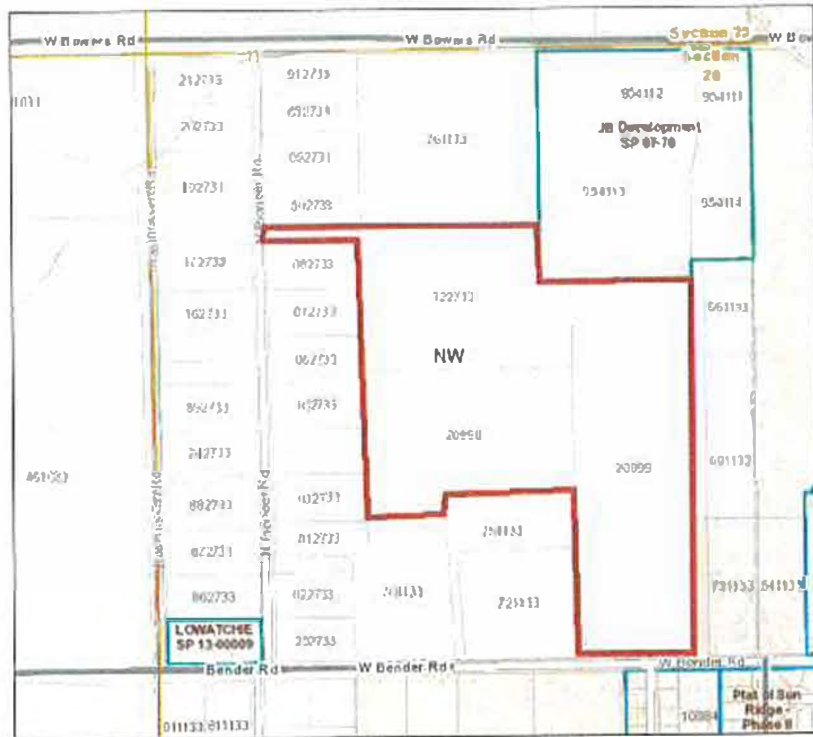
RE: Critical Area Report – Parcels #322733, 20998& 20999
City of Ellensburg, Washington
SWC Job #19-194

Dear Bill,

This report describes our observations of any jurisdictional wetlands, streams and/or buffers on Parcels #322733, 20998& 20999, in the City of Ellensburg, Washington (the “site”). The site consists of three abutting parcels with a total area of 44.5 acres and located north of West Bender Road within Section 26, Township 18 North, Range 18 East of the W.M.

METHODOLOGY

Ed Sewall of Sewall Wetland Consulting, Inc. inspected the site on January of 2020. The site was reviewed using methodology described in the **Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0)** (USACOE September 2008) as required by the US Army Corps of Engineers starting in June of 2009. This is the methodology currently recognized by the City of Ellensburg for wetland determinations and delineations. The site was also reviewed using methodology described in Soil colors were identified using the 1990 Edited and Revised Edition of the **Munsell Soil Color Charts** (Kollmorgen Instruments Corp. 1990).



Above: Vicinity Map of site



Above: Aerial photograph from Kittitas Mapsifter website

OBSERVATIONS

Existing Site Documentation.

Prior to visiting the site, a review of several natural resource inventory maps was conducted. Resources reviewed included the National Wetland Inventory Map and the NRCS Soil Survey online mapping and Data.

National Wetlands Inventory (NWI)

The NWI map depicts an emergent wetland on the northwest side of the site as well as the south east. Both of these wetland areas depict flood irrigation patterns around irrigation ditches passing through the site

The USFWS data indicates this wetland was mapped in 2017 and not field checked during the inventory. This wetland depiction appears to be the historic pattern of flood irrigation flow paths that are no longer present on the site. The Inventory mapping for Kittitas County specifically states for this area;

The wetland signatures mapped in the eastern portion of the project area are a mix of naturally occurring wetlands and wetlands resulting from long term flood irrigation practices. This is a case where a farming practice has created wetland "like" conditions in and around naturally occurring wetland features. The general wetland pattern we created captures 2017 conditions. This signature will vary from year to year and within any given year depending on the month(s) the photography is collected. These data represent "normal circumstances" for this irrigation district, and should not be taken as a representation for how wetlands naturally occur in the Columbia Basin. Wetland extents in the eastern portion of the project area may be greater or lesser than the delineation captures due to our mapping the extent of both natural and artificial water distribution in the project area. The data collected suggests these artificially flooded lands possess all three criteria that define wetlands, and yet would revert to upland should the practice of flood irrigation cease.



Above: NWI map of the area of the site

Soil Survey

According to the NRCS Soil Mapper website, the site is mapped as containing 5 soil types; Nanum Ashy loam (Map unit 480), Ackna ashy loam (Map Unit 610), Mitta ashy silt loam (Map Unit #621), Nack ashy loam (Map unit #633) and Opnish ashy loam (Map unit #635). These soils range from somewhat poorly drained to well drained.



Above: NRCS soil map of the site.

None of these soil series are considered "hydric" or wetland soils according to the publication Hydric Soils of the United States (USDA NTCHS Pub No.1491, 1991).

Kittitas County Mapsifter – Flood Layer

The Kittitas County Mapsifter website depicts the 100 year floodplain off-site to the west several hundred feet. There is no mapped floodplain on the site.



Above: Kittitas County flood mapping of the site.

WDNR Fpars Stream Mapping

According to the WDNR Fpars stream mapping website, there are no streams on or near the site.

WDFW Priority Habitats and Species Maps

The WDFW Priority Habitats and Species mapping for the site depicts a portion of the site as wetland somewhat similar to the NWI mapping of the site.



Above: WADNR Fpars stream mapping of the site



Above: WDFW Priority habitat mapping of the area of the site.

Field observations

The site is a large flat agricultural site used primarily as grazing lands for cattle. Several irrigation ditches that originate on the Cascade Canal north of Bowers Road pass through parcels to the north, then through the site with a southerly irrigation flow pattern. The main irrigation ditches are shown below;



Above: Main irrigation ditches that originate at the Cascade Canal on the site.

The site is characterized by a grazed plant community of a mix of weeds and various pasture grasses. Species noted in the pastures include tall fescue, quackgrass, timothy, sedge, Baltic rush, cheatgrass, bentgrass, thistle, aster and some knapweed.

In general the soils on the site are sandy loams with soil chroma colors of 3 or 2 without any redoximorphic features. Portions of the site include cobbly sandy loams with similar soil colors.

Areas within the irrigation channels has some wetland species and hydric soil indicators. However, these areas are clearly irrigation features and man-made and should not be regulated as a jurisdictional wetland.

Off-site Areas

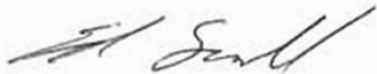
We also reviewed the parcels to the north although they are not included as part of this study. The findings on the area to the north was the same for the southern portions of the site, facultative grasses with non-hydric soils.

Conclusion

No areas meeting wetland, stream or buffer criteria were found on the site. Any wetland vegetation observed on the site was within man-made irrigation channels that only have any water when irrigation flows are passing through the site.

If you have any questions in regards to this report or need additional information, please feel free to contact me at (253) 859-0515 or at esewall@sewallwc.com.

Sincerely,
Sewall Wetland Consulting, Inc.



Ed Sewall
Senior Wetlands Ecologist PWS #212

Attached: Data sheets

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[illegible]

[illegible][illegible]

WETLAND DETERMINATION DATA FORM - A10 West Region

Project: CW H County: Ellington Sampling Date: 1-28-20

Applicant/Owner: 22 Semco State: WA Sampling Point: DP#12

Investigator(s): 22 Semco Locality: 22 Semco Section: 22 Semco Township: 22 Semco Range: 22 Semco

Landform (alluvial, terrace, etc.): 22 Semco Locality (concave, convex, none): 22 Semco Slope (%): 22 Semco

Subregion (L100): 22 Semco Locality: 22 Semco NMI description: 22 Semco

Are climatic/hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)

Are vegetation SSG or hydrology SSG significantly disturbed? Yes ☒ No ☐ (If no, explain in Remarks.)

Are vegetation SSG or hydrology SSG naturally problematic? (If needed, explain why in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrologic Vegetation Present? Yes ☒ No ☐ Is the Sampled Area Within a Wetland? Yes ☒ No ☐

Hydrologic Soil Present? Yes ☒ No ☐

Wetland Hydrology Present? Yes ☒ No ☐

Remarks: gravel, sand, silt, organic

VEGETATION

Area/Stratum (Use scientific names)	Associate Dominant Indicator % Cover	Dominance Test Indicator: Total No. Obs. FACN, or FAC	Number of Dominant Species
1			(A)
2			(B)
3			(C)
4			(D)
5			(E)
6			(F)
7			(G)
8			(H)
9			(I)
10			(J)
11			(K)
12			(L)
13			(M)
14			(N)
15			(O)
16			(P)
17			(Q)
18			(R)
19			(S)
20			(T)
21			(U)
22			(V)
23			(W)
24			(X)
25			(Y)
26			(Z)
27			(AA)
28			(AB)
29			(AC)
30			(AD)
31			(AE)
32			(AF)
33			(AG)
34			(AH)
35			(AI)
36			(AJ)
37			(AK)
38			(AL)
39			(AM)
40			(AN)
41			(AO)
42			(AP)
43			(AQ)
44			(AR)
45			(AS)
46			(AT)
47			(AU)
48			(AV)
49			(AW)
50			(AX)
51			(AY)
52			(AZ)
53			(BA)
54			(BB)
55			(BC)
56			(BD)
57			(BE)
58			(BF)
59			(BG)
60			(BH)
61			(BI)
62			(BJ)
63			(BK)
64			(BL)
65			(BM)
66			(BN)
67			(BO)
68			(BP)
69			(BQ)
70			(BR)
71			(BS)
72			(BT)
73			(BU)
74			(BV)
75			(BW)
76			(BX)
77			(BY)
78			(BZ)
79			(CA)
80			(CB)
81			(CC)
82			(CD)
83			(CE)
84			(CF)
85			(CG)
86			(CH)
87			(CI)
88			(CJ)
89			(CK)
90			(CL)
91			(CM)
92			(CN)
93			(CO)
94			(CP)
95			(CQ)
96			(CR)
97			(CS)
98			(CT)
99			(CU)
100			(CV)
101			(CW)
102			(CX)
103			(CY)
104			(CZ)
105			(DA)
106			(DB)
107			(DC)
108			(DD)
109			(DE)
110			(DF)
111			(DG)
112			(DH)
113			(DI)
114			(DJ)
115			(DK)
116			(DL)
117			(DM)
118			(DN)
119			(DO)
120			(DP)
121			(DQ)
122			(DR)
123			(DS)
124			(DT)
125			(DU)
126			(DV)
127			(DW)
128			(DX)
129			(DY)
130			(DZ)
131			(EA)
132			(EB)
133			(EC)
134			(ED)
135			(EE)
136			(EF)
137			(EG)
138			(EH)
139			(EI)
140			(EJ)
141			(EK)
142			(EL)
143			(EM)
144			(EN)
145			(EO)
146			(EP)
147			(EQ)
148			(ER)
149			(ES)
150			(ET)
151			(EU)
152			(EV)
153			(EW)
154			(EX)
155			(EY)
156			(EZ)
157			(FA)
158			(FB)
159			(FC)
160			(FD)
161			(FE)
162			(FF)
163			(FG)
164			(FH)
165			(FI)
166			(FJ)
167			(FK)
168			(FL)
169			(FM)
170			(FN)
171			(FO)
172			(FP)
173			(FQ)
174			(FR)
175			(FS)
176			(FT)
177			(FU)
178			(FV)
179			(FW)
180			(FX)
181			(FY)
182			(FZ)
183			(GA)
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188			(GF)
189			(GG)
190			(GH)
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193			(GK)
194			(GL)
195			(GM)
196			(GN)
197			(GO)
198			(GP)
199			(GQ)
200			(GR)
201			(GS)
202			(GT)
203			(GU)
204			(GV)
205			(GW)
206			(GX)
207			(GY)
208			(GZ)
209			(HA)
210			(HB)
211			(HC)
212			(HD)
213			(HE)
214			(HF)
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218			(HJ)
219			(HK)
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222			(HN)
223			(HO)
224			(HP)
225			(HQ)
226			(HR)
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229			(HU)
230			(HV)
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253			(IS)
254			(IT)
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256			(IV)
257			(IW)
258			(IX)
259			(IY)
260			(IZ)
261			(JA)
262			(JB)
263			(JC)
264			(JD)
265			(JE)
266			(JF)
267			(JG)
268			(JH)
269			(JI)
270			(JJ)
271			(JK)
272			(JL)
273			(JM)
274			(JN)
275			(JO)
276			(JP)
277			(JQ)
278			(JR)
279			(JS)
280			(JT)
281			(JU)
282			(JV)
283			(JW)
284			(JX)
285			(JY)
286			(JZ)
287			(KA)
288			(KB)
289			(KC)
290			(KD)
291			(KE)
292			(KF)
293			(KG)
294			(KH)
295			(KI)
296			(KJ)
297			(KK)
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303			(KQ)
304			(KR)
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307			(KU)
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310			(KX)
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313			(LA)
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318			(LF)
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332			(LT)
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334			(LV)
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345			(MG)
346			(MH)
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348			(MJ)
349			(MK)
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373			(NI)
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379			(NO)
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439			(PW)
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441			(PY)
442			(PZ)
443			(QA)
444			(QB)
445			(QC)
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449			(QG)
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451			(QI)
452			(QJ)
453			(QK)
454			(QL)
455			(QM)
456			(QN)
457			(QO)
458			(QP)
459			(QQ)
460			(QR)
461			(QS)
462			(QT)
463			(QU)
464			(QV)
465			(QW)
466			(QX)
467			(QY)
468			(QZ)
469			(RA)
470			(RB)
471			(RC)
472			(RD)
473			(RE)
474			(RF)
475			(RG)
476			(RH)

WETLAND DETERMINATION DATA FORM - AND WEST REGION

Project Site: CW #1 County: Shoshone Sampling Date: 1-28-20
 Applicant/Owner: USACE State: WY Sampling Point: DP#12
 Investigator(s): 22 sub Section, Township, Range: _____ Slope (N/S): _____
 Land Use (agriculture, forest, etc.): _____ Local relief (concave, convex, etc.): _____
 Substrate (LRR): _____ Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: _____ NW 1/4 location: _____
 Are climate / hydrologic conditions on this site typical for this time of year? Yes NO (If No, explain in Remarks)
 Are vegetation / soil / hydrology / hydrology disturbed? Are "terrestrial" circumstances present? Yes NO
 Are vegetation / soil / hydrology / hydrology naturally problematic? (If needed, explain any answers in Remarks)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes NO Is the Sampled Area Within a Wetland? Yes NO
 Hydric Soil Present? Yes NO
 Wetland Hydrology Present? Yes NO
 Remarks: grazed + seasonal irrigation

VEGETATION

1. Taxa/Strata (Use scientific names)	2. Abundance (N, Cover, Standard)	3. Comments (Number of Dominant Species That Are OBL, FACN, or FAC; Species Across All Strata)
1. <u>Backhoeside Shrub</u>		(A) <u>2</u>
2. <u>Backhoeside Shrub</u>		(B) <u>2</u>
3. <u>Backhoeside Shrub</u>		(C) <u>100</u>
4. <u>Backhoeside Shrub</u>		(D) <u>100</u>
5. <u>Backhoeside Shrub</u>		(E) <u>100</u>
6. <u>Backhoeside Shrub</u>		(F) <u>100</u>
7. <u>Backhoeside Shrub</u>		(G) <u>100</u>
8. <u>Backhoeside Shrub</u>		(H) <u>100</u>
9. <u>Backhoeside Shrub</u>		(I) <u>100</u>
10. <u>Backhoeside Shrub</u>		(J) <u>100</u>
11. <u>Backhoeside Shrub</u>		(K) <u>100</u>
12. <u>Backhoeside Shrub</u>		(L) <u>100</u>
13. <u>Backhoeside Shrub</u>		(M) <u>100</u>
14. <u>Backhoeside Shrub</u>		(N) <u>100</u>
15. <u>Backhoeside Shrub</u>		(O) <u>100</u>
16. <u>Backhoeside Shrub</u>		(P) <u>100</u>
17. <u>Backhoeside Shrub</u>		(Q) <u>100</u>
18. <u>Backhoeside Shrub</u>		(R) <u>100</u>
19. <u>Backhoeside Shrub</u>		(S) <u>100</u>
20. <u>Backhoeside Shrub</u>		(T) <u>100</u>
21. <u>Backhoeside Shrub</u>		(U) <u>100</u>
22. <u>Backhoeside Shrub</u>		(V) <u>100</u>
23. <u>Backhoeside Shrub</u>		(W) <u>100</u>
24. <u>Backhoeside Shrub</u>		(X) <u>100</u>
25. <u>Backhoeside Shrub</u>		(Y) <u>100</u>
26. <u>Backhoeside Shrub</u>		(Z) <u>100</u>
27. <u>Backhoeside Shrub</u>		(AA) <u>100</u>
28. <u>Backhoeside Shrub</u>		(AB) <u>100</u>
29. <u>Backhoeside Shrub</u>		(AC) <u>100</u>
30. <u>Backhoeside Shrub</u>		(AD) <u>100</u>
31. <u>Backhoeside Shrub</u>		(AE) <u>100</u>
32. <u>Backhoeside Shrub</u>		(AF) <u>100</u>
33. <u>Backhoeside Shrub</u>		(AG) <u>100</u>
34. <u>Backhoeside Shrub</u>		(AH) <u>100</u>
35. <u>Backhoeside Shrub</u>		(AI) <u>100</u>
36. <u>Backhoeside Shrub</u>		(AJ) <u>100</u>
37. <u>Backhoeside Shrub</u>		(AK) <u>100</u>
38. <u>Backhoeside Shrub</u>		(AL) <u>100</u>
39. <u>Backhoeside Shrub</u>		(AM) <u>100</u>
40. <u>Backhoeside Shrub</u>		(AN) <u>100</u>
41. <u>Backhoeside Shrub</u>		(AO) <u>100</u>
42. <u>Backhoeside Shrub</u>		(AP) <u>100</u>
43. <u>Backhoeside Shrub</u>		(AQ) <u>100</u>
44. <u>Backhoeside Shrub</u>		(AR) <u>100</u>
45. <u>Backhoeside Shrub</u>		(AS) <u>100</u>
46. <u>Backhoeside Shrub</u>		(AT) <u>100</u>
47. <u>Backhoeside Shrub</u>		(AU) <u>100</u>
48. <u>Backhoeside Shrub</u>		(AV) <u>100</u>
49. <u>Backhoeside Shrub</u>		(AW) <u>100</u>
50. <u>Backhoeside Shrub</u>		(AX) <u>100</u>
51. <u>Backhoeside Shrub</u>		(AY) <u>100</u>
52. <u>Backhoeside Shrub</u>		(AZ) <u>100</u>
53. <u>Backhoeside Shrub</u>		(BA) <u>100</u>
54. <u>Backhoeside Shrub</u>		(BB) <u>100</u>
55. <u>Backhoeside Shrub</u>		(BC) <u>100</u>
56. <u>Backhoeside Shrub</u>		(BD) <u>100</u>
57. <u>Backhoeside Shrub</u>		(BE) <u>100</u>
58. <u>Backhoeside Shrub</u>		(BF) <u>100</u>
59. <u>Backhoeside Shrub</u>		(BG) <u>100</u>
60. <u>Backhoeside Shrub</u>		(BH) <u>100</u>
61. <u>Backhoeside Shrub</u>		(BI) <u>100</u>
62. <u>Backhoeside Shrub</u>		(BJ) <u>100</u>
63. <u>Backhoeside Shrub</u>		(BK) <u>100</u>
64. <u>Backhoeside Shrub</u>		(BL) <u>100</u>
65. <u>Backhoeside Shrub</u>		(BM) <u>100</u>
66. <u>Backhoeside Shrub</u>		(BN) <u>100</u>
67. <u>Backhoeside Shrub</u>		(BO) <u>100</u>
68. <u>Backhoeside Shrub</u>		(BP) <u>100</u>
69. <u>Backhoeside Shrub</u>		(BQ) <u>100</u>
70. <u>Backhoeside Shrub</u>		(BR) <u>100</u>
71. <u>Backhoeside Shrub</u>		(BS) <u>100</u>
72. <u>Backhoeside Shrub</u>		(BT) <u>100</u>
73. <u>Backhoeside Shrub</u>		(BU) <u>100</u>
74. <u>Backhoeside Shrub</u>		(BV) <u>100</u>
75. <u>Backhoeside Shrub</u>		(BW) <u>100</u>
76. <u>Backhoeside Shrub</u>		(BX) <u>100</u>
77. <u>Backhoeside Shrub</u>		(BY) <u>100</u>
78. <u>Backhoeside Shrub</u>		(BZ) <u>100</u>
79. <u>Backhoeside Shrub</u>		(CA) <u>100</u>
80. <u>Backhoeside Shrub</u>		(CB) <u>100</u>
81. <u>Backhoeside Shrub</u>		(CC) <u>100</u>
82. <u>Backhoeside Shrub</u>		(CD) <u>100</u>
83. <u>Backhoeside Shrub</u>		(CE) <u>100</u>
84. <u>Backhoeside Shrub</u>		(CF) <u>100</u>
85. <u>Backhoeside Shrub</u>		(CG) <u>100</u>
86. <u>Backhoeside Shrub</u>		(CH) <u>100</u>
87. <u>Backhoeside Shrub</u>		(CI) <u>100</u>
88. <u>Backhoeside Shrub</u>		(CJ) <u>100</u>
89. <u>Backhoeside Shrub</u>		(CK) <u>100</u>
90. <u>Backhoeside Shrub</u>		(CL) <u>100</u>
91. <u>Backhoeside Shrub</u>		(CM) <u>100</u>
92. <u>Backhoeside Shrub</u>		(CN) <u>100</u>
93. <u>Backhoeside Shrub</u>		(CO) <u>100</u>
94. <u>Backhoeside Shrub</u>		(CP) <u>100</u>
95. <u>Backhoeside Shrub</u>		(CQ) <u>100</u>
96. <u>Backhoeside Shrub</u>		(CR) <u>100</u>
97. <u>Backhoeside Shrub</u>		(CS) <u>100</u>
98. <u>Backhoeside Shrub</u>		(CT) <u>100</u>
99. <u>Backhoeside Shrub</u>		(CU) <u>100</u>
100. <u>Backhoeside Shrub</u>		(CV) <u>100</u>
101. <u>Backhoeside Shrub</u>		(CW) <u>100</u>
102. <u>Backhoeside Shrub</u>		(CX) <u>100</u>
103. <u>Backhoeside Shrub</u>		(CY) <u>100</u>
104. <u>Backhoeside Shrub</u>		(CZ) <u>100</u>
105. <u>Backhoeside Shrub</u>		(DA) <u>100</u>
106. <u>Backhoeside Shrub</u>		(DB) <u>100</u>
107. <u>Backhoeside Shrub</u>		(DC) <u>100</u>
108. <u>Backhoeside Shrub</u>		(DD) <u>100</u>
109. <u>Backhoeside Shrub</u>		(DE) <u>100</u>
110. <u>Backhoeside Shrub</u>		(DF) <u>100</u>
111. <u>Backhoeside Shrub</u>		(DG) <u>100</u>
112. <u>Backhoeside Shrub</u>		(DH) <u>100</u>
113. <u>Backhoeside Shrub</u>		(DI) <u>100</u>
114. <u>Backhoeside Shrub</u>		(DJ) <u>100</u>
115. <u>Backhoeside Shrub</u>		(DK) <u>100</u>
116. <u>Backhoeside Shrub</u>		(DL) <u>100</u>
117. <u>Backhoeside Shrub</u>		(DM) <u>100</u>
118. <u>Backhoeside Shrub</u>		(DN) <u>100</u>
119. <u>Backhoeside Shrub</u>		(DO) <u>100</u>
120. <u>Backhoeside Shrub</u>		(DP) <u>100</u>
121. <u>Backhoeside Shrub</u>		(DQ) <u>100</u>
122. <u>Backhoeside Shrub</u>		(DR) <u>100</u>
123. <u>Backhoeside Shrub</u>		(DS) <u>100</u>
124. <u>Backhoeside Shrub</u>		(DT) <u>100</u>
125. <u>Backhoeside Shrub</u>		(DU) <u>100</u>
126. <u>Backhoeside Shrub</u>		(DV) <u>100</u>
127. <u>Backhoeside Shrub</u>		(DW) <u>100</u>
128. <u>Backhoeside Shrub</u>		(DX) <u>100</u>
129. <u>Backhoeside Shrub</u>		(DY) <u>100</u>
130. <u>Backhoeside Shrub</u>		(DZ) <u>100</u>
131. <u>Backhoeside Shrub</u>		(EA) <u>100</u>
132. <u>Backhoeside Shrub</u>		(EB) <u>100</u>
133. <u>Backhoeside Shrub</u>		(EC) <u>100</u>
134. <u>Backhoeside Shrub</u>		(ED) <u>100</u>
135. <u>Backhoeside Shrub</u>		(EE) <u>100</u>
136. <u>Backhoeside Shrub</u>		(EF) <u>100</u>
137. <u>Backhoeside Shrub</u>		(EG) <u>100</u>
138. <u>Backhoeside Shrub</u>		(EH) <u>100</u>
139. <u>Backhoeside Shrub</u>		(EI) <u>100</u>
140. <u>Backhoeside Shrub</u>		(EJ) <u>100</u>
141. <u>Backhoeside Shrub</u>		(EK) <u>100</u>
142. <u>Backhoeside Shrub</u>		(EL) <u>100</u>
143. <u>Backhoeside Shrub</u>		(EM) <u>100</u>
144. <u>Backhoeside Shrub</u>		(EN) <u>100</u>
145. <u>Backhoeside Shrub</u>		(EO) <u>100</u>
146. <u>Backhoeside Shrub</u>		(EP) <u>100</u>
147. <u>Backhoeside Shrub</u>		(EQ) <u>100</u>
148. <u>Backhoeside Shrub</u>		(ER) <u>100</u>
149. <u>Backhoeside Shrub</u>		(ES) <u>100</u>
150. <u>Backhoeside Shrub</u>		(ET) <u>100</u>
151. <u>Backhoeside Shrub</u>		(EU) <u>100</u>
152. <u>Backhoeside Shrub</u>		(EV) <u>100</u>
153. <u>Backhoeside Shrub</u>		(EW) <u>100</u>
154. <u>Backhoeside Shrub</u>		(EX) <u>100</u>
155. <u>Backhoeside Shrub</u>		(EY) <u>100</u>
156. <u>Backhoeside Shrub</u>		(EZ) <u>100</u>
157. <u>Backhoeside Shrub</u>		(FA) <u>100</u>
158. <u>Backhoeside Shrub</u>		(FB) <u>100</u>
159. <u>Backhoeside Shrub</u>		(FC) <u>100</u>
160. <u>Backhoeside Shrub</u>		(FD) <u>100</u>
161. <u>Backhoeside Shrub</u>		(FE) <u>100</u>
162. <u>Backhoeside Shrub</u>		(FF) <u>100</u>
163. <u>Backhoeside Shrub</u>		(FG) <u>100</u>
164. <u>Backhoeside Shrub</u>		(FH) <u>100</u>
165. <u>Backhoeside Shrub</u>		(FI) <u>100</u>
166. <u>Backhoeside Shrub</u>		(FJ) <u>100</u>
167. <u>Backhoeside Shrub</u>		(FK) <u>100</u>
168. <u>Backhoeside Shrub</u>		(FL) <u>100</u>
169. <u>Backhoeside Shrub</u>		(FM) <u>100</u>
170. <u>Backhoeside Shrub</u>		(FN) <u>100</u>
171. <u>Backhoeside Shrub</u>		(FO) <u>100</u>
172. <u>Backhoeside Shrub</u>		(FP) <u>100</u>
173. <u>Backhoeside Shrub</u>		(FQ) <u>100</u>
174. <u>Backhoeside Shrub</u>		(FR) <u>100</u>
175. <u>Backhoeside Shrub</u>		(FS) <u>100</u>
176. <u>Backhoeside Shrub</u>		(FT) <u>100</u>
177. <u>Backhoeside Shrub</u>		(FU) <u>100</u>
178. <u>Backhoeside Shrub</u>		(FV) <u>100</u>
179. <u>Backhoeside Shrub</u>		(FW) <u>100</u>
180. <u>Backhoeside Shrub</u>		(FX) <u>100</u>
181. <u>Backhoeside Shrub</u>		(FY) <u>100</u>
182. <u>Backhoeside Shrub</u>		(FZ) <u>100</u>
183. <u>Backhoeside Shrub</u>		(GA) <u>100</u>
184. <u>Backhoeside Shrub</u>		(GB) <u>100</u>
185. <u>Backhoeside Shrub</u>		(GC) <u>100</u>
186. <u>Backhoeside Shrub</u>		(GD) <u>100</u>
187. <u>Backhoeside Shrub</u>		(GE) <u>100</u>
188. <u>Backhoeside Shrub</u>		(GF) <u>100</u>
189. <u>Backhoeside Shrub</u>		(GG) <u>100</u>
190. <u>Backhoeside Shrub</u>		(GH) <u>100</u>
191. <u>Backhoeside Shrub</u>		(GI) <u>100</u>
192. <u>Backhoeside Shrub</u>		(GJ) <u>100</u>
193. <u>Backhoeside Shrub</u>		(GK) <u>100</u>
194. <u>Backhoeside Shrub</u>		(GL) <u>100</u>
195. <u>Backhoeside Shrub</u>		(GM) <u>100</u>
196. <u>Backhoeside Shrub</u>		(GN) <u>100</u>
197. <u>Backhoeside Shrub</u>		(GO) <u>100</u>
198. <u>Backhoeside Shrub</u>		(GP) <u>100</u>
199. <u>Backhoeside Shrub</u>		(GQ) <u>100</u>
200. <u>Backhoeside Shrub</u>		(GR) <u>100</u>
201. <u>Backhoeside Shrub</u>		(GS) <u>100</u>
202. <u>Backhoeside Shrub</u>		(GT) <u>100</u>
203. <u>Backhoeside Shrub</u>		(GU) <u>100</u>
204. <u>Backhoeside Shrub</u>		(GV) <u>100</u>
205. <u>Backhoeside Shrub</u>		(GW) <u>100</u>
206. <u>Backhoeside Shrub</u>		(GX) <u>100</u>
207. <u>Backhoeside Shrub</u>		(GY) <u>100</u>
208. <u>Backhoeside Shrub</u>		(GZ) <u>100</u>
209. <u>Backhoeside Shrub</u>		(HA) <u>100</u>
210. <u>Backhoeside Shrub</u>		(HB) <u>100</u>
211. <u>Backhoeside Shrub</u>		(HC) <u>100</u>
212. <u>Backhoeside Shrub</u>		(HD) <u>100</u>
213. <u>Backhoeside Shrub</u>		(HE) <u>100</u>
214. <u>Backhoeside Shrub</u>		(HF) <u>100</u>
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216. <u>Backhoeside Shrub</u>		(HH) <u>100</u>
217. <u>Backhoeside Shrub</u>		(HI) <u>100</u>
218. <u>Backhoeside Shrub</u>		(HJ) <u>100</u>
219. <u>Backhoeside Shrub</u>		(HK) <u>100</u>
220. <u>Backhoeside Shrub</u>		(HL) <u>100</u>
221. <u>Backhoeside Shrub</u>		(HM) <u>100</u>
222. <u>Backhoeside Shrub</u>		(HN) <u>100</u>
223. <u>Backhoeside Shrub</u>		(HO) <u>100</u>
224. <u>Backhoeside Shrub</u>		(HP) <u>100</u>
225. <u>Backhoeside Shrub</u>		(HQ) <u>100</u>
226. <u>Backhoeside Shrub</u>		(HR) <u>100</u>
227. <u>Backhoeside Shrub</u>		(HS) <u>100</u>
228. <u>Backhoeside Shrub</u>		(HT) <u>100</u>
229. <u>Backhoeside Shrub</u>		(HU) <u>100</u>
230. <u>Backhoeside Shrub</u>		(HV) <u>100</u>
231. <u>Backhoeside Shrub</u>		(HW) <u>100</u>
232. <u>Backhoeside Shrub</u>		(HX) <u>100</u>
233. <u>Backhoeside Shrub</u>		(HY) <u>100</u>
234. <u>Backhoeside Shrub</u>		(HZ) <u>100</u>
235. <u>Backhoeside Shrub</u>		(IA) <u>100</u>
236. <u>Backhoeside Shrub</u>		(IB) <u>100</u>
237. <u>Backhoeside Shrub</u>		(IC) <u>100</u>
238. <u>Backhoeside Shrub</u>		(ID) <u>100</u>
239. <u>Backhoeside Shrub</u>		(IE) <u>100</u>
240. <u>Backhoeside Shrub</u>		(IF) <u>100</u>

WETLAND DETERMINATION DATA FORM - And West Region

Project Site: CW #1 City/County: El Paso State: WA Sampling Date: 1-28-20 Sampling Point: DA#15

Investigator(s): _____ Station: _____ Township: _____ Range: _____ Section: _____

Location (Address, latitude, etc.): _____ Local relief (concave, convex, none): _____ Slope (N/S): _____

Background (USE): _____ Lat: _____ Long: _____ NAD83 coordinates: _____

Soil Map Unit Name: _____

Are climatic hydrologic conditions on the site typical for this time of year? Yes NO (If no, explain in Remarks.)

Are Vegetation NO or Hydrology NO significantly disturbed? Are "Normal Characteristics" present? Yes NO

Are Vegetation NO or Hydrology NO naturally pre-disturbed? (If needed, explain any differences in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrologic Vegetation Present? Yes NO No NO (If no, explain in Remarks.)

Hydrologic Soil Present? Yes NO No NO

Wetland Hydrology Present? Yes NO No NO

Remarks: grazed + some sand irrigation

VEGETATION

1. Tree Stratum (Use scientific names) Abundant Dominant Indicators
1. Aspen 1 1 1

2. NO NO NO NO

3. NO NO NO NO

4. NO NO NO NO

5. NO NO NO NO

6. NO NO NO NO

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WETLAND DETERMINATION DATA FORM - AND WEST REGION
 Project: CW H County: Ellisburg Sampling Date: 1-28-20
 Applicant: Ed Smith State: WA Sampling Point: DP#16

Location (Latitude, Longitude, etc.): _____
 Section, Township, Range: _____
 Section (Latitude, Longitude, etc.): _____
 Local relief (concave, convex, none): _____ Slope (N): _____
 Subregion (Lobby): _____ Lat.: _____ Long.: _____ Ocean: _____

Soil Map Unit Name: _____ NW 1/4 description: _____
 Are climatic/hydrologic conditions on this site typical for this time of year? Yes ☒ No ☐ (If No, include in Remarks.)
 Are vegetation Soil or hydrology significantly disturbed? Yes ☐ No ☒
 Are vegetation Soil or hydrology naturally problematic? (If needed, explain any elements in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes ☒ No ☐
 Hydric Soil Present? Yes ☒ No ☐
 Wetland Hydrology Present? Yes ☒ No ☐
 Wetland: grazed + some sand irrigation

Wetland Hydrology Present? Yes ☒ No ☐
 Wetland: grazed + some sand irrigation

Wetland Hydrology Present? Yes ☒ No ☐
 Wetland: grazed + some sand irrigation

Wetland Hydrology Present? Yes ☒ No ☐
 Wetland: grazed + some sand irrigation

Wetland Hydrology Present? Yes ☒ No ☐
 Wetland: grazed + some sand irrigation

Wetland Hydrology Present? Yes ☒ No ☐
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Wetland Hydrology Present? Yes ☒ No ☐
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Wetland Hydrology Present? Yes ☒ No ☐
 Wetland: grazed + some sand irrigation

Wetland Hydrology Present? Yes ☒ No ☐
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Wetland Hydrology Present? Yes ☒ No ☐
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Wetland Hydrology Present? Yes ☒ No ☐
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Wetland Hydrology Present? Yes ☒ No ☐
 Wetland: grazed + some sand irrigation

Wetland Hydrology Present? Yes ☒ No ☐
 Wetland: grazed + some sand irrigation

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 Wetland: grazed + some sand irrigation

Wetland Hydrology Present? Yes ☒ No ☐
 Wetland: grazed + some sand irrigation

Wetland Hydrology Present? Yes ☒ No ☐
 Wetland: grazed + some sand irrigation

SOIL

Profile Description: Refer to the depth needed to document the indicator or confirm the absence of indicators.

Depth (m): 1.6 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Type: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Color: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Texture: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Structure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Moisture: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Temperature: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil pH: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Organic Matter: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Bulk Density: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Porosity: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Permeability: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Hydraulic Conductivity: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Saturated Hydraulic Conductivity: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Water Potential: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Matric Potential: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Osmotic Potential: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Vapor Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Air Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Total Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Seepage Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Excess Pore Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Water Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Air Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Gas Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Vapor Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Liquid Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Solid Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Total Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Seepage Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Saturated Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Osmotic Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Matric Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Osmotic Potential: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Matric Potential: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Osmotic Potential: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Matric Potential: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Osmotic Potential: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Matric Potential: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

SOIL

Profile Description: Refer to the depth needed to document the indicator or confirm the absence of indicators.

Depth (m): 1.6 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Type: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Color: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Texture: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Structure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Moisture: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Temperature: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil pH: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Organic Matter: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Bulk Density: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Porosity: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Permeability: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Hydraulic Conductivity: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Saturated Hydraulic Conductivity: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Water Potential: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Matric Potential: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Osmotic Potential: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Vapor Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Air Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Total Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Seepage Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Excess Pore Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Water Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Air Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Gas Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Vapor Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Liquid Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Solid Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Total Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Seepage Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Saturated Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Osmotic Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Matric Pressure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Osmotic Potential: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

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Soil Pore Matric Potential: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Osmotic Potential: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Pore Matric Potential: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

SOIL

Profile Description: Refer to the depth needed to document the indicator or confirm the absence of indicators.

Depth (m): 1.6 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Type: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Color: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Texture: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Structure: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Moisture: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Temperature: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil pH: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Organic Matter: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Bulk Density: 10m/3.3 0.2 2.4m/0.8 0.2 2.4m/0.8

Soil Porosity: 10m/3.3 0.2 2.4m/0.8 <

WETLAND DETERMINATION DATA FORM - And West Region

Project Name: CW H County: Ellenbury Sampling Date: 1-28-20
 Applicant/Owner: EL Sen St State: WA Sampling Point: DP#18
 Investigation: Soil or Hydrology Hydrology (If no, explain in Remarks)
 Location (Address, latitude, etc.): _____
 Subregion (USFWS): _____ Loc: _____ Long: _____ Date (M/Y): _____
 Soil Map Unit Name: _____ NW/SE Classification: _____
 Are climatic hydrologic conditions on the site typical for this time of year? Yes ✓ No (If no, explain in Remarks)
 Are vegetation or hydrology significantly disturbed? Yes No
 Are vegetation or hydrology naturally problematic? (If needed, explain why in Remarks) Yes No

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.
 Hydrologic Vegetation Present? Yes No Are there barriers to water flow? Yes No
 Hydrologic Soil Present? Yes No Are there barriers to water flow? Yes No
 Wetland Hydrology Present? Yes No Are there barriers to water flow? Yes No
 Remarks: grazed + seasonal irrigation

VEGETATION

Tree Shrub (Use scientific names)	Abundance % Cover	Dominant Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	Other Species?	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WETLAND DETERMINATION DATA FORM - And West Region

Project: CW H Date: 1-28-20 Sampling Date: 1-28-20
 Applicant/Owner: Ellen's Sampling Point: DPF 20

Location: Station 10000, Stage 1 Local relief (concave, convex, none): none Date: 1-28-20
 Soil Map Use Name: Station 10000, Stage 1 Long: 10000 Lat: 10000
 Are there hydrologic conditions on the site typical for this type of wetland? Yes Yes No No (If No, explain in Remarks)
 Are hydrologic conditions typical for this type of wetland? Yes Yes No No (If No, explain in Remarks)
 Are hydrologic conditions typical for this type of wetland? Yes Yes No No (If No, explain in Remarks)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.
 Hydrologic Vegetation Present? Yes Yes No No (If No, explain in Remarks)
 Hydrologic Vegetation Present? Yes Yes No No (If No, explain in Remarks)
 Wetland Hydrology Present? Yes Yes No No (If No, explain in Remarks)
 Wetland Hydrology Present? Yes Yes No No (If No, explain in Remarks)

Remarks: gravel sensor not in situation

VEGETATION

Item	Standard (Use scientific name)	Abundance	Percent of Total	Notes
1				
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7				
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9				
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Remarks: gravel sensor not in situation

US Army Corps of Engineers

SOIL

Project: CW H Date: 1-28-20 Sampling Date: 1-28-20
 Applicant/Owner: Ellen's Sampling Point: DPF 20

Location: Station 10000, Stage 1 Local relief (concave, convex, none): none Date: 1-28-20
 Soil Map Use Name: Station 10000, Stage 1 Long: 10000 Lat: 10000
 Are there hydrologic conditions on the site typical for this type of wetland? Yes Yes No No (If No, explain in Remarks)
 Are hydrologic conditions typical for this type of wetland? Yes Yes No No (If No, explain in Remarks)
 Are hydrologic conditions typical for this type of wetland? Yes Yes No No (If No, explain in Remarks)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.
 Hydrologic Vegetation Present? Yes Yes No No (If No, explain in Remarks)
 Hydrologic Vegetation Present? Yes Yes No No (If No, explain in Remarks)
 Wetland Hydrology Present? Yes Yes No No (If No, explain in Remarks)
 Wetland Hydrology Present? Yes Yes No No (If No, explain in Remarks)

HYDROLOGY

Item	Standard (Use scientific name)	Abundance	Percent of Total	Notes
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Remarks: gravel sensor not in situation

US Army Corps of Engineers

P21-088
RECEIVED
9/20/21
COMMUNITY
DEVELOPMENT

Return Address
CWH, LLC
P.O. Box 490
Cle Elum, WA 98922

09/20/2021 09:07:26 AM

202109200005

\$204.50
Covenants CWH LLC
Kittitas County Auditor

Page: 1 of 2



Perpetual Restrictive Covenant

This Perpetual Restrictive Covenant shall be binding on all heirs and successors in interest, on titles of the following properties legally described as follows:

Legal Description: Parcels B, and C of that certain Survey as recorded August 26, 2004, in Book 30 of Surveys, page 129, under Auditor's File No. 200408260006, records of Kittitas County, Washington; being a portion of the Northwest Quarter of Section 26, Township 18 North, Range 18 East, W.M. in the County of Kittitas, State of Washington; also being a portion of Lot 10, MEADOW VIEW NO. 2, in the County of Kittitas, State of Washington, as per plat thereof recorded in Book 5 of Plats, page 15, records of said County.

Parcel Number 322733 which is Parcel B

Parcel Number 20998 which is Parcel C

Each Parcel described shall be limited to a density of one residential unit for each Parcel.

Grantor:

William F. Sparks, CWH, LLC

Dated:

9-20-21

STATE OF WASHINGTON

County of Kittitas

This is to certify that, before me, the undersigned, a notary public in and for the State of Washington, duly commissioned and sworn, personally appeared William F. Sparks, known to be a Member of CWH, LLC and said individual acknowledged that he executed the within and foregoing instrument as his free and voluntary act for the uses and purposed mentioned in the instrument.

Dated this 20 day of September, 2021.

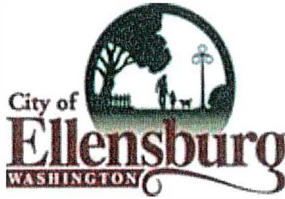


Kathy L. Osborne

Printed Name : Kathy L. Osborne

Notary Public in and for the State of Washington

My Commission Expires : 10-23-23



Fire Marshal
509-856-4455 cell
509-933-7241 office
prevention@kvfr.org

Fire Marshal Long Plat Comments

Project: The Rolling Meadows Plat-W Bender Rd.
Permit#: P21-088 (P20-059, P20-123)
Date: 09/23/2021

Comments:

- Fire apparatus access roads exceeding 150' shall be provided with a temporary or permanent 140' hammerhead, 60' Y or a 90' diameter Cul-de-sac per ECC 3.03.430
- If the project is to going to be completed in phases, each phase must meet requirements for access and water supply.
- Per IFC Section 503 and Appendix D, Fire apparatus access roads shall be a minimum 20' wide and 26' wide adjacent to a fire hydrant. A 20'- 26' wide access road will require "NO PARKING FIRE LANE" signs on both sides. An access road wider than 26', but less than 32' wide will require "NO PARKING FIRE LANE" signs on one side.
- All fire dept. access roads shall be rated for a minimum imposed load of 75,000 lbs.
- Per IFC Appendix D, section D107 the project cannot exceed 30 dwelling units without a second approved access road. The second access road shall be placed at a distance apart equal to not less than 1/2 of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.
- Options for compliance with 2018 IFC requirements for secondary access:

- 1) Road A connecting to Pioneer road, if built to IFC and ECC requirements satisfies the remoteness requirements and serves the development well for secondary access.
- 2) Road D connecting to the existing driveway that runs North and South on the east boundary line could serve as a temporary secondary access. It does not meet the remoteness requirement of Appendix D, so it would be considered temporary until one of the other roads meeting the remoteness requirement is connected. It would need to be improved to meet IFC requirements, 75,000 lbs. imposed load, min. of 20' wide, turning radius of 23' inside, and 45' outside.

- Fire Hydrants installed per ECC and 2018 IFC Appendix C.

Thank you,



Joe Delvo
Fire Prevention Captain
Fire Investigator, IAAI-FIT
Kittitas Valley Fire & Rescue
400 East Mountain View Ave.
Ellensburg, WA
Phone: 509-933-7241
Cell: 509-856-4455
Fax: 509-933-7245
prevention@kvfr.org

9-27-21

City of Ellensburg

501 N. Anderson St.

Ellensburg, Wa. 98926

Office of Community Development

Attn: Jamey Ayling – Planning Manager

Re: P21-088 Rolling Meadows Preliminary Plat Hearing Examiner Open Record

Public Hearing Agenda Report

Dear Jamey :

Thank you for sending this morning the clarification from Joe Delvo, Fire Marshall for the City of Ellensburg. The letter confirms the understanding I had with the Fire Marshall as it relates to the secondary access requirement. You stated during the Open Record Public Hearing that a secondary graveled access on Road A to Pioneer Road would be required, to which I disagreed based on my understanding of previous meetings with Joe Delvo, the Fire Marshall. The letter states there are two (2) options for compliance with 2018 IFC requirements for secondary access. The two (2) options are quoted from the letter as follows :

- 1) Road A connecting to Pioneer road, if built to IFC and ECC requirements satisfies the remoteness requirements and serves the development well for secondary access.
- 2) Road D connecting to the existing driveway that runs North and South on the east boundary line could serve as a temporary secondary access. It does not meet the remoteness requirement of Appendix D, so it would be considered temporary until one of the other roads meeting the remoteness requirement is connected. It would need to be improved to meet IFC requirements, 75,000 lbs. imposed load, min. of 20' wide, turning radius of 23' inside, and 45' outside.

Based on my original understanding of the secondary access road , I am in agreement with and choosing to select Option two (2) of the Fire Marshall's letter dated 9-23-21 . Also for further clarification the “ existing driveway “ that the Fire Marshall references in Option two (2) is a 30' right of way.

As a result , I am in full agreement with the City's requirements for the development of the Rolling Meadows Long Plat, P21-088.

Thank you for your help in clarifying the requirements.

Bill Sparks 509-674-8159

CWH,LLC

P.O. Box 490 Cle Elum, Wa. 98922

EXHIBIT 2

NOTICE OF A CLOSED RECORD PUBLIC HEARING SUBDIVISION REQUEST

NOTICE IS HEREBY GIVEN that a closed record hearing before the Ellensburg City Council has been set for **Monday, November 1, 2021 at 7:00 pm**. This meeting will be held both in-person in the Council Chambers AND virtually via Zoom, to consider Application P21-088 Rolling Meadows Plat submitted by Douglas Stalder for a Preliminary Plat Subdivision. The proposed preliminary plat within the Residential Suburban (R-S) and Airport Overlay (A-O) zones is a 49-Lot Long Plat intended for residential lots and single-family home construction. Lots will range in size from 8,957 sq. ft. to 12.87 acres.

NOTICE IS FURTHER GIVEN that all persons interested in this matter may attend the Hybrid/REMOTE meeting by contacting Staff no later than 5:00 pm on Monday, November 1, 2021. An email link, text link, or phone number will be provided which will allow for electronic participation in the public hearing. * In-person attendees will need to wear face coverings. **Be advised that no new testimony will be considered by City Council, as the closed record hearing shall be limited to the record established in the open record hearing held by the Hearing Examiner.**

Project Location: The property is addressed as Bender Road, Ellensburg, WA 98926. Kittitas County Assessor's Parcel Numbers: 20998,322733, & 20999.

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

Questions about this preliminary subdivision may be directed to Shannon Johnson in the Community Development Department, 501 N. Anderson St., or via email: johnsons@ci.ellensburg.wa.us

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

PUBLISH IN LEGAL: **Thursday, October 7, 2021**



ADVERTISING PROOF

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

BILLING DATE:	ACCOUNT NO:
10/05/21	50080

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

AD #	DESCRIPTION	START	STOP	TIMES	AMOUNT
154976	NOTICE OF A CLOSED R	10/07/21	10/07/21	2	\$136.15

Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount

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

Gross: **\$136.15**
Paid Amount: **\$0.00**

Amount Due: **\$136.15**

We Appreciate Your Business!

**NOTICE OF A
CLOSED RECORD PUBLIC HEARING
SUBDIVISION REQUEST**

NOTICE IS HEREBY GIVEN that a closed record hearing before the Ellensburg City Council has been set for **Monday, November 1, 2021 at 7:00 pm**. This meeting will be held both in-person in the Council Chambers AND virtually via Zoom, to consider Application P21-088 Rolling Meadows Plat submitted by Douglas Stalder for a Preliminary Plat Subdivision. The proposed preliminary plat within the Residential Suburban (R-S) and Airport Overlay (A-O) zones is a 49-Lot Long Plat intended for residential lots and single-family home construction. Lots will range in size from 8,957 sq. ft. to 12.87 acres.

NOTICE IS FURTHER GIVEN that all persons interested in this matter may attend the Hybrid/REMOTE meeting by contacting Staff no later than 5:00 pm on Monday, November 1, 2021. An email link, text link, or phone number will be provided which will allow for electronic participation in the public hearing. * In-person attendees will need to wear face coverings. **Be advised that no new testimony will be considered by City Council, as the closed record hearing shall be limited to the record established in the open record hearing held by the Hearing Examiner.**

Project Location: The property is addressed as Bender Road, Ellensburg, WA 98926. Kittitas County Assessor's Parcel Numbers: 20998,322733, & 20999.

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

Questions about this preliminary subdivision may be directed to Shannon Johnson in the Community Development Department, 501 N. Anderson St., or via email: johnsons@ci.ellensburg.wa.us

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PUBLISH: Daily Record: October 7, 2021 / LEGAL #: 154976

LAND USE ACTION

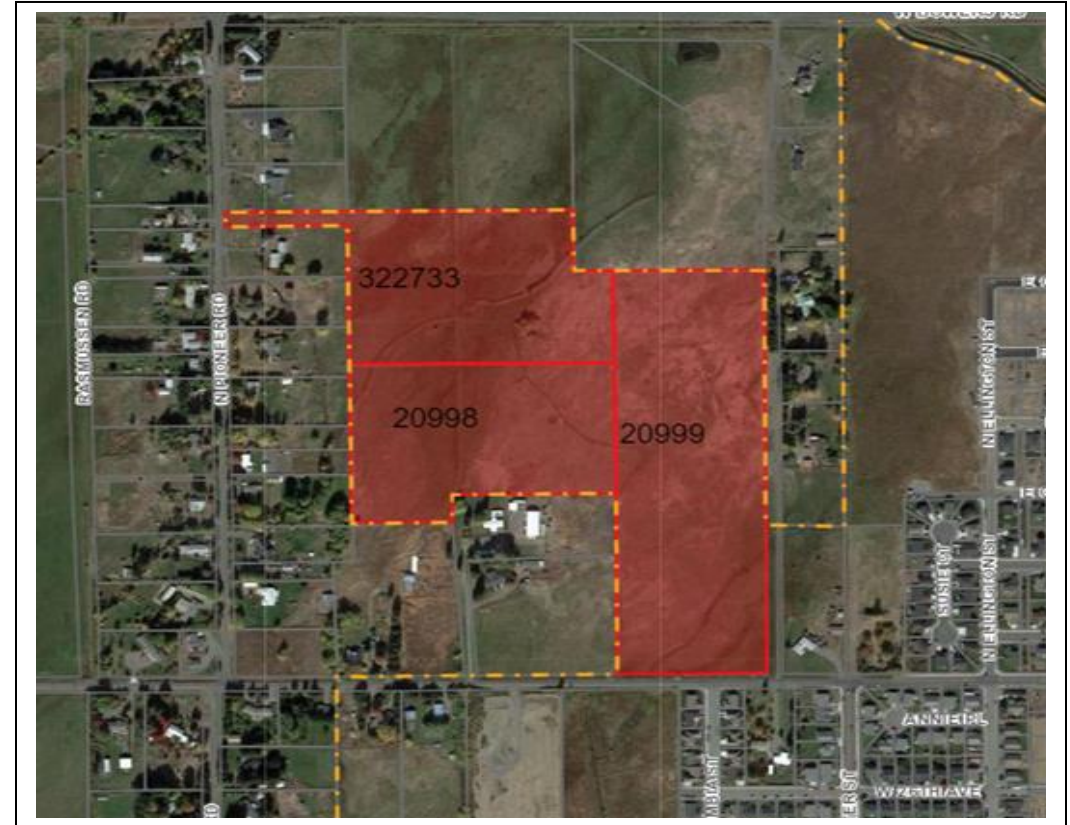
Notice of Closed Record Public Hearing for a Subdivision Permit Application

NOTICE IS HEREBY GIVEN that the a closed record hearing before the Ellensburg City Council has been set for Monday, **November 1, 2021 at 7:00 p.m.** Council will hold said hearing both in-person in the Council Chambers AND virtually via Zoom, to consider a Long Plat Application (P21-088) submitted by Douglas Stalder for a Preliminary Plat Subdivision. The proposed preliminary plat within the Residential Suburban (R-S)/Airport Overlay (A-O) zone is 44.15 acres in size, and will result in 49 separate residential lots for single family homes. Lots will range in size from 8,957 square feet to 12.87 acres. A SEPA Mitigated Determination of Non-Significance (MDNS) for the preliminary plat subdivision was issued on May 5, 2021. A public hearing was held before Hearing Examiner Andrew Kottkamp on September 21, 2021 after which Mr. Kottkamp forwarded staff a recommendation on September 29, 2021 that City Council approve the Preliminary Plat Subdivision with conditions. **No new testimony will be considered by City Council, as the closed record shall be limited solely to the record established in the predecision open record**

Interested parties may attend the Hybrid/REMOTE meeting by contacting Staff no later than 5:00 pm on Monday, November 1, 2021. An email link, text link, or phone number will be provided which will allow for electronic participation in the public hearing. * In-person attendees will need to wear face coverings.

Project Location: The parcel is addressed as Bender Road, Ellensburg, WA 98926. Kittitas County Assessor's Parcel Numbers 20998, 322733, & 20999.

Questions about this long plat subdivision may be directed to the Community Development Department, 501 N. Anderson St, or via email: johnsons@ci.ellensburg.wa.us.









PETER F KAREN SCHRAUF
3106 N PIONEER RD
ELLENSBURG, WA 98926

BARBARA BRIM
2807 N PIONEER RD
ELLENSBURG, WA 98926

MARTE FALLSNORE
DALE BRUBAKER
2817 N PIONEER RD
ELLENSBURG, WA 98926

P21-088 NOH-CC

CERTIFICATE OF TRANSMITTAL

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

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

Date 10/6/21 Signed

Alina Uri



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

October 7, 2021

RE: Case # P21-088, Subdivision, Notice of Closed Record Hearing

Dear Party of Record,

Notice is hereby given that a closed record hearing before the Ellensburg City Council has been set for **Monday, November 1, 2021 at 7:00 pm**. Please note that this meeting will be held both in-person in the Council Chambers AND virtually via Zoom **attendance** by the City of Ellensburg City Council, applicant and the public. Under consideration is a Preliminary Plat Subdivision Application (P21-088) submitted by Douglas Stalder, agent for the owner. The proposed preliminary plat within the Residential Suburban (R-S) and Airport Overlay (A-O) zones is a 49-Lot Long Plat intended for residential lots and single-family home construction. Lots will range in size from 8,957 sq. ft. to 12.87 acres.

NOTICE IS FURTHER GIVEN that all persons interested in this matter may attend the Hybrid/REMOTE meeting by contacting Staff no later than 5:00 pm on **Monday, November 1, 2021**. Virtual attendees will need to pre register at <https://ci.ellensburg.wa.us/100/City-Council> to allow for electronic participation in the public hearing. * In-person attendees will need to wear face coverings. **Be advised that no new testimony will be considered by City Council, as the closed record hearing shall be limited to the record established in the open record hearing held by the Hearing Examiner.**

Project Location: The property is addressed as Bender Road, Ellensburg, WA 98926. Kittitas County Assessor's Parcel Numbers 20998, 20999, 32733.

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

Questions about this preliminary subdivision may be directed to Jamey Ayling in the Community Development Department, 501 N. Anderson St., or via email: aylingj@ci.ellensburg.wa.us

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Jamey Ayling".

Jamey Ayling
Planning Manager



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: November 1, 2021

Item Title/Agenda Subject: City Council Strategic Vision 2022-2027

Submitted by: Heidi Behrends Cerniwey City Manager Department

Recommended Action or Motion: Approve Resolution Adopting the Ellensburg City Council Strategic Vision 2022-2027

Background/Summary: The Ellensburg City Council held a Retreat on September 24, 2021 to consider strategic questions and create a shared vision for the future built on strategic priorities.

Previous Council Action: The City Council has traditionally adopted priorities through the Biennial Budget process.

Analysis: The Strategic Vision 2022-2027 represents the most important issues facing the City of Ellensburg and establish precedence for expenditure of staff and other City resources. In addition, the Strategic Vision provides Milestones as a measure of achievement for the entire executive staff and City Council to use in the coming years. The Strategic Vision guides actions of the City Manager and staff to develop a strategic plan and prepare budget proposals to achieve milestones. It is the basis for accountability and reporting outcomes to policy makers and the community.

The Strategic Vision is intended to be revisited on a regular basis and revised as necessary to reflect the common vision of the Ellensburg City Council.

Financial Impact: Financial impact will be evaluated according to subsequent strategic work plans. Programs and policies will be approved through the City's adopted Biennial and/or Supplemental Budget processes.

Attachments:
[RESOLUTION - 2022-2027 Strategic Priorities](#)

RESOLUTION NO. 2021-____

A RESOLUTION to adopt the Ellensburg City Council Strategic Vision 2022-2027, as follows:

WHEREAS, the Ellensburg City Council held a Retreat on September 24, 2021, to which the public was invited and the Council considered strategic questions and created a shared vision for the future built on strategic priorities; and

WHEREAS, the Strategic Vision represents the most important issues facing the City of Ellensburg and establishes precedence for expenditure of staff and other City resources. In addition, the Strategic Vision provides Milestones as a measure of achievement for the entire executive staff and City Council to use in the coming years; and

WHEREAS, the Strategic Vision is intended to be revisited on a regular basis and revised as necessary to reflect a common vision of the Ellensburg City Council; and

WHEREAS, the Strategic Vision guides actions of the City Manager to develop a strategic plan and recommend a budget to achieve Milestones over the coming years;

NOW, THEREFORE, BE IT RESOLVED, the Ellensburg City Council hereby adopts the following:

Ellensburg City Council - Strategic Vision 2022-2027

Strategic Pillars for Council's Vision

1. Housing
2. Economic Development
3. Safe and Inclusive Community
4. Sustainable Energy
5. Sustainable Infrastructure

Strategic Pillars & Milestones for Council's Vision

1. Housing

- Close the gap between units and need by 2030
- Create housing incentives that are utilized to build new housing stock
- Decrease the number of cost burdened households
- Remove barriers to construction of new housing and development while retaining neighborhoods
- Support development of missing housing through prototypes

2. Economic Development

- Align local labor market to community needs
- Attract longer term “family wage” jobs to the community
- Decrease vacancy rate while increasing diversity and retail options for residents
- Retain existing businesses

3. Safe and Inclusive Community

- Partner with other government agencies and organizations to address mental health and substance abuse issues
- Implement recommendations from Diversity, Equity and Inclusion Report including a chapter in the Comprehensive Plan and workplan for Commission
- Council actively advocates for equity and inclusion
- Expand partnerships for culturally diverse community events

4. Sustainable Energy

- Develop and implement plan to reduce carbon footprint with milestones
- Evaluate city street tree canopy for carbon offset
- Increase hybrid/electric city car fleet
- Meet Clean Energy Transformation Act (CETA) milestones and Climate Commitment Act targets
- Provide charging stations at city facilities

5. Sustainable Infrastructure

- Develop a building maintenance fund
- Create lifecycle design evaluation model for new public facilities
- Forecast infrastructure needs
- Build transportation and electric grid infrastructure to facilitate increase in electric vehicles
- Develop dedicated and sustainable funding for park and facility construction, maintenance, and operations

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Adopted by the City Council of the City of Ellensburg this 1st day of November, 2021.

Mayor

Attest:

City Clerk



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: November 1, 2021

Item Title/Agenda Subject: 2021 Third Quarter Financial Status and Investment Reports

Submitted by: Jerica Pascoe Finance Department

Recommended Action or Motion: Accept 2021 Third Quarter Financial Status and Investment Reports as presented.

Background/Summary: Attached are the 2021 Third Quarter Financial Status and Investment Reports for the period ending September 30, 2021. The 2021 Third Quarter Financial Status report represents General Fund status, Governmental fund type tax revenues, and citywide revenues and expenditures. The City's Financial Management Policy provides that Council will receive updated information relating to the City's Financial Reports on a quarterly basis.

Previous Council Action: The Third Quarter 2021 Financial Status and Investment Reports were presented to the Finance Committee at the October 20, 2021 meeting.

Analysis: Year-end projections were made as of the current situation on 9/30/2021. Projections were made with COVID-19 in mind and were predicated on remaining open through year-end.

Key items – 2021 Third Quarter:

- General Fund revenues and expenditures are both projected to come in below budget. (Table 1, Page 1)
- Revenue remitted from State of Washington Sales Tax Activity is up 20% over 3rd quarter 2020 (Table 2 Page 2)
 - City Assistance is up 93%
 - Hotel/Motel Lodging is up 38%
 - Motor Vehicle Fuel Tax (MVFT) is up 13%
 - Liquor Excise Tax is up 17%
 - Marijuana Excise Tax is up 11%
- Year-End tax revenue is projected to come in 12.11% above budget. (Table 3, Page 3)
 - Sales tax revenue projected 19.72% above budget.

(Table 3, Page 3)

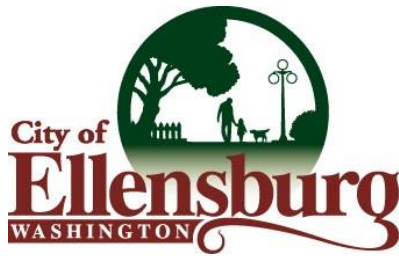
- Local Criminal Justice .1% – projected \$121,766 above budget (Table 4, Page 4)
- Retail Sales for Public Transit .2% - projected \$208,117 below budget
- Retail Sales for Public Safety .3% - projected \$219,956 above budget
- Regular Retail Sales .85% – projected \$875,383 above budget
- Retail Sales for Housing .1% – projected \$104,604 above budget
- Retail Sales for Housing (State Credit) - projected \$86,771 above budget (note amount not budgeted)
- B&O Tax revenue projected 6.72% above budget. (Table 3, Page 3)
- Other Tax revenue projected 10.31% above budget. (Table 3, Page 3)
- Property Tax revenue projected at budget. (Table 3, Page 3)
- January through September 2021 sales tax receipts were 19% higher than January through September 2020 receipts. (Table 5, Page 5)
 - The majority of this increase was in Retail Trade and Construction.
- Utility tax revenues were 7.12% higher than 3rd quarter 2020. (Table 6, Page 6)
- General Fund revenues and expenses are both projected to come in below budget at this time. Current projected excess of revenues over expenditures is **-\$9,387**. (Table 7, Page 7)
- The total excess revenues over expenditures for all funds through 3rd quarter was \$12.03 million. \$5.4 million of the excess of revenue over expense is from the enterprise and internal service funds in which rates are set to provide for replacement and capital projects. \$2.65 million is a result of the American Rescue Act funding received. (Table 9, Page 9)
- The City had \$65,847,853.39 in excess cash invested. (Investment report, page 1)

Financial Impact: None

Attachments:

[3rd Quarter 2021 Financial Status Report](#)
[3rd Quarter 2021 Investment Report](#)

City of Ellensburg Washington



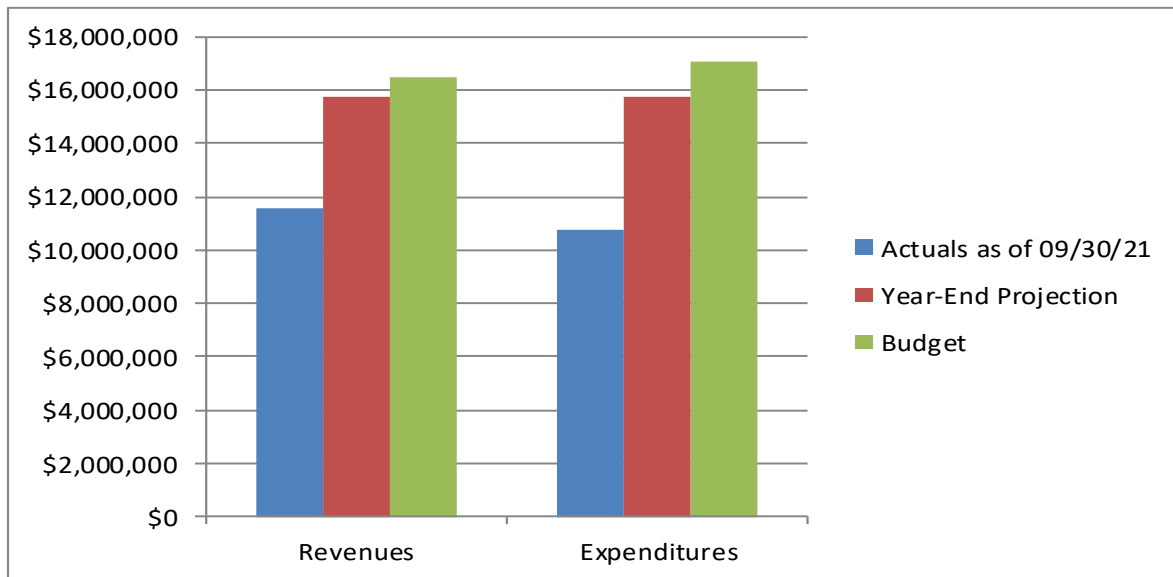
Quarterly Financial Status Report

For the Quarter Ending September 30, 2021

General Fund

The Governmental Funds' major funding sources include Property Tax, Sales Tax, Utility Taxes, Licenses & Permit Fees, and Charges for Services. Sales Tax is the largest tax revenue source for the City at approximately 52%, followed by Utility Tax at 22%, Property Tax at 22%, and Other Taxes at 4% of the City tax revenue. Tax revenue is approximately 16% of the total City revenues budgeted in 2021.

Table 1



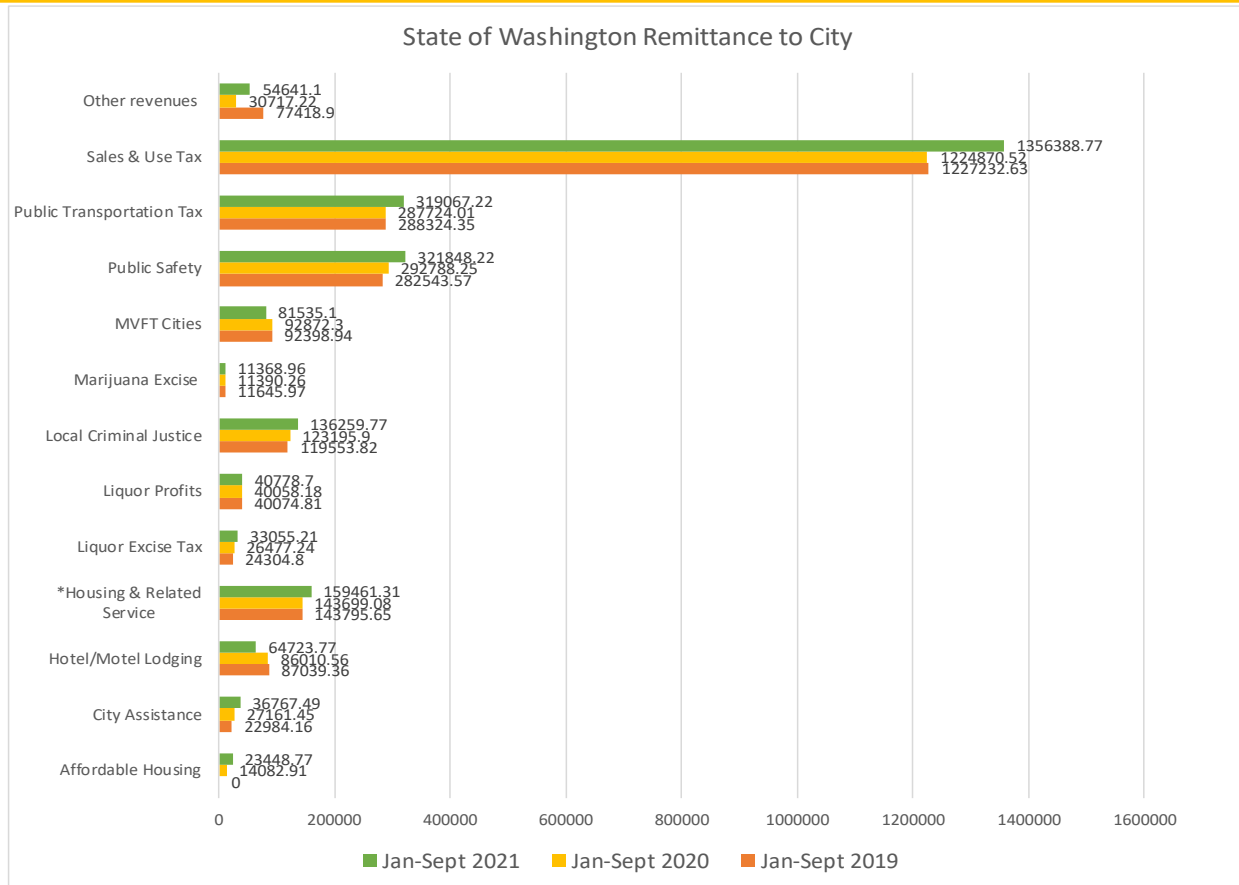
NOTE: The above graph illustrates the difference between year-to-date actuals through September, year-to-date projections as of September, and revised budget through September.

Third quarter projections were as of the current situation on 9/30/2021. Projections were made with the economic recovery in mind and is predicated on remaining in Phase III through year-end. Please keep in mind, these continue to be projections based on the limited information known by local governments as of the end of September. Projections can and will change as more information becomes available. General Fund expenditures were expected to come in below budget as required by Chapter 35.33 RCW. Budgeted expenditures reflected all adjustments that were taken to Council for approval through September 7, 2021. Revenue projections were done on an individual basis and will be discussed further in this report.

Governmental Funds Tax Revenue

Table 2

CITY OF ELLENSBURG Year-to-Date Revenue Remitted from State of Washington Sales Tax Activity - Cash Jan-Sept '19 Compared to Jan-Sept '21 Table 2



	Receipts Dates <u>Jan-Sept 2019</u>	Receipts Dates <u>Jan-Sept 2020</u>	Receipt Dates <u>Jan-Sept 2021</u>	Increase/ (Decrease)	% Inc (Dec)
Affordable Housing	-	55,370	63,107	7,737	0%
City Assistance	84,032	72,013	138,891	66,878	93%
Hotel/Motel Lodging	402,998	237,847	328,500	90,653	38%
Housing & Related Service	440,657	424,776	504,864	80,088	19%
Liquor Excise Tax	78,607	90,685	106,429	15,744	17%
Liquor Profits	80,142	120,165	123,651	3,486	0%
Local Criminal Justice	356,308	353,677	443,098	89,421	25%
Marijuana Excise	34,681	34,044	37,944	3,900	11%
MVFT Cities	286,015	240,071	271,688	31,617	13%
Public Safety	844,514	841,353	1,042,255	200,902	24%
Public Transportation Tax	883,279	850,651	1,010,508	159,857	19%
Sales & Use Tax	3,758,269	3,617,779	4,294,410	676,631	19%
Other Revenues	210,652	133,961	155,437	21,476	16%
Totals	7,460,154	7,072,392	8,520,782	1,448,390	20%

Table 3



	Actuals as of 09/30/21	Year-End Projection	Budget	%Projected Over/(Under) Budget
Sales Tax *	\$7,358,543	\$9,813,618	\$8,197,021	19.72%
B&O Tax **	2,741,209	3,632,979	3,404,235	6.72%
Other Tax ***	655,219	750,091	680,000	10.31%
Property Tax	2,058,014	3,530,304	3,530,304	0.00%
	\$12,812,985	\$17,726,992	\$15,811,560	12.11%

* SALES TAX includes tax portions for public transit, affordable housing, public safety, and regular retail sales

**B&O TAX includes utility, gambling etc.

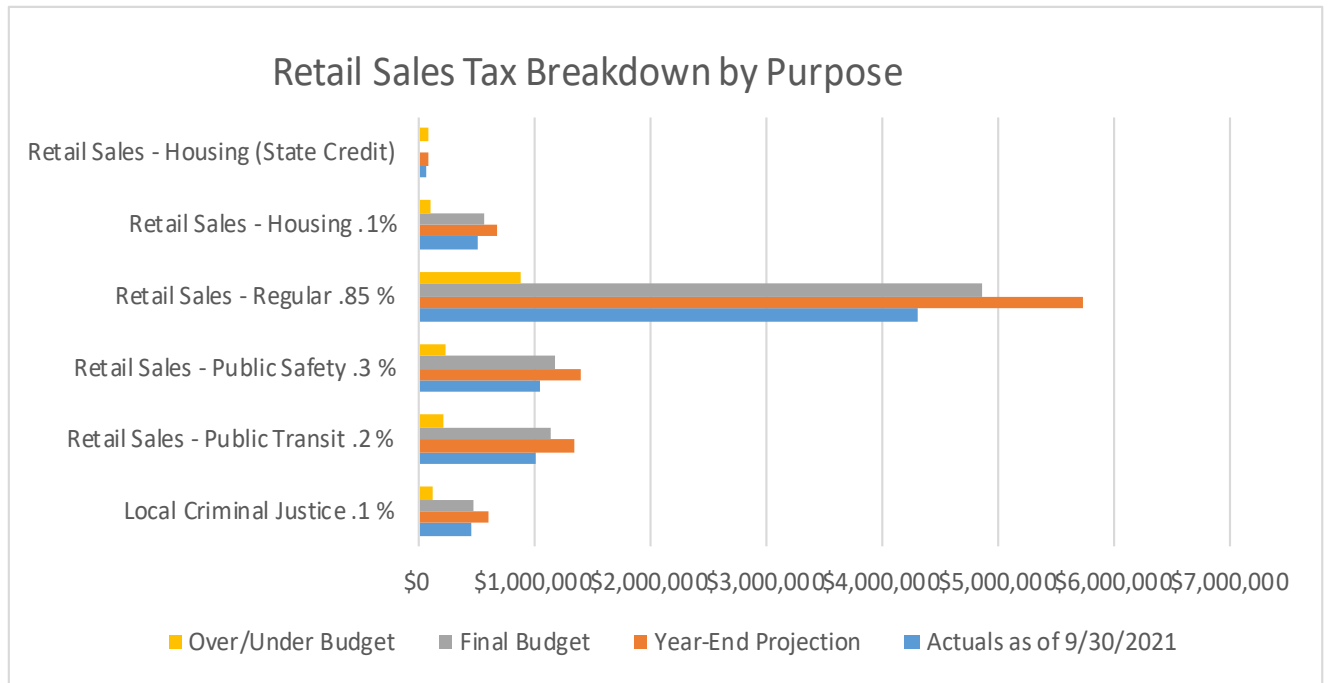
*** OTHER TAX includes leasehold and other excise taxes including hotel/motel tax

Overall governmental fund tax revenue are projected to come in approximately \$1.9 million or 12.11% above budget. Utility and Hotel/Motel Taxes are still expected to be the hardest hit governmental fund tax revenue. Hotel/Motel Tax revenue was budgeted at 62% of 2019. In 2020 Hotel/Motel Tax Revenue came in at 61.15% of 2019. Currently Hotel/Motel Tax revenue is at 81.5% of 2019.

Sales Tax

Table 3 breaks down the difference of budgeted less projected by tax purpose. It is important to note that this includes retail sales and use tax that is restricted for public transit, public safety, and affordable housing purposes. Sales tax revenue received in January is for November 2020 activity. We used an average of sales tax over the past 9 months in order to project through year-end. Budgets were set at 95% of 2019 actuals.

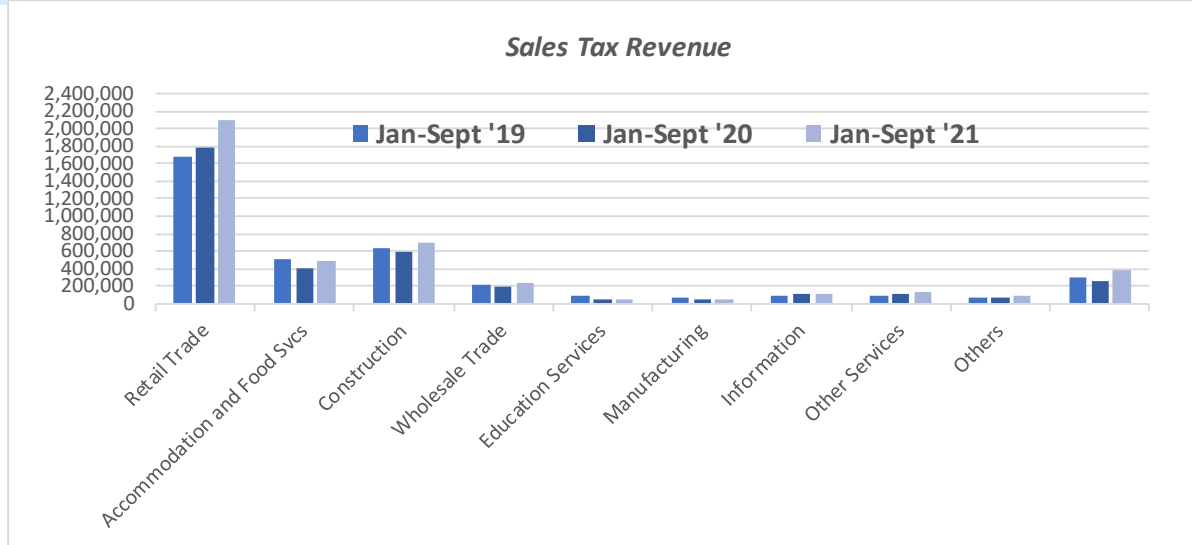
Table 4



	Actuals as of 9/30/2021	Year-End Projection	Final Budget	Projections Over/Under Budget
Local Criminal Justice .1 %	\$443,098	\$590,798	\$469,032	\$121,766
Retail Sales - Public Transit .2 %	1,010,508	1,347,344	1,139,227	\$208,117
Retail Sales - Public Safety .3 %	1,042,255	1,389,674	1,169,718	\$219,956
Retail Sales - Regular .85 %	4,294,410	5,725,880	4,850,497	\$875,383
Retail Sales - Housing .1%	504,864	673,151	568,547	\$104,604
Retail Sales - Housing (State Credit)	63,107	86,771	0	\$86,771
	\$7,358,243	\$9,813,618	\$8,197,021	\$1,616,597

Table 5

Year-to-Date Sales Tax Activity - Cash Basis Jan-Sept 2020 Compared to Jan-Sept 2021



	Receipts Dates Jan-Sept '19	Receipts Dates Jan-Sept '20	Receipt Dates Jan-Sept '21	Increase/ (Decrease)	% Inc (Dec)
Retail Trade	1,675,124	1,794,277	2,097,526	303,249	17%
Accommodation and Food Svcs	501,838	405,949	481,890	75,941	19%
Construction	640,004	588,727	690,371	101,644	17%
Wholesale Trade	223,568	199,160	237,713	38,553	19%
Education Services	85,637	49,265	41,740	-7,525	-15%
Manufacturing	63,716	52,877	50,441	-2,436	-5%
Information	99,946	106,286	117,779	11,493	11%
Other Services	99,308	104,362	123,030	18,668	18%
Real Estate & Rental Leasing	67,119	59,149	81,010	21,861	37%
Others	302,012	257,728	372,910	115,182	45%
Total	\$ 3,758,272	\$ 3,617,780	\$ 4,294,410	\$ 676,630	19%

Source: Dept of Revenue Sales Tax Reports - 2021 information: reporting revenue **received** January thru September

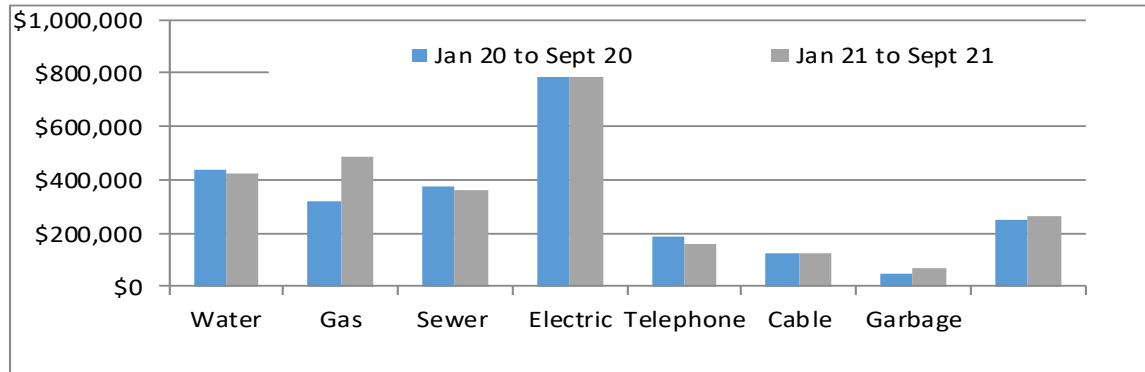
Retail sales tax is distributed monthly reflecting 20 different categories. The above graph reflects the top nine categories with 11 categories being identified within the “Others” category. Retail trade, information, and other have seen increases in YTD sales. “Others” showed the highest percentage increase with “Retail Trade” showing the highest dollar increase. Regular retail sales tax revenue had a **19% overall increase** over the same period last year. These numbers do not include the .03% for criminal justice, the .02% for public transit, or the .01% for housing and related services. **These revenues are for sales from November through July.**

Utility Tax

The City generates utility tax revenues from the sale of the City's gas, electric, water, and sewer utilities as well as utility taxes on cable television, telephone, and garbage collection. The cable utility tax revenue includes both the General Fund and the Special Revenue funds.

Table 6

CITY OF ELLENSBURG
Year-to-Date Utility Tax Activity - Cash Basis
January-September 2020 Compared to January-September 2021



	Receipt Dates Jan 20 to Sept 20	Receipt Dates Jan 21 to Sept 21	Increase/ (Decrease)	% Inc (Dec)
Water (10.5%)	\$436,137	\$422,018	(\$14,119)	-3.24%
Gas (6%)	318,425	486,785	168,360	52.87%
Sewer (10.5%)	373,066	363,487	(9,578)	-2.57%
Electric (6%)	814,451	853,768	39,317	4.83%
Telephone (6%)	189,728	158,078	(31,650)	-16.68%
Cable (1.075%)	125,907	124,821	(1,085)	-0.86%
Gambling (varies 2%-8%)	50,433	65,897	15,464	30.66%
Garbage (8.1%)	250,748	266,353	15,605	6.22%
Total	<u>\$2,558,895</u>	<u>\$2,741,209</u>	<u>\$182,314</u>	<u>7.12%</u>

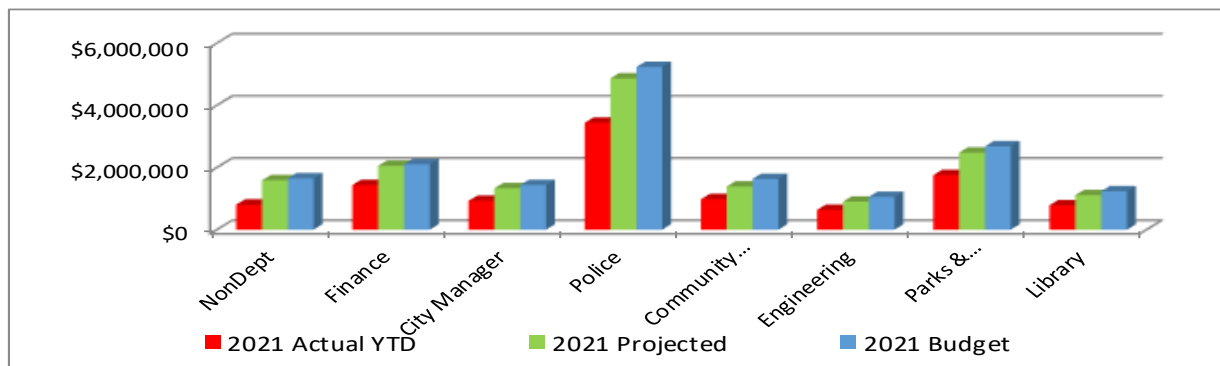
Revenue was recorded as cash basis for this report.

Telephone and cable taxes will continue to decrease as landlines and cable television have become less common. Residents using cell phone numbers from out of the area are not paying this local telephone tax. Gas receipts are up due to the sale of natural gas storage reserves. In February the City sold fixed natural gas contracts and storage reserves in the Rocky Mountain basin and backfilled with lower cost gas from the north. The sales amounted to \$2.5 million in net proceeds to the gas utility. This created an additional \$150K in utility taxes to the City. The decrease in water and sewer is caused by the increase in outstanding utility bills. With the continuation of the governors' orders, the total number of past due accounts and their balances have continued to increase. Past due utility receivables have increased from \$84K to \$799K and the number of past due accounts has tripled since February of 2020. The utility late fee/shutoff

moratorium expired September 30, 2020. City utility customers will have 60 days to make payment arrangements on their past due balances before late fees are incurred.

Table 7

General Fund Revenues and Expenditures - Budget and Actual For the Period Ending September 30, 2021				
	2021 Budget	2021 Projected	2021 Actual YTD	Budget less Projected
Revenues				
Taxes	\$7,188,151	\$7,533,013	\$5,096,912	-\$344,862
Licenses & Permits	797,983	\$656,756	501,291	\$141,227
Intergovernmental	538,538	\$733,695	592,256	-\$195,157
Charges For Fees	4,089,171	\$3,921,426	2,968,998	\$167,744
Fines & Forfeits	152,900	\$63,913	49,600	\$88,988
Misc.	193,125	\$152,536	126,224	\$40,589
Transfers	1,942,483	\$1,942,483	1,531,064	\$0
Other Receipts	1,551,660	710,057	710,057	\$841,604
Total	\$16,454,011	\$15,713,877	\$11,576,401	\$740,134
Expenditures by Dept				
NonDept	\$1,649,625	\$1,588,551	\$807,431	\$61,074
Finance	2,105,970	\$2,055,757	1,435,072	\$50,213
City Manager	1,434,851	\$1,330,058	927,745	\$104,793
Police	5,234,196	\$4,866,327	3,441,259	\$367,869
Community Develop.	1,632,219	\$1,388,130	983,259	\$244,089
Engineering	1,053,043	\$897,898	636,011	\$155,145
Parks & Recreation	2,680,007	\$2,479,876	1,756,579	\$200,131
Library	1,232,517	\$1,112,668	784,321	\$119,849
Economic Development	4,000	\$4,000	3,151	\$0
Total	\$17,026,428	\$15,723,264	\$10,774,828	\$1,303,164
Excess of Revenues over	-\$572,417	-\$9,387	\$801,573	-\$563,030
Beginning Balance	4,178,154	4,178,154	4,178,154	\$0
Other Receipts	0			\$0
Ending Fund Balance	\$3,605,737	\$4,168,767	\$4,979,727	\$563,030



*Budgeted Fund balance does not include the interfund loans (long-term debt)

Table 8

DEBT ACTIVITIES	Issued Date	Maturity Date	Original Amount	Balance as of 06/30/21	2021 Debt Payment
General Obligation					
Library Bonds *	2003/2014	2022	1,905,000	350,000	180,500
Maintenance Bond - Pool	2010	2030	2,935,000	1,675,000	217,100
2017 GOI Bond - Public Safety Bldg.	2017	2037	121,200	7,200,000	203,184
Telecom Utility - LTGO Taxable **	2016	2036	290,243	244,604	19,072
			5,251,443	9,469,604	619,856
Interfund Loan					
City Hall Construction**	2012	2021	2,599,657	309,657	312,754
			2,599,657	309,657	312,754
Revenue Bonds					
Stormwater Bond *****	2020	2039	3,000,000	3,000,000	87,296
Water Sewer ****	2016	2029	6,990,000	6,110,000	761,141
Gas	2016	2036	859,015	713,334	52,115
Electric- Refunding***	2005/2014	2025	3,650,000	1,790,000	396,250
Electric	2014	2033	4,540,000	4,465,000	206,375
Water	2013	2022	2,416,431	466,719	241,643
Water/Sewer *****	2021	2040	51,000	51,000	521,361
			21,506,446	16,596,053	1,744,820

* Library Bonds were refunded in 2014 with a new bond which has a lower interest rate.

** LTGO Taxable 20 year bonds in 2016

*** Electric Bonds were refunded in 2014 with a new bond which has a lower interest rate

**** Water/Sewer Bonds refunded in 2016 with a new bond at a lower interest rate

***** Up to \$5 million Waterworks Utility Bond for Stormwater Utility. Draw period ends Dec 1, 2021

***** Up to \$10 million Waterworks Utility Bond for Water and Sewer Utilities. Draw period ends Nov. 30, 2022

Citywide Report

The table on the next page- Revenues and Expenditures-Actual shows that the City brought in approximately \$12 million more than it spent in 2021. \$5.4 million of the excess of revenue over expense is from the utility and internal service funds. An additional \$2.65 million is from the American Recovery Act Funding. *Table 8 reduces utility revenues by the outstanding utility receivable amounts to convert revenue amounts to cash basis.

Investment Report

See attachment, which shows the breakdown of our investment portfolio. The goal of our investment is safety, liquidity, and yield. To have safety and liquidity, most of our investments reside in the State Pool.

Table 9

All City Funds Revenues and Expenditures- Actual For the Quarter Ending September 30, 2021			
	Revenue	Expenditures	Excess of Revenue Over Expenditures
General Fund	\$11,576,401	\$10,774,829	\$801,572
Special Revenue Funds			
Street	1,810,976	1,519,206	291,770
Arterial	1,557,274	1,216,256	341,018
Traffic Impact	116,991	227,017	(110,026)
Ellensburg Public Transit	1,437,704	1,178,533	259,171
Criminal Justice	1,044,445	951,177	93,268
Drug Fund	4,005	3,643	362
Sales Tax	4,301,879	3,654,026	647,853
CATV	67,112	63,834	3,278
Parks Acquisition	328,360	619	327,741
Arts Acquisition	80,703	51,643	29,060
Lodging Tax	332,158	151,018	181,140
Housing & Related Service	569,532	0	569,532
COVID-19 Funds	2,949,424	296,806	2,652,618
Debt Funds			
Public Safety Bond	203,184	101,592	101,592
Maintenance Bond	1,922,063	1,736,093	185,970
Library Bond	101,514	5,550	95,964
LID Guarantee Fund	101	0	101
Capital Funds			
Capital Const. Bond Projects	0	5,600	(5,600)
Sidewalk	307,860	94,019	213,841
Enterprise Funds			
Stormwater	1,194,148	1,097,751	96,397
Telecommunications	329,641	278,773	50,868
Gas	7,578,789	5,123,695	2,455,094
Electric	13,974,300	11,938,957	2,035,343
Water	4,444,596	4,328,741	115,855
Sewer	3,545,120	4,214,078	(668,958)
Internal Service Funds			
Shop	1,914,421	1,324,540	589,881
Health Insurance	1,948,105	2,143,441	(195,336)
Risk Management	937,629	686,619	251,010
IT	1,475,565	790,563	685,002
Library Trust	877	175	702
Hal Holmes	2,492	0	2,492
Fire Relief	43,580	106,770	(63,190)
Total	\$66,100,949	\$54,065,564	\$12,035,385
Managerial Funds of the General Fund			
* Utility Revenue amounts have been converted to cash basis			

CITY OF ELLENSBURG - Investment Report As of 9/30/2021

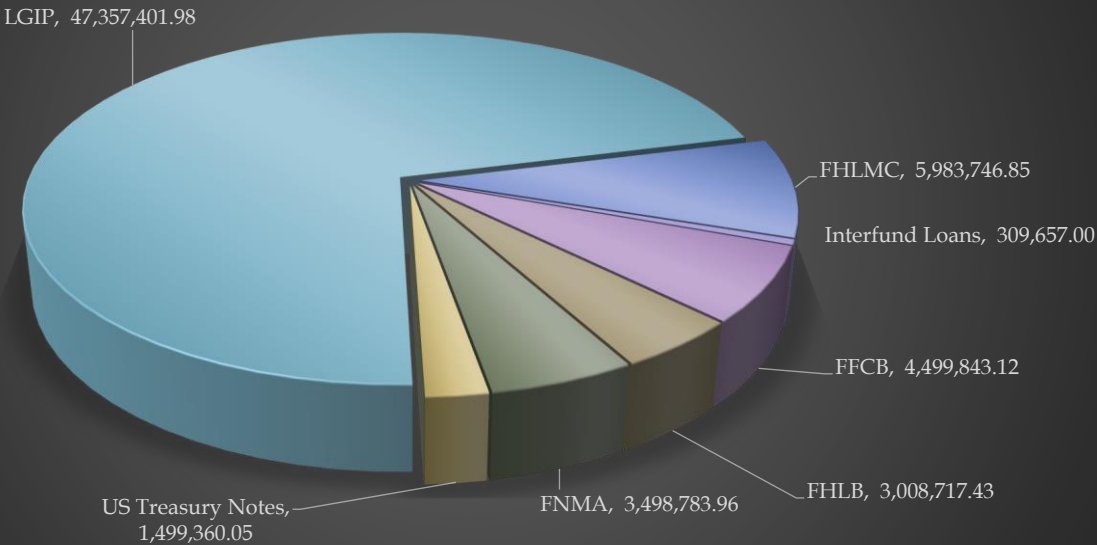
The City will diversify its investments by security type and institution. The following schedule provides the maximum holdings in any one type of investment with any one type of issuer.

Funds invested \$ 65,847,853.39

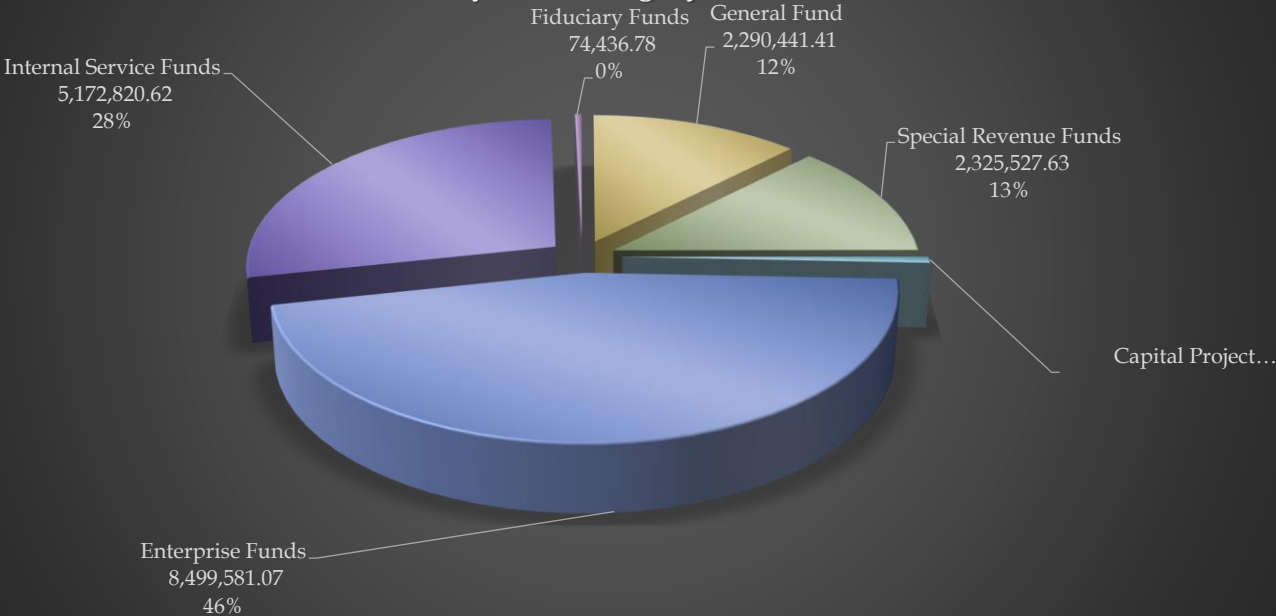
Bench Marks

- 1-year Treasury Constant Maturity - .07%
- 2-year Treasury Note - .17%
- External Investments - 1.11%
- Local Govt. Investment Pool (LGIP)-Gross Earnings Rate - .093%
- Interfund Loans - 1%
- Interest earned in September - \$24,567.61

Total Funds Invested
Listed by Instrument - \$65,847,853



Investments with other Institutions
Listed by fund category - \$18,490,451



CITY OF ELLENSBURG - Investment Report As of 9/30/2021

Investments with other Institutions

Type of Authorized Security	Maximum Holdings and Issuer Limitations	maximum \$ amount that can be invested	% limitation per issuer	% of portfolio invested	Current Investment Holding Amount	Name	Amount Invested w/Issuer	% of Issuer Holding	Yield	Expected Annual Earnings						
U.S. Treasury Bills, Notes, Bonds or Certificates	100% of Portfolio	\$65,847,853	no limitation	28%	\$18,490,451	#48 FFCB3133EJGU7 Settled 10/5/18 purchase: \$996,823.28 Matures 12/16/2022	996,823	2%	3.03%	27,100						
						#49 FHLB 3130AFW94 Settled 3/11/19 purchase: \$1,003,640.56 Matures 2/13/24	1,001,820	2%	2.46%	25,000						
						#51 FHLB 2.3 Settled 4/26/19 purchase: \$1001353 Matures 33/11/22	1,000,225	2%	2.25%	22,500						
						#53 FFCB 1.85 Settled 7/19/19 purchase: \$1000925. Matures 02/01/23	1,000,347	2%	1.85%	18,500						
						#54 FFCB 1.6 8/14/23 Corp Settled 10/10/19 purchase: \$505,345.94. Matures 08/14/23	502,673	1%	1.38%	8,000						
						#56 US Treas Strip 1.55 Settled 01/08/2020 purchase: \$999,741.04 Matures 11/15/23	999,741	2%	1.55%	0						
						#57 FNMA corp Settled 01/08/2020 purchase: \$1,003,603.11 Matures 10/15/24	1,002,522	2%	1.63%	16,250						
						#58 FNMA Corp Settled 01/08/20 purchase: \$1,500,940.08 Matures 09/06/22	1,500,313	2%	1.53%	20,625						
						#59 FHLMC Settled 06/15/20 purchase: \$998,312.89 Matures 05/27/25	998,313	2%	0.54%	5,000						
						#61 called 6/4/21 FFCB Settled 06/16/2020 purchase: \$ 2,000,483.33 Matures 06/03/24	-	0%	0.58%	11,600						
						#63 FHLMC Settled 07/15/2020 purchase: \$ 1,000,131.94 Matures 6/26/23	1,000,088	2%	0.25%	2,500						
						#64 called 6/16/2021	-	0%	0.42%	4,200						
						#65 Treasury Strip.45 Settled 02/11/21 purchase: \$ 499,619.01 Matures 2/15/26	499,619	1%	0.45%							
						#66 FNMA Settled 06/14/21 purchase: \$995,948.42 Matures 8/25/25	995,948	2%	0.50%	5,000						
						#67 FFCB Settled 06/14/21 purchase: \$2,000,000 Matures 6/14/24	2,000,000	0%	0.32%	6,400						
						#68 FHLB Settled 8/9/21 purchase: \$1,006,671.67 Matures 6/12/26	1,006,672	0%	0.65%	8,229						
						#69 FHLMC Settled 08/9/21 purchase: \$3,985,346 Matures 3/30/26	3,985,346	0%	0.63%	25,200						
						Subtotal Funds							18,490,451.41	\$ 206,104.00		
							External Investments		1.11% AAY		398					

CITY OF ELLENSBURG - Investment Report As of 9/30/2021

Investment in State of Washington Investment Pool

State of WA Investment Pool	100% of Portfolio	\$65,847,853	no limitation	72%	47,357,401.98	State of WA Local Government Investment Pool	47,357,401.98	72%	0.0930%	\$ 44,042.38
State Investment Pool							0.09% AAY			

Investment in City of Ellensburg - Interfund Loans

2012 Interfund Loan from Light fund to City General - City Hall Debt	309,657.00	City Hall Debt Begin Date 12/1/2012 \$2,599,657.00 Maturity Date: 12/1/2021	309,657.00	0%	1%	\$ 3,096.57
r		Subtotal Funds	\$ 309,657.00	\$ 3,096.57		
Interfund Loans				1.00% AAY		
				0.38% Total AAY		

AAY = Average Annual Yie FHLMC - Federal Home Loan Mtg Corp

FHLB - Federal Home Loan Bank

FFCB - Federal Farm Credit Bank

FNMA- Federal National Mortgage Assn

Sorted by Maturity

Security	Description	Rate	Par	Maturity	Months Left to Maturity	Investment #
313378CRO	FHLB	2.3	1,000,000	3/11/2022	6	51
3135gow33	FNMA NONCALLABLE	1.53	1,500,000	9/6/2022	12	58
3133EJGU7	FFCB NONCALLABLE	3.03	1,000,000	12/16/2022	15	48
3133EKUA2	FFCB NONCALLABLE	1.85	1,000,000	2/1/2023	17	53
3137EAES4	FHLMC	0.25	1,000,000	6/26/2023	21	63
3133EKZK5	FFCB	1.6	500,000	8/14/2023	23	54
912833LP3	US TREASURY NONCALLABLE	1.55	1,061,000	11/15/2023	26	56
3130AFW94	FHLB NONCALLABLE	2.5	1,000,000	2/13/2024	29	49
3135GOW66	FNMA NONCALLABLE	1.62	1,000,000	10/15/2024	37	57
3134GVYP7	FHLMC	0.54	1,000,000	5/27/2025	45	59
3135GO5X7	FNMA NONCALLABLE	0.375	1,000,000	8/25/2025	47	66
3133EMH62	FFCB Callable starting 12/14/2021	0.32	2,000,000	6/14/2024	33	67
912833LY4	US TREASURY NONCALLABLE	0.45	500,000	2/15/2026	53	65
3134GWWP7	FHLMC CALLABLE starting 3/30/23	0.63	4,000,000	3/30/2026	54	69
3130AMFS6	FHLB NONCALLABLE	0.65	1,000,000	6/12/2026	57	68
Total Par			18,561,000			

Investment by Fund/Category

General Fund	2,290,441.41
Special Revenue Funds	2,325,527.63
Capital Project	127,643.90
Enterprise Funds	8,499,581.07
Internal Service Funds	5,172,820.62
Fiduciary Funds	74,436.78
Total	18,490,451.41
LGIP	47,357,401.98
Interfund	309,657.00
Total	66,157,510.39

Investment by Instrument

US Treasury Notes	1,499,360.05
State of WA Bonds	-
LGIP	47,357,401.98
FHLMC	5,983,746.85
Interfund Loans	309,657.00
FFCB	4,499,843.12
FHLB	3,008,717.43
FNMA	3,498,783.96
Total	66,157,510.39

- difference



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: November 1, 2021

Item Title/Agenda Subject: Draft Commissions & Boards Ordinance and Revised City Council Rules

Submitted by: Terry Weiner City Attorney Department

Recommended Action or Motion: Review draft ordinance and rules and provide feedback to Staff.

Background/Summary: The City Council Ad Hoc Subcommittee on Term Limits for Boards & Commissions met in May and June this year to concerns about consistency, included interest in developing a process for re-appointment that provided opportunity for new voices and representation on advisory boards and commissions. Based on the subcommittee's recommendations, Council requested that Staff revise City ordinances to align with the recommendations. In addition, the changes proposed by the subcommittee impact the City Council's Rules of Procedures.

Previous Council Action: At its July 19, 2021 meeting, City Council reviewed a report and recommendations prepared by the Ad Hoc Subcommittee on Term Limits for Boards & Commissions ("Boards and Commissions Subcommittee"), and provided direction to Staff to prepare the appropriate documents to implement the changes.

Analysis:

Commissions, Boards and Committees – DRAFT Ordinance

The Boards and Commissions Subcommittee proposed following category of changes to the structure of the City's commissions, boards and committees:

- Establish consistent term limits for members
- Allow universal remote/virtual meeting attendance and participation
- Define "residency" consistently for all commissions and boards
- Eliminate inactive commissions and boards

The report also recommended updating administrative processes, such as more actively recruiting community members from all the diverse populations within the community and standardizing the Council selection process.

The draft ordinance includes the following proposed changes:

- 1.12 ECC, “Advisory commissions-Appointment,” is replaced with a new chapter, “Commissions, Boards and Committees,” which applies to all volunteer commissions, boards and committees in the City and includes the following:
 - ECC 1.12.040 – Appointment: all appointments are made by the City Council; specifies requirement for OPMA/PRA training
 - ECC 1.12.060 – Vacancies and removal: vacancies will be filled in the same manner as regular appointment. Reasons and the process for removal from commissions, boards and committees are specified.
 - ECC 1.12.080 – Limited terms: specifies the term limits dependent on length of appointments; allows a member that is “term-limited” to reapply if a vacancy exists for 60 days after term ends. The effective date is delayed until January 1, 2023 to as not to interrupt the normal end-of-the-year reapplication process. Currently, there are 11 terms on various commissions and boards expiring December 31, 2021. Of those, two would be term-limited from reapplying if the ordinance were effective prior to December 31.
 - ECC 1.12.100 – Organization, quorum and meeting requirements: creates uniform rules for selecting the chairperson, determining meeting quorum and location of meetings
 - ECC 1.12.120 – Remote attendance: allows members and the public to attend all meetings via remote video or teleconferencing unless otherwise prohibited by state law or proclamation
 - ECC 1.12.140 – Residency qualification: defines “residency” as 270 within the city or county, whichever is applicable
- The requirements for appointments, vacancies,

organization, quorum and other provisions that were centralized in the new Ch. 1.12 ECC were amended or deleted from the following chapters of the code:

- Planning Commission (Ch. 1.14 ECC)
- Parks and Recreation Commission (Ch. 1.16 ECC)
- Civil Service Commission (Ch. 1.28 ECC)
- Arts Commission (Ch. 1.33 ECC)
- Senior Citizen Advisory Commission (Ch. 1.48 ECC)
- Utility Advisory Committee (Ch. 1.50 ECC)
- Environmental Commission (Ch. 1.60 ECC)
- Library Board (Ch. 1.66 ECC)
- Public Transit Advisory Committee (Ch. 1.84 ECC)
- Affordable Housing Commission (Ch. 1.86 ECC)
- Diversity, Equity and Inclusion Commission (Ch. 1.88 ECC)
- Landmarks and Design Commission (Ch. 15.280 ECC)
- In addition, the following inactive commissions or boards were eliminated by repeal of their enabling ordinance:
 - Economic Development Corporation (Ch. 1.46 ECC) (predecessor to the EBDA)
 - Business Incubator Executive Commission (Ch. 1.56 ECC)
 - Building Code Board of Appeals (Ch. 3.02 ECC)
- Removing the Building Code Board of Appeals required that the current chapter of the code addressing the Hearing Examiner be revised to incorporate the jurisdiction of the former Building Code Board of Appeals. This also provided an opportunity to update the ordinance, codified in Ch. 1.70A ECC, which had not been changed since adoption 25 years ago. This, in turn, required amending Chapters 4.34 and 9.100 for consistency regarding appeals available in those code chapters.

Updated City Council DRAFT Rules of Procedure

The City Council Rules of Procedure were last updated in November 2019. Since then, the experience in meeting remotely during the pandemic resulted in Council's expression of a desire for more routine use of remote videoconferencing services by both councilmembers and the public. In addition, a

review of the Rules disclosed the need to make additional revisions addressing public comments, boards and commissions and general housekeeping changes. The following changes are being proposed by Staff:

- Rule 1.7: removing the restrictions on remote attendance by councilmembers, with prior approval of the Mayor (or Mayor pro tempore), or if required by action of the legislature or governor
- Rule 2.5(b): clarifying that executive sessions may end prior to the specified time if no action is being taken following the session
- Rule 7: several significant changes were made to this rule, which governs “Duties and Privileges of Citizens.” As a result, the Rule was also reorganized.
 - Public Comment (Rule 7.2) was reorganized to include rules for comments on agenda items, non-agenda items and hearings.
 - Significantly, new Section 7.2(d) (old Section 7.6) was revised to reflect the current caselaw addressing disruptive behavior during Council meetings.
- Rule 9.3, regarding the introduction and passage of ordinances, was revised based on Council feedback. Normally an ordinance cannot be introduced and adopted on the same day. Currently, Council can waive this rule by a supermajority (5) vote. However, the rule still requires two separate readings of the ordinance – one before the “waiver vote” and one after that vote. As proposed, the “waiver vote” would occur first and, if approved, would be followed by a single reading of the ordinance with a roll call vote for adoption.
- Rule 10 – Creation of Committees, Boards and Commissions – has been substantially revised to align with the changes to ordinance changes discussed above.

The report also included recommendations that were more administrative in nature, such as more actively recruiting community members from all the diverse populations within the community, and streamlining the Council selection process.

Financial Impact:

N/A.

Attachments:

[DRAFT Ordinance - Boards Commissions](#)

[DRAFT Ordinance - Chapter 1.70A Hearing Examiner](#)

[Council Rules and Procedures DRAFT 2021 update](#)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO BOARDS AND COMMISSIONS, REPEALING CHAPTER 1.12 ENTITLED “ADVISORY COMMISSIONS – APPOINTMENT” AND ADOPTING A NEW CHAPTER 1.12 ENTITLED “COMMISSIONS, BOARDS, AND COMMITTEES”, REPEALING CHAPTERS 1.46, 1.56, AND 3.02 IN THEIR ENTIRETIES, AMENDING SECTIONS 1.14.040, 1.16.040, 1.28.040, 1.33.040, 1.48.040, 1.48.080, 1.48.120, 1.50.040, 1.60.120, 1.60.160, 1.66.020, 1.66.050, 1.66.070, 1.84.010, 1.84.020, 1.86.010, 1.86.020, 1.88.010, 1.88.020, 1.88.040, AND 15.280.040, AND REPEALING SECTIONS 1.14.160, 1.16.060, 1.16.080, 1.16.100, 1.33.120, 1.33.160, 1.48.100, 1.48.120, 1.50.120, 1.50.160, 1.60.200, 1.60.240, 1.66.100, 1.84.030, 1.84.040, 1.86.030, 1.86.040, AND 1.88.030 OF THE ELLENSBURG CITY CODE.

WHEREAS,

WHEREAS,

NOW, THEREFORE, the City Council of the City of Ellensburg, Washington do hereby ordain as follows:

Section 1. Chapter 1.12, of the Ellensburg City Code, entitled “Advisory Commissions – Appointments,” is hereby repealed in its entirety and replaced with a new Chapter 1.12 entitled “Commissions, Boards and Committees” to read as follows:

**Chapter 1.12
Commissions, Boards and Committees**

Sections:

- 1.12.020 Commissions, boards, and committees.
- 1.12.040 Appointment; training.
- 1.12.060 Vacancies; removal.
- 1.12.080 Limited terms.
- 1.12.100 Organization, quorum and meeting requirements.
- 1.12.120 Remote attendance.
- 1.12.140 Residency qualification.

1.12.020 Commissions, boards, and committees.

A. Commissions, Boards and Committees Created. There shall be commissions, boards and committees as defined in this chapter and such other commissions, boards and committees as have been or are hereafter established by ordinance or by general laws. Each commission, board or committee shall be so organized and shall have such powers as are conferred and such duties as are required by general laws and ordinances.

B. Applicability. The provisions of this chapter shall apply to all non-elected volunteer commissions, boards and committees appointed by the city council.

1.12.040 Appointment; training.

A. Unless a different appointment process is specified elsewhere in the Ellensburg City Code, the members of all citizen committees, commissions, and boards advisory to the city council shall be appointed by the city council.

B. Each new member of a commission, board and committee shall complete the open government training required by RCW 42.30.205, as currently enacted or hereafter amended, within 90 days of appointment. Commission, board and committee members are required to repeat this training every four years. This training shall be coordinated and monitored for compliance by the city manager's office.

1.12.060 Vacancies; removal.

A. Vacancies.

1. Vacancies occurring other than by expiration of a term shall be filled for any unexpired term in the same manner used for regular appointments. For purposes of determining the number of terms served by a member, service in excess of two years shall qualify as a full term.

2. If a member's residence status changes during his or her term such that the member no longer complies with the residency qualification, the member must immediately vacate his or her position on the board, commission or committee.

B. Removal.

1. A commission, board or committee may, by majority vote, recommend to the city council that an appointed member be removed upon such grounds as may be deemed appropriate by the board, commission or committee. Examples of grounds for removal include, but are not limited to inefficiency, neglect of duty, an unlawful act, or if the member has three or more unexcused absences at regular meetings in a calendar year. The council shall consider the recommendation and take action to approve or deny the recommendation.

2. The council may, on its own motion, remove any appointed member of a commission, board or committee upon such grounds as it may deem appropriate and declare the position vacant.

3. Upon removal of a member of any commission, board or committee, vacancies for the remainder of any such unexpired terms shall be filled in the same manner in which original appointments were made.

1.12.080 Limited terms.

A. For commissions, boards or committees where the regular term of appointment is three (3) years or less, a member may be reappointed to serve up to two additional consecutive full terms, not inclusive of serving for any unexpired term of less than two (2) years.

B. For commissions, boards or committees where the regular term of appointment is four (4) years or longer, a member may be reappointed to serve up to one additional consecutive full term, not inclusive of serving for any unexpired term of less than two (2) years.

C. For the planning commission, a member may be reappointed to serve up to one additional consecutive six-year term, not inclusive of serving for any unexpired term of less than two (2) years.

D. Notwithstanding subsections (A) through (C) of this section, a citizen may become eligible for reappointment to a commission, board or committee where a vacancy has existed in the membership for the commission, board or committee for at least sixty (60) days.

E. The term limits as provided in this section shall not be effective until January 1, 2023.

1.12.100 Organization, quorum and meeting requirements.

A. Immediately after their appointment, and in January of each following year, members of the commissions, boards or committees shall meet and organize by electing from all of the members a vice chairperson. It shall be the duty of the chairperson to preside at all meetings of the commission, board or committee. The vice chairperson shall perform the duties of the chairperson in the event of the absence of the chairperson or vacancy of the office.

B. A majority of the appointed members of each commission, board, or committee present in person or by simultaneous remote attendance shall constitute a quorum for the transaction of business. Any action taken by a majority of the members present in person or by simultaneous remote attendance, when those present constitute a quorum, at any meeting of a commission, board or committee shall be deemed to be the action of the commission, board or committee.

C. There shall be a fixed time and place of the meetings within the corporate city limits at least once each calendar month unless the chairperson deems there are not a sufficient number of agenda items required to transact that month. The meeting time and place shall be made known to the public and all meetings shall be open to the public.

D. The city manager shall designate a city staff person shall serve as secretary of the commission. It shall be the duty of staff to keep minutes of all meetings and of all proceedings of committees, boards and commissions.

1.12.120 Remote attendance.

Members of commissions, boards and committees, and any member of the public, may attend any meeting either in person or remotely via videoconferencing or teleconferencing unless such

attendance is otherwise restricted or prohibited by legislative or governor's proclamation/order, or other emergency order.

1.12.140 Residency qualification.

Except where a commission, board and committee specifically requires city residency as a condition of appointment, members of all other commissions, boards and committees shall maintain residency within the Kittitas County limits. "Residency," as used herein, means residing within the city or county limits, as applicable, both at the time of appointment and for at least 270 days within each calendar year for the duration of the member's term.

Section 2. Section 1.14.040 of the Ellensburg City Code, as last amended by Section 4 of Ordinance 4804, is hereby amended to read as follows:

1.14.040 Creation – Membership

There is created a planning commission for the city of Ellensburg. The commission shall be known as "the Ellensburg planning commission" and shall consist of seven members who shall be appointed by the mayor, subject to confirmation by the city council, for six-year terms. Not less than five members shall be residents of the city of Ellensburg; all nonresident members shall be residents of Kittitas County. The director of public works and utilities and the director of planning and community development or their designees shall not be members of the planning commission, but shall serve as advisors and shall be permitted to participate in planning commission discussions and deliberations, but shall have no vote. ~~The city manager of the city of Ellensburg, or his designee, shall serve as secretary to the planning commission and shall be entitled to participate in discussions and deliberations of the planning commission, but shall have no vote.~~ [Ord. 4804 § 4, 2018; Ord. 4083, 1997; Ord. 3269 § 4(1), 1980.]

Section 3. Section 1.14.160 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.14.160 Quorum.~~

~~The presence of a majority of the membership shall constitute a quorum. A quorum shall be required to start a meeting. Decisions of the planning commission under the zoning and subdivision ordinances or state law shall require a majority vote of the seven commission members.~~

Section 4. Section 1.16.040 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4047, is hereby amended to read as follows:

1.16.040 Creation – term –membership.

There is created a parks and recreation commission, consisting of seven members, who shall be appointed for terms of three years each ~~by the mayor with the consent of the majority of the city~~

council. A majority of the membership of the commission shall be residents of the city of Ellensburg. The commissioners shall not receive any compensation for their services. [Ord. 4047 § 1, 1996; Ord. 3736 § 1, 1991; Ord. 3269 § 4(2), 1980.]

Section 5. Section 1.16.060 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.16.060 Appointment—Terms~~

~~The mayor shall appoint two commissioners to terms expiring May 31, 1980; two to terms expiring May 31, 1981; and three to terms expiring May 31, 1982. At the expiration of each commissioner's term, the mayor shall appoint, subject to confirmation by the city council, one member for a three-year term. [Ord. 3269 § 4(3), 1980.]~~

Section 6. Section 1.16.080 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.16.080 Filling vacancies~~

~~Members of the parks and recreation commission may be removed at any time by a majority of the city council; and whenever a commissioner absents himself/herself for three consecutive regular meetings of the commission, or an aggregate of five regular and/or special meetings annually, unless by permission of the commission given at an open public meeting, the office shall automatically be vacated. Requests for excused absences shall be in writing. Vacancies for the remainder of any such unexpired terms shall be filled in the same manner in which original appointments were made. [Ord. 3863 § 1, 1993; Ord. 3269 § 4(4), 1980.]~~

Section 7. Section 1.16.100 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.16.100 Election of officers—Meetings~~

~~Immediately after their appointment, members of the commission shall meet and organize by electing from the members of the commission a chairman and vice chairman. An election of such officers shall be conducted at the first meeting of each calendar year. The city manager, or his designee, shall serve as secretary of the commission. The secretary shall be entitled to participate in the deliberations of the commission, but shall have no vote. It shall be the duty of the chairman to preside at all meetings of the commission and of the secretary to keep minutes of all meetings and of all proceedings of the commission. The vice chairman shall perform the duties of the chairman in the event of absence of the chairman or vacancy in the office. A majority of the commission shall constitute a quorum for the transaction of business, and affirmative votes by a majority shall be necessary to carry any proposition. A public meeting of the commission shall be held within the corporate limits of the city at least once every month. [Ord. 3269 § 4(5), 1980.]~~

Section 8. Section 1.28.040 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 3610, is hereby amended to read as follows:

1.28.040 Civil service commission created

~~Chapters 41.08 and 41.12 RCW are~~ is hereby adopted by reference and incorporated herein as though fully set forth and the provisions in ~~RCW 41.08.030 relating to a civil service commission for fire fighters and RCW 41.12.030, as currently enacted or hereafter amended,~~ relating to a civil service commission for police ~~are~~ is hereby specifically adopted ~~and said commission shall operate for both fire and police purposes.~~ The civil service commission heretofore existing shall constitute the new civil service commission created hereunder and hereafter be comprised of members in accordance with the sections of the state law heretofore cited. [Ord. 3610 § 1, 1987.]

Section 9. Section 1.33.040 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4710, is hereby amended to read as follows:

1.33.040 Created – Composition – Compensation – Terms

There is created a city arts commission consisting of seven members ~~to be appointed by the mayor, subject to confirmation by the city council.~~ The commissioners shall be appointed to four-year terms and shall not receive compensation for their service. [Ord. 4710 § 1, 2015; Ord. 3587 § 1, 1987; Ord. 3269 § 1, 1980.]

Section 10. Section 1.33.120 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.33.120 Removal – Vacancy filling~~

~~Members of the arts commission may be removed at any time by a majority of the city council; and whenever a commissioner absents himself/herself for three consecutive regular meetings of the commission, or an aggregate of five regular and/or special meetings annually, unless by permission of the commission given at an open public meeting, the office shall automatically be vacated. Requests for excused absence shall be in writing. Vacancies for the remainder of any such unexpired terms shall be filled in the same manner in which original appointments were made. [Ord. 3863 § 2, 1993; Ord. 3269 § 1(2), 1980.]~~

Section 11. Section 1.33.160 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.33.160 Organization – Meetings – Quorum~~

~~Immediately after their appointment, members of the commission shall meet and organize by electing from the members of the commission a chairman and vice chairman. An election of such officers shall be conducted at the first meeting in June. The city manager, or his designee, shall~~

serve as secretary of the commission. It shall be the duty of the chairman to preside at all meetings of the commission and of the secretary to keep minutes of all meetings and of all proceedings of the commission. The vice chairman shall perform the duties of the chairman in the event of absence of the chairman or vacancy in the office. A majority of the commission shall constitute a quorum for the transaction of business, and affirmative votes by a majority shall be necessary to carry any proposition. A public meeting of the commission shall be held within the corporate limits of the city at least once each month. [Ord. 3269 § 1(3), 1980.]

Section 12. Chapter 1.46 of the Ellensburg City Code, entitled “Economic Development Corporation,” is hereby repealed in its entirety:

1.46.040 Creation

For the purpose of facilitating economic development and employment opportunities within the city, there is created the city of Ellensburg economic development corporation (the “corporation”) to exist under the authority of and for the purposes authorized by Chapter 300, Laws of 1981, as the same may be amended from time to time (“Chapter 300”). Such corporation shall operate under Chapter 300 and under the provisions of the charter on file with the city clerk and by this reference incorporated herein, which the city council is authorized to and does issue to the corporation and by this chapter is approved. The city council reserves the right in its discretion and at any time to alter or change the charter, bylaws or activities of the corporation including dissolving the corporation if the contracts entered into by the corporation are not impaired. Any net earnings of the corporation beyond those necessary for the retirement of the indebtedness incurred by it shall not inure to the benefit of any person other than the city. Upon dissolution of the corporation, title to all property owned by the corporation shall vest in the city. [Ord. 3352 § 1, 1982.]

1.46.060 Board of directors

There is established a board of directors composed of seven members to govern the affairs of the corporation. The board of directors shall be the seven members of the Ellensburg city council who shall serve without compensation. The board shall be subject to the Open Public Meetings Act of the state. A majority of the board shall constitute a quorum for the purpose of conducting meetings, and all actions taken by the board other than adjourning a meeting for lack of a quorum shall require an affirmative vote of a majority of members of the board. The board shall conduct the affairs of the corporation but may delegate administrative and managerial duties to employees of the corporation. The board shall have the authority to employ its own staff and independent professional consultants to carry out its duties, designate one or more depositories, provide for reimbursement for expenses, provide for board meetings, the principal office of the corporation and other matters necessary for the operation of the corporation. The powers and limitations of the corporation shall be set forth in Chapter 300 and other applicable laws. [Ord. 3352 § 2, 1982.]

1.46.080 Members appointed

The following persons are appointed as the original members of the board of directors of the corporation:

Name	Term Expires
Randolph Christopherson	12/31/83
Chuck Lenicka	12/31/83
Ken Peterson	12/31/83
Irene Rinehart	12/31/83
Janiece Cook	12/31/85
Thomas Lineham	12/31/85
Larry Nickel	12/31/85

The members of the board appointed by reason of the public office which they hold shall serve until they no longer occupy that public office. [Ord. 3844 § 1, 1993; Ord. 3352 § 3, 1982.]

1.46.100 Conflict of interest — Penalty

It shall be illegal for a director, officer, agent or employee of the corporation to have directly or indirectly any financial interest in any property to be included in or any contract for property, services or materials furnished or used in connection with any industrial facility financed through the corporation. Violation of any provision of this section is a gross misdemeanor under state law. [Ord. 3352 § 4, 1982.]

Section 13. Section 1.48.040 of the Ellensburg City Code, as last amended by Section 3 of Ordinance 3587, is hereby amended to read as follows:

1.48.040 Creation

There is hereby created a senior citizen advisory commission consisting of seven members ~~to be~~ appointed by the mayor subject to confirmation by the city council. The commissioners shall not receive compensation for their services. ~~Membership reduction reflected in this section above shall be accomplished by attrition whereby a position shall be eliminated when vacated by resignation or the current member does not request reappointment. Any reference to any other number other than in this section and inconsistent with this section is hereby repealed.~~ [Ord. 3587 § 3, 1987; Ord. 3353 § 1, 1982.]

Section 14. Section 1.48.080 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 3971, is hereby amended to read as follows:

1.48.080 Appointment – Terms

~~The mayor shall appoint three commissioners to terms expiring May 31, 1985, three to terms expiring May 31, 1986, and three to terms expiring May 31, 1987. At the expiration of each commissioner's term, the mayor shall appoint, subject to confirmation by the city council, one~~

~~member~~ Appointment of commissioners shall each be for a two-year term. Members appointed to the commission shall be at least 50 years of age and include a broad representation of agencies or organizations whose primary interest is senior citizens. Upon recommendation of the commission, the city council may create and appoint an honorary position or positions on the commission, ~~to be appointed by the mayor~~. Any person appointed to an honorary position shall serve without term or vote and shall not be included for purposes of determining a quorum. [Ord. 3971 § 1, 1995; Ord. 3828 § 1, 1992; Ord. 3353 § 3, 1982.]

Section 15. Section 1.48.100 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.48.100 Removal – Vacancy~~

~~Members of the senior citizen advisory commission may be removed at any time by a majority vote of the city council; and whenever a commissioner is absent for three consecutive regular meetings of the commission or an aggregate of five regular and/or special meetings annually, unless by permission of the commission given at an open public meeting, the office shall automatically be vacated. Requests for excused absences shall be in writing. Vacancies for the remainder of any such unexpired terms shall be filled in the same manner in which original appointments were made. [Ord. 3863 § 5, 1993; Ord. 3353 § 4, 1982.]~~

Section 16. Section 1.48.120 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.48.120 Organization – Meetings – Quorum~~

~~Immediately after their appointment, members of the commission shall meet and organize by electing from the members of the commission a chairman, vice chairman and secretary. An election of such officers shall be conducted annually at the first meeting in June. It shall be the duty of the chairman to preside at all meetings of the commission and of the secretary to keep minutes of all meetings and of all proceedings of the commission. The vice chairman shall perform the duties of the chairman in the absence of the chairman or vacancy in the office. A majority of the commission shall constitute a quorum for the transaction of business and affirmative votes by a majority of the commission shall be necessary to carry any proposition. Public meetings of the commission shall be held within the corporate limits of the city at least once each month. [Ord. 3353 § 5, 1982.]~~

Section 17. Section 1.50.040 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4664, is hereby amended to read as follows:

1.50.040 Creation – Composition – Compensation

There is created the utility advisory committee consisting of seven members ~~to be appointed by the mayor, subject to confirmation by the city council~~. Two city council members and one

representative from Central Washington University shall be members of the committee. Two members shall be customers of one or more of the city utility systems. Two additional members, who shall vote only on issues concerning the telecommunications utility as set forth in Chapter 9.110 ECC, will include one representative from KITTCOM and one representative of the customers of the city's telecommunications utility. Terms shall be for three years. The committee members shall not receive compensation for their service. [Ord. 4664 § 1, 2014; Ord. 4405, 2005; Ord. 4292, 2001.]

Section 18. Section 1.50.120 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.50.120 Removal and filling of vacancy~~

~~Members of the utility advisory committee may be removed at any time by a majority of the city council. Whenever a committee member absents himself/herself for three consecutive regular meetings of the committee, or an aggregate of five regular and/or special meetings annually, unless by permission of the committee given at an open public meeting, the office shall automatically be vacated. Requests for excused absence shall be made in writing to the chairman of the committee. Vacancies for the remainder of any such unexpired terms shall be filled in the same manner in which the original appointments were made. [Ord. 4405, 2005; Ord. 4292, 2001.]~~

Section 19. Section 1.50.160 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.50.160 Organization Meetings Quorum~~

~~Immediately after their appointment, members of the committee shall meet and organize by electing from all the members of the committee a chairman and vice chairman. An election of such officers shall be conducted at the first meeting of each calendar year. The public works and utilities director, or his designee, shall serve as secretary of the committee. The secretary shall be entitled to participate in the deliberations of the committee, but shall have no vote. It shall be the duty of the chairman to preside at all meetings of the committee and of the secretary to keep minutes of all meetings and of all proceedings of the committee. The vice chairman shall perform the duties of the chairman in the event of the absence of the chairman or vacancy in the office. Three committee members shall constitute a quorum for the transaction of business; except, in those instances when action is to be taken on the telecommunications utility, four members shall constitute a quorum for the conduct of official business. The affirmative votes by a majority of the quorum shall be necessary to carry any proposition. There shall be a fixed time and place of meetings within the corporate limits of the city of Ellensburg at least once each calendar month. The meeting time and place shall be made known to the public and all regular sessions of the committee shall be open to the public. [Ord. 4804 § 2, 2018; Ord. 4664 § 2, 2014; Ord. 4292, 2001.]~~

Section 20. Chapter 1.56 of the Ellensburg City Code, entitled “Business Incubator Executive Commission,” is hereby repealed in its entirety:

~~1.56.040 Creation—Composition—Compensation~~

~~There is created the business incubator executive commission consisting of five members, to be appointed by the mayor, subject to confirmation by the city council. Terms shall be for three years for all five appointees. The commissioners shall not receive compensation for their services. [Ord. 3617 § 1, 1988.]~~

~~1.56.080 Purpose~~

~~The business incubator executive commission is created for the purpose of carrying out the city of Ellensburg's business assistance and incubator program to include the administration of the council approved policies and guidelines for the program and operating the city's incubator facility. [Ord. 3617 § 1, 1988.]~~

~~1.56.120 Removal and filling of vacancy~~

~~Members of the business incubator executive commission may be removed at any time by a majority of the city council. Whenever a commissioner absents himself/herself for three consecutive regular meetings of the commission, or an aggregate of five regular and/or special meetings annually, unless by permission of the commission given at an open public meeting, the office shall automatically be vacated. Requests for excused absence shall be made in writing to the city council. Vacancies for the remainder of any such unexpired terms shall be filled in the same manner in which the original appointments were made. [Ord. 3863 § 7, 1993; Ord. 3617 § 1, 1988.]~~

~~1.56.160 Organization—Meetings—Quorum~~

~~Immediately after their appointment, members of the commission shall meet and organize by electing from the members of the commission a chairman and vice chairman. An election of such officers shall be conducted at the first meeting. The city manager, or his designee, shall serve as secretary of the commission. It shall be the duty of the chairman to preside at all meetings of the commission and of the secretary to keep minutes of all meetings and of all proceedings of the commission. The vice chairman shall perform the duties of the chairman in the event of the absence of the chairman or vacancy in the office. A majority of the commission shall constitute a quorum for the transaction of business, and affirmative votes by a majority shall be necessary to carry any proposition. A public meeting of the commission shall be held within the corporate limits of the city of Ellensburg at least once each eight weeks. [Ord. 3617 § 1, 1988.]~~

~~1.56.200 Powers and duties~~

~~The powers and duties of the commission shall be as follows:~~

~~A. To recommend lease agreements with new tenants to the city council; decide on lease terminations, subject to the approved policies; and advise the facility manager regarding the administration of the individual lease stipulations.~~

~~B. To consult with and recommend to the city council any additional policy statements, or amendments to established policy statements, as deemed necessary.~~

~~C. To receive information, reports, and recommendations from the facility manager, members of the advisory board, and city staff in the course of running the incubator facilities and programs.~~

~~D. To receive appeals to decisions as set forth in the adopted policies, consider the appeals and render decisions on any said appeals as required by the approved policy statements. [Ord. 3617 § 1, 1988.]~~

1.56.240 Budget recommendations

~~The commission shall submit project and/or program recommendations to the city council for the preliminary budget prior to June 30th of each year. Commission recommendations not incorporated in the preliminary budget shall be forwarded to the city council for consideration with the preliminary budget. [Ord. 3617 § 1, 1988.]~~

1.56.280 Communications to city council

~~The commission shall forward communications to the city council through separate memoranda, including all rationale, which shall be included as council agenda items. [Ord. 3617 § 1, 1988.]~~

1.56.320 Project review

~~The provisions of this chapter shall be reviewed by the city council of the city of Ellensburg after three years from the date of its enactment for the purpose of determining the progress and success of the Ellensburg business incubator project and to allow for consideration of alternative management structures for the continuation of the Ellensburg business incubator project. [Ord. 3617 § 1, 1988.]~~

Section 21. Section 1.60.120 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4569, is hereby amended to read as follows:

1.60.120 Creation – Membership

There is created an environmental commission consisting of seven members ~~who shall be appointed by the mayor and approved by a majority vote of the city council.~~ The president of the Ellensburg High School environmental club shall be an ex officio member of the commission. Not less than four members shall be residents of the city of Ellensburg; all ~~nonresident~~ non-city resident members shall be residents of Kittitas County, no more than two of whom may reside outside of the city's urban growth area. Two members of the commission may be under the age

of 18. ~~Otherwise, the members of the commission shall be 18 years of age or older and shall be residents of the city of Ellensburg.~~ The commissioners shall not receive compensation for their services. [Ord. 4569 § 1, 2010; Ord. 4509 § 1, 2008; Ord. 3980 § 1, 1995; Ord. 3723 § 1, 1991; Ord. 3713 § 1, 1990.]

Section 22. Section 1.60.160 of the Ellensburg City Code, as last amended by Section 2 of Ordinance 4711, is hereby amended to read as follows:

1.60.160 Appointment – Terms

~~The mayor shall appoint e~~Each member shall be appointed for a five-year term subject to confirmation by the city council. The president of the Ellensburg High School environmental club shall be an ex officio member of the Ellensburg environmental commission. The ex officio is not subject to appointment, confirmation, or a set term. [Ord. 4711 § 2, 2015; Ord. 3980 § 2, 1995; Ord. 3723 § 2, 1991; Ord. 3713 § 1, 1990.]

Section 23. Section 1.60.200 of the Ellensburg City Code is hereby repealed in its entirety:

1.60.200 Filling vacancies

~~Environmental commission members may be removed at any time by a majority vote by the city council. Whenever a commissioner absents himself/herself for three consecutive regular meetings of the commission, or an aggregate of five regular and/or special meetings annually, unless by permission of the commission given at an open public meeting, the office shall automatically be vacated. Requests for excused absences shall be in writing. Vacancies for the remainder of any such unexpired term shall be by appointment by the mayor subject to confirmation by the city council. [Ord. 3863 § 9, 1993; Ord. 3713 § 1, 1990.]~~

Section 24. Section 1.60.240 of the Ellensburg City Code is hereby repealed in its entirety:

1.60.240 Election of officers — Meetings

~~Immediately after their appointment, members of the commission shall meet and organize by electing from the membership a chairperson and vice chairperson. If still serving on the commission, the vice chairperson shall be the past chairperson. An election of such officers shall be conducted at the first meeting of each calendar year. The city manager, or his designee, shall serve as secretary of the commission. The secretary shall be entitled to participate in the deliberations of the commission, but shall have no vote. It shall be the duty of the chairperson to preside at all meetings of the commission and of the secretary to keep minutes of all meetings and of all proceedings of the commission. The vice chairperson shall perform the duties of the chairperson in the event of the absence of the chairperson or vacancy in the office. A majority of the commission shall constitute a quorum for the transaction of business. An affirmative vote by~~

~~a majority of those present shall be necessary to carry any proposition. A public meeting of the commission shall be held within the corporate limits of the city at least once every month. [Ord. 4711 § 3, 2015; Ord. 4569 § 2, 2010; Ord. 4509 § 2, 2008; Ord. 4369, 2003; Ord. 3713 § 1, 1990.]~~

Section 25. Section 1.66.020 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 3937, is hereby amended to read as follows:

1.66.020 Library board established.

A library board is established, to be known as the “Ellensburg library board,” to consist of not less than five members; provided, however, the city ~~manager~~ council may by ~~order~~ majority vote increase the board's membership to seven members. [Ord. 3937 § 1, 1994.]

Section 26. Section 1.66.050 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 3937, is hereby amended to read as follows:

1.66.050 Appointments.

~~All members of the library board shall be appointed by the city manager and shall not be subject to confirmation. Appointments shall be made without regard to age, race, sex or political affiliation. Members shall serve without compensation. Majority membership of the library board must be residents of the city of Ellensburg. No person shall be appointed to the library board for more than two consecutive terms.~~

~~The first appointments to the library board created by this chapter shall be of those individuals who were members of the library board in existence at the time the ordinance codified in this chapter is adopted. [Ord. 3937 § 1, 1994.]~~

Section 27. Section 1.66.070 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 3937, is hereby amended to read as follows:

1.66.070 Terms of office.

A member of the library board shall be appointed for a five-year term, unless the appointment is to fill an unexpired term. ~~No member may serve longer than the term or unexpired term to which he or she has been appointed, unless that person is reappointed by the city manager.~~

~~The members of the library board who obtained membership by reason of their membership on the prior board shall have a term of office coinciding with their term on that predecessor board. [Ord. 3937 § 1, 1994.]~~

Section 28. Section 1.66.100 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.66.100 Vacancies~~

~~A vacancy shall occur upon the resignation, death, or removal of a board member. A vacancy shall also occur whenever a board member absents himself or herself for three consecutive regular meetings of the board or for an aggregate of five regular and/or special meetings in a single year, unless the absences are excused by action of the remaining board members. [Ord. 3937 § 1, 1994.]~~

Section 29. Section 1.84.010 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4806, is hereby amended to read as follows:

1.84.010 Creation and purpose

There is created a public transit advisory committee consisting of seven members ~~who shall be appointed by the mayor and approved by a majority vote of the city council.~~ The purpose of the public transit advisory committee is to oversee public transit services in the city, including the quality of services, providing direction for public information and education, developing and making recommendations on system improvements and funding, and reporting to council on those and other elements as directed. [Ord. 4806 § 1, 2018; Ord. 4731 § 1, 2016.]

Section 30. Section 1.84.020 of the Ellensburg City Code, as last amended by Section 2 of Ordinance 4806, is hereby amended to read as follows:

~~1.84.020 Appointment—~~ Terms – Composition

Members of the public transit advisory committee shall not receive compensation for their service. ~~The mayor shall appoint~~ Each member shall be appointed for a three-year term ~~subject to confirmation by the city council,~~ and member representation is as follows:

- A. One city council member.
- B. A representative from Central Washington University who shall represent the general interests of CWU and be designated by CWU administration.
- C. A representative of the Associated Students of Central Washington University (ASCWU) student government to serve a minimum of one year, whose term shall correspond to the terms of office of students elected to serve on the ASCWU student government.
- D. Four community members. ~~Community members 1 and 2 shall serve terms expiring December 31, 2018. Community member 3 shall serve a term expiring December 31, 2019. Community member 4 shall serve a term expiring December 31, 2020. Thereafter, all terms under this subsection shall be three years.~~ [Ord. 4806 § 2, 2018; Ord. 4731 § 1, 2016.]

Section 31. Section 1.84.030 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.84.030 Removal—Vacancy~~

~~Members of the public transit advisory committee may be removed at any time by a majority of the city council. Whenever a committee member absents himself/herself for three consecutive regular meetings of the committee, or an aggregate of five regular and/or special meetings annually, unless by permission of the committee given at an open public meeting, the office shall automatically be vacated. Requests for an excused absence shall be made in writing to the chairperson of the committee. Vacancies for the remainder of any such unexpired terms shall be filled in the same manner in which the original appointments were made. [Ord. 4731 § 1, 2016.]~~

Section 32. Section 1.84.040 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.84.040 Organization—Meetings—Quorum.~~

~~The city council member appointed to the committee shall serve as chairperson. Immediately after their appointment, members of the committee shall meet and organize by electing from all the members of the committee a vice chairperson. An election of such officer shall be conducted at the first meeting of each calendar year. The public works and utilities director, or his/her designee, shall serve as secretary of the committee. The secretary shall be entitled to participate in the deliberations of the committee, but shall have no vote. It shall be the duty of the chairperson to preside at all meetings of the committee and of the secretary to keep minutes of all meetings and of all proceedings of the committee. The vice chairperson shall perform the duties of the chairperson in the event of the absence of the chairperson or vacancy in the office. Four committee members shall constitute a quorum for the transaction of business. The affirmative votes by a majority of the quorum shall be necessary to carry any proposition. There shall be a fixed time and place of meetings within the corporate limits of the city of Ellensburg at least once each calendar month. The meeting time and place shall be made known to the public and all regular meetings of the committee shall be open to the public. [Ord. 4806 § 3, 2018; Ord. 4804 § 4, 2018; Ord. 4731 § 1, 2016.]~~

Section 33. Section 1.86.010 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4799, is hereby amended to read as follows:

1.86.010 Creation and purpose

~~There is created an affordable housing commission consisting of seven members who shall be appointed by the mayor and approved by a majority vote of the council.~~

The purpose of the affordable housing commission is to support the development of safe and affordable housing and related services in the city, by assisting the city in determining gaps in

affordable housing, and by making recommendations to city council for addressing the identified affordable housing needs of city residents. [Ord. 4799 § 1, 2018.]

Section 34. Section 1.86.020 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4799, is hereby amended to read as follows:

1.86.020 ~~Appointment—Terms – Composition~~

A.—Members of the affordable housing commission shall serve without compensation and be appointed ~~by the mayor~~ for a three-year term ~~subject to confirmation by the city council~~. At least five members must be residents of the city.

B.—~~Upon the initial formation of the commission, a city council member shall be appointed to the commission and shall serve a three-year term as chairperson. In addition, two commissioners will be appointed to a three-year term, two commissioners will be appointed to a two-year term, and two commissioners will be appointed for a single-year term. As the terms of commissioners expire, each replacement member of the commission will be appointed to a full three-year term with the result being for the lifetime of the commission there will be two new members or reappointed members every year. Committee members shall not serve more than three consecutive terms. [Ord. 4799 § 1, 2018.]~~

Section 35. Section 1.86.030 of the Ellensburg City Code is hereby repealed in its entirety:

1.86.030 ~~Removal—Vacancy~~

~~Members of the affordable housing commission may be removed at any time by a majority of the city council. Whenever a commission member absents himself/herself for three consecutive regular meetings of the commission, or an aggregate of five regular and/or special meetings annually, unless by permission of the commission given at an open public meeting, the office shall automatically be vacated. Requests for an excused absence shall be made in writing to the chairperson of the commission. Vacancies for the remainder of any such unexpired terms shall be filled in the same manner in which the original appointments were made. [Ord. 4799 § 1, 2018.]~~

Section 36. Section 1.86.040 of the Ellensburg City Code is hereby repealed in its entirety:

1.86.040 ~~Organization—Meetings—Quorum~~

A.—~~Immediately after their appointment, members of the commission shall meet and organize by electing from all the members of the commission a vice chairperson. It shall be the duty of the chairperson to preside at all meetings of the commission. The vice chairperson shall perform the duties of the chairperson in the event of the absence of the chairperson or vacancy of the office.~~

~~Four commission members shall constitute a quorum for the transaction of business. The affirmative votes by a quorum shall be necessary to carry any proposition.~~

~~B.—There shall be a fixed time and place of the meetings within the corporate city limits at least once each calendar month. The meeting time and place shall be made known to the public and all meetings of the commission shall be open to the public.~~

~~C.—A member of the city’s community development staff shall serve as secretary of the commission. Staff shall be entitled to participate in the deliberations of the commission, but shall have no vote. It shall be the duty of staff to keep minutes of all meetings and of all proceedings of the commission. [Ord. 4799 § 1, 2018.]~~

Section 37. Section 1.88.010 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4871, is hereby amended to read as follows:

1.88.010 Creation and purpose

There is created a diversity, equity and inclusion (DEI) commission consisting of seven members ~~who shall be appointed by the mayor and confirmed by a majority vote of the council.~~

The purpose of the DEI commission is to assist Ellensburg city council in promoting diversity, equity and inclusion in the city of Ellensburg through action, education, and guidance. The commission will seek to support Ellensburg in celebrating a diverse, equitable, and inclusive community that welcomes and is supportive to all residents and visitors because doing so enriches each individual’s life and the community’s wellbeing and vitality. [Ord. 4871 § 1, 2021.]

Section 38. Section 1.88.020 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4871, is hereby amended to read as follows:

1.88.020 Appointment—Term – Composition

A. Members of the DEI commission shall serve without compensation ~~and be appointed by the mayor~~ for a three-year term ~~subject to confirmation by the city council.~~ At least five members must reside within the city limits of the city of Ellensburg, and all members must be residents of Kittitas County.

B. Upon the initial formation of the commission, two commissioners will be appointed to a three-year term, two commissioners will be appointed to a two-year term, and two commissioners will be appointed to a single-year term. As the terms of commissioners expire, each replacement member of the commission will be appointed to a full three-year term with the result being for the lifetime of the commission there will be two new members or reappointed members every year. ~~Committee members shall not serve more than three consecutive terms.~~

C. A city councilmember shall be appointed to the commission as chairperson who is nonvoting except in the case of a tie.

D. The city council shall ensure a mix of commission members who represent communities diverse in age, skin color, gender identity, sexual orientation, religion or disability, and who represent business, nonprofit, or education sectors, and who have skills or experience in analytics, translation, marketing, technology, human resources, or law. The Ellensburg city council will seek to attract members that are interested in diversity issues, can respect different viewpoints, are action-oriented, and have personal experience that will provide empathy and community understanding regarding issues of diversity, equity and inclusion. [Ord. 4871 § 1, 2021.]

Section 39. Section 1.88.030 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.88.030 Removal—Vacancy~~

~~Members of the DEI commission may be removed at any time by a majority of the city council. Whenever a commission member is absent for three consecutive regular meetings of the commission, or an aggregate of five regular and/or special meetings annually, unless by permission of the commission given at an open public meeting, the office shall automatically be vacated. Requests for an excused absence shall be made in writing to the chairperson of the commission. Vacancies for the remainder of any such unexpired terms shall be filled in the same manner in which the original appointments were made. [Ord. 4871 § 1, 2021.]~~

Section 40. Section 1.88.040 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4871, is hereby amended as follows:

~~1.88.040 Organization—Meetings—Quorum Subcommittees.~~

~~A.— Immediately after their appointment, and in January of each following year, members of the commission shall meet and organize by electing from all of the members of the commission a vice chairperson. It shall be the duty of the chairperson to preside at all meetings of the commission. The vice chairperson shall perform the duties of the chairperson in the event of the absence of the chairperson or vacancy of the office.~~

~~B.— Four voting commission members shall constitute a quorum for the transaction of business. The affirmative votes by a quorum shall be necessary to carry any proposition.~~

~~C.— There shall be a fixed time and place of the meetings within the corporate city limits at least once each calendar month. The meeting time and place shall be made known to the public and all meetings of the commission shall be open to the public. Monthly meetings may be canceled by the chair due to lack of business, but the commission shall meet quarterly at minimum.~~

~~D.— A city staff person shall serve as secretary of the commission. It shall be the duty of staff to keep minutes of all meetings and of all proceedings of the commission.~~

~~E.— The commission may create subcommittees that include members of the public to address certain DEI topics or promote certain events. The subcommittee chair must be a member of the DEI commission, and must be appointed by a majority of the DEI commission membership.~~
[Ord. 4871 § 1, 2021.]

Section 41. Chapter 3.02 of the Ellensburg City Code, entitled “Building Code Board of Appeals,” is hereby repealed in its entirety:

~~3.02.120 Created— Membership.~~

~~There is established a board of appeals for the administration of the building code of the city of Ellensburg as provided in this chapter. The board shall be comprised of five members appointed by the mayor, subject to confirmation by the city council, and shall hold office for two years except that two of the first appointees shall be for one year terms. [Ord. 4682 § 1, 2014; Ord. 4643 § 5, 2013; Ord. 2385 § 1, 1958.]~~

~~3.02.130 Purpose— Function and jurisdiction.~~

~~A.— It is a function of the board to study and determine the suitability of alternate materials and types of construction as required in the building code of the city of Ellensburg; and~~

~~B.— The board shall hear all appeals from any notice or order issued, or any action taken, by the city building official, or his or her designee, under the provisions set forth in Chapters 3.01 (Building Codes), 3.03 (Fire Code Amendments), and 3.06 (Building Relocation) ECC, or any other code or ordinance wherein it is provided that an appeal to the building board of appeals shall be available; and~~

~~C.— The board shall have authority to make recommendations to the city council for such new legislation as will expedite or improve the administration of such codes or ordinances; and~~

~~D.— The board shall have no authority to consider, determine or interpret any matter arising under ECC Title 15 (Land Development Code), or the administrative provisions of these codes, nor to waive requirements of the building or fire codes. [Ord. 4682 § 2, 2014; Ord. 4643 § 5, 2013; Ord. 2385 § 2, 1958.]~~

~~3.02.140 Moving buildings— Bond.~~

~~Repealed by Ord. 4643. [Ord. 2399 § 3, 1959.]~~

~~3.02.150 Qualifications of members.~~

The voting members shall be appointed on the basis of qualifications, whether obtained through experience and/or training, to pass upon matters pertaining to building construction. [Ord. 4682 § 3, 2014.]

3.02.160 Board meetings.

A.—The board shall meet upon notice from the chairperson, within 30 days of the filing of an appeal or at stated periodic meetings.

B.—All hearings before the board shall be open to the public. The appellant, the appellant's representative, the building official and any person whose interests are affected shall be given an opportunity to be heard. [Ord. 4682 § 4, 2014.]

3.02.170 Quorum.

The majority vote of a quorum shall constitute the official action of the board. The presence of three members, having the right to participate in the meeting, shall constitute a quorum with full authority to function as the board. [Ord. 4682 § 5, 2014.]

3.02.180 Appeal procedure.

A.—Any person aggrieved by any notice and order issued by, or any ruling made by, any administrative official of the city under the codes and ordinances designated in Chapters 3.01 and 3.03 ECC shall have the right to appeal to the board.

B.—An appeal shall be initiated by filing with the building official of the city a written appeal, which shall be postmarked or delivered to the building official within 30 days of the date of the notice and order or other action appealed, on a form to be provided by the city. An application for appeal shall be based on a claim that the true intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply or an equally good or better form of construction is proposed.

C.—Upon the filing of a written appeal, the building official shall promptly notify the board of such filing and transmit to the board a true copy of the written appeal.

D.—The board shall conduct hearings of all timely appeals, determined to be within the board's authority, at a date and time certain after having given the aggrieved party in interest not less than 10 days' notice thereof. At said hearing the board shall receive evidence as may be presented by any department of the city of Ellensburg and by the aggrieved party in interest. Failure of aggrieved party or his representative to appear at the hearing properly noticed may be cause for dismissal of the appeal.

E.—The board shall render its interpretation of the code, or its decision, as it pertains to the question before it, and make its decision within 60 days from the date of the completion of the

hearing. Such decision shall include findings of facts based on the evidence presented at the hearing.

F.— Appeals of the board of building appeals' interpretations, decisions, penalties, and/or orders pertaining to appeals filed relative to the codes and laws assigned to the authority of the board shall be made to the superior court within 30 calendar days from the date of receipt of the interpretation, decision, penalty, and/or order in conformance with RCW 35.80.030(2). [Ord. 4682 § 6, 2014.]

~~3.02.190 Failure to appeal—Scope of hearing—Stay of order.~~

A.— Failure of any person to file in accordance with the provisions of this chapter shall constitute a waiver of his/her right to an administrative hearing and adjudication of the notice and order, or other ruling, or to any portion thereof.

B.— Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

C.— Except for vacation orders and stop work orders, enforcement of any notice and order, or other ruling of the building official, issued under a code or ordinance from which appeal to the board is available, shall be stayed during the pendency of an appeal therefrom which is properly and timely filed. [Ord. 4682 § 7, 2014.]

~~3.02.200 General provisions and rules.~~

A.— Procedures before the board shall be governed by reasonable rules or regulations established by the board.

B.— The report of the board may also be in the nature of a recommendation to the appellant. [Ord. 4682 § 8, 2014.]

~~3.02.210 Enforcement of orders.~~

Orders of the board may be enforced, work performed and costs recovered as provided by whatever means are available at law or by city ordinance. [Ord. 4682 § 9, 2014.]

~~3.02.220 Decisions of the board—Final.~~

Any order of the building code board of appeals shall be final and conclusive unless, within 21 days from the date of the order, the original applicant or an adverse party makes application to the superior court of the state for Kittitas County. [Ord. 4682 § 10, 2014.]

Section 42. Section 15.280.040 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4656, is hereby amended to read as follows:

15.280.040 Members, qualifications and terms

- A. The Ellensburg landmarks and design commission shall consist of seven members ~~appointed by a majority of the Ellensburg city council. A majority of members so appointed~~ who shall be residents of the city of Ellensburg.
- B. All members of the commission shall have demonstrated an active interest in historic preservation and design review.
- C. The commission shall include at least two owners of property from within the downtown and First Railroad Addition historic districts, as defined in ECC 15.300.060(B) and (C) or a property individually listed on the Ellensburg landmarks register. One member shall be a member of the Ellensburg Downtown Association (EDA) for a term of four years. One member shall be a general at-large position. The commission shall include at least three professionals (active or retired) who work or worked among the related fields of history, architecture, construction, landscape design, historic preservation, planning, anthropology, archaeology, cultural geography, American studies, land use law, or real estate.
- D. A commission action that would otherwise be valid shall not be rendered invalid by the temporary vacancy of one or all of the professional positions, unless the commission action is related to meeting certified local government (CLG) responsibilities cited in the certification agreement between the Ellensburg city council and the State Historic Preservation Officer.
- E. Appointment of new members to the commission shall be for a period of four years. ~~Vacancies shall be filled by the Ellensburg city council for any unexpired term in the same manner as the original appointment.~~ [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 43. 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 44. 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 45. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO HEARING EXAMINERS AND ADDING NEW SECTIONS 1.70A.320 AND 1.70A.340, AND AMENDING SECTIONS 1.70A.200, 4.34.020 AND 9.100.140 OF THE ELLENSBURG CITY CODE.

WHEREAS,

WHEREAS,

NOW, THEREFORE, the City Council of the City of Ellensburg, Washington do hereby ordain as follows:

Section 1. Section 1.70A.200 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4049, is hereby amended to read as follows:

1.70A.200 Appointments – Qualifications.

A. Appointments to the office of hearing examiner shall be made by majority vote of the city council and be subject to annual renewal in October. The city council may also from time to time appoint hearing examiners pro tempore to serve during the absence, unavailability, incapacity or disqualification of the hearing examiner.

B. The examiner shall be an independent contractor and not an employee of the city.

C. The terms of employment for the examiner shall be specified in a written agreement prepared by the city attorney and approved by the mayor and city council. The agreement shall set forth the scope of work, the duration of the appointment, the procedure for removal, the amount of compensation, and such other provisions deemed appropriate by the city council.

BD. The hearing examiner shall, at a minimum, be experienced in land use, planning, subdivision and related matters. [Ord. 4049 § 1, 1996.]

Section 2. A new section entitled “1.70A.320 Jurisdiction” is hereby added to the Ellensburg City Code to read as follows:

1.70A.320 Jurisdiction.

A. The hearing examiner shall have the power to receive and examine available information, conduct public hearings and prepare a record thereof and enter decisions as provided by ordinance.

B. The decision of the hearing examiner on the following matters which shall be within the jurisdiction of the hearing examiner, notwithstanding any other provision of the Ellensburg City

Code, and shall be final unless such decision is appealed as provided by the applicable city code or state law:

1. Appeals taken pursuant to ECC 1.80.070;
2. Appeal of any order issued, or any action taken, by the city building or fire code official, or his or her designee, under the provisions set forth in Chapters 3.01 (Building Codes), 3.03 (Fire Code Amendments) and 3.06 (Building Relocation) of the Ellensburg City Code;
3. Appeals taken pursuant to ECC 4.34.020;
4. Appeals taken pursuant to ECC 5.40.180;
5. Appeals taken pursuant to ECC 6.72.150;
6. Appeals taken pursuant to ECC 9.100.140(B);
7. Appeals taken pursuant to any applicable provision of Title 15 of the Ellensburg City Code; and
8. Any other matter designated by this code or other city ordinance.

Section 3. A new section entitled “1.70A.340 Fees” is hereby added to the Ellensburg City Code to read as follows:

1.70A.340 Fees

Each application for a permit or approval which requires a hearing before the hearing examiner, each appeal to the hearing examiner shall be accompanied by payment of a fee which shall be set by resolution of the city council.

Section 4. Section 4.34.020 of the Ellensburg City Code, as last amended by Ordinance 2844, is hereby amended to read as follows:

4.34.020 Filing.

In the event that the enforcement of Chapters 4.02, 4.04 and 4.06 ECC, excluding ECC 4.06.050, and Chapters 4.08, 4.10, 4.12, 4.14, 4.16, 4.17 and 4.18 ECC is deemed unreasonable or arbitrary by any person, firm or corporation, that person, firm or corporation shall have the right to file an appeal in writing to the ~~city council~~ hearing examiner for a final determination by the city council hearing examiner. [Ord. 2844, 1970.]

Section 5. Section 9.100.140 of the Ellensburg City Code, as last amended by Section 5 of Ordinance 4549, is hereby amended to read as follows:

9.100.140 Appeals of fees.

A. Appeal to the Engineer. If an owner of a parcel subject to this chapter, or other responsible party, believes the stormwater user's fee applied to their property is incorrect or otherwise disagrees with the utility rate determination, the owner may appeal the correctness of the fee to the engineer within 30 calendar days of the mailing of the billing for the fee. Such appeals shall be in writing and shall specify the grounds of the appeal and the requested remedy and shall include a deposit sufficient to cover the engineer's cost of review. The engineer may make an adjustment to the charges consistent with the criteria provided in ECC 9.100.100 and 9.100.120. If the engineer determines that the adjustment does not result in more than a 10 percent decrease to the original stormwater user's fee, the applicant shall be responsible for the engineer's cost of review. Applicants shall be refunded the full deposit amount for adjustments that are determined by the engineer to result in more than a 10 percent decrease in stormwater user's fees. Decisions of the engineer regarding such appeals shall be final unless appealed to the ~~city council~~ hearing examiner in a timely manner in accordance with subsection (B) of this section.

B. Appeal to the ~~City Council~~ hearing examiner. The decision of the engineer of an appeal filed in accordance with subsection (A) of this section may be appealed to the ~~city council~~ hearing examiner. Such appeal must be in writing and filed with the city clerk within 30 calendar days of the date of the decision of the engineer. The written appeal must specify the grounds of the appeal and request a hearing before the ~~city council~~ hearing examiner. The city clerk shall set a time and place for the appeal hearing. At the hearing, the ~~city council~~ hearing examiner shall make a final determination regarding the appeal based upon the criteria provided in ECC 9.100.100 and 9.100.120. [Ord. 4549 § 5, 2009.]

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

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

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

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

RESOLUTION NO. 2021-

A RESOLUTION relating to the Ellensburg City Council, replacing the Rules and Procedures for the Ellensburg City Council, and repealing Resolution No. 2019-07.

WHEREAS, Resolution 2019-07 updated the “Rules and Procedures for the Ellensburg City Council” (Council Rules); and

WHEREAS, the City Council has determined the Council Rules should again be updated;

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

Section 1. This Resolution supersedes and replaces City Council Resolution No. 2019-07, which is hereby repealed.

Section 2. The Rules and Procedures for the Ellensburg City Council, attached to this Resolution, are hereby adopted and are effective immediately upon passage of this Resolution.

ADOPTED by the City Council of the City of Ellensburg this ____ day of November, 2021.

Mayor

Attest:_____
City Clerk

City of Ellensburg
City Council Rules of Procedure
November 1, 2021

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1. General Rules

1.1 Authority. The Ellensburg City Council hereby establishes the following procedures for the conduct of Council meetings, proceedings, and business. These procedures shall be in effect upon adoption by the Council and until such time as they are amended or new procedures are adopted in the manner provided in these rules.

1.2 Meetings to be Public. The meetings of the Council shall be open to the public with the exception of executive or exempt sessions for certain limited topics (as defined in ~~RCW~~ Chapter 42.30 RCW). The Council minute book shall be open to public inspection.

1.3 Quorum. A majority of four councilmembers shall be required to be in attendance to constitute a quorum at any regular or special meeting of the Council. In the absence of a quorum, the Mayor or Mayor pro tempore, at the instance of any three (3) members present, may compel the attendance of absent members.

1.4 Roll Call - Absences. Before proceeding with the business of the Council, the City Clerk or his or her deputy shall call the roll of the members, and the names of those present shall be entered in the minutes. A Councilmember may be excused from the meeting by contacting the Mayor prior to the meeting and stating the reason for his or her inability to attend the meeting. If the Councilmember is unable to contact the Mayor, the Councilmember shall contact the Mayor pro tempore, the City Clerk or Deputy City Clerk, who shall convey the message to the Mayor. The Mayor shall inform the Council of the Councilmember's absence, state the reason for such absence and inquire if there is a motion to excuse the member. Upon passage of such motion by a majority of Councilmembers present, the absent Councilmember shall be considered excused and the Clerk will make an appropriate notation in the minutes. If the motion is not passed, the Clerk will note in the minutes that the absence is unexcused.

1.5 Records of Council Proceedings. The City Clerk shall record all business transacted at a Council meeting. In recording Council minutes, the Clerk, in addition to the names of the Councilmembers in attendance, shall record the names of all city officials or employees in attendance at the Council meeting and all persons who have addressed the Council.

1.6 **Right of Floor.** Any Councilmember desiring to speak shall be recognized by the ~~Presiding Officer~~ presiding officer and shall confine his or her remarks to one subject under consideration or to be considered. Minutes of all proceedings of the Council shall be kept by the City Clerk and shall be entered in a book constituting the official record of the Council.

1.7 **Remote Attendance.** Councilmembers may appear at a Council meeting via video conferencing or telephone ("remote attendance") ~~under limited circumstances~~ when approved by the Mayor or Mayor pro tempore, or if remote attendance is required by reason of legislative or governor's proclamation/order, or other emergency order enacted by Council. ~~Remote attendance is for the benefit of the City of Ellensburg and not for the benefit of an individual Councilmember. Remote attendance may occur as follows:~~

a. ~~— The Mayor or Mayor pro tempore may approve a Councilmember's appearance at a Council meeting via remote attendance when action on a measure to be voted on cannot be delayed but rather requires immediate action or remedy and one or more of the following circumstances exists:~~

1. ~~— Due to fire, flood, earthquake, or other emergency, there is a need for action by Council to meet the emergency;~~

2. ~~— A vote of the Council of the whole is required for action; or~~

3. ~~— A unanimous vote of the whole Council is required for passage of a measure.~~

b. ~~— Remote attendance shall not be allowed during any quasi-judicial, legislative or appeal hearing, although such attendance may be allowed for the remainder of the meeting.~~

1.8 **Rules of Order.** *Robert's Rules of Order Newly Revised* shall be the guideline procedures for the proceedings of the Council. If there is a conflict, these rules shall apply.

2. Types of Meetings

2.1 Regular Meetings. The City Council shall hold regular meetings on the first and third Mondays of each month at 7:00 p.m. and will adjourn no later than 11 p.m. To continue past this time of adjournment, a majority of the Council must concur. If the day fixed for any regular meeting of the Council falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday. The Council may reschedule regular meetings to a different date or time by motion. The location of the meetings shall be the Council Chambers at City Hall, 501 N. Anderson Street, unless specified otherwise by a majority vote of the Council, legislative proclamation, governor's proclamation/order, or other emergency order. All regular and special meetings shall be public.

2.2 Special Meetings. The City Clerk, upon request of the Mayor or by a majority of the Council shall call special meetings of the Council for the purpose of conducting official action. Notice shall be given at least 24 hours in advance as required by RCW 42.30.080. Notice may be provided to each member of the Council by telephone, e-mail, regular mail or otherwise, of the special meeting.

2.3 Study Session and Workshops. The Council may meet informally in study sessions and workshops (open to the public), at the call of the Mayor or by a majority of the Council, to review forthcoming programs of the city, receive progress reports on current programs or projects, receive other similar information from city department heads or conduct procedures workshops, provided that all discussions and conclusions thereon shall be informal and do not constitute final action of the Council.

2.4 Emergency Meetings. An emergency meeting is a Special Council meeting called without 24-hour notice. An emergency meeting deals with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of a 24-hour notice would make notice impractical and increase the likelihood of such injury or damage. Emergency meetings may be called by the Mayor as provided by RCW 42.30.070. The Council minutes will indicate the reason for the emergency.

2.5 Executive Sessions. An executive session is a Council meeting that is

closed except to the Council, City Manager, City Attorney and authorized staff members and/or consultants authorized by the Mayor. The public is restricted from attendance. Executive sessions may be held during Regular or Special council meetings and will be announced by the Mayor.

a. Executive Session subjects are limited to matters authorized pursuant to Ch. 42.30 RCW, including but not limited to considering real property acquisition and sale, public bid contract performance, complaints against public officers and employees, public employment applications and public employee evaluation, elective office appointments, and attorney-client discussions regarding agency enforcement actions, litigation, or threatened litigation.

b. Before convening in executive session, the Presiding Officer shall publicly announce the purpose for excluding the public from the meeting place, the anticipated time when the executive session will be concluded, and whether any action is anticipated to be taken following the executive session. Should the executive session require more time, a public announcement shall be made extending the meeting for a time certain. Should the executive session end prior to the time specified, Council may reconvene to formally adjourn, if appropriate. ~~and~~ If action is required, the Council may not take action until the specified time has lapsed.

c. At the conclusion of the executive session, if appropriate, the public meeting will reconvene to formally adjourn the meeting, for taking action on the item resulting from the executive session if properly noticed, or to continue the meeting.

2.6 Council Contact Outside an Official Meeting. Generally, Councilmembers have the same freedoms of association as any other citizen. Councilmembers must take great care when present at the same social, unofficial functions, or in any public setting to refrain from engaging in any activity which could be interpreted as de facto deliberation or action on a matter of city business.

3. Conduct of Meetings

3.1 **The Mayor – Election.** The Mayor shall act as the presiding officer of the Council ~~shall be the Mayor who~~ and shall be elected biennially at the first meeting of a new Council by the members from their membership, or otherwise when there is a vacancy in the position. The Mayor shall assume the chair immediately after his or her election. In the absence of the Mayor, the Mayor pro tempore shall ~~preside~~ act as the presiding officer. In the absence of both the Mayor and Mayor pro tempore, the Council shall elect a presiding officer to preside over the meeting or to act for the Mayor in his or her absence.

3.2 **Call to Order.** The ~~Mayor, or in his or her absence, the Mayor pro tempore,~~ presiding officer shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Council to order. In the absence of the Mayor and the Mayor pro tempore, the City Clerk or his or her assistant shall call the Council to order, whereupon a temporary ~~Presiding Officer~~ presiding officer shall be elected by the members of the Council present. Upon the arrival of the Mayor or Mayor pro tempore, the temporary ~~Presiding Officer~~ presiding officer shall immediately relinquish the chair upon the conclusion of the business immediately before the council.

3.3 **Preservation of Order.** The ~~Presiding Officer~~ presiding officer shall preserve strict order and decorum at all regular and special meetings of the Council, as set forth by Rules 6 and 7. The presiding officer may request the Sergeant-at-Arms to enforce actions consistent with this rule pursuant to Rule 7.4 ~~prevent attacks on personalities or the impugning of Councilmembers' motives, and confine Councilmembers in debate to the question under discussion.~~

3.4 **Points of Order.** The ~~Presiding Officer~~ presiding officer shall determine all points of order, subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be "Shall the decision of the Presiding Officer be sustained?"

3.5 **Questions to be Stated.** The ~~Presiding Officer~~ presiding officer shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order, subject to, however, ~~to~~ an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. A roll call vote may be taken on any question.

3.6 **Mayor – Powers.** The Mayor shall vote on all questions, his or her name being called last. He or she shall sign all ordinances and resolutions adopted by the Council during his or her presence. In the event of the absence of the Mayor, the Mayor pro tempore or presiding officer shall sign ordinances or resolutions as then adopted.

3.7 **Reading of Minutes.** Unless a reading of the minutes of a Council meeting is requested by a member of the Council, such minutes may be approved without reading if the Clerk has previously furnished each member with a copy of the minutes.

4. Order of Business and the Agenda. All meetings of the Council shall be open to the public. Promptly at the hour specified herein on the date of each regular meeting, the members of the Council, the City Clerk, City Attorney, and City Manager shall be present for the meeting ~~take their regular stations in the Council Chambers,~~ and the business of the Council shall be taken up for consideration and disposition in the following order:

4.1 Flag Salute.

4.2 Call to Order - Roll Call. The ~~Presiding Officer~~ presiding officer calls the meeting to order and will announce the attendance of Councilmembers, indicate any Councilmember who is not in attendance and whether the Councilmember has requested an excused absence. Excused absences will be handled as stated in Rule 1.4.

4.3 Proclamations. A proclamation is defined as an official announcement made by either the City Council or the Mayor.

4.4 Awards and recognitions.

4.5 Approval of regular agenda.

a. The ~~Presiding Officer~~ presiding officer may, with the concurrence of the Councilmembers by majority vote, take agenda items out of order. The agenda may be amended upon majority vote of the Councilmembers.

b. Because adoption of any item on the consent agenda, as provided in Rule 4.6, implies unanimous consent, any member of the Council shall have the right to remove any item from the consent agenda. Therefore, prior to the vote on the motion to adopt the regular agenda, the ~~Presiding Officer~~ presiding officer shall inquire if any Councilmember, or any member of the public with concurrence of a Councilmember wishes an item to be withdrawn from the consent agenda. If an item is withdrawn, it shall be placed at an appropriate place on the regular agenda for the current or a future meeting, to be followed by a motion to approve the regular agenda, as amended, by the item's removal from the consent agenda.

4.6 Consent agenda. The consent agenda is designed to contain items which are of a routine and non-controversial nature, including, but not limited to the following: minutes from Council, commission, and committee meetings; excused absence requests from Councilmembers; letters of resignation; approval of appropriations; resolutions which do not

involve significant policy issues; routine contracts; labor agreements; and certain administrative actions, such as consideration of banner requests and such other items as may be requested for inclusion by Council or by the City Manager and approved by Council. Any and all items on the consent agenda are approved by single motion and vote of the City Council.

4.7 Petitions, protests, and communications.

4.8 Citizen comment on non-agenda issues.

4.9 Business requiring public hearings.

4.10 Introduction and adoption of resolutions and ordinances.

4.11 Unfinished business.

4.12 New business.

4.13 Miscellaneous.

4.14 Executive session.

4.15 Adjournment. The ~~Presiding Officer~~ presiding officer shall adjourn Council meetings upon the conclusion of the agenda.

5. Agenda Preparation

5.1 Preparation. The City Clerk will prepare an agenda packet for each Council meeting and work session specifying the time and place of the meeting, and setting forth a brief general description of each item to be considered by the Council. The agenda is subject to review and approval by the City Manager and Mayor (or Mayor pro tempore when acting in the absence of the Mayor), either of whom may add or delete any proposed agenda item for reasons of ensuring council meeting efficiency or for reasons that are in the best interests of the City.

5.2 Placement of Agenda Items. An item may be placed on a Council meeting agenda by any of the following methods: 1) approval of the City Manager; 2) approval of the Mayor; 3) upon request of any Councilmember prior to preparation of the agenda; or 4) upon request of any Councilmember and approval by majority vote during the Councilmember Reports portion City Council meetings, in which case the item shall be placed on the agenda for the next regular Council meeting.

5.3 Completion. Agenda items will be completed by the appropriate City department staff and submitted to the City Clerk for finalizing by 10 a.m. on the Wednesday prior to the following Council meeting. The "agenda report" form will be used for all items submitted for a meeting agenda of committees, regular or special meetings, and work sessions.

5.4 Availability. An agenda shall be prepared and provided to the Council and available to the public on the Thursday prior to each meeting. Public availability shall include posting on the City website, distribution by email to an established mailing list and copies provided in the City Hall and Ellensburg Public Library lobbies.

5.5 Agenda Retention. The City Manager will prepare and keep current a calendar of agenda items for all Council regular and special meetings, work sessions, and committee meetings.

6. Comments and Debates of the Council

6.1 Rules of Debate. Presiding Officer May Debate and Vote. The Mayor, or such other member of the Council as may be acting as ~~Presiding Officer~~ presiding officer, may move, second and debate from the chair, subject only to such limitations of debate imposed by these rules on all members. Neither the Mayor nor any Councilmember shall be deprived of any of the rights and privileges of a Councilmember by reason of his or her acting as the presiding officer.

6.2 Getting the Floor – Improper References to be Avoided. Every Councilmember desiring to speak shall address the ~~Presiding Officer~~ presiding officer and, upon recognition, shall confine his or her comments to the question under debate, avoiding all personalities and indecorous language.

6.3 Interruptions. A Councilmember, once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or as herein otherwise provided. If a Councilmember, while speaking, is called to order, he or she shall cease speaking until the question of order is determined, and, if in order, he or she shall be permitted to proceed.

6.4 Courtesy. All ~~staff and speakers, including Councilmembers, and the Presiding Officer, in~~ during the discussion, comments, or debate of any matter or issue, shall address their remarks to the ~~Presiding Officer~~ presiding officer, be courteous in their language and deportment, and shall not ~~engage in or~~ discuss or comment on personalities, or indulge in derogatory remarks or insinuations in respect to any other member of the Council, or any member of the staff or the public, but shall at all times confine their remarks to those facts which are germane and relevant to the question or matter under discussion.

6.5 Privilege of Closing Debate. The Councilmember making the motion shall have the privilege of closing the debate.

6.6 Motion to Reconsider. A motion to reconsider must be made by a person who voted with the majority on the principal question and must be made at the same or succeeding regular meeting. It may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor and shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or any other motion at a subsequent meeting of the Council.

6.7 Remarks of Councilmember – When Entered in Minutes. A

Councilmember may request, through the ~~Presiding Officer~~ presiding officer, the privilege of having an abstract of his or her statement on any subject under consideration by the Council entered in the minutes. If the Council consents to the request, the statement shall be entered in the minutes.

6.8 Synopsis of Debate – When Entered in Minutes. The Clerk may be directed by the presiding officer, with consent of the Council, to enter a synopsis of the discussion on any question coming before the Council into the minutes.

~~7. Duties and Privileges of Citizens~~

~~7.1 Meeting Participation and Addressing the Council.~~ Citizens are welcome at all Council meetings and are encouraged to attend and participate prior to the deliberations of the Council. Any person desiring to address the Council shall first secure the permission of the presiding officer. Further, it will be expected that all speakers will deliver their comments in a courteous and efficient manner and will speak only to the specific subject under consideration. Anyone making out-of-order comments or acting in an unruly manner shall be subject to removal from the meeting. Use of cellular telephones is prohibited in the Council Chambers.

~~7.2 Written Communications.~~ Interested parties or their authorized representatives may address the Council by written communications in regard to matters then under discussion.

~~7.3 Citizen Comment for Matters Not on the Current Agenda.~~ Under the agenda item "Citizen Comment on non-agenda items," citizens may address the Council on any matter not on the agenda which concerns the City's business or over which the Council has control during the Citizen Comment portion of the Council agenda subject to the following:

a. ~~Those persons wishing to speak are requested to sign a register maintained by the City Clerk in advance of the Council meeting.~~

b. ~~Prior to speaking, they shall first obtain recognition by the Presiding Officer, state their name, address and subject of their comments.~~

c. ~~The Presiding Officer shall then allow the comments, subject to a three (3) minute limitation per speaker, or other limitations as the Presiding Officer or Council may deem necessary. Time may not be shared among any speakers.~~

d. ~~Speakers may not identify themselves as candidates for elective public office or make any statements which assist or discuss the campaign of a candidate for elective office, or discuss or campaign for or against a ballot proposition (unless the ballot proposition is being considered as part of the City Council agenda item).~~

e. ~~No action will be taken by the Council at the meeting during which the subject is introduced.~~

~~— 7.4 — **Addressing the Council After Motion Made.** After a motion is made by the Council, no person may address the Council without first being recognized by the Presiding Officer.~~

~~— 7.5 — **Manner of Addressing the Council — Time Limit.** Each person addressing the Council shall stand and give his or her name and address in an audible tone of voice, for the record, and unless further time is granted by the Council, shall limit his or her remarks to five (5) minutes on a matter subject to a hearing, or three (3) minutes otherwise.~~

~~— 7.6 — **“Out of Order” Comments.** Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the Council shall be forthwith, by the Presiding Officer, barred from further audience before the Council, unless permission to continue is granted by a majority vote of the Council. All remarks shall be addressed to the Council as a body and not to any member thereof. No person other than the Councilmember having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked of a Councilmember except through the Presiding Officer.~~

~~— 7.7 — **Enforcement of Decorum.** At the request of the Mayor or Mayor pro tempore, the Chief of Police or such member or members of the Police Department shall be Sergeant at Arms of the Council meetings. The Sergeant at Arms shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the Council meetings.~~

7.1 **Meeting Participation and Addressing the Council.** Members of the public are welcome at all Council meetings and are encouraged to provide comments and testimony on matters including agenda items, non-agenda items, and public hearings prior to the deliberations of the Council. Any person desiring to address the Council shall adhere to the rules below:

a. Speakers may not identify themselves as candidates for elective public office or make any statements which assist or discuss the campaign of a candidate for elective office or discuss or campaign for or against a ballot proposition.

b. All remarks shall be addressed to the Council as a body and not to any

individual member thereof. No question shall be asked of a Councilmember or staff except through the presiding officer.

c. Prior to speaking, members of the public shall first obtain recognition by the presiding officer by raising their hand for in-person attendance and “virtual hand” if remotely attending the meeting, and once recognized shall state their name and address, and whether they are speaking in an individual or representative capacity.

d. When addressing the Council, members of the public are urged to speak in an audible and articulate tone of voice for the record.

7.2 **Public Comment on Matters Before the Council.** Members of the public may address the Council on any matter which concerns the City's business or over which the Council has control during the comment portion of the agenda item subject to the following:

a. Agenda Items.

1. Members of the public may comment on items on the City Council agenda which are not adjudicatory or administrative in nature.

2. Members of the public shall limit their remarks to three (3) minutes unless additional time is granted by the presiding officer.

b. Non-Agenda Items.

1. Members of the public wishing to speak are requested to sign a register maintained by the City Clerk in advance of the Council meeting or raise their “virtual hand,” as directed, if attending the meeting remotely.

2. Members of the public may address the Council on any matter not on the agenda which concerns the City's business or over which the Council has control.

3. Members of the public shall limit their remarks to three (3) minutes. Time may not be shared between members of the public in order to speak longer than three (3) minutes each.

4. No action will be taken by the Council at the meeting during which the subject is introduced.

c. Public Hearings.

1. For legislative hearings, any member of the public may comment or provide testimony.

2. For quasi-judicial or appeal hearings, comments will be limited to persons who participated in the proceedings prior to the City Council public hearing, as established by the record below.

3. Members of the public shall limit their remarks to five (5) minutes unless additional time is granted by the presiding officer.

d. “Out of Order” Comments and Enforcement. Any person engaging in conduct that disrupts, disturbs or otherwise impedes the orderly conduct of the Council meeting, including but not limited to: unduly repetitive or irrelevant remarks; use of intimidating, threatening, or abusive language; disobedience of an order to be seated or to discontinue further comments; and/or engaging in violent behavior, will be deemed out of order and may, at the discretion of the presiding officer or upon a majority vote of the Council, be removed from the Council Chamber and/or have his or her virtual microphone muted.

7.3 **Written Communications.** Interested parties, or their authorized representatives, may address the Council through written communications, including email, in regard to matters under discussion. Communication should be directed to the City Clerk or to Councilmembers directly.

7.4 **Designation of Sergeant-at-Arms.** The presiding officer may designate the Chief of Police or such member of members of the Police Department as a Sergeant-at-Arms for the purpose of maintaining order and decorum at Council meetings. The Sergeant-at-Arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meetings.

8. Council Actions. The following actions may be considered at Council meetings:

8.1 **Ordinances.** "Ordinances" are legislative acts or local laws. They are the most permanent and binding form of Council action and may be changed or repealed only by a subsequent ordinance.

8.2 **Resolutions.** "Resolutions" are adopted to express Council policy or to direct certain types of administrative action. They have the same effect as a motion, but in a written form. A resolution may be changed by adoption of a subsequent resolution.

8.3 **Proclamations.** "Proclamations" are issued solely under the Mayor's authority. It is not required that they be read or presented at a Council meeting.

8.4 **Motions.** "Motions" are official Council actions which do not require prior documentation in writing. They often are the Council authorizing action (e.g., signing an agreement by the Mayor) or to provide direction to staff to prepare an item for future consideration.

8.5 **Protests of Council Action.** Any Councilmember shall have the right to have the reasons for his or her dissent from, or protest against, any action of the Council entered in the minutes.

9. Ordinances, Resolutions and Motions.

9.1 Preparation of Ordinances. All ordinances shall either be prepared by the City Attorney or submitted to the ~~attorney~~ him or her for review prior to presentation to the Council.

9.2 Prior Review by Administrative Staff. All ordinances and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney and shall have been reviewed for administration by the City Manager or the Manager's authorized representative, where there are substantive matters of administration involved.

9.3 Introducing for Passage or Approval.

a. Ordinances, resolutions, and other matters or subjects requiring action by the Council must be introduced and sponsored by a member of the Council; provided, however, such items may be presented to the Council by the City Manager or City Attorney, or such City staff as may be designated by the City Manager. Any Councilmember may assume sponsorship of an item of business submitted by the City Manager or City Attorney by moving that it be introduced; otherwise, the item shall not be considered.

b. No ordinance shall be put on its final passage on the same day on which it was introduced, unless this rule is waived as provided by Rule ~~9.5~~ 9.7 and not otherwise prohibited by state law from final passage in a single meeting. Where such a motion to waive this Rule 9.3(b), as provided in Rule 9.7, is approved, the ordinance may then be adopted through a single reading followed by a roll call vote.

c. All ordinances shall have two separate readings, each of which readings may be accomplished by a reading of the title paragraph only: provided, however, any or all of the readings may be required to be accomplished by a reading of the full text of the proposed ordinance, if the rules are waived as provided by Rule 9.7 to require such readings of the full text. When such a reading of the full text is required, upon a vote of a majority of the Council members present, it shall not be necessary to read excessive detail set forth in a particular ordinance, including but not limited to legal descriptions of land areas, and in lieu thereof an oral statement summarizing the contents so omitted may be made by the presiding officer ~~Mayor or the presiding councilmember~~, or by the City Clerk or

other recording secretary if so directed by the ~~Mayor or such~~ presiding officer
~~councilmember~~.

d. No ordinance shall relate to more than one subject and that subject shall be clearly summarized in its title paragraph. No ordinance or section thereof, or City Code section, shall be amended unless the title paragraph of the amendatory ordinance indicates that the ordinance, or a part thereof, is amendatory.

e. The vote on amendments to a proposed ordinance may occur at any time prior to its final adoption; provided, that in the case of any ordinance which under state law cannot be adopted at the same meeting in which it is introduced, the ordinance as amended shall not be finally voted upon until the next regular council meeting.

f. All ordinances introduced for the purpose of amending, in whole or in part, any existing City Code title, chapter, section, or subsection, shall state the number of such provisions, together with a reference to the ordinance or ordinances and the sections thereof from which the code provisions were most recently codified. Any such amendatory ordinances shall state how the pertinent City Code provisions shall be amended to read thereafter, and any so stated amended language of any such code provisions shall be deemed and shall constitute sufficient compliance with any other statutory or ordinance requirement that all ordinances, or sections or subsections thereof be set forth in full.

9.4 **Resolution.** A resolution may be approved on the same day it is introduced. While it is not necessary to have the title of a resolution read aloud, Council may invoke the two reading procedures described above to facilitate public understanding and/or comment on the resolution. If Council invokes the two reading procedures, a Councilmember may request that the entire resolution or certain sections be read, and such request shall be granted and the City Clerk shall read as requested.

9.5 **Voting and Motions.**

a. Consensus Voice Votes. When a formal motion is not required on a Council action or opinion, a consensus voice vote will be taken except that any Councilmember may require the vote of each Councilmember be recorded. The ~~Presiding Officer~~ presiding officer will state the action or opinion. The Council as a group will indicate concurrence or non-concurrence. Silence of a Councilmember during a voice vote shall be

recorded as a vote with the prevailing side, except where such a Councilmember abstains because of a stated conflict of interest or appearance of fairness.

b. Motions. No motion shall be entertained or debated until duly seconded and announced by the ~~Presiding Officer~~ presiding officer. The motion shall be recorded and, if desired by any Councilmember, it shall be read by the Clerk before it is debated and, by the consent of the Council, may be withdrawn at any time before action is taken on the motion.

c. Votes on Motions. Each member present shall vote or abstain on all questions put to the Council except on matters in which he or she has a conflict of interest. If a conflict of interest exists, such member shall disqualify him or herself prior to any discussion of the matter and shall leave the Council Chambers. A roll call vote shall be taken on the adoption of all ordinances and on motions to suspend rules. The order of voting shall be alphabetically according to the surnames of the Council members, except that the ~~Mayor or Mayor pro tempore, if presiding,~~ presiding officer shall vote last.

ad. Abstention from Vote. Any Councilmember who abstains from voting will not have his or her abstention counted or tallied with the votes of the Council on the question or matter under consideration, which must pass by a majority of ~~the~~ those Councilmembers who voted.

9.6 **Filing with Clerk.** All reports, petitions, ordinances and resolutions shall be filed with the Clerk and entered into the minutes.

9.7 **Waiver of Rules/Effect.** Except as otherwise provided by law, any rule established by this chapter may be waived upon an affirmative vote of five members of the City Council. No action taken by a Councilmember or by the Council, which is not in compliance with these rules, but which is otherwise lawful, shall invalidate ~~the~~ such Councilmember's or Council action, or be deemed a violation of the oath of office, misfeasance or malfeasance. These rules do not grant rights or privileges to members of the public or third parties.

10. Creation of Committees, Boards and Commissions.

10.1 Citizen Committees, Boards and Commissions. The Council may create committees, boards and commissions to assist in the conduct of the operation of city government with such duties as the Council may specify consistent with the Ellensburg City Code.

10.2 Types of Committees. There shall be two types of committees in the City of Ellensburg:

a. Standing Committees. Such committees are established to conduct business delegated by the legislative body and may be authorized by either state statute or city ordinance. An example would be the Utility Advisory Committee.

b. Citizen Advisory Committees. Such committees are formed to promote citizen participation on a particular subject and provide guidance on community views on a subject.

c. Special Committees. All special committees shall be appointed by the ~~Presiding Officer~~ presiding officer, unless otherwise directed by the Council.

10.3 Membership and Selection. Membership and selection of members shall be as provided by the Council if not specified otherwise in the Ellensburg City Code or state law. The Mayor makes all other appointments, subject to confirmation by the City Council, at an open public meeting. No committee so appointed shall have powers other than advisory to the Council or to the ~~m~~Mayor except as otherwise specified in the Ellensburg City Code or state law.

10.4 Attendance.

a. An aggregate of five absences for any committee, board or commission member per calendar year will be permitted. An excess of five unexcused absences may results in the member forfeiting his or her office, subject to the provisions of Rule 10.5.

b. No more than three consecutive member unexcused absences from regularly scheduled meetings will be permitted, with any excess absences resulting in ~~automatic~~ potential forfeiture of office, subject to the provisions of Rule 10.5, unless such consecutive absences are excused by the board or commission in an open public meeting.

10.5 Removal of Members of Committees, Boards and Commissions. ~~The Council will confirm the removal of any committee, board or commission member pursuant to Rule 10.4, and may remove any other member of a committee, board or commission which it has created, by a vote of at least a majority of the Council (this rule does not apply to the civil service commission or any other such body which has statutory procedures concerning removal).~~ A committee, board or commission may, by majority vote, recommend to the city council that an appointed member be removed for reasons stated in Rule 10.4 or any other reasonable grounds that include, but are not limited to inefficiency, neglect of duty, or an unlawful act. Council shall consider the recommendation as provided in ECC 1.12.060.

10.6 Formal Reports of Committee, Boards and Commission. All committees, boards and commissions shall make their formal reports in writing.

10.7 Remote Hybrid Meetings Attendance. Unless otherwise prohibited by legislative or governor's proclamation/order, or other emergency order, all committee, board and commission meetings shall be held both in-person at a City-owned facility and hosted remotely through videoconferencing technology. Committee, board and commission members shall be allowed to any meeting remotely as provided in ECC 1.12.120. ~~There are two types of circumstances that would allow for attendance through the use of videoconferencing or telephone ("remote attendance") by a city committee, board or commission member:~~

a. ~~Special circumstances. From time to time, a city committee, board or commission member will not be able to be physically present at a meeting and their absence would create a circumstance that would be of detriment to the community. Remote attendance is for the benefit of the City of Ellensburg and not for the benefit of an individual member. The procedural guidelines for permitting a member to remotely attend a meeting are as follows:~~

1. ~~An agenda item is time sensitive and remote attendance is needed for a quorum;~~

2. ~~Remote attendance shall not be allowed during any quasi-judicial or appeal hearing, although such participation may be allowed for the remainder of~~

the meeting.

~~3. — No more than two committee, board or commission members shall be allowed to remotely attend any one meeting.~~

~~4. — Remote attendance should be announced by the committee, board or commission chairperson, or vice chairperson in the absence of the chairperson, and will be reflected in the meeting minutes.~~

~~b. — Regular remote attendance. From time to time, a committee, board or commission member will not be able to be consistently physically present at a city committee, board or commission meeting, but will want to be involved in the activities of the group. Remote attendance is for the benefit of the City of Ellensburg and not for the benefit of an individual member. The procedures and guidelines for permitting a committee, board or commission member to regularly attend meetings remotely are as follows:~~

~~1. — A community member wanting to serve on a city committee, board or commission would provide significant benefit to the committee, board or commission, but due to unavoidable, frequent travel, would be otherwise unable to participate in person on a regular basis, or the community member has a disability and requests a reasonable accommodation.~~

~~2. — The community member who wishes to serve on a city committee, board or commission, but needs to regularly attend meetings remotely, must notify the City Council at the time of their application or, if after appointment, they experience a significant change in their circumstances that would justify regular remote attendance.~~

~~3. — Remote attendance shall not be allowed during any quasi-judicial, legislative or appeal hearing, although such participation may be allowed for the remainder of the meeting.~~

~~4. — No more than one committee, board or commission member shall be allowed to remotely attend meetings on a regular basis.~~

~~5. Remote attendance should be announced by the committee, board or commission chairperson, or vice chairperson in the absence of the chairperson, and will be reflected in the meeting minutes.~~

11. Internet & Electronic Resources – Equipment Use.

11.1 Policy. It is the policy of the City Council that Internet and electronic resources equipment use by Councilmembers shall conform to and be consistent with the requirements of City of Ellensburg Personnel Policies Manual Section 9.6, "COMPUTER SYSTEM, INTERNET AND E-MAIL USE POLICIES," adopted hereby and incorporated herein by this reference.

11.2 Use of Electronic Communication and Internet during Council Meetings. Councilmembers will avoid accessing, responding to, or sending any electronic message (text, e-mail, instant message, social media etc.) during Council meetings, whether such communication involves a citizen or other Councilmember. Such communication could be construed as inviting or receiving public comment, or engaging in a non-public discussion, regarding Council business, which should be conducted in an open meeting. Likewise, Councilmembers will avoid any browsing of the Internet of non-City business during Council meetings in order that Council's full attention can be given to the topic at hand.

11.3 Public Records. All letters, memoranda, ~~and~~ interactive computer communication or other forms of electronic communication involving City Councilmembers and members of advisory boards and commissions, the subject of which relates to the conduct of government or the performance of any governmental function, with exceptions stated by the Public Records Act (Ch. 42.56 RCW), are public records.

11.4 Open Public Meetings. In most cases, the Washington Open Public Meetings Act (OPMA) applies to electronic communications, which can include e- mail, instant messaging, texting or other methods that allow electronic interaction. Interactive e-mail or text discussions among a quorum of a governing body, whether shared concurrently or serially, regarding a matter which will come to the body for a vote is a "meeting" under the OPMA. The same result would apply to an interactive discussion among a quorum of Councilmembers conducted in any electronic format. Further, electronic communication should not be used to form a collective decision of the Council.

11.5 Public Records and Open Public Meetings Act Training. All newly elected or appointed Councilmembers shall complete basic training in public records and the Open Public Meetings Act (OPMA) within 90 days of taking the oath of office. Refresher

training must be taken no later than every four years thereafter.

11.6 The Appearance of Fairness Doctrine. The Appearance of Fairness Doctrine applies if an electronic communication to or from the Mayor or Councilmembers relates to a quasi-judicial matter that will come before Council for a decision (e.g., appeals from land use hearing examiner decisions). As with any ex parte communication about a quasi-judicial matter, the Mayor or Councilmember who receives the e-mail should:

- a. Advise the sender that on advice of the City Attorney, ~~s/he~~ or she may not comment outside a public meeting on a pending matter before Council and that the sender's e-mail will be included in the public record on the matter.
- b. Immediately forward the communication to the City Manager for inclusion in the public record of the matter.
- c. Disclose on the record in the public hearing or meeting on the matter that the communication has been received and is in the record.

11.7 Electronic Communications.

- a. Electronic communication should be used cautiously when seeking legal advice or to discuss matters of pending litigation or other confidential City business. In general, electronic communication is discoverable in litigation, and even deleted electronic communication is not necessarily removed from the system. Confidential electronic communications should not be shared with individuals other than the intended recipients, or the attorney-client privilege protecting the document from disclosure may be waived.
- b. As a cautionary note, if an elected public official uses his or her personal home computer to send electronic communications dealing with City business, the electronic communications and electronic records may be subject to discovery demands and public disclosure requests. That possibility amplifies the need for caution in how one uses electronic communication for City business.



MANAGER'S REPORT

DATE: November 1, 2021

TO: Ellensburg City Council

FROM: Heidi Behrends Cerniwey, City Manager

1. Solid Waste Disposal Rate Adjustment.

Kittitas County has approved a new disposal rate for 2021 of \$121.63 per ton. The 2020 rate was \$116.33. The City's collection contract with Waste Management provides for pass through of increases in tipping fees during the life of the contract. The City received notice of the increase and the new rates will become effective November 1, 2021.

2. Request to Set a Public Hearing for Supplemental Budget.

Staff is preparing a supplemental budget ordinance for Council consideration to amend the 2021/2022 Biennial Budget to reflect changes in operational requirements and capital project plans since the budget was adopted. Chapter 35A.34 RCW provides procedures for adopting, managing, and amending a biennial budget, including procedures for a required mid-biennial review and modification of the biennial budget. We request that Council set a public hearing on November 15, 2021 to take input on the budget ordinance and conduct first reading.

3. Winterizing City Parks

Park flush restrooms, as well as the access road into Irene Rinehart Riverfront Park, will be closed for the season by November 1, 2021. Portable and vault restrooms will be available throughout winter at the following park locations: Rotary Off Leash, IRRP, Paul Rogers, North Alder Street, and Mountain View. The downtown restroom located at 3rd & Main will also stay open. The upper portion of the Rotary Park parking lot will remain open to allow access to the off-leash dog park and cross-country ski trails.

4. New Vac Con Truck Delivered

The City's new Vac-Con truck arrived on October 26 and our crews were excited to see this asset roll in. This truck represents an investment of \$445,292 and will be used to clean and maintain City sewer and stormwater systems and to perform hydro excavation as necessary. Features include a single engine to ease maintenance and repair, storage of 1,300 gallons of water on board which means fewer trips to fill station; quick release fittings for easy cleanup and cleanout; work lights to help at night; and recirculation to allow for safe operation in freezing temperatures. Purchasing the Vac-Con adds capacity to City work crews and removes an annual \$72,000 rental expense for a similar truck.