

COUNCIL AGENDA

Monday, November 21, 2022



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To attend the city council meeting virtually register here:

https://us02web.zoom.us/webinar/register/WN_90mzWJwYQs6YU32oFP-c0g

AMERICANS WITH DISABILITIES ACT

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COUNCIL MEETING GUIDELINES FOR PUBLIC PARTICIPATION

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

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

SUBMISSION OF WRITTEN COMMENTS

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

PROCEDURE FOR REMOTE PARTICIPATION DURING MEETING

1. ***Advance registration is required to provide public comment or hearing testimony via remote meeting attendance.*** Anyone wishing to speak on items under the Agenda must register prior to 7 p.m. the day of the meeting. Register for the meeting at: https://us02web.zoom.us/webinar/register/WN_90mzWJwYQs6YU32oFP-c0g - Once registered, you will receive an email with the meeting link and phone number (for those who wish to call into the meeting).
2. **Join the meeting early**, as you may need to download the app in advance to participate. Once you've joined the meeting, your camera and microphone will be muted until you are recognized by the Mayor to speak.
3. Please note that there may be several items on the City Council Agenda that will precede the agenda item you wish to address.
4. **The Mayor will identify the agenda item** and ask if anyone wishes to speak on the matter.
5. Any interested person may provide comments: 1) under Item 7 on non-agenda items, or 2) on any listed agenda items. If you wish to speak, you must:
 - a) **Raise your “virtual hand”** in the corner of Zoom application on the computer screen or press *9 on your phone. Raising your hand signals the moderator that you wish to speak.
 - b) **Wait to be called upon by the Mayor** using your name, e-mail, or phone number used to log in to the teleconference.
6. **Please state your name, address, and whether you are representing only yourself or others.**

PROCEDURE FOR IN-PERSON PARTICIPATION (COUNCIL CHAMBERS)

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

PUBLIC COMMENT RULES FOR ALL MEETING PARTICIPANTS

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

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

CONSENT AGENDA

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

AGENDA ITEMS

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

PUBLIC HEARINGS

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

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

**CITY OF ELLENSBURG
COUNCIL AGENDA
Council Chambers
501 North Anderson Street
Ellensburg, WA 98926
And remotely via Zoom
Monday, November 21, 2022
7:00 PM - Regular Meeting**

Pledge of Allegiance

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

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

- | | |
|---|----|
| 5.A Approve Minutes of November 7, 2022 Regular Meeting
11-7-22 Regular Meeting | 8 |
| 5.B Approve Minutes of the November 7, 2022 Study Session
11-7-22 Study Session | 12 |
| 5.C Acknowledge Minutes of Boards and Commissions
Arts Commission 9-8-22
Arts Commission 10-13-22
DEI Commission 10-11-22
Library Board 9-13-22
EBDA/CenterFuse 10-12-22
Landmarks & Design Commission 10-04-22
Landmarks & Design Commission 10-18-22
Library Board 10-11-22
Park & Recreation Commission 9-14-22
Park & Recreation Commission 10-12-22
Sr. Citizen Advisory Committee 10-11-22 | 13 |

5.D Approve University Way Banner Request for CWU Ware Fair, November 28 - December 4, 2022 Ware Fair 2022 Banner Request	38
5.E Approve University Way Banner Request for CWU Air Force ROTC, November 7 - 13, 2023 Air Force ROTC 2023 Banner Request	39
5.F Interlocal Agreement Regarding Joint Facility Use of City of Ellensburg and Ellensburg School District Facilities ESD-City Joint Facility Use Interlocal Agreement	40
5.G Accept Resignation of Charli Sorenson from the Affordable Housing Commission Sorenson Resignation 10-22	59
5.H Accept Resignation of Fiona Corner from the Parks & Recreation Commission Corner Resignation 11-2022	60
5.I Accept Resignation of Jim Goeben from the Utility Advisory Committee Goeben resignation 11-2022	61
5.J 2022 Pad-Mounted Switch Cabinet Purchase	62
5.K Request for Quote R22-15 City Janitorial Services Contract City Janitorial Contract	63
5.L Approve Voucher Listing for November 21, 2022 11-21-22 Voucher Listing	82

6. Petitions, Protests, and Communications

6.A Ellensburg Downtown Association Update [Public Comment Opportunity]

7. Citizen Comment on Non-agenda Issues

8. Business Requiring Public Hearings

8.A Public Hearing (Legislative) - First Reading Ordinance 4900 for Proposed 2023/2024 Biennial Budget Ordinance [Public Comment Opportunity] Table 1 - Enhancements & Capital Projects by Fund Ordinance 4900 - 2023-2024 Biennial Budget Exhibits A & B - Budget Table by Fund Exhibit C - Budgeted Positions by Fund	83
8.B Public Hearing - First Reading Ordinance 4901 Imposing an Additional One-Quarter of One Percent Real Estate Excise Tax (REET 2) [Public Comment Opportunity] Ordinance 4901 - Imposing an additional one-quarter of one percent Real Estate Excise Tax	101

9. Introduction and Adoption of Ordinances and Resolutions

- 9.A [Ordinance 4899 \(second reading\) - 2023 Property Tax Levy](#) [Public Comment Opportunity] 106
[Ordinance 2023 Property Tax Levy](#)
- 9.B [First Reading Ordinance 4902 Establishing Funds](#) [Public Comment Opportunity] 110
[Ordinance 4902 - Establishing Funds](#)
- 9.C [Resolution 2022-38 Regarding Shoreline Master Program Periodic Review Update](#) [Public Comment Opportunity] 116
[Resolution 2022-38 SMP Update](#)
[Periodic Review Checklist](#)
[Ellensburg Final Draft SMP](#)
[Appendix A Shoreline Map](#)
[Appendix B Shoreline Environment Designation Descriptions](#)

10. Unfinished Business

- 10.A [FISH Funding Request](#) [Public Comment Opportunity] 291
[March 2022 Funding Requests from FISH](#)

11. New Business

- 11.A [Council Funded Grant Program - 2023 Grant Awards](#) [Public Comment Opportunity] 295
[2023 Funded Grant Recommendations](#)
[2023 Parks & Recreation Grants Memorandum from Brad Case](#)
- 11.B [Approval of Ellensburg Arts Commission 2023 Grant Awards](#) [Public Comment Opportunity] 299
[2023 Funded Arts Grants](#)
- 11.C [Arts Commission 2022 End-Year Review and 2023 Spending Plan](#) [Public Comment Opportunity] 353
- 11.D [2023 Legislative Priorities](#) [Public Comment Opportunity] 357
[Proposed Ellensburg 2023 Legislative Priorities](#)

12. Miscellaneous

6. 12.A [Manager's Report](#) [No Public Comment] 362
[Manager's Report 11-21-2022](#)
- 12.B [Councilmembers' Reports](#) [No Public Comment]

12. Executive Session [No Public Comment]

A. Per RCW 42.30.110(1)(b), to consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price.

B. 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.

13. Adjournment

Next Ord. 4903
Next Res. 2022-39



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of City Council, Regular Meeting

November 7, 2022

7:00 PM

Council Chambers 501 North Anderson Street

Ellensburg, WA 98926

And remotely via Zoom

Pledge of Allegiance

The Pledge of Allegiance was led by Councilmember Goodloe

1. Call to Order and Roll Call

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

Others present in person: City Manager Behrends Cerniwey, City Attorney Weiner, City Clerk Leader, Ellensburg Police Chief Wade, Finance Director Pascoe, Assistant Finance Director Bassett, HR Director Young, Public Information Officer Klauss, and approximately four members of the public.

Others present remotely via Zoom: four members of the public

2. Proclamations

2.A. Native American Heritage Month

This item was presented before item 9.A. so that Alan Aronica, was available to read the proclamation.

Councilmember David Miller moved to Approve the Mayor's signature on the proclamation recognizing Native American Heritage Month. **Motion Approved 7-0.**

2.B. Veterans Day Proclamation

Councilmember Winn read the proclamation.

Councilmember David Miller moved to Approve the Mayor's signature on the Veteran's Day proclamation. **Motion Approved 7-0.**

2.C. International Men's Day

Delano Palmer was present to read the proclamation.

Councilmember Adam Winn moved to Approve the Mayor's signature on the proclamation. **Motion Approved 4-0.(Councilmembers Monica Miller, Goodloe and Beauchamp abstained)**

3. Awards and Recognitions

4. Approval of Agenda

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

5. Consent Agenda

5.A. Approve Minutes of October 17, 2022 Regular Meeting

5.B. Acknowledge Minutes of Boards and Commissions

5.C. Approve University Way Banner Request for Kittitas County 4-H September 25 - October 8, 2023

5.D. Ellensburg Reservoir Siting Study Professional Services Agreement

5.E. Craig's Hill Pressure Zone Improvements Agreement for Professional Services

5.F. Grant Agreement for Ellensburg Fiber Extension and Fixed Wireless Broadband

5.G. Approval of the Sun Life Stop-Loss Policy for Plan Year 2023

5.H. Approve November 7, 2022 Voucher Listing

Councilmember Nancy Goodloe moved to Approve the Consent Agenda as presented.
Motion Approved 7-0.

6. Petitions, Protests, and Communications

6.A. Ellensburg School District Update by Superintendent Haberer
Jinger Haberer, Ellensburg School District Superintendent, presented an update concerning the School District.

6.B. Memorandum of Understanding Between the City of Ellensburg, Ellensburg School District, and Central Washington University
Nicole Klauss, Public Information Officer, presented information in the staff report.

Councilmember Monica Miller moved to Approve the Memorandum of Understanding between the City, CWU and Ellensburg School District. **Motion Approved 6-1 (Winn voted no).**

6.C. Website Redesign
Nicole Klauss, Public Information Officer, reviewed the updated city website and new points to the site. Council asked questions of staff.

7. Citizen Comment on Non-agenda Issues

8. Business Requiring Public Hearings

8.A. Public Hearing (Legislative) for Proposed 2023 Property Tax Levy Ordinance (First Reading)

The Mayor opened the public hearing. Jerica Pascoe, Finance Director, presented information in the staff report.

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

Councilmember David Miller moved to Approve first reading of Ordinance 4899 establishing the Ad Valorem Property Tax Levy for 2023. **Motion Approved 7-0.**

8.B. Public Hearing - Preliminary 2023/2024 Biennial Budget

The Mayor opened the public hearing. Heidi Behrends Cerniwey, City Manager, presented information in the staff report.

There were no questions or comments from the public and minimal questions from Council. The Mayor closed the public hearing. No action was required.

9. Introduction and Adoption of Ordinances and Resolutions

9.A. Second Reading and Adoption of Ordinance 4898 for a New Cable Television Franchise Agreement Between the City and Spectrum Pacific West, LLC, an Indirect Subsidiary of Charter Communications, Inc.

Terry Weiner, City Attorney, presented information in the staff report.

Councilmember Nancy Goodloe moved to Approve second reading and adoption of Ordinance 4898. **Motion Approved 7-0.**

9.B. Resolution 2022-36 Updating the Personnel Policies for the City of Ellensburg

Lisa Young, HR Director, presented information in the staff report.

Councilmember Monica Miller moved to Approve adoption of Resolution 2022-36. **Motion Approved 7-0.**

9.C. Resolution 2022-37 to Reject All Bids for Bid Call No. 2022-20 Pad-Mounted Switch Cabinets

Paul Meyer, Senior Electrical Engineer, presented information in the staff report.

Councilmember David Miller moved to Approve adoption of Resolution 2022-37. **Motion Approved 7-0.**

10. Unfinished Business

11. New Business

11.A. 2022 Third Quarter Financial Status and Investment Reports

Jerica Pascoe, Finance Director, presented information in the Financial Status and Investment Reports.

Councilmember David Miller moved to Approve accepting the 2022 Third Quarter Financial Status and Investment Reports as presented. **Motion Approved 7-0.**

12. Miscellaneous

12.A. Manager's Report

The City Manager reviewed the report. She requested approval of the Mayor's signature on the letter to the County Commissioners regarding Event Center funding.

Councilmember Rich Elliott moved to Approve the Mayor's signature on the letter to the Kittitas County Commissioners regarding Event Center funding. **Motion Approved 7-0.**

12.B. Councilmembers' Reports

- Councilmember Beauchamp attended an Affordable Housing Commission meeting
- Councilmember Elliott attended the 100th Anniversary Ellensburg Rodeo planning meeting
- Councilmember Goodloe attended the KCCOG, Utility Advisory Committee, Homelessness & Affordable Housing committee meetings and World Café planning meeting and subcommittee with the City Manager for 100th Rodeo Anniversary
- Councilmember David Miller attended the Public Transit Advisory Committee meeting, Finance Committee meeting, Coffee with Council, and WA Forestry Council meeting
- Councilmember Monica Miller attended Finance Committee meeting, a meeting with CWU for the Ellensburg Cultural Arts Plan and Coffee with Council. She requested review by Council of how proclamations are presented or requested
- Councilmember Winn attended the Law & Justice Committee, Lodging Tax committee and Environmental Commission meetings, Coffee with Council and reported on Youth Services and the Mental Health crisis line
- Mayor Lillquist attended a West Interchange meeting with residents and landowners concerning flooding issues, the Shaake property tour, a water bank celebration and a Rodeo 100th anniversary meeting. She will also assist with the bicycle friendly communities application

13. Executive Session

14. Adjournment

Meeting adjourned 9:10 pm

Mayor

ATTEST:

City Clerk



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of City Council, Study Session

November 7, 2022

6:00 PM

Council Chambers 501 North Anderson Street

Ellensburg, WA 98926

And remotely via Zoom

Study Session

All Councilmembers present with Councilmember Elliott present remotely

Also present in person: City Manager Behrends Cerniwey, City Attorney Weiner, City Clerk Leader, Finance Director Pascoe and Assistant Finance Director Bassett

1. New Revenues and Outside Funding Request from Rodeo Board and Kittitas County

Heidi Behrends Cerniwey, City Manager, presented information concerning revenue sources and provided information to Council of options available. Council asked questions of staff.

Staff recommendation was for Council to consider not submitting any funding requests for Distressed County Sales and Use Tax for the period of 10 years, which was included in a draft letter to the Kittitas County Commissioners. The letter would be presented for Council consideration during the Manager's Report.

Adjournment

Meeting adjourned 6:36 pm

Mayor

ATTEST:

City Clerk



CITY OF ELLENSBURG	MINUTES OF ARTS COMMISSION, Regular Meeting
Date of Meeting:	September 8, 2022
Time of Meeting:	4:00pm
Place of Meeting:	CCCR and ZOOM

1. CALL TO ORDER

Chair Eyre called the meeting to order at 4:05pm

2. ATTENDANCE

PRESENT: Alex Eyre, Jerry Dougherty, Courtney Blackstock, Cassandra Town, Brian Kooser

COUNCIL LIASON: David Miller

ABSENT:

VISITOR(S): Terrence Seales, Jeffrey Snedeker, Jill Scheffer, Marie Marchand, Kathy Boots, Stacey Henderson

STAFF: Josephine Camarillo

3. APPROVAL OF AGENDA

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

4. CORRESPONDENCE AND CITIZEN COMMENTS

None

5. GUEST SPEAKER/PRESENTER

Terrence Seales of Lakeside Equine LLC presented mural application for Central WA Equine Hospital. Mural options presented and discussed.

MOTION made by Eyre to accept Lakeside Equine LLC mural design, seconded, motion approved.

Commissioner Candidates introduced themselves: Jill Scheffer and Jeffery Snedeker.

6. APPROVAL OF MINUTES

MOTION made by Town to approve July 2022 minutes, seconded, motion approved.

7. BUDGET/FINANCIAL REPORT

No report

8. NEW BUSINESS

Gwen Budnik resigned her position on the commission.

9. UNFINISHED BUSINESS

None

10. SUBCOMMITTEE BUSINESS

- A. Cultural Assessment: Eyre and Town currently working on subcommittee that will focus on how to help artists thrive. Future programs may include Maker Space, Lunch and Learn, etc., in hopes for it to be artist led. Town looking at what other organizations are doing. Town will share advocacy document. Next meeting is Sept. 23/24.
- B. Funding: Dougherty and Town held four information sessions. 23 applications submitted. October 13th meeting commission will conduct evaluations. Meeting will start at 3pm.
- C. Public Art: Poet Laureate Marie Marchand gave update on her previous and upcoming programs. She will plan to do a mid-year report for City Council. Plaques been ordered for city art acquisitions that are on display. Blackstock reviewed current art map. Newer acquisitions need to be added and images need to be updated.
- D. Advocacy/Public Relations: Town will attend GIA conference in October in NY.
- E. Art Walk: Correspondence from Clark Chiropractic and Wellness regarding low attendance. Looking for feedback how to increase foot traffic. Need artist list?

11. ANNOUNCEMENTS

Blue Bear Puppet located on Main will be there till November 3, 2022.

12. NEXT MEETING

October 13, 2022, starting at 3pm.

13. ADJOURNMENT

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

Respectfully submitted,
Josephine Camarillo, Staff Liaison
Drafted: 9-8-22
Approved: 10-13-22



CITY OF ELLENSBURG	MINUTES OF ARTS COMMISSION, Regular Meeting
Date of Meeting:	October 13, 2022
Time of Meeting:	3:00pm
Place of Meeting:	CCCR and ZOOM

1. CALL TO ORDER

Chair Eyre called the meeting to order at 3:01pm

2. ATTENDANCE

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

VISITOR(S): None

3. APPROVAL OF AGENDA

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

4. CORRESPONDENCE AND CITIZEN COMMENTS

None

5. GUEST SPEAKER/PRESENTER

None

6. APPROVAL OF MINUTES

MOTION made by Eyre to approve September 2022 minutes, seconded, motion approved.

7. BUDGET/FINANCIAL REPORT

No report

8. NEW BUSINESS

2023 Grant proposals to be discussed in Executive Session

9. UNFINISHED BUSINESS

None

10. SUBCOMMITTEE BUSINESS

A. Cultural Assessment: Jeff interested in being involved with committee.

B. Funding: \$250.00 estimate for artist plaques. **MOTION** made by Dougherty to purchase plaques, seconded, motion approved.

- C. Public Art: Adult activity center will be receiving new art. Still need location areas for remaining art. Eyer will inquire having more artwork installed in City Hall.
- D. Advocacy/Public Relations: No report.
- E. Art Walk: Courtney working on gathering featured artist for November Art Walk to give to Daily Record each Monday before the walk. Also reaching out to Nicole and will be giving her the list to put on social media for the City of Ellensburg social media sites.

11. ANNOUNCEMENTS

None

12. NEXT MEETING

November 10, 2022, starting at 3pm

13. ADJOURNMENT

With no further discussion, meeting adjourned at 3:10pm.

Respectfully submitted,
Courtney Blackstock, Commissioner
Drafted: 10-13-22
Approved: 11-10-22

EXECUTIVE SESSION called to order at 3:11pm

MOTION made by Scheffer to approve the following projects for 2023 art grant awards, seconded by Kooser, motion passed.

Ellensburg Downtown Association	Buskers In the Burg	\$2,500
Gallery One	Artists in Action	\$2,500
Valley Musical Theatre	VMT's 2023 Rising Star's Production: Godspell Jr.	\$2,500
Youth Services of Kittitas County	Monthly Art Kits & Art in the Park	\$2,500
Valley Musical Theatre	VMT After Dark Production & Workshop: The One-Act Play That Goes Wrong	\$2,500
Make Music Ellensburg	Rock Band Class	\$640
CWU Jazz Education Network	Women in Jazz Day	\$2,500
Renee Adams	Bean Bag Botany	\$1,240
Entrust	Exhibition for people with disabilities.	\$2,500
Make Music Ellensburg	The Ellensburg Strum-Along	\$850
Quilters in the Valley	Quilt of Valor Sew Saturdays	\$800
Gabrielle McNeillie	Ellensburg's International Dance Day	\$2,493
Robin Mayberry	99 Reasons Why	\$1,000
	TOTAL	\$24,523

ADJOURNMENT

With no further discussion, meeting adjourned at 4:45pm.

CITY OF ELLENSBURG

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

Date of Meeting

October 11, 2022

Time of Meeting

3:00 PM

Place of Meeting

Council Chambers, 501 North Anderson St.

Ellensburg, WA 98926

And remotely via Zoom

1. Call to Order and Roll Call

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

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

Absent: Alex Mandujano

Also present: Nicole Klauss, Public Information Officer (Recording Secretary); Phil Backlund, consultant for DEI Commission Retreat; Terry Weiner, City Attorney; Heidi Behrends Cerniwey, City Manager; and one member of the public.

2. Approval of Agenda

Commissioner Cleary moved to approve the agenda. Commissioner Carnell seconded the motion. There was no discussion. **Motion Approved 5-0.**

3. Approval of Minutes from September 13, 2022 Meeting and August 12, 2022 Retreat

Commissioner Colazo moved to approve the September 13, 2022 meeting minutes. Commissioner Cleary seconded the motion. There was no discussion. **Motion Approved 5-0.**

Commissioner Cleary moved to approve the August 12, 2022 retreat minutes. Commissioner Divine seconded the motion. There was no discussion. **Motion Approved 5-0.**

4. Previous Meeting Motions And To-Do List Review

Daniel will finalize first collaboration with CWU and City library about the Japanese American WWII heroes event. **Not complete – Daniel contacted Hope Amason with CWU Museum and the presentation will be during Asian American Week 2023.**

Kandee will develop talking points to share when meeting with other commissions' members. **Complete. Kandee developed draft talking points.**

Kandee and Nicole will determine what to communicate and what methods of distribution to use. **Complete. They met to discuss the updates for Be Heard Eburg.**

Mayra will talk to contacts about plans for Cinco de Mayo. **Not complete.**

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

Nancy will review subcommittees and individual responsibilities to commission. **Not complete.**

Nancy will discuss what to do with remaining funding for 2022 or if we want to request to carry over. **Not complete. We still have additional funds.**

Nicole will draft first annual report to City Council. **Complete. Nicole will send to Council.**

Nicole needs to set up time for two commissioners to go to another commission meeting. **Not complete. Nicole has reached out to commission staff to set up time to attend meetings.**

Teresa and Mayra will set first meeting to plan participation in 2023 farmers market. **Not complete. Teresa reached out via phone and email but hasn't heard back. They will try to connect with market manager in person at a market.**

Teresa will meet with CWU Day of Action Committee. **Not complete. Teresa met with the committee and reviewed what went well last year. The event is set for May 11 and will begin at 1 p.m. with a food insecurity presentation in the CWU SURC 137A. The march downtown will be held at 5 p.m. and there will be a block party downtown.**

Tylene will finalize sponsorship of Pride 2023. **Not complete. Hal Holmes is sponsoring the meeting space for the committee. Meetings are open to the public. The committee is in the final stages of creating the sponsorship packet. The Committee has a save-the-date flyer for the parade and festival.**

5. Subcommittee Reports

Commissioner Goodloe will meet with Commissioner Amos and Colazo at the Dakota Café on October 12 at 10 a.m. to discuss the listening tours.

6. Commission Member Reports

None.

7. New Business

The Commission received an overview about the Ellensburg Police Department from Ellensburg Police Chief Ken Wade.

Commissioner Cleary moved to approve the Native American Heritage Month proclamation. Commissioner Divine seconded the motion. During discussion it was suggested more education is needed about the City's land acknowledgment. **Motion Approved 4-0 (a commissioner had to leave the meeting early).**

Commissioner Cleary moved to approve the proclamation in celebration of the Chaturmasya 2022. Commissioner Colazo seconded the motion. During discussion it was mentioned that the City prefers to approve proclamations with local connections, and this was not submitted by a local resident. **The motion failed 0-4. The proclamation was not approved. Staff will notify the person who submitted it.**

Commissioner Cleary moved to postpone consideration of the talking points for meeting with commissions to the November meeting. Commissioner Amos seconded the motion. Discussion was that the document was a draft and needed more time to review. **Motion Approved 4-0.**

Commissioner Cleary moved to approve the DEI Commission's annual report to the Ellensburg City Council in December. Commissioner Colazo seconded the motion. During discussion there was a recommendation to add a bullet point to the document. Commissioner Colazo asked about how members of the public can submit proclamation requests to the City. **Motion Approved 4-0.**

8. Staff Report

None.

9. Public Comment

None.

10. Preview Next Meeting

Goodloe reviewed items that will be on the next agenda:

- Finalize talking points to use when meeting with other commissions
- Josephine Camarillo will discuss the Cultural Conversations program and partnership with the DEI Commission

Meeting adjourned at 4:23 p.m.

Nicole Klauss

Drafted: 10/13/22

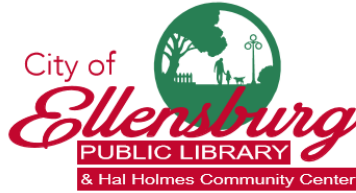
Approved: 11/08/22

CITY OF ELLENSBURG

Date of Meeting:

Time of Meeting:

Place of Meeting:



LIBRARY BOARD

September 13, 2022

4:30 p.m.

Council Conference
Room/ZOOM

Marty Blackson, Chair, term expires December 31, 2022

Loretta Gray, Secretary, term expires December 31, 2022

Mary Holmgren, term expires December 31, 2026

Andreina Delgado, term expires December 31, 2023

Julie Cloninger, term expires December 31, 2024

Andrea Sledge, term expires December 31, 2026

Mary James, term expires December 31, 2022

I. CALL TO ORDER

Chair Blackson called the meeting to order at 4:35 pm.

II. ATTENDANCE

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

COUNCIL LIASON: None

ABSENT: Julie Cloninger

VISITOR: None

STAFF: Josephine Camarillo

III. APPROVAL OF AGENDA

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

IV. APPROVAL OF MINUTES

Motion made by James to approve the July 2022 minutes, seconded by Holmgren, **motion approved.**

V. CORRESPONDENCE AND CITIZEN COMMENTS

None

VI. REPORTS

A. Director's Report (July/August): (1) The director attended multiple training sessions and worked on the budget. (2) Adult programming included sand dollar painting. (3) July and August were busy months for The Summer Reading Program, once again a success. (4) Adjustments to the collection and circulation statistics were discussed. (5) Hal Holmes held many events, including serving as an emergency cooling center during the heat wave. (6) The Library's heating and cooling system needs repair or replacement.

B. Budget Report: The report looks fine.

C. Friends of the Library Report: The bookshelf for selling books in the library has worked well. The next big sale is October 15.

VII. UNFINISHED BUSINESS

A. None

VIII. NEW BUSINESS

A. The 2023-2024 Library/HH Budget was discussed, including increases in the IRS system, the hours for the Youth Service assistant, and the hours of part-time staff.

IX. UPCOMING PROGRAMS

For September, the following are scheduled: (1) Children's Storytime, (2) Friends of the Library meeting, (3) Merit Panel Discussion: National Recovery Month, (4) Humanities Washington: Matthew Sullivan, author of *Midnight at the Bright Ideas Bookstore*, will provide a lecture at Hal Holmes on October 22.

X. UNSCHEDULED BUSINESS

None

XI. NEXT MEETING

October 11, 2022

XII. ADJOURNMENT

With no further discussion, meeting adjourned by Blackson at 5:11.

Respectfully submitted,
Loretta Gray, Secretary



Centerfuse

Ellensburg Business Development Authority

BOARD OF DIRECTORS MEETING MINUTES

Regular meeting held synchronously in-person and virtually

Wednesday, October 12, 2022

4:00-5:30 PM

Members in Attendance: Garrett Poshusta, Chair; Andreas Bohman, Vice Chair; Grant Clark, Treasurer; Del Bankston, Secretary; John Perrie, Board Member; Jennifer Lubanski, Board Member, James Jankowski, Board Member; Jared Vallejo, Board Member; and Bob Rapp, Board Member

Others present: Rich Elliott, Ellensburg City Council liaison; and Margaret Reich, Executive Director

1. Meeting Called To Order

The Chair called the meeting to order at 3:59 PM

2. Approval of Agenda

Motion to approve the October 2022 meeting's agenda as amended by Del Bankston, second by James Jankowski. Motion approved by unanimous vote.

3. Approval of Minutes

Motion to approve the September 2022 regular meeting minutes by John Perrie, second by Jared Vallejo. Motion approved by unanimous vote.

4. Public Comment

None.

5. Board Business

a. Organizational Effectiveness

Grant Clark, Treasurer presented the financial reports.

The board reviewed and discussed the staffing study final report from FIT HR.

Motion to accept the staffing study from FIT HR as presented and refer implementation of the report to the Organizational Effectiveness advisors by Jared Vallejo, second by James Jankowski. Motion approved by unanimous vote.

Board members discussed strategic planning for 2023, including confirmation of vision, mission, principles and updates to customers, environmental scans, and goals. Staff will create a supporting operational plan to accompany the board's strategic plan.

6. For the good of the order



The board reviewed the support letter for the CWU geothermal project and digital reports for September 2022.

7. **Adjournment** – time 5:34 Motion to adjourn by Del Bankston

Drafted: 10/14/2022

Approved: *Del Bankston*

Submitted by: Margaret Reich





CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of Landmarks & Design, Regular Meeting

October 4, 2022

5:45 PM

Council Chambers 501 North Anderson Street

Ellensburg, WA 98926

And remotely via Zoom

1. Call to Order and Roll Call

Roll Call Present- In Person: Darren Reid, Fred Redmon, Marty Blackson

Roll Call Present-Via Zoom: Chair Amy McCoy, Dorothy Stanley

Absent: Zane Kayner

Also present- In Person: Stacey Henderson, Senior Planner, Gerry Plachta

Also present- Via Zoom: Jeffrey Vargus

2. Approval of Agenda

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

3. Approval of the Minutes

Approval of Minutes from the September 7, 2022, LDC meeting.

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

4. New Business

- A.** Public Hearing for consideration of a Certificate of Appropriateness (COA), for the proposal to install new siding on the South, West, and East elevations of the dwelling at 104 E 9th Ave, (Parcel ID #373334).

Public hearing was opened. Planner Henderson presented a staff report.

Staff has reviewed the criteria in the Code and recommends that the Certificate of Appropriateness (COA) be granted by the Commission for the installation of Hardee siding on the South, West, and East elevations ONLY of the dwelling at 104 E 9th Ave., with one condition: 1. The applicant is to retain the existing siding of the front façade of the dwelling that faces 9th Ave, and replace the porch shingles that were removed with salvaged cedar shingles from elsewhere on the structure.

Commissioners addressed applicant and contractor. No public comment. Public hearing was closed and the findings of fact were read. After discussion, the public hearing reopened for additional questions. Commissioner Stanley addressed the contractor. The public hearing portion was closed again, for additional discussion and final decision.

Commissioner Blackson motioned that staff has reviewed the criteria in the Code and recommends that the Certificate of Appropriateness (COA) be granted by the Commission for the installation of Hardee siding on the South, West, and East elevations ONLY of the dwelling at 104 E 9th Ave., with one condition: 1. The applicant is to retain the existing siding of the front façade of the dwelling that faces 9th Ave, and replace the porch shingles that were removed with salvaged cedar shingles from elsewhere on the structure. Commission deliberated. Meeting closed. **Motion approved 4-1 for approval of the COA.**

B. Public Hearing for Consideration of a Special Valuation for Historic Properties
Application, for the rehabilitation of the house at 806 N B St, Ellensburg, WA.

Fred Redmon recused himself. Commissioner Stanley stated she was biased. Commission agreed Stanley would remain active in the meeting.

Planner Henderson presented a staff report stating that the applicant seeks Special Valuation approval for the rehabilitation of their dwelling located at 806 N B St, for work completed between 2020-2022. This house was built ca. 1905, and is a contributing building within the First Railroad Addition National Register Historic District and Local Landmarks Historic District.

Therefore, staff recommends that the Special Valuation for Historic properties application be approved by the Commission for the dwelling at 806 N. B St, with the following conditions, per RCW 84.26.050(2)(a) thru (f): a. Monitor the property for its continued qualification for the special valuation; b. Comply with rehabilitation plans and minimum standards of maintenance as defined in the agreement; c. Make the historic aspects of the property accessible to public view one day a year, if the property is not visible from the public right-of-way; d. Apply to the local review board for approval or denial of any demolition or alteration; and e. Comply with any other provisions in the original agreement as may be appropriate. f. Applicant shall submit a notarized budget to the Community Development Department prior to finalizing the Special Valuations Agreement. No Public Comment.

Public hearing closed. Commission deliberated.

Commissioner Blackson made a motion to approve the application for special valuation for 806 N B St. with the following conditions, per RCW 84.26.050 (2)(a) thru (f): a. Monitor the property for its continued qualification for the special valuation; b. Comply with rehabilitation plans and minimum standards of maintenance as defined in the agreement; c. Make the historic aspects of the property accessible to public view one day a year, if the property is not visible from the public right-of-way; d. Apply to the local review board for approval or denial of any demolition or alteration; and e. Comply with any other provisions in the original agreement as may be appropriate. f. Applicant shall submit a notarized budget to the

Community Development Department prior to finalizing the Special Valuations Agreement.
Motion Approved 5-0.

5. Old Business

None.

6. Citizen Comment

None.

7. Staff Update/Discussion Items

- A. October 18- Review of City Historic Preservation Grants. Darren Reid will need to recuse himself.
- B. November 1- 2 COAs to review
- C. Revitalize WA- October 19-21
- D. Opening in Commission with the new format was discussed

8. Commission Representative Update

- A. EDA Update

9. Adjournment

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



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of Landmarks & Design, Regular Meeting

October 18, 2022

5:45 PM

Council Chambers 501 North Anderson Street

Ellensburg, WA 98926

And remotely via Zoom

1. Call to Order and Roll Call

Roll Call Present- In Person: Darren Reid, Fred Redmon, Marty Blackson

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

Absent: Amy McCoy

Also present- In Person: Stacey Henderson- Senior Planner, Steve Reid- Public, Nicole Hilderman- Public, Sadie Thayer- Public, Chris Gough- Public.

Also present- Via Zoom: Fennelle Miller

2. Approval of Agenda

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

3. Approval of the Minutes

Approval of Minutes from the October 4, 2022, LDC meeting.

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

4. New Business

Review of 2023 City of Ellensburg Historic Preservation Grant Applications.

Presentation 1. Nicole Hilderman presented for 109 E 3rd Ave. They are requesting \$7,000 for exterior masonry repair work. Commissioner Reid recused himself.

Presentation 2. Sadie Thayer with Kittitas County Historical Society presented for 114 E 3rd Ave. Requesting \$17,591.00. The funds would be used for repointing of exterior brick masonry and exterior repair work. Commissioner Kanyer recused himself.

Presentation 3. Chris Gough presented for 309 W 5th Ave-Historic Shoudy Mansion. Requesting \$6000 for the repair of the Shoudy Mansion kitchen floor.

There were questions from Commissioners to applicants and staff. Meeting opened for discussion. Commissioner Reid and Kayner withdrew from discussion.

Commission recommends Hilderman 109 E 3rd to receive \$4000.00; Thayer 114 E 3rd to receive \$10,191.00; Gough 309 W 5th to receive \$3400.00. **Commission approved 3-0.** Staff will send recommendations to City Council.

5. Old Business

None.

6. Citizen Comment

None.

7. Staff Update/Discussion Items

- A. November 1- 2 COAs to review
- B. Revitalize WA- October 19-21
- C. Plan 2023 Work Session

8. Commission Representative Update

A. EDA Update

- 1. Hiring marketing and social media staff
- 2. Next week 2nd annual historic hub crawl

9. Adjournment

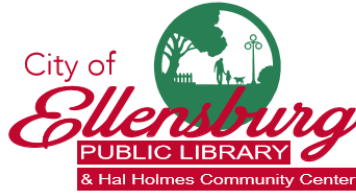
Commissioner Reid adjourned the meeting at 6:30 p.m.

CITY OF ELLENSBURG

Date of Meeting:

Time of Meeting:

Place of Meeting:



LIBRARY BOARD

October 11, 2022

4:30 p.m.

Council Conference
Room/ZOOM

Marty Blackson, Chair, term expires December 31, 2022

Loretta Gray, Secretary, term expires December 31, 2022

Mary Holmgren, term expires December 31, 2026

Andreina Delgado, term expires December 31, 2023

Julie Cloninger, term expires December 31, 2024

Andrea Sledge, term expires December 31, 2026

Mary James, term expires December 31, 2022

I. CALL TO ORDER

Chair Blackson called the meeting to order at 4:33 pm.

II. ATTENDANCE

PRESENT: Marty Blackson, Andreina Delgado, Loretta Gray, Mary James, Andrea Sledge

COUNCIL LIASON: Sarah Beauchamp

ABSENT: Julie Cloninger, Mary Holmgren

VISITOR: None

STAFF: Josephine Camarillo

III. APPROVAL OF AGENDA

Motion made by Delgado to approve the agenda, seconded by James, **motion approved.**

IV. APPROVAL OF MINUTES

Motion made by James to approve the September 2022 minutes, seconded by Gray, **motion approved.**

V. CORRESPONDENCE AND CITIZEN COMMENTS

None

VI. REPORTS

A. Director's Report (September): (1) City ordinance regulating public camping announced. (2) Position posted for Technical Services Supervisor. (3) Softball game played between City and County. (4) The Library co-sponsored a recovery panel discussion. (5) Adult Services has organized author visits and a Spanish/English conversation club. (6) Youth Services has a slate of popular activities. (7) Collection and circulation statistics were discussed. (8) Hal Holmes continues to hold many events.

B. Budget Report: The budget is on track.

C. Friends of the Library Report: The fall sale is coming up: October 15. Friends of the Library Appreciation Week is next week.

VII. UNFINISHED BUSINESS

A. 2023-2024 Library/HH Budget update was discussed. Staffing is a priority.

VIII. NEW BUSINESS

A. New City Code/Ordinance 5.70 Regulating Public Camping was discussed.

IX. UPCOMING PROGRAMS

For October, the following are scheduled: (1) Baby Bounce Storytime, (2) Friends of the Library Big Fall Book Sale, (3) Library Book Club meeting, (4) Two author visits: Rachel Brown, Matthew Sullivan (5) Retirement party for Carol.

X. UNSCHEDULED BUSINESS

A. A Board member has missed five consecutive meetings without communication. The City Code requires removal. Before initiating removal, the Board recommends that official notice be sent.

XI. NEXT MEETING

November 8, 2022

XII. ADJOURNMENT

With no further discussion, meeting adjourned by Blackson at 5:13.

Respectfully submitted,
Loretta Gray, Secretary



Parks & Recreation Advisory Commission Meeting Minutes – September 14, 2022

DATE OF MEETING: September 14, 2022
MEMBERS PRESENT: Ali Brown, Laci Harrison, KT Kelleher, Nick Zentner, Jackie Adams, Nikki Pollock
OTHERS PRESENT: Parks & Recreation Director Case, Council Liaison Monica Miller, Six members from the public
LOCATION: Meeting was held in the City Council Conference Room and Remotely

CALL TO ORDER – Meeting called to order at 5:30pm

MEETING MINUTES - The meeting minutes from the August 10, 2022 meeting were approved. ***All in favor.***

NEW BUSINESS – Park Partnership Program – Commission Chair Brown provided the Commission and attendees with an overview of the 'Park Partnership Program' and then introduced the two project applicants.

Ellensburg Youth Club – Bob Ford and William Yarwood spoke on behalf of the rugby club and their funding request of \$3,752.00 to install a split rail fence around the new rugby pitch at West Ellensburg Park. The installation of the fence would help define the edge of the park and rugby pitch, as well as provide a higher level of security from vehicles potentially driving out onto the grass and damaging the turf. Over 60 local youth participate in the program with continue growth anticipated.

Ellensburg Pickleball Club (EPIC)– Chris Nicolai, representing EPIC, spoke on behalf of their \$9,600.00 request to purchase and install a windscreen, add interior and perimeter chain link fencing, add a storage unit at the park for maintenance equipment, purchase a training wall, repair existing court cracks and to purchase extra nets and equipment.

A motion and second was made to fund both projects at their full request. Motion passed all in favor.

The total amount available in the fund is \$17,591.00, the request total \$13,352, leaving a balance of \$4,239.00. The Commission requested that staff look into the possibility that the balance of the funds could be used and if so do we have the option to, 1. Roll the funds over into the 2023 Park Partnership Program, 2. Put out a second call for proposals, or 3. If the Commission could recommend a project for the funds to be spent on.

OLD BUSINESS – Reed Park Master Plan & Stakeholders Meeting Review – Nick Zentner Commissioner Zentner provided the Commission with an update on the September 6th stake holder meetings where two concept plans were reviewed.

Commissioner Kelleher asked if there was a possibility to introduce some of the proposed changes through a pilot program to gauge community support. Staff will discuss with the landscape architect.

One idea was to place QR Code information about the park design work at the park so people could be informed about the proposed changes. Community members commented on the proposed design concepts.

Unity Park Next Steps

Staff provided an update on the planning process. Commissioner Kelleher voiced concerns about the lack of community awareness about the project. Commissioner Zentner stated that he still has concerns about losing the parking stalls currently located at the Unity Park property.

ITEMS FOR OCTOBER 12, 2022 MEETING

Unity Park preferred design plan update

Pickleball Disucssion

COMMISSION MEMBER REPORTS

Commissioner Kelleher talked about some of the concerns about behavior at Mt. View Park, especially during the evening in the northwest corner of the park and asked about adding some lighting to this corner of the park.

Meeting adjourned at 7:40pm.



Parks & Recreation Advisory Commission Meeting Minutes – October 12, 2022

DATE OF MEETING: October 14, 2022
MEMBERS PRESENT: Ali Brown, Laci Harrison, KT Kelleher, Nick Zentner, Jackie Adams, Nikki Pollock
OTHERS PRESENT: Parks & Recreation Director Case, Council Liaison Monica Miller, Three members of the public
LOCATION: Meeting was held in the City Council Conference Room and Remotely

CALL TO ORDER – Meeting called to order at 5:30pm

MEETING MINUTES - The meeting minutes from the September 14, 2022 were tabled as a result of staff inadvertently not providing the meeting minutes in the Commission agenda packet.

NEW BUSINESS – 6 Year Capital Improvement Schedule – City staff introduced the six-year capital improvement schedule to the Commission and explained that this was a document that is updated each year. The CIP is used to help prioritize capital improvement projects for the next six years.

A recommendation to the make the following changes to the schedules:

- Project #6 – Move Kiwanis Park Skatepark up to Project #4 and to the 2023 Planning Horizon
- Project #20- Move Reed Park to Project #5
- Project # 16 – Remove Skatepark Improvements from the list
- Add Pickleball Courts (6) to the CIP

OLD BUSINESS – Park Partnership Surplus Funds – Two applicants submitted project proposals for the 2023 Park Partnership Program totaling \$13,352.00, leaving a balance of \$4,239.00. The Commission requested that the remaining funds be split evenly between the Ellensburg Youth Rugby Club and the Ellensburg Pickleball Club and have each group provide the Commission with a plan for how they will use these funds. *All in favor.*

Neighborhood Meeting Regarding Reed Park Master Plan – William Meyer & Nick Zentner

Commissioner Zentner reported back on a neighborhood meeting put together by Bill Meyer to talk about the Reed Park concept plan options. The neighborhood voiced concerns over losing the majority of the overlook parking and wanted plans developed that would keep the layout of the park as is but make improvements and updates to what is currently there. One of the factors creating this neighborhood sentiment was the possibility of the City adopting a trespass admonishment ordinance which would be another tool that would allow law enforcement to trespass individuals from the park who are in violation of park rules, traffic laws and the like. The Commission had questions about trespass admonishment and if someone from the Ellensburg Police Department could attend the next Commission meeting to explain it to the Commission.

ITEMS FOR OCTOBER 12, 2022 MEETING

Trespass Admonishment Discussion

Letter to City Council from the Commission regarding Hostile Architecture

Park Partnership Program Surplus Funds Proposed Projects from Ellensburg Youth Rugby and the Ellensburg Pickleball Club

COMMISSION MEMBER REPORTS

Commissioner Kelleher asked if recent behaviors involving young adults hanging out in their vehicles at Mt. View Park had improved.

Commission Harrison spoke briefly about the Commission sending a letter to City Council requesting that the City not install hostile furniture in any public outdoor spaces and requested that the item be placed on the November 9th agenda.

Meeting adjourned at 7:10pm.



CITY OF ELLENSBURG

**Minutes of Senior Citizens Advisory
Committee**

Date of Meeting

October 11, 2022

Time of Meeting

1:00 PM

Place of Meeting

City Hall Council Conference Room and

Roll Call Present: Wendy-Jean Fischer, Marcia Hedrick, Mildred Miller, Ed Sendelbach

Absent: Edward Bracken

1. CALL TO ORDER

Meeting called to order 1:02 pm.

2. ROLL CALL

3. APPROVAL OF MINUTES

Commission member Wendy-Jean Fischer moved to Approve the minutes. **Motion Approved 4-0.**

3.A. July 2022 Minutes

4. CITIZEN COMMENT ON NON-AGENDA ITEMS

5. OLD BUSINESS

6. NEW BUSINESS

7. COMMISSION MEMBERS REPORTS/OTHER BUSINESS

7.A. September 2022 AAC Budget

8. STAFF REPORTS

- **Featured Commissioners**
 - **Thanksgiving Dinner**
 - **July Daily Check In's: 511 (June 571)**
 - **July New/Renew Users: 21 (June 22)**
 - **August Daily Check In's: 555**
 - **August New/Renew users: 20**
 - **September Daily Check In's: 346**
 - **September New/Renew Users: 15**
-
- Two new Recreation Aide positions have been filled at the Adult Activity Center.
 - Cameras have arrived and will be installed soon. There will be 8 indoor cameras and 2 outdoor cameras.
 - We would like to feature different commissioners and ask about some of the things they have worked on as a city commission member. Would anyone on the Senior Advisory Commission like to be highlighted?
 - Thanksgiving dinner will be on Wednesday, November 23 from 3-6 it is a free dinner, and it is open to everyone in the community. If you would like to volunteer, there is a signup sheet at the AAC. There are different volunteer shifts available.
 - July Daily Check In's: 511 (June 571)
 - July New/Renew users: 21 (June 22)
 - August Daily Check In's: 555
 - August New/Renew users: 20
 - September Daily Check In's: 346
 - September New/Renew Users: 15

9. ADJOURNMENT

Next meeting Tuesday, November 8, 2022, City Hall Council Conference Room Meeting adjourned at 1:35 pm.

University Way Banner Request Form

Contact Person: _____

Phone Number: _____

Name of Event/Program: _____

Banner Dates (Monday-Sunday): _____



* Example of a correctly made banner.

- ☐ I have contacted CWU Scheduling Services and reserved the banner dates.
Phone 509-963-1321 or 509-963-1641, Email: schedule@cwu.edu
- ☐ This Banner is a **maximum of 30' x 52"** and a **minimum of 24' x 48"** with **3" turnback at the top and bottom of the banner that will allow steel cable to be strung through it, and no grommets.**
 - We recommend that wind flaps be cut into the banner to prevent wind damage.
(Additional fees may apply, if CWU provides the services of adding wind flaps to your banner).
- ☐ I have contacted the City of Ellensburg for approval to hang this banner on the above dates.
City of Ellensburg: Phone 509-962-7204, Fax 509-962-7130, Email: renoc@ci.ellensburg.wa.us

Please Provide an Example of Your Banner in the Box Below (Please fill in writing and logos)

* If your banner does not meet specifications, we will be unable to process your request.*

City of Ellensburg approved by: _____

Date: _____

Disapproval/Reasons: _____

CWU Student Union Operations approved by: _____

Date: _____

For more information please contact CWU Student Union Operations & Scheduling Services at 509-963-1321.
The CWU scheduling center will not be held responsible for any weather related damage that occurs to your banner.

Central Washington University

University Way Banner Request Form

Please fill out form and return to Schedule@cwu.edu. The Scheduling Center will submit your form to the City.

Name of Event/Program: _____

Contact Person: _____ Phone Number: _____

Banner Hang Dates (Monday-Sunday): _____

☐ CWU Scheduling Center has reserved the banner dates.

Phone: 509-963-1321 or 509-963-1641, Email: schedule@cwu.edu

☐ Banner should be double-sided and a **maximum of 30' x 52"** and a **minimum of 24' x 48"** with **3" turnback at the top and bottom of the banner that will allow steel cable to be strung through it. No grommets.**

- We recommend that wind flaps be cut into the banner to prevent wind damage



* Example of a correctly made banner.

Provide an Example of Your Banner in the Box Below (Please fill in writing and logos)

Important Notes:

Banners affiliated with University business have priority. Therefore, banners from non-University groups requesting dates that conflict with a University banner may be rescheduled

If your banner does not meet manufacturing specifications, we will be unable to process your request and the banner will not be hung

The CWU Scheduling Center will not be held responsible for any weather-related damage that occurs to your banner

For more information please contact CWU Student Union Operations & Scheduling Center at 509-963-1321 or 509-963-1641.

City of Ellensburg approved by: _____ Date: _____

Disapproval/Reasons: _____



CITY COUNCIL AGENDA REPORT

City Council Meeting Date:	November 21, 2022
Item Title/Agenda Subject:	Interlocal Agreement Regarding Joint Facility Use of City of Ellensburg and Ellensburg School District Facilities
Submitted by:	Brad Case Parks and Recreation
Recommended Action or Motion:	Authorize the Mayor's signature on the interlocal agreement for joint facility use of City of Ellensburg and Ellensburg School District facilities.
Background/Summary:	This agreement provides a framework for joint facility use between the City of Ellensburg (City) and the Ellensburg School District (District). The City and District have a long-standing relationship regarding facility use; the City currently uses District gymnasiums to run youth and adult basketball and volleyball, the tiny-tots sports program, and the running club which uses the high school track. The District uses a variety of City facilities for their middle school and high school athletic programs including the soccer fields at Mt. View Park, the Rotary Park baseball and full-sized softball fields, City park shelters for end of the year parties, and the Kittitas Valley Memorial Pool & Fitness Center for their swim lesson program, high school swim team, and special services program.
Previous Council Action:	N/A
Analysis:	The development of this agreement formalizes and reflects current practices between the City and District regarding joint facility use. There is a mutual benefit for both the City and District to utilize each other's facilities, as well as a public benefit by limiting the duplication of publicly supported facilities.
Financial Impact:	In reviewing facility usage, District and City staff have determined that there is equitable use of each other's facilities and as a result there will no fees assessed, with the exception of the City charging the District for the staff required to lifeguard the district sponsored swim programs held at the Kittitas Valley Memorial Pool & Fitness Center.

Attachments:

ESD-City Joint Facility Use Interlocal Agreement

INTERLOCAL AGREEMENT REGARDING THE JOINT USE OF CITY AND DISTRICT FACILITIES

THIS AGREEMENT ("Agreement") is made and entered into as of the date set forth below by and between the City of Ellensburg (the "City"), a Washington municipal corporation, and Ellensburg School District No. 401 (the "District"), a political subdivision of the State of Washington, for the joint use of certain City and District recreational facilities. The City and District may also be referred to individually as "Party" or jointly as "Parties."

RECITALS

WHEREAS, it is in the public interest to maximize the use of both City and District recreational facilities; and

WHEREAS, there is overlapping of interest in the operation of these facilities by the City and the District; and

WHEREAS, joint allowing the use of each Party's facilities by the other Party ensures better utilization of buildings, athletic facilities, parks and open spaces, and avoids duplication of facilities, thereby saving tax monies; and

WHEREAS, a City and District cooperative approach can provide for the development, operation and maintenance of facilities for their better utilization by recreational, athletic, and other groups within the greater Ellensburg community; and

WHEREAS, chapter 39.34 RCW (Interlocal Cooperation Act) permits local governments to make the most efficient use of their power by enabling them to cooperate with other government entities on the basis of mutual advantage; and

WHEREAS, chapter 35.59 RCW recognizes and authorizes local governments, including cities and school districts, to make agreements for operation of multi-purpose facilities; and

WHEREAS, the City and District wish to explore opportunities to develop and improve facilities and equipment to support programming by both parties; and

WHEREAS, the City and the District desire to enter into an agreement to establish the terms for joint use of certain recreational facilities, all as provided for herein.

NOW THEREFORE, in consideration of the promises and commitments contained herein, the Parties hereto agree as follows:

AGREEMENT

1. **PURPOSE.** The purpose of this Interlocal Agreement is to establish the terms that will govern the City's and District's cooperative effort in the use and development of the City facilities identified in Exhibit A and District facilities as described in Exhibit B (both Exhibits A and B being attached hereto and incorporated herein by this reference), which the City and District have identified as suitable for use in programs of both Parties, subject to the conditions and regulations of the applicable local budget laws and subject to certain limitations as outlined in this Agreement.

2. **PARTIES.** The Parties to this Agreement are the City and the District. There are no other parties and no third party beneficiaries. This Agreement creates no legal right, obligation, or cause of action in any person or entity not a party to it. The Parties' representatives are identified below. All communication, notices, coordination, and other aspects of this Agreement shall be managed by the parties' representatives. Either Party may change or substitute its representative at any time during the term of this Agreement by providing written notice to the other Party.

The City's representative is:

Mr. Brad Case
Parks & Recreation Department Director
501 N. Anderson St.
Ellensburg, WA 98926
(509) 925-8639

The District's representative is:

Mr. Kelly Kronbauer
1300 E 3rd Ave
Ellensburg, WA 98926
(509) 925-8017

3. **TERM.** The term of this Agreement shall commence on the date of execution and continue in full force and effect until terminated pursuant to Section 18.

4. **USE OF FACILITIES.**

A. **Priority of Use.** Notwithstanding any existing agreement with another entity that has previously granted a priority use right, the City shall have priority for scheduling the use of the District Facilities when not scheduled for use by the District, and the District shall have priority for scheduling the use of the City Facilities when not scheduled for use by the City.

B. **Facility Rules.** All joint use activities scheduled under this Agreement shall comply with the rules and policies of the Party that owns the facility. See "Exhibit C" for detailed listing of both Parties' rules and policies.

5. **SCHEDULING.**

A. **Scheduling Coordinators.** The City shall serve as the central scheduling office for all City Facilities and shall attempt to solve all conflicts with the District. The

District shall serve as the central scheduling office for all District Facilities and shall attempt to resolve all conflicts with the City.

B. District Use. The District shall submit all facility use requests, including season schedule for practices, games, and meets, to the City fourteen (14) calendar days or more prior to the start of the season.

C. City Use. The City shall submit all District Facilities use requests, including season schedule for practices, games, and meets, to the District fourteen (14) calendar days or more prior to the start of the season.

6. HOLD HARMLESS.

A. The City and the District, in the use of the other Party's property and facilities, shall each defend, indemnify, and hold harmless the other Party's officers, agents, employees, guests, invitees or visitors from all loss, damage, liability, or expense (including expense of litigation), resulting from any actual or alleged injury, loss or property or other damage arising from this Agreement and which is caused by or results from any act or omission of the Party using the property or facilities of the other, except to the extent of any actual or alleged loss, injury or damage that is a result of the conduct or omission of the other Party. Each Party shall observe the policies of the other when using the other's facilities. The City and District will be responsible for making their policies known to the other and those entities or persons who are using the Facilities.

B. When each Party is in possession of the other Party's City facility and charges an admission fee to people participating in or viewing events taking place at such facilities, the Party's acknowledges and accepts that the provision set forth in RCW 4.24.210 may not apply, thus waiving any protections under the Recreational Immunity statute.

7. REGULAR MAINTENANCE. Without limiting any term herein, each Party hereto shall be solely responsible for the maintenance and improvement of its own facilities and, subject to each Party's budget authority, shall provide for regular maintenance of such facilities. If either Party is unable to maintain any of its facilities in a manner consistent with the conditions existing as of the date of this Agreement, such Party shall notify the other Party immediately. The Party that owns the facility shall use its best efforts to provide a facility in clean, usable condition before the activity commences. The Party that uses the facility shall use its best efforts to leave the facility in at least as good a condition as when the use commenced.

8. REPAIR AND REPLACEMENT FOR DAMAGE. The City and District, in the use of the other's property and facilities, shall each be responsible for the cost of repair or replacement to the other's property and facilities that is caused by any act or omission of the using or scheduling party, its officers, agents, employees, guests, invitees or visitors, excluding normal wear and tear.

9. DEVELOPMENT PLANS. The City or District may propose development plans for areas and/or facilities belonging to the other's facilities after first consulting with the other Party concerning the feasibility of such development proposal. The costs of preparing such development plans shall be borne entirely by the initiating Party unless a written agreement to share such costs is approved by both Parties. Prior to the initiation of any construction, improvement or installation of such development plans, the initiating Party must first gain written approval from the other Party.

10. IMPROVEMENTS BY OWNER. No approval or consultation shall be required if the Party owning the facility seeks to make improvements or repairs to their own property or facilities; provided, however, the Party owning the facility shall be required to coordinate such improvements or repair with the other Party in order to best minimize interference with the other Party's scheduled use and activities at the site.

11. COST AND FEES.

A. The City or District shall, at each entity's own expense, furnish and supply all expendable materials necessary for carrying on its respective activities at the facility of the other party.

B. Each Party shall waive any associated user fees while the other party is using the facilities of the other party except as noted in Exhibit E when the District uses City lifeguards

12. SUPERVISION. Each Party will provide on-site supervision for all of its scheduled activities and will take full responsibility for any non-custodial cleaning required at the conclusion of the scheduled activity.

13. SECURITY. Each Party shall provide the other Party with appropriate keys, security cards, and training to use school security systems during non-public hours. Damages resulting from a Party's failure to secure Facilities after use shall be subject to the repair and replacement provisions provided herein above.

14. CANCELATIONS. Both Parties agree to recognize and abide by all scheduled uses, as agreed to in written rental or other agreements. The Party owning the facility shall only cancel a scheduled use or activity in the case of emergency or mutual agreement. On behalf of the District, the Building Principal of each school site or the District Superintendent shall determine what constitutes an emergency for purposes of this Agreement. On behalf of the City, the City's Parks & Recreation Director, or his or her designee, shall determine what constitutes an emergency for purposes of this Agreement. City recreation programs held at District sites will be subject to and shall adhere to the District weather closure policies.

15. INSURANCE. Each Party shall maintain commercial general liability insurance or other similar liability coverage acceptable to the other Party covering injuries to persons and damage to property, with the other Party added as named additional insureds

covering all of the activities pertaining to this Agreement. Either Party's participation in a self-insurance risk pool shall satisfy the requirements set forth herein. By requiring such insurance coverage, neither party shall be deemed to, or construed to, have assessed the risks that may be applicable to the other party under this Agreement.

16. COORDINATION OF USES. The District and City shall each designate a representative (the "Designated Representatives") to meet regularly to discuss and resolve as necessary any facility use issues. The Designated Representatives, who shall be denoted in writing by the District Maintenance & Facilities Director and the Parks and Recreation Director, will meet at least twice a year to consider, among other issues, staffing issues, problems, planned programs and use type, disputes and conflicts, changes in designing, development, operation, maintenance, scheduling, and other policy issues resulting from the joint use of facilities. If the Designated Representatives are unable to reach a solution on a particular matter, it will be referred to the District's Superintendent and to the City Manager, or their designees, for resolution.

17. ALL AGREEMENTS SUPERSEDED. This Agreement between the City and the District supersedes all prior negotiations, representations, or agreements, including any amendments thereto, written or oral, related to the subject matter herein. This Agreement may only be amended by a written, agreement signed by both the City and District.

18. TERMINATION. This Agreement may be terminated by either Party upon at least six (6) month's advance written notice provided to the other Party; provided that, the Parties may jointly agree to terminate this Agreement at any time. The obligations under Section 6, Hold Harmless, shall be continuing and shall not be diminished or extinguished by the termination of this Agreement. The Parties agree that said time is good and sufficient to arrange for alternative facilities to accommodate their use and need requirements, and neither Party shall have a claim for damages, including consequential damages, due to or arising solely out of a Party's termination of the Agreement under this paragraph.

19. ENTIRE AGREEMENT-MODIFICATION. The written provisions and terms of this Agreement supersede all prior written and verbal agreements and/or statements by any representative of the Parties, and those statements shall not be construed as forming a part of or altering in any manner this Agreement. This Agreement shall contain the entire Agreement between the Parties unless modified in writing and signed by authorized representatives of the Parties. For the City, the authorized representative is the Parks & Recreation Director. For the District, the authorized representative is the Community School Director.

20. AUTHORITY. Each Party to this Agreement represents and warrants to the other Party that it is authorized to do the things contemplated by it herein and that it has obtained all authorizations and approvals as necessary and appropriate for purposes of execution of this Agreement.

21. SINGULAR AND PLURAL. Wherever the context shall so require, the singular shall include the plural and plural shall include the singular.

22. HEADINGS NOT PART OF AGREEMENT. The headings in this Agreement are for convenience only and shall not be deemed to expand, limit, or otherwise affect the substantive terms of this Agreement.

23. GOVERNING LAW. This Agreement is made under and shall be governed by the laws of the State of Washington.

24. JURISDICTION AND VENUE. Kittitas County Superior Court shall have jurisdiction over any litigation arising under this Agreement, and the exclusive venue for any such litigation shall be the Kittitas County Superior Court, Washington.

25. RECORDING. In compliance with RCW 39.34.040, this Agreement shall be recorded in the office of the Kittitas County Auditor or posted by either or both Parties electronically on the Party's website.

Dated this ___ day of _____, 2022.

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

DISTRICT:

THE CITY OF ELLENSBURG:

By: _____

By: _____

Printed
Name: _____

Printed
Name: _____

Title: _____

Title: _____

ATTEST: _____
Clerk

Approved as to Form:

City Attorney

EXHIBIT “A”
List of City of Ellensburg Facilities

- Rotary Park
- Irene Rinehart Riverfront Park
- Mountain View Park
- Reecer Creek Floodplain Property
- North Alder Street Park
- Kiwanis Park
- Veterans Memorial Park
- Paul Rogers Park
- Unity Park
- Reed Park
- Stan Bassett Youth Center
- Ellensburg Racquet & Recreation Center
- Kittitas Valley Memorial Pool & Fitness Center
- Ellensburg Skate Park

EXHIBIT “B”
List of Ellensburg School District Facilities

- Ellensburg High School
- Morgan Middle School
- Ida Nason Aronica Elementary School
- Mount Stuart Elementary School
- Valley View Elementary School
- Lincoln Elementary School
- Mt. Stuart Auxiliary Gym

EXHIBIT “C”
Agency Rules
City of Ellensburg Parks Rules & Regulations

- A. No alcoholic beverages shall be allowed, unless authorized and approved under the provisions of ECC 2.34.300.
- B. It is unlawful to remove, destroy, mutilate, or deface any structure, monument, statue, wall, fence, railing, shrub, tree, plant, flower, lighting system, or irrigation system, or other property lawfully in any park.
- C. Any time a recreational facility is used for any purpose other than a directly sponsored recreation department activity, an employee of the recreation department and/or an employee of another city department (except police/fire) may be required to be present. A fee for supervision based on the current hourly rate of the supervisor of the event shall be paid by the individual or group permittee.
- D. When the event requires a police officer(s), the current hourly rate shall be paid by the individual or group to whom the permit was issued. The chief of police, or his designee, shall determine the number of officers needed, if any.
- E. Golfing is prohibited in city parks.
- F. Motor vehicles shall be restricted to developed roads and designated parking lots.
- G. No livestock shall be permitted in any developed city park; provided, however, that horses shall be allowed on the John Wayne Pioneer Trail Reconnection Route and within Irene Rinehart Riverfront Park except for in the vicinity of the beach, the lake or grass picnic areas.
- H. Pets shall be on a leash and pet owners shall be required to clean up after their pets. With the exception of service animals, pets shall not be allowed in the developed grass areas of Irene Rinehart Riverfront Park or designated city athletic fields.
- I. It is unlawful to throw or deposit any refuse or other material in any park, except at designated receptacles, or to take garbage or refuse generated outside a park to a park for disposal. Whenever litter dumped in violation of this chapter contains three or more items bearing the name of one individual, there shall be rebuttable presumption that the individual whose name appears on such items committed the unlawful act of littering as provided in Chapter 5.48 ECC.
- J. No overnight camping or parking is allowed in any park without prior written permission and subject to such conditions as may be issued by the department director or his/her designee.
- K. No discharging of firearms or hunting is allowed.

- L. Barbecue fires are permitted in designated areas only.
- M. No person shall use, operate, or play in any park any machine or device producing sound or noise which unreasonably disturbs or interferes with the peace, comfort or repose of others.
- N. No fishing shall be permitted in ponds of Irene Rinehart Riverfront Park from May 15 to September 15.
- O. The city skateboard park facility shall be closed between dusk and 8:00 a.m. and, during the closed period; persons are prohibited from using either facility.
- P. Inflatable amusement devices such as inflatable slides, inflatable rock-climbing walls, inflatable bounce houses, and other inflatable structures are prohibited in park facilities unless the activity is part of a city-sponsored event.
- Q. It is unlawful to erect any signboard, sign, advertising, decoration, or similar structure on or in any park property, including city-maintained landscape nodes, without the permission of the parks and recreation director or his/her designee.
- R. No person shall operate in any park any model airplane, boat, car, craft, or other similar device that is powered by an internal combustion engine, remote control, or other similar or electrical power source, except in an area and at such times as designated for such use by the director.
- S. All parks shall be closed between the hours of 10:00 p.m. and 5:00 a.m. unless otherwise provided and posted by the city parks and recreation department. It is unlawful for any persons or vehicles to enter or be in any park between the stated hours unless written permission is granted by the department director or his/her designee. [Ord. 4834 § 1, 2019; Ord. 4700 § 1, 2015; Ord. 4566 § 6, 2010; Ord. 4515 § 2, 2008; Ord. 4102, 1997; Ord. 3541 § 1, 1986; Ord. 3496 § 1, 1985; Ord. 3472 § 1, 1985; Ord. 3436 § 2, 1984; Ord. 3391 § 4, 1983.]

EXHIBIT “D”
Agency Rules
Ellensburg School District

General Rental Guidelines

- A. In order to support facility repair and replacement activities, and to properly clean the buildings, school facilities will not be available for use during Winter Break, Spring Break, or July and August.
- B. Insofar as is practical, all meetings shall close in sufficient time to clear the building by the time established by the district. If the event goes beyond the time, designated, additional charges shall apply. If time allows and an event extends more than one (1) hour past its scheduled use, or cleanup takes more than one (1) hour, or a group presents itself for use that is not listed, the custodian on duty shall contact the designated district administrator for follow up the following business day.
- C. When a fee is applicable, a minimum of two (2) hours shall be charged for the rental of any facility or space. In addition, any use of facilities necessitating cleanup shall be charged a minimum of two (2) hours of custodial time. Additional time may be billed depending on the total number of spaces used and the cleanliness of the activities taking place therein.
- D. School-district-owned furniture and equipment shall not be removed from district facilities for loan to any individuals, groups, or organizations other than inter-district organizations approved by the Facilities Director.
- E. Equipment and furniture including, but not limited to, pianos, tables, chairs, podiums, public address (PA) systems, and audio/video equipment shall not be used or moved without the approval of the building principal or designee.
- F. District-owned office and school supplies shall not be used.
- G. The site shall report any damage incurred, missing equipment, additional cleanup required, or other related or similar costs to the athletic director or building principal (or designee).
 - Any incident reports will be communicated to the Facilities Director and he/she will review information, including surveillance camera evidence, as applicable, and invoice the appropriate individual or group for the additional costs associated with the damage, missing equipment or additional cleanup required.
- H. Keys and/or badges with codes to buildings shall not be issued or loaned on any occasion to any individual or group for any purpose.
 - Key and/or badges with codes will be issued for gym use prior to the dates requested and shall be returned to the district once events are completed. Users with multiple dates/times authorized will be allowed to hold the key card until the last event is Policy: 4260P played. At that time, the card shall be returned to the district. A fee will be charged for cards not returned and future privileges to use facilities may be withheld.
 - Facilities shall only be used on approved dates and times.
 - Facility users may lose privileges if procedure violations occur.

- I. If a concern regarding the appropriate use of district facilities arises, authorized district employees have authority to order any person, persons, or groups to leave or vacate all or any portion of the school facility or grounds. Concerns regarding the use of district facilities may also be reported to the applicable building administrator or district
- J. If a permit has been issued to a group for use of district facilities and the facility is later determined to be unavailable, a school district representative shall provide a timely notice of cancellation to the applicant, including the reason for the cancellation.
- K. The maximum number of people permitted in any school facility shall be restricted as indicated by the appropriate fire code issued by the Fire Marshall for that facility. Fire and safety regulations of the City of Ellensburg and the State of Washington must be observed at all times.
- L. The district reserves the right to require police supervision, security, or fire protection at any event whenever the building principal, athletic director or the superintendent's office deems such protection necessary. The cost for this additional supervision shall be borne by the user.
- M. Organizations using school district facilities are required (at their expense) to include the following statement in any and all advertising associated with the event: "This is not a Ellensburg School District sanctioned or sponsored event."
- N. It is the sole responsibility of the users of district property to comply with federal, state, and municipal laws and to obtain any permits necessary to conduct a particular activity including, but not limited to, zoning permits and approvals.
- O. The use of fields must be appropriate and compatible with each playing field and its surrounding area. Field use shall not result in destruction, damages, or undue wear or pose a hazard to children or others. Activities, which endanger others or cause damage to fields and lawns are restricted.
- P. Youth organizations engaged in sports activities and using school facilities must confirm compliance on the on-line application for facility use with the policies, described in RCW 28A.600 for the management of concussion and head injury in youth sports.
- Q. Boisterous conduct, profane or other improper language will not be tolerated
- R. Alcoholic beverages, illegal drugs and weapons (i.e. guns, knives, etc.) shall not be permitted in school facilities or on school property at any time.
- S. Tobacco use is prohibited in school facilities and on district property.
- T. District Food Service Staff will be required for activities using school kitchen facilities/equipment. Kitchen facilities and equipment are designed for the school meal program and are not normally available for community use. (Policy: 4260P) When circumstances require the use of kitchen facilities, District Food Service Staff will be required to supervise and operate kitchen facilities/equipment. No kitchen equipment shall leave the kitchen area for any reason.
- U. Games of chance, lotteries and door prizes are not allowed except as permitted by law and then only with proper licenses, if applicable, from the State Gambling Commission.

- V. The district reserves the right to cancel any application. In the event of a cancellation, there shall be no claim or right to damage or compensation for any loss, damage or expense incurred by the applicant as a result of such cancellation
- W. The facility applicant/user shall protect, indemnify, defend, and hold the District, its officers and employees harmless from any and all liabilities, claims, lawsuits, or rights of action directly or indirectly growing out of the use of the premises covered by the application. In the event the District incurs attorney fees and/or costs in the defense of claims or lawsuits, such fees and costs shall be recovered from the applicant/user.

It is incumbent that the user plans carefully in advance to disclose all essential facts about the planned activity. Failure to do so may result in the assessment of after-the-fact charges for which the user will be responsible. Proper activity planning includes a complete listing of anticipated space, equipment and services required for the activity, along with their associated costs. Under this policy, all rental fees and associated direct/indirect costs related to an event or specific rental agreement will be assigned to the user who incurs such rental fees.

Special Considerations

A. Ticket or Seat Sales

If fees are charged for events taking place in or on district-owned facilities, and if said fees are intended to make a profit and not just cover the expenses of the event, the district may, at its discretion, assess an additional percentage-based fee on ticket or seat sales.

B. Games of Amusement

- a. Games of amusement as approved by Washington State Gambling Commission and the district are allowed only at charitable and fundraising events of nonprofit educational, civic, and service organizations. Such organizations shall be permitted to conduct games of amusement for charitable fundraising purposes only.
- b. Individuals or groups will submit an Activity Plan to the appropriate building principal or designee, which may also need review and approval by the superintendent's office.
- c. It shall be the sole responsibility of the organization(s) operating such games of amusement to conduct such games in accordance with the provisions of all existing state and local laws and ordinances, and such organizations shall accept full responsibility for any violations, intentional or unintentional, of such statutes and ordinances.

C. Sanitation and Food Permits

- a. Serving of Food Products
- b. Food sold, served, and/or consumed by groups or organizations using Ellensburg School District facilities must comply with the Kittitas County Health Department rules, regulations, and permitting process.

D. Supervision and Crew

At the Morgan Performance Activities Center (M-PAC), a supervisor and/or one or more stage crew students will be required for the operation of auditorium stage lighting or built-in audio/video equipment or systems. Non-district lighting operators or audio/video persons will not be allowed to operate this equipment without district supervision. This section does not typically apply to portable or "handheld" audio/video equipment. Rental fees will be assessed in accordance with the board-approved fee schedule. Use of equipment is not allowed without prior approval from the building principal (or designee)

EXHIBIT “E”
City Use of School District Facilities

Morgan Middle School – Youth & Adult Volleyball, Youth & Adult Basketball

Lincoln Elementary School – Tiny Tots Sports

Facility Setup

City will be responsible for the following:

- Unlocking gyms on days of City use
- School District owned basketball hoops and volleyball nets will be available for City use
- City staff and volunteers will be allowed to set up and adjust basketball hoops and volleyball nets as necessary.

School District will be responsible for the following:

- School District will provide the city use of basketball hoops and volleyball nets
- District staff will set up and put away bleachers for game day use
- District staff will provide stacking chairs that can be setup and put away by City staff for practices

Score clock and score bench:

- The district will make available the usage of a score clock and scorers' bench at both the Morgan Middle School main and auxiliary gym for games and preseason player drafts

Janitorial Tasks

City will be responsible for the following:

- At the end of each use, sweeping common all common areas including courts, hallway, and bathrooms
- Picking up loose litter off hallway, gym, and bathroom
- Spot mopping around the water fountain areas, spills in spectator and player seating areas

School District will be responsible for the following:

- Garbage Removal
- Cleaning bathrooms

Andreotti Field & Track Facility – Youth Running Club

City will be responsible for the following:

- Picking up all loose garbage at the completion of their events.

School District will be responsible for the following:

- Providing access to restrooms

EXHIBIT “F”
School District Use of City Facilities

Mt. View Park Soccer Fields – Morgan Middle School & Ellensburg High School soccer

City will be responsible for the following:

- Providing two full sized sets of goals and nets
- Bleachers
- Garbage cans

School District will be responsible for the following:

- Striping the fields for games/practices
- Providing a portable restroom when flush restrooms are seasonally closed (typically closed October 31 – third week of March)
- Pick up loose garbage at the conclusion of all games and practices from player and spectator areas

Rotary Park – Full Sized Softball Fields – Morgan Middle School Baseball

City will be responsible for the following:

- Perform game day prep which includes dragging, chalking and painting foul lines
- Dragging the fields on practice days
- Providing garbage cans
- Bleachers

School District will be responsible for the following:

- Providing bases for practices and games. At the conclusion of each practice/game the bases will need to be removed from the field
- Providing portable mounds
- Picking up all loose garbage from dugouts and viewing areas

Rotary Park – Greear Field & Sigler Field – Ellensburg High School Baseball

City will be responsible for the following:

- Preseason prep work which includes weeding and edging
- Providing garbage cans and bleachers
- Perform repairs on backstop netting
- Provide EHS access to the storage rooms located on the 1st and 3rd baseline

School District will be responsible for the following:

- Perform game day prep which includes dragging, chalking and painting foul lines
- Dragging the fields on practice days
- Picking up all loose garbage from dugouts, viewing areas, and announcer’s booth at the conclusion of each practice and game
- Providing bases for practices and games. At the conclusion of each practice/game the bases will need to be removed from the field
- Move portable backstop off the turf at the end of each practice

- Provide scoreboard controller
- Providing a portable restroom when flush restrooms are seasonally closed (typically closed October 31 – third week of March)

Irene Rinehart Riverfront Park & Reecer Creek Floodplain Property– Ellensburg High School & Morgan Middle School Cross Country

City will be responsible for the following:

- A. Ensuring the race route is free of park amenity obstacles, such as volleyball nets at Irene Rinehart Riverfront Park
- B. Providing access to the picnic shelter and park power
- C. Garbage cans

School District will be responsible for the following:

- A. Provide city with a drawn race route 14 days in advance of the event
- B. Marking the course with non-permanent material
- C. Providing extra portable restrooms during larger events
- D. Providing on course race monitors to ensure participant safety

Kittitas Valley Memorial Pool & Fitness Center – EHS Swim Team, District Swim Lessons, Friday Special Services Swim

City will be responsible for the following:

- Reserving the pool for their use
- Providing lifeguards
- Provide additional equipment as requested and available for the Special Services Swim
- In the event the high school swim team has to use the city pool for an extended period of time then city staff may require that they pay an admission fee

School District will be responsible for the following:

- Provide on-site district staff for all activities including locker room supervision
- Providing swim instructors
- Providing written documents for the program (example swim lesson evaluation)
- Paying for City lifeguards working during district sponsored activities as required by the City

City Park Picnic Shelters

City will:

- Provide use of city picnic shelters for end of the year class parties at no cost
- City will provide garbage cans

School District will be responsible for:

- Reserving the shelter through the Kittitas Valley Memorial Pool & Fitness Center
- Supervising kids to ensure they are using age-appropriate equipment

Jamey Ayling

From: Charli Sorenson <sorensonkvlwv@gmail.com>
Sent: Saturday, October 22, 2022 5:35 PM
To: Jamey Ayling
Cc: Sbedsaul@hotmail.com
Subject: [Ext] Affordable Housing Commission resignation

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

Jamey,

I am deeply grateful for the time I have spent on the Commission, the hard work of the staff, and proud of the progress we have made to expand affordable housing in Ellensburg.

So it is with deep regret that I tender my resignation to the Affordable Housing Commission, effective immediately. Please extend my thanks to the other Commission members for their dedication and my best wishes for continued expansion of affordable housing options.

Sincerely,
Charli Sorenson

Charli Sorenson

LW✉/ Kittitas County
KittitasLea ue.or

Beth Leader

From: Brad Case
Sent: Wednesday, November 9, 2022 11:24 AM
To: Beth Leader
Subject: FW: [Ext] Parks & Recreation Commission Resignation

From: Fiona Corner <fiona.sl.corner@gmail.com>
Sent: Wednesday, November 9, 2022 11:17 AM
To: Brad Case <caseb@ci.ellensburg.wa.us>
Subject: [Ext] Parks & Recreation Commission Resignation

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

Good morning, Brad.

I am writing to submit my resignation from the Parks and Recreation Commission. I have so appreciated the opportunity to engage with the commission and our Ellensburg community. While I am unable to remain on the commission, I hope to continue to be involved in Parks and Recreation efforts and activities. I wish the commission the best of luck on all of their efforts!

Thank you,
Fiona

Beth Leader

Subject: FW: [Ext] Resignation from the Utility Advisory Committee

From: Jim Goeben <jim@goeben.com>

Sent: Monday, November 14, 2022 2:07 PM

To: Nancy Lillquist <lillquistn@ci.ellensburg.wa.us>

Cc: Terry Weiner <weinert@ci.ellensburg.wa.us>; Kim Bowie <bowiek@ci.ellensburg.wa.us>

Subject: [Ext] Resignation from the Utility Advisory Committee

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

Dear Mayor Lillquist,

I have been hired by the City of Ellensburg as the Applications Specialist in the Finance Department and as a city employee I may no longer serve on the Utility Advisory Committee. It has been a pleasure to serve on the committee with you and the other members, and I look forward to continuing to serve the citizens of Ellensburg as a city employee.

Sincerely,

Jim Goeben



CITY COUNCIL AGENDA REPORT

City Council Meeting Date:	November 21, 2022
Item Title/Agenda Subject:	2022 Pad-Mounted Switch Cabinet Purchase
Submitted by:	Dan Davis Public Works & Utilities
Recommended Action or Motion:	Approve the purchase of Pad-Mounted Switch Cabinets from General Pacific, Inc for \$235,734.23, including tax.
Background/Summary:	The Light Department routinely budgets and publishes a bid for electrical distribution pad-mounted switch cabinets. These pad-mounted switch cabinets are used for capital construction projects and to replenish inventory. Bid Call 2022-20 consisted of one schedule for a total of (7) seven pad-mounted switch cabinets. Staff received 2 bids and at the November 7, 2022 meeting, City Council rejected these bids as non-responsive and directed staff to request quotes directly from suppliers for the purchase of the pad-mounted switch cabinets.
Previous Council Action:	Council approved Resolution 2022-37 to Reject All Bids for Pad-Mounted Switch Cabinets, Bid Call No. 2022-20 on November 7, 2022.
Analysis:	Staff negotiated directly with distributors and received pricing for the purchase of the (7) seven pad-mounted switch cabinets. For schedule A: Pad-Mounted Switch Cabinets, staff received two quotes. The quote from General Pacific, Inc for Federal Pacific pad-mounted switch cabinets is \$235,734.23, including tax. The quote from Anixter, Inc for S&C pad-mounted switch cabinets is \$278,623.23, including tax. The Utility Advisory Committee (UAC) will be advised of this pad-mounted switch cabinet purchase at their November 17, 2022 meeting.
Financial Impact:	The Engineer's estimate for the purchase of these pad-mounted switch cabinets is \$242,950.42. Adequate funds are available within the 2022 Light Division budget for purchase of the pad-mounted switch cabinets.



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: November 21, 2022

Item Title/Agenda Subject: Request for Quote R22-15 City Janitorial Services Contract

Submitted by: Hunter Slyfield Public Works & Utilities

Recommended Action or Motion: Award Request for Quote R22-15 to Integrity Janitorial Services, the lowest responsive quote in the amount of \$12,996.00, approve the City Manager's signature on the service contract and approve the necessary budget adjustments.

Background/Summary: The need for a City-wide janitorial service provider was identified due to the fragmented nature of current janitorial contracts along with the loss of current service providers. Staff realizes competitive pricing can be obtained by covering multiple facilities under a single contract. A comprehensive request for quotes was prepared and pricing was requested on a per-month basis for the following six schedules of work:

Schedule A: City Hall

Schedule B: Library & Hal Holmes Community Center

Schedule C: Ellensburg Police Department

Schedule D: Parks & Recreation Facilities

Schedule E: City Shop & Mechanic's Building

Schedule F: Wastewater Treatment Plant Administrative Building

Quotes were received on Tuesday November 1, 2022, for City-wide janitorial services. Integrity Janitorial Services provided the lowest responsive quote in the amount of \$12,996.00 per month. Council is being requested to award the contract to Integrity Janitorial Services.

Previous Council Action: None.

Analysis: The contract was advertised and quotes for monthly service were received as follows:

Integrity Janitorial Services:	\$12,996.00
Dutch Girl Cleaning:	\$15,725.00
The Cleaning Brothers:	\$11,968.00 (non-responsive)
Central Washington Janitorial:	\$7,767.00 (non-responsive)
Estimate:	\$14,000.00

The quote received by The Cleaning Brothers was non-responsive due to being late and the quote received by Central Washington Janitorial was non-responsive due to being incomplete. Two responsive quotes were submitted with the low quote submitted by Integrity Janitorial Services being within the estimate.

Financial Impact:

The total contract is estimated to cost \$12,996.00 per month. There is sufficient budget within the proposed 2023/2024 General Facilities Fund budget to each facility's portion of the contract with exception of Parks & Recreation facilities. A budget adjustment is required to fund the Parks & Recreation portion of the contract.

Attachments:

[City Janitorial Contract](#)



CITY OF ELLENSBURG

501 N Anderson St; Ellensburg, WA 98926

Ph: (509) 962-7230

MAINTENANCE SERVICES CONTRACT

FOR "CITY OF ELLENSBURG FACILITIES"

THIS AGREEMENT is entered into the date last below written between the CITY OF ELLENSBURG, WASHINGTON ("CITY") and Integrity Janitorial Services ("SERVICE PROVIDER"), effective the 1st day of December, 2022.

1. WORK BY SERVICE PROVIDER

The Service Provider shall perform the work described in Exhibit "A" which is attached hereto and by this reference is incorporated herein.

2. TERM OF CONTRACT

A. This Contract shall begin on December 1, 2022, and thereafter run on a month-to-month basis until terminated.

3. PAYMENT

- A. The City shall pay the Service Provider \$12,996.00 per month for such services on a fixed sum basis, as shown in Exhibit "C."
- B. The Service Provider shall maintain time and expense records, report them to the City monthly and shall submit invoices to the City monthly for payment for work performed to the date of the invoice. Invoices shall be in a format acceptable to the City.
- C. The City shall pay all invoices from the Service Provider by mailing a City warrant within 30 days of receipt of a properly completed invoice.
- D. All records and accounts pertaining to this Contract are to be kept available for inspection by representatives of the City for a period of three (3) years after final payment: Copies shall be made available to the City upon request.
- E. If during the course of the Contract, the work performed does not meet the requirements set forth in the Contract, the Service Provider shall correct or modify the work to comply with the Contract requirements and the City shall have the right to withhold payment for such work until it meets the requirements of the Contract.
- F. The Service Provider may submit, in writing, no later than December 1st each year the contract is in effect, a request for increase in monthly pricing. This pricing increase request will be negotiated until mutually agreeable by both Service Provider and the City. Upon mutual acceptance the contract will be modified by amendment to reflect the pricing increase beginning January 1st.

4. RESPONSIBILITY OF SERVICE PROVIDER

- A. Safety. The Service Provider shall take all necessary precautions for the safety of employees on the work site and shall comply with all applicable provisions of federal, state and local regulations, ordinances and codes. The Service Provider shall erect and properly maintain at all times, as required by the conditions and progress of the work, all necessary safeguards for the protection of workers and the public and shall post danger signs warning against known or unusual hazards.
- B. Warranty. The Service Provider shall be responsible for correcting any deficiencies and for completing all the work as described in Exhibit "A".
- C. Nondiscrimination/Equal Protection. The Service Provider agrees not to discriminate against any employee or applicant for employment or any other persons in the performance of this Contract because of race, religion, creed, color, national origin, marital status, gender, age or handicap, or other circumstances as may be defined by federal, state or local law or ordinance, except for a bona fide occupational qualification. The Service Provider agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Service Provider setting forth the provisions of this nondiscrimination clause.
- D. Employment. Any and all employees of the Service Provider, while engaged in the performance of any work or services required by the Service Provider under this Contract, shall be considered employees of the Service Provider only and not of the City. Any and all claims that may arise under the Workers Compensation Act on behalf of said employees, while so engaged, and all claims made by a third party as a consequence of any negligent act or omission of the part of the Service Provider's employees, while so engaged in any of the work or services provided for or rendered herein, shall be the obligation of the Service Provider and not of the City.

5. COMPLIANCE WITH LAWS

- A. The Service Provider shall comply with all federal, state and local regulations and ordinances applicable to the work to be done under this Contract.
- B. Any violation of the provisions of this Paragraph 5 shall be considered a violation of a material provision of this Contract and shall be grounds for cancellation, termination or suspension of the Contract by the City, in whole or in part, and may result in ineligibility for further work for the City.

6. TERMINATION OF CONTRACT

- A. The City may terminate this Contract and take possession of the premises and finish the work by whatever methods it may deem expedient, by giving ten (10) days' written notice to the Service Provider.
- B. In the event the contract is terminated, the City's obligation for payments under this contract shall be limited to payment for services satisfactorily performed up to the effective date of termination, as described on a final invoice submitted to the City.

7. CLAIMS

Any claim against the City for damages, expenses, costs or extras arising out of the performance of this Contract must be made in writing to the City within thirty (30) days after the discovery of such damage, expense or loss, and in no event later than the time of approval by the City for final payment. The Service Provider, upon making application for final payment, shall be deemed to have waived its right to claim for any other damages for which a claim has not been made, unless such application for final payment includes notice of additional claim and fully describes such claim.

8. GENERAL ADMINISTRATION AND MANAGEMENT

The City's contact person as indicated on Exhibit A for each City facility shall have primary responsibility for the City under this Contract and shall oversee and approve all work to be performed, coordinate communications, and review and approve all invoices, under this Contract.

9. HOLD HARMLESS

- A. The Service Provider shall protect, defend, indemnify and save harmless the City, its officers, employees and agents from any and all costs, claims, judgments or awards of damages, arising out of or in any way resulting from the negligent acts or omissions of the Service Provider. The Service Provider agrees that its obligations under this subparagraph extend to any claim, demand, and/or cause of action brought by, or on behalf of, any of its employees or agents. For this purpose, the Service Provider, by mutual negotiation, hereby waives, as respects the City only, any immunity that would otherwise be available against such claims under the industrial insurance provision of Title 51 RCW. In the event the City obtains any judgment or award, and/or incurs any cost arising therefrom including attorneys' fees to enforce the provisions of this article, all such fees, expenses, and costs shall be recoverable from the Service Provider.
- B. The City shall protect, defend, indemnify and save harmless the Service Provider, its officers, employees and agents from any and all costs, claims, judgments or awards of damages, arising out of or in any way resulting from the negligent acts or omissions of the City. The City agrees that its obligations under this subparagraph extend to any claim, demand, and/or cause of action brought by, or on behalf of, any of its employees or agents. For this purpose, the City, by mutual negotiation, hereby waives, as respects the Service Provider only, any immunity that would otherwise be available against such claims under the industrial insurance provision of Title 51 RCW. In the event the Service Provider obtains any judgment or award, and/or incurs any cost arising therefrom including attorneys' fees to enforce the provisions of this article, all such fees, expenses, and costs shall be recoverable from the City.
- C. The provisions of this Paragraph 9 shall survive the termination of this Maintenance Services Contract.

10. INSURANCE

Insurance: The Service Provider at his/her own cost and expense, shall procure and maintain, for the duration of the contract, the following insurance policies with insurers possessing a Best's rating of no less than A: VII:

Workers' Compensation Coverage: Service Provider shall maintain Workers' Compensation Insurance and Employer's Liability Insurance for his/her employees in accordance with the laws of the State of Washington. Any notice of cancellation or non-renewal of all Workers' Compensation policies must be received by the City at least thirty (30) days prior to such change.

Commercial General Liability Coverage: Service Provider shall maintain commercial general liability insurance in an amount not less than one million dollars (\$1,000,000) per occurrence for bodily injury, personal injury and property damage. If a commercial general liability insurance form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit.

Automobile Liability Coverage: Service Provider shall maintain automobile liability insurance in an amount not less than one million dollars (\$1,000,000) covering bodily injury and property damage for all activities arising out of or in connection with the work to be performed under this Agreement, including coverage for owned, hired and non-owned vehicles.

Cancellation: The insurance provided by this policy shall not be suspended, voided, canceled, or reduced in coverage or in limits except after thirty (30) days written notice has been received by the City.

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

11. PREVAILING WAGE

The Service Provider shall comply with all applicable prevailing wage rate requirements set forth in RCW 39.12.020, a copy of which is attached hereto as Exhibit "B".

12. ASSIGNMENT OF CONTRACTS

Neither the City nor the Service Provider shall assign, transfer, or encumber any rights, duties or interest accruing from this Contract without the express prior written consent of the other.

13. INDEPENDENT SERVICE PROVIDER

The Service Provider is and shall be at all times during the term of this Contract an independent Service Provider and not an employee of the City.

14. EXTENT OF CONTRACT/MODIFICATION

This Contract, together with the attachments and/or addenda, represents the entire and integrated Contract between the parties hereto and supersedes all prior negotiations, representations, or agreements, either written or oral. This contract may be amended, modified or added to only by written instrument properly signed by both parties hereto.

SERVICE PROVIDER:

By: _____

Printed Name: _____

Title: _____

Address: _____

City/State/ZIP: _____

Tax ID #: _____

CITY OF ELLENSBURG:

By: _____

Printed Name: _____

Title: _____

Approved as to form:

By: _____
City Attorney

EXHIBIT “A”

JANITORIAL DUTIES

Schedule “A” – Ellensburg City Hall

Address: 501 N Anderson Street Ellensburg, WA 98926

Point of Contact: Public Works Admin. Secretary (509) 962-7230

Once Per Week:

- Clean interior window ledges and baseboards
- Clean and polish interior glass doors
- Clean elevator surfaces
- Perform “gross” dusting
- Empty exterior waste receptacle at main entrance

Three Times Per Week:

- Vacuum carpets
- Sweep or dust mop and wet mop all hard surfaced floors
- Empty waste baskets
- Clean and sanitize kitchen, break, and customer counters
- Clean sinks in kitchen and break rooms.
- Clean and sanitize all restrooms, including floors
- Replenish bathroom consumables
- Clean fingerprints and smudges from entryway glass and doors

Twice Per Month:

- Clean (vacuum/wipe) council room chair surfaces

Monthly (once per month):

- Buff all tile and linoleum floors
- Clean light fixtures
- Collect recycled material from mail room and haul to the recycle bins @ Kittitas County Transfer Station

Quarterly (once every three months):

- Strip and wax hallway floor in public areas

*All consumable supplies provided by the City of Ellensburg

* Work to be performed outside of business hours

Schedule “B” – Ellensburg Public Library & Hal Holmes Community Center

Address: 209 N Ruby Street Ellensburg, WA 98926

Point of Contact: Facilities Manager (509) 962-7240

Daily (Monday-Friday):

- Clean, scrub and sanitize all restroom fixtures (toilets, urinals, sinks, dispensers, mirrors, diaper changing stations) in both the Hal Holmes Center and the Library.
- Restock all paper products and hand soap.
- Wet mop restroom floors.
- Dust mop Holmes Auditorium, Holmes Kitchen, Lobby and Library staff area flooring.
- Visually check all high traffic Library and Lobby areas and rugs; vacuum nightly. (High traffic areas include center aisle, adult computer and seating area, kid’s computer area and kid’s craft/play area)
- Empty all interior waste receptacles in Library, Kitchen, Lobby, Restrooms and Hal Holmes and two exterior waste receptacles.
- Clean exterior of all waste receptacles in EPL and HH and reline where used.
- Visually inspect wall surfaces for spills and marks. Spot clean as needed.
- Clean interior and exterior glass doors, interior windows and sills.
- Clean on and around handrails, doors handles, plates and bars.
- Clean drinking fountains, splash plate. Clean surrounding wall as needed.

Weekly (once per week):

- Wet mop Hal Holmes Auditorium, Holmes Kitchen, Library and Lobby floor. And as needed, check daily for spills or spots.
- Clean and sanitize restroom stall walls, changing tables, fixtures attached to walls and as needed, check daily.
- Vacuum low traffic areas in Library, including Hal Holmes Auditorium rugs and Lobby carpet areas, includes corners, edges and under furnishings.

Sundays:

- Clean and sanitize Lobby and Bathrooms, as listed in daily duties, and empty waste receptacles.
- Dust and wet mop Lobby, Kitchen, and Hal Holmes Auditorium.
- Empty trash in Hal Holmes, Holmes Kitchen and the 2 exterior trash receptacles and 2 trash cans.

Monthly (once per month):

- Contact Facility Maintenance Staff to arrange monthly site walk-thru and inspection during the first week of each month or as needed. Inform staff of all non-scope items needing attention.

Emergent work requests:

- Provide response to request with 24 hours.
- Perform requested work per negotiated time schedule at the rate identified in the bid.

*All consumable supplies provided by the City of Ellensburg

*Work to be performed outside of business hours

Schedule “C” – Ellensburg Police Department

Address: 100 N Pearl Street Ellensburg, WA 98926

Point of Contact: Records Supervisor (509) 962-7284

Three times per week:

- Clean and sanitize restrooms. Clean all stainless steel, garbage cans, door handles, and plates. Spot mop if needed.
- Replenish toilet paper, hand towels and hand cleaner as needed.
- Clean kitchen, sink, drinking fountain, microwave, refrigerator outside, counters. Use orange glow for stainless steel.
- Clean all glass doors as needed, entry ways, bullet proof window and counter.
- Vacuum all carpeted areas.
- Empty all trash cans
- Place items for shredding in shredding bin
- Empty recycling bins
- Sweep floors as needed. Spot mop if needed.

Weekly (once per week):

- Dust all desks, filing cabinets, chairs, counter tops, shelving, ledges, picture frames.
- Clean interior window ledges
- Sweep and mop all flooring
- Keep inventory of supplies and let Records Supervisor know if we run low on items.

Monthly (once per month):

- Clean all base boards
- Vacuum chairs if needed
- Wipe doors
- Dust for cobwebs

*All consumable supplies provided by the City of Ellensburg

* Work to be performed outside of business hours

*Janitorial employees providing services at the Ellensburg Police Department facility shall be subject to a state and national fingerprint-based record check and must complete online Security Awareness Training before they are authorized unescorted access to the facility.

Schedule “D” – Ellensburg Parks and Recreation Facilities (Multiple)

Address: Varies

Point of Contact: Department Secretary (509) 962-7210

Adult Activity Center - 506 S Pine Street Ellensburg, WA 98926:

- Sweep and Mop Activity Room, Wellness Room, Computer Room, kitchen and bathrooms
- Vacuum all carpeted areas
- Dust all furniture, including Activity Room, TV Room, Wellness Room, Computer Room and Coordinator’s Office
- Clean and disinfect restrooms
- Clean inside windows
- Clean door glass
- Empty garbage(s)
- Annual stripping and rewaxing floors

All work shall be completed twice weekly during the following times:

- Tuesday 4:00 PM - 5:30 PM
- Thursday 4:00 PM - 5:30 PM

Stan Bassett Youth Center – 406 E Capitol Avenue Ellensburg, WA 98926:

- Mop Main Activity Room, Lounge/Homework Room, kitchen, and bathrooms
- Vacuum all carpeted areas including area rugs
- Clean and disinfect restrooms
- Clean inside windows
- Clean door glass
- Empty garbage(s)
- Annual stripping and rewaxing floors

All work shall be completed twice weekly during the following times:

- Monday and Thursday after 7:00 PM

Kittitas Valley Memorial Pool and Fitness Center – 815 E 6th Avenue Ellensburg, WA 98926:

- Sweep main lobby, Viewing area, Central locker area.
- Clean all glass doors & windows on doors
- **Front bathrooms/staff bathroom/locker rooms:** sweep, toilets, mirrors, counters, showers
- Disinfect counter tops in lobby and all door handles
- Sweep guard station
- Vacuum all carpet areas

- Wipe down fitness equipment, clean mirrors
- Wipe ledges on roll-up doors
- Dust all dispensers (soap, paper towel, toilet paper, sanitizers)
- Dust concession machines

All work shall be completed twice weekly during the following times:

- Sunday and Wednesday any time after 10:00 PM

Ellensburg Racquet and Recreation Center – 6061 Vantage Highway Ellensburg, WA 98926

- Vacuum carpeted areas
- Clean all glass doors and windows
- Clean and disinfect restrooms- toilets, mirrors, counters, showers
- Empty garbage(s)
- Dust concession machines
- Disinfect office and lobby front counter
- Pick up trash on the tennis courts/soccer field area
- Wipe down fitness equipment and clean mirrors

All work shall be completed twice weekly during the following times:

- Sunday and Wednesday any time after 9:00 PM

*All consumable supplies at all locations provided by the City of Ellensburg

Schedule “E” – Ellensburg City Shop and Mechanics Building

Address: 607 Industrial Way Ellensburg, WA 98926

Point of Contact: Warehouse Foreman (509) 962-7265

Daily:

- Sweep main hallways
- Empty all waste baskets
- Clean crew room tables
- Clean & sanitize restrooms (includes all doors, floors, mirrors, sinks, counters, walls, toilets, urinals, soap dispensers, and paper towel dispensers)
- Refill soap, towel, and toilet paper (as needed)

Three times per week:

- Sweep all floors

Two times per week:

- Vacuum all carpeted areas
- Mop all floors

*All consumable supplies provided by the City of Ellensburg

*Work to be performed outside of business hours

Schedule “F” – Ellensburg Wastewater Treatment Plant Administrative Building

Address: 2415 Canyon Road Ellensburg, WA 98926

Point of Contact: Wastewater Treatment Plant Foreman (509) 962-7277

Weekly (once per week):

- Clean interior window ledges and baseboards
- Clean and polish interior glass doors
- Clean bathrooms toilets/urinals/floors
- Perform “gross” dusting
- Vacuum carpets/floor mats
- Sweep or dust mop and wet mop all hard surfaced floors
- Empty waste baskets as needed
- Clean and sanitize kitchen, break, and counters
- Clean sinks in kitchen and break rooms.
- Clean and sanitize all restrooms
- Replenish bathroom consumables
- Clean fingerprints and smudges from entryway glass and doors.

Monthly (once per month):

- Buff all tile and linoleum floors
- Clean light fixtures

*All consumable supplies provided by the City of Ellensburg

*Work to be performed between the hours of 6:00 AM and 4:30 PM any day of the week

EXHIBIT “B”

PREVAILING WAGE RATES

RCW 39.12.020

Prevailing rate to be paid on public works and under public building service maintenance contracts -- Posting of statement of intent -- Exception.

The hourly wages to be paid to laborers, workers, or mechanics, upon all public works and under all public building service maintenance contracts of the state or any county, municipality or political subdivision created by its laws, shall be not less than the prevailing rate of wage for an hour's work in the same trade or occupation in the locality within the state where such labor is performed. For a contract in excess of ten thousand dollars, a contractor required to pay the prevailing rate of wage shall post in a location readily visible to workers at the job site:

PROVIDED, That on road construction, sewer line, pipeline, transmission line, street, or alley improvement projects for which no field office is needed or established, a contractor may post the prevailing rate of wage statement at the contractor's local office, gravel crushing, concrete, or asphalt batch plant as long as the contractor provides a copy of the wage statement to any employee on request:

(1) A copy of a statement of intent to pay prevailing wages approved by the industrial statistician of the department of labor and industries under RCW 39.12.040; and

(2) The address and telephone number of the industrial statistician of the department of labor and industries where a complaint or inquiry concerning prevailing wages may be made.

This chapter shall not apply to workers or other persons regularly employed by the state, or any county, municipality, or political subdivision created by its laws.

[2007 c 169 § 1; 1989 c 12 § 7; 1982 c 130 § 1; 1981 c 46 § 1; 1967 ex.s. c 14 § 1; 1945 c 63 § 1; Rem. Supp. 1945 § 10322-20.]

State of Washington
Department of Labor & Industries
Prevailing Wage Section - Telephone 360-902-5335
PO Box 44540, Olympia, WA 98504-4540

Washington State Prevailing Wage

The PREVAILING WAGES listed here include both the hourly wage rate and the hourly rate of fringe benefits. On public works projects, worker's wage and benefit rates must add to not less than this total. A brief description of overtime calculation requirements are provided on the Benefit Code Key.

Journey Level Prevailing Wage Rates for the Effective Date: 11/01/2022

<u>County</u>	<u>Trade</u>	<u>Job Classification</u>	<u>Wage</u>	<u>Holiday</u>	<u>Overtime</u>	<u>Note</u>	<u>*Risk Class</u>
Kittitas	Building Service Employees	Janitor	\$14.49		<u>1</u>		View
Kittitas	Building Service Employees	Shampooer	\$14.49		<u>1</u>		View
Kittitas	Building Service Employees	Waxer	\$14.49		<u>1</u>		View
Kittitas	Building Service Employees	Window Cleaner	\$14.49		<u>1</u>		View

EXHIBIT "C"

City of Ellensburg Janitorial Services
Project #22-104
Request #R22-15

Schedule "A"

No.	Item	Total
1	City Hall (Monthly)	3211.00
2	Extra Monthly Work (Est.)	\$100

Schedule "B"

No.	Item	Total
1	Library & Hal Holmes (Monthly)	2500.00
2	Extra Monthly Work (Est.)	\$100

Schedule "C"

No.	Item	Total
1	Police Department (Monthly)	1700
2	Extra Monthly Work (Est.)	\$100

Schedule "D"

No.	Item	Total
1	Parks & Recreation (Monthly)	2635
2	Extra Monthly Work (Est.)	\$100

Schedule "E"

No.	Item	Total
1	City Shop & Mechanics (Monthly)	2000
2	Extra Monthly Work (Est.)	\$100

Schedule "F"

No.	Item	Total
1	Wastewater Treatment Plant (Monthly)	350
2	Extra Monthly Work (Est.)	\$100

Total All Schedules in Figures \$12996.00 ✓

Total All Schedules in Writing Twelve Thousand Nine Hundred Ninty Six
Dollars.

Award of contract will be based on the sum of all Schedules. The City reserves the right to reject any or all bids.

NAME OF BIDDER: JUAN T. GUERRERO DBA INTEGRITY JANITORIAL

DATE: November 1, 2022

BY: JUAN T. GUERRERO AND VICTORIA BRAND GUERRERO

ADDRESS: 211 RAINIER AVE., MOXEE, WA 98936

PHONE NO: 509-901-9643

VOUCHER APPROVAL

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


AUDITING OFFICER

11/14/22
DATE

CLAIMS VOUCHERS AUDITED AND CERTIFIED BY THE AUDITING OFFICER HAVE BEEN RECORDED ON THE ATTACHED LISTING, WHICH HAS BEEN MADE AVAILABLE TO THE COUNCIL AS OF THIS **21ST DAY OF NOVEMBER 2022**. THE COUNCIL, BY A VOTE, HAS APPROVED FOR PAYMENT THE VOUCHERS INCLUDED IN THE ABOVE LIST AND FURTHER DESCRIBED AS FOLLOWS:

Claims Fund				Total Amounts
Check #'s	159633	TO	159794	\$ 760,247.16
EFT #'s	5848	TO	5884	\$ 1,712,900.43

Payroll Fund				Total Amounts
Check #'s	95850	TO	95862	\$ 8,114.37
Direct Deposits	70338	TO	70557	\$ 408,759.37

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

ATTEST: _____
CITY CLERK



CITY COUNCIL AGENDA REPORT

City Council Meeting Date:	November 21, 2022
Item Title/Agenda Subject:	Public Hearing (Legislative) - First Reading Ordinance 4900 for Proposed 2023/2024 Biennial Budget Ordinance
Submitted by:	Keith Bassett Finance Department
Recommended Action or Motion:	Conduct first reading of Ordinance 4900.
Background/Summary:	The proposed 2023/2024 Biennial Budget Ordinance has been prepared for Public Hearing and Council consideration of first reading. The proposed budget provides expenditure authority to maintain the City's operations and infrastructure and makes targeted investments to address priorities identified in the Council Strategic Vision and maintains the City's sound financial position including preserving reserve levels as required by City Financial Policies. Budget enhancements beyond the status quo are listed separately. Requests were developed within the originating departments, evaluated in the context of the entire City operations and infrastructure needs, and aligned with items and initiatives identified by the City Manager.
Previous Council Action:	Council held a public hearing for the purpose of receiving public comment on 2023 revenue sources, including consideration of possible increases in property tax revenues, at the October 3, 2022 regular meeting. Council also held two public hearing hearings at the November 7, 2022 regular meeting; one to take public comment on the proposed 2023 Property Tax Levy Ordinance and one to take public comment on the Preliminary 2023/2024 Biennial Budget as presented by the City Manager.
Analysis:	Total available resources anticipated for 2023, specifically beginning fund balance and anticipated revenues, are forecasted 5.05% below the adopted 2022 budget level. Total

available resources anticipated for 2024 are 11.28% below the 2023 forecast level. 2022 budgeted anticipated resources include significant federal COVID-19 response dollars, and bond funds and accumulated reserves for capital investments in utility infrastructure. These designated resources are anticipated to be spent in the first year of the biennium. Conservative financial forecasting, prudent management, and regular ongoing financial monitoring, analysis, and oversight, including quarterly reports to Council, helps ensure sustainable resource use across the City's funds.

The 2023/2024 Budget expands capacity and aligns resources with the Council's Strategic Vision 2023-2028 through the following enhancements:

Housing Affordability

- Expands capacity with a Housing Coordinator/Grants Manager planner position in the Community Development Department. This position focuses on partnerships and projects to implement the Housing Action Plan and track progress on housing and affordability, staffs the Affordable Housing Commission, coordinates City efforts to address homelessness, and manages related grants. This allows the City to be proactive and seek additional funding for projects that could ease the pressures on housing and achieve progress toward goals.
- Funds site improvements for a year-round sleep center in partnership with Kittitas County for people experiencing homelessness.

Economic Vitality

- Infrastructure system maintenance and investment program aligned with utility and transportation system plans to adequately serve forecasted future residential, commercial, and industrial uses.
- Adds an Arts and Economic Development Manager position to advance City economic vitality initiatives. The position would support local efforts to expand the creative sector, staff the Art's Commission, apply for the State's Creative District designation, and coordinate implementation actions outlined in the City/County economic development strategic plan, currently

underway. The position coordinates alignment and partnerships with Central Washington University, Kittitas County, Ellensburg Downtown Association, CenterFuse (EBDA), Chamber of Commerce, and other organizations.

- Complete Unity Park construction at the center of downtown Ellensburg funded primarily with federal COVID-19 relief grant dollars.

Safe and Inclusive Community

- Adds capacity with a new Human Resources Specialist to improve safety culture and implement diversity, equity, and inclusion initiatives.
- Provides for modest investment in communications budget to increase accessibility including translation and signing for events as appropriate.
- Updates the Rotary Park Master Plan to include future addition of family-friendly sports and recreation uses in partnership with other entities.
- Funds summer reading program expansion to address demand.
- Supplements Police Department efforts to use data analytics and other administrative processes to facilitate crime reduction with the addition of a Criminal Analyst position.
- Replaces aging portable radios used by the Police Department and partners with other local government agencies to replace the City's current ballistic-rated Peacekeeper vehicle.
- Continues to provide resources to host cultural events and community-building programs.
- Prepares to fund public defense services within the County's new office.

Energy & Resource Management

- Addition of a Sustainability Coordinator position to work across City services to implement actions in the City's Sustainability and Energy Plan, currently underway.
- Structured budgeted operations and infrastructure investments to meet milestones and targets of Clean Energy Transformation Act (CETA), Climate Commitment Act, building codes, and other state and federal

mandates.

- Funds preparation of Zero Emissions Transit Plan for Central Transit.
- Anticipates completing replacement of the City's utility billing software in 2023.
- Provides resources for development of a comprehensive Urban Forestry plan, tree inventory, and tree code update.
- Continues renewable energy and conservation incentives in the energy utilities.

Sustainable Infrastructure

- Continues investment in infrastructure to support community's present and future needs.
- Imposes second one-quarter-of-one-percent Real Estate Excise Tax (REET 2) to develop dedicated funding for investments in Parks and Recreation capital facilities.
- Creates a new "General Facilities" Internal Service Fund to structure sustainable funding for general governmental facility maintenance.
- Prepares for replacement of the City's enterprise resource planning (ERP) software system including intentional investment to improve data management, operational efficiency, and cybersecurity.
- Intentionally budgets for capital project contingencies for transportation infrastructure projects to address unforeseen costs within the adopted financial program.
- Completes Gateway I stormwater investments, plans for Gateway II – Vantage Highway stormwater investments, and Reecer Creek Levee Extension flood mitigation to improve community resiliency.

Other Major Projects, Programs, and Issues

- Maintains service levels for Police, Parks, Library, Transportation, Transit, Community Development, Finance Department, and Utilities.
- Invests in transportation and utility systems, including:
 - Anderson Road sewer project, funded with federal COVID-19 relief grant dollars
 - Pfenning Road shared use pathway
 - Main Street and Wildcat Way pavement overlays
 - Brick Road improvements

- Sidewalk repair programs
- Design of Helena Avenue extension – Water Street to Cora Street
- Redundancy, safety, maintenance, and reliability investments for utility systems
- System expansions as needed
- Substation investments for the Electric Utility
- Well construction and inspection for the Water Utility
- Additional bus shelters for Public Transit.

Details of budget enhancements and capital projects by fund are included in Table 1.

Financial Impact:

The proposed 2023/2024 budget would establish the appropriations and positions necessary to authorize the expenditures for each of the City’s funds. As drafted, the budget maintains service levels and infrastructure, makes targeted investments in Council priorities, and maintains fund balances within policy targets.

Attachments:

[Table 1 - Enhancements & Capital Projects by Fund](#)
[Ordinance 4900 - 2023-2024 Biennial Budget](#)
[Exhibits A & B - Budget Table by Fund](#)
[Exhibit C - Budgeted Positions by Fund](#)

Department/Division		2023 Expenditures &	2024 Expenditures &
Item Title	Fund	Transfers-Out	Transfers-Out
Administration			
Budgeted			
*Communications Professional Services	013	\$10,000	\$10,000
*Enterprise Resource Planning (ERP) Software Upgrade	550	\$100,000	\$1,100,000
*HR Specialist	013	\$116,851	\$116,851
*Information Technology Director	550	\$181,882	\$181,882
*Modern Office Renovation	013	\$32,000	\$0
*Professional Services	013	\$50,000	\$0
*Acquire Microsoft Enterprise Mobility + Security Suite	550	\$3,400	\$3,400
Arts and Economic Development Manager	013	\$146,226	\$146,226
	140	\$50,000	\$50,000
	162	\$13,000	\$13,000
	165	\$0	\$0
Increase Virtual Server Acquisition Funding	550	\$19,000	\$19,000
Indigent Defense Cost - Kittitas County	011	\$75,000	\$100,000
*Password Management	550	\$13,000	\$13,000
REET 2 - Recreational Facilities	370	\$0	\$560,000
*Smart Phone Text Message Archive	550	\$5,000	\$2,200
Fiber System - Highway 10 Wells Project	451	\$546,966	\$0
Budgeted Total		\$1,362,325	\$2,315,559
Library Department			
Budgeted			
Integrated Library System	023	\$1,000	\$1,000
YS Assistant-Summer Hours	023	\$1,057	\$1,057
Budgeted Total		\$2,057	\$2,057
PW & U - Engineering			
Budgeted			
*Engineering Intern	019	\$21,565	\$21,565
*GPS/Surveying Equipment	019	\$15,000	\$15,000
*Sustainability Coordinator Position	461	\$64,996	\$64,996
	471	\$64,996	\$64,996
Budgeted Total		\$166,557	\$166,557
Community Dev.			
Budgeted			
Planner Position - Housing Coordinator/ Grants Manager	017	\$110,639	\$110,639
Sleep Center	172	\$300,000	\$0
Budgeted Total		\$410,639	\$110,639
Finance			
Budgeted			
*Reclassify Account Clerk II to Account Clerk III	012	\$3,916	\$3,916
*Financial Analyst	012	\$126,224	\$126,224
Budgeted Total		\$130,140	\$130,140

Note: Other cost increase drivers include mandated increases for Retirement and Medical Insurance premiums, and bargained wages.

*Costs are reallocated to other funds according to city cost allocation policy or internal service fund rates.

Department/Division		2023 Expenditures &	2024 Expenditures &
Item Title	Fund	Transfers-Out	Transfers-Out
Parks and Recreation Department			
Budgeted			
ADA Sliding Door Package	022	\$21,000	\$0
Add 2 Seasonal Employees to the Parks Maintenance Division	022	\$59,890	\$59,890
Coin Op Locker Replacement	022	\$15,000	\$0
Community Athletics - Tiny Tots Sports Expansion	022	\$9,330	\$9,330
Gutter to Surge Tank Valve Replacement	022	\$13,000	\$0
IRRP Parking Lot Maintenance	022	\$40,000	\$0
KVMP North Window Replacement	022	\$0	\$65,000
Rotary Park Master Plan Update Request	160	\$20,000	\$0
Stan Bassett Youth Center – Recreation Aide Positions	022	\$9,889	\$9,889
Reed Park design documentation	370	\$0	\$200,000
Budgeted Total		\$188,109	\$344,109
Police			
Budgeted			
2023 Patrol Vehicle	016	\$22,080	\$22,080
	130	\$69,000	\$0
Anti Crime Vehicle	016	\$5,340	\$5,340
	130	\$57,000	\$0
BEARCAT Armored Vehicle Participation	130	\$150,000	\$0
Crime Analyst Position	130	\$121,917	\$121,917
Line Item Budget Increases (KITTCOM, jail fees, Humane Society, training, etc.)	016	\$241,477	\$241,477
	130	\$56,400	\$56,400
Replacement Portable Radios	130	\$163,542	\$0
Unmanned Aerial Vehicle Program	130	\$0	\$5,957
Budgeted Total		\$886,756	\$453,171
PW&U- Natural Gas			
Budgeted			
Gas Division Deep Well Anode Bed Replacement	461	\$80,000	\$80,000
Gas Division GIS Intern	461	\$31,250	\$31,250
Gas Tap Station Safety Improvements	461	\$0	\$350,000
Meter Change-Out Program	461	\$150,000	\$0
No. 6 Rd/Vantage Hwy Loop & Misc. Looping/Improvements (Redundancy/Reliability)	461	\$239,422	\$239,422
Pipeline Safety Management System Program Development	461	\$120,000	\$0
Remote Methane Leak Detector	461	\$21,000	\$0
Vantage Highway Gateway II Project	461	\$0	\$0
Budgeted Total		\$641,672	\$700,672

Note: Other cost increase drivers include mandated increases for Retirement and Medical Insurance premiums, and bargained wages.

*Costs are reallocated to other funds according to city cost allocation policy or internal service fund rates.

Department/Division		2023 Expenditures &	2024 Expenditures &
Item Title	Fund	Transfers-Out	Transfers-Out
PW & U - Transit			
Budgeted			
2023 Infrastructure Planning	127	\$120,000	\$0
Transit Bus Pullouts and Shelters	127	\$250,000	\$250,000
Zero Emissions Transition Plan	127	\$150,000	\$0
2023-2024 Transit Vehicle (New)	127	\$0	\$53,000
Budgeted Total		\$520,000	\$303,000
PW & U - Stormwater			
Budgeted			
Reecer Creek Levee Extension	431	\$930,000	\$0
University Way/Gateway – Tree Planting	431	\$200,000	\$0
Urban Forestry Plan	431	\$150,000	\$0
Vantage Highway/Gateway II	431	\$200,000	\$0
Budgeted Total		\$1,480,000	\$0
PW & U - Water			
Budgeted			
24" Water Main Valve Replacement	481	\$40,000	\$40,000
Craig's Hill Pressure Zone	485	\$250,000	\$1,210,000
Memorial Park Water Main Relocation	481	\$50,000	\$0
Miscellaneous Water Main Extensions	481	\$50,000	\$50,000
Miscellaneous Water Main Oversizing	481	\$50,000	\$50,000
New Reservoir Siting Study	481	\$50,000	\$0
Route 10 & Hayward Well Pump Rebuilds	481	\$150,000	\$100,000
Seattle Avenue Water Main Extension	481	\$323,000	\$0
Budgeted Total		\$963,000	\$1,450,000
PW&U- Electric			
Budgeted			
Berry Rd. Re-conductor	471	\$400,000	\$0
Canyon Rd. I-90 Crossing	471	\$300,000	\$0
Conduit Camera	471	\$15,000	\$0
D1 Dolarway Substation Improvement	471	\$1,832,500	\$1,832,500
Engineering Specialist Position Reclassification	471	\$5,117	\$5,271
Mountain View Re-conductor	471	\$0	\$750,000
South Substation Land Purchase	471	\$500,000	\$0
University Gateway I Project	471	\$1,600,000	\$0
Budgeted Total		\$4,652,617	\$2,587,771

Note: Other cost increase drivers include mandated increases for Retirement and Medical Insurance premiums, and bargained wages.

*Costs are reallocated to other funds according to city cost allocation policy or internal service fund rates.

Department/Division	2023 Expenditures &		2024 Expenditures &
Item Title	Fund	Transfers-Out	Transfers-Out
Public Works & Utilities - Wastewater			
Budgeted			
Aeration Process Upgrades at WwTF	491	\$200,000	\$300,000
Anderson Road Sewer	491	\$2,650,000	\$0
Digester/GBT Electrical Upgrades	491	\$500,000	\$0
Miscellaneous Sewer Main Extensions	491	\$50,000	\$50,000
Miscellaneous Sewer Main Oversizing	491	\$50,000	\$50,000
Rebuild Clarifiers at WwTP	491	\$1,700,000	\$0
Sewer Line Rehabilitation/Replacement	491	\$0	\$300,000
Budgeted Total		\$5,150,000	\$700,000
PW & U - Shop			
Budgeted			
2023-2024 Shop Capital Equipment Purchases (Replacement)	012	\$3,420	\$3,420
	016		\$23,400
	022	\$5,000	\$2,000
	120	\$23,000	\$139,240
	491	\$10,800	\$10,800
	531	\$483,700	\$605,900
Facilities & Warehouse Staffing - 1 FTE	012	\$1,401	\$1,401
	013	\$824	\$824
	016	\$1,353	\$1,353
	017	\$630	\$630
	019	\$595	\$595
	022	\$7,444	\$7,444
	023	\$508	\$508
	120	\$10,552	\$10,552
	431	\$865	\$865
	461	\$17,963	\$17,963
	471	\$41,768	\$41,768
	481	\$10,857	\$10,857
	491	\$5,239	\$5,239
	531	\$100,000	\$100,000
		\$725,919	\$984,759

Note: Other cost increase drivers include mandated increases for Retirement and Medical Insurance premiums, and bargained wages.

*Costs are reallocated to other funds according to city cost allocation policy or internal service fund rates.

Department/Division	2023 Expenditures &		2024 Expenditures &
Item Title	Fund	Transfers-Out	Transfers-Out
Public Works & Utilities - Arterial Street/Sidewalk			
Budgeted			
Alley Reconstruction	123	\$80,000	\$0
	366	\$20,000	\$0
Brick Rd. Improvements	123	\$191,000	\$1,485,000
	140	\$0	\$100,000
	366	\$0	\$231,000
Bridge Inspections	123	\$5,000	\$5,000
Capital Projects Contingency	123	\$150,000	\$150,000
	125	\$50,000	\$50,000
	366	\$25,000	\$25,000
CBD Sidewalk -Tree Replacement Project	366	\$60,000	\$60,000
Dolarway Bridge & Levee	123	\$719,433	\$0
	439	\$719,433	\$0
Downtown Micro Slurry	123	\$550,000	\$0
Engineering Transfer	123	\$15,000	\$15,000
Gateway I	120	\$472,390	\$0
	123	\$2,300,000	\$0
	366	\$257,712	\$0
	431	\$200,000	\$0
Gateway II	123	\$825,000	\$0
	140	\$218,000	\$0
	431	\$200,000	\$0
Main Street Overlay	123	\$608,200	\$0
	366	\$40,000	\$0
Mtn. View and Bull Rd. Signalization	123	\$75,000	\$750,000
	125	\$75,000	\$700,000
	366	\$0	\$50,000
On Call Traffic Analysis	123	\$30,000	\$30,000
	125	\$15,000	\$15,000
Pfenning Road Shared Use Pathway	123	\$526,000	\$0
	366	\$153,000	\$0
Signal Optimization	123	\$25,000	\$25,000
Walnut St Bridge Replacement	123	\$65,000	\$500,000
	140	\$65,000	\$500,000
Wildcat Way Overlay	123	\$795,000	\$0
	140	\$695,000	\$0
	366	\$100,000	\$0
Residential Sidewalk Repair Program	366	\$160,000	\$160,000
Helena Avenue Extension – Water Street to Cora Street (Design)	123	\$450,000	\$0
Budgeted Total		\$10,935,168	\$4,851,000
Budgeted Grand Total		\$28,214,959	\$15,099,434

Note: Other cost increase drivers include mandated increases for Retirement and Medical Insurance premiums, and bargained wages.

*Costs are reallocated to other funds according to city cost allocation policy or internal service fund rates.

ORDINANCE NO. 4900

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, ADOPTING THE 2023-2024 BIENNIAL BUDGET FOR THE CITY OF ELLENSBURG, WASHINGTON.

WHEREAS, State law, Chapter 35A.34 RCW, provides the legislative body of any code city the authority by ordinance to elect to have a two-year fiscal biennium budget in lieu of an annual budget; and

WHEREAS, Ordinance No. 4592 adopted by the City of Ellensburg on May 16, 2011 established the two-year fiscal biennium budget beginning January 1, 2013 and requires thereafter that a two-year fiscal biennial budget be prepared, considered and adopted under the provisions of Chapter 35A.34 RCW; and

WHEREAS, a public hearing on the general fund revenue estimates for 2023 was advertised and held on October 3, 2022 for the purpose of providing information to the public regarding the revenue estimates to be included in the proposed budget and at which hearing all taxpayers were heard who appeared for or against; and

WHEREAS, a public hearing on the preliminary biennial budget for the two-year fiscal biennium 2023-2024 was advertised and held on November 7, 2022 for the purpose of providing information to the public regarding the estimates and programs contained in the proposed budget and at which hearing all taxpayers were heard who appeared for or against any part of said budget; and

WHEREAS, a public hearing on the proposed biennial budget for the two-year fiscal biennium 2023-2024 was advertised and held on November 21, 2022 for the purpose of providing information to the public regarding the estimates and programs contained in the proposed budget and at which hearing all taxpayers were heard who appeared for or against any part of said budget; and

WHEREAS, the City Council met regarding the proposed budget on December 5, 2022 for the purpose of adopting a final budget for the two-year fiscal biennium 2023-2024, and at which meeting the City Council made such changes as it deemed necessary and proper;

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

Section 1. 2023-2024 Biennial Budget Adoption. The 2023-2024 Biennial Budget for the City of Ellensburg for the period January 1, 2023 through December 31, 2024, as determined in Exhibits A, B, and C, is hereby adopted.

Section 2. Copies of the biennial budget to be filed. The City Clerk is directed to keep a complete copy of the final 2023-2024 biennial budget, as adopted, together with a copy of the adopting ordinance, on file in the City Clerk's office, and a copy shall be transmitted by the City Clerk to the Division of Municipal Corporations of the Office of the State Auditor and to the Association of Washington Cities as required by RCW 35A.34.120.

Section 3. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

Section 4. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 5. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect January 1, 2023 after passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 5th day of December, 2022.

MAYOR

ATTEST:

CITY CLERK

Approved as to form:

CITY ATTORNEY

Publish:

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4900 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4900 was published as required by law.

BETH LEADER

Ordinance No. 4900 - Exhibit A (2023-2024 Biennial Budget Ordinance)
City of Ellensburg
2023 Budget Table - All Funds

Fund	Budgeted Beg. Fund Balance	2023 Revenues	2023 Expenditures	Budgeted Ending Fund Balance
General Fund	\$4,557,003	\$17,327,891	\$19,254,735	\$2,630,160
Budgeted General Sub Funds				
Sales Tax Reserve Fund	\$4,227,079	\$6,296,280	\$6,953,007	\$3,570,352
Art Acquisition	\$16,851	\$51,000	\$59,000	\$8,851
COVID-19 Grants	\$587,533	\$0	\$587,533	\$0
Library Trust	\$320,705	\$4,900	\$8,800	\$316,805
Hal Holmes Trust	\$136,431	\$10,500	\$10,000	\$136,931
Fire Relief and Pension	\$692,757	\$199,737	\$141,909	\$750,585
Total Budgeted General Sub Funds	\$5,981,357	\$6,562,417	\$7,760,249	\$4,783,525
Special Revenue Funds				
Street	\$1,119,564	\$2,556,563	\$3,410,417	\$265,711
Arterial Street	\$1,941,904	\$6,511,116	\$7,459,633	\$993,387
Traffic Impact Fees	\$294,429	\$379,387	\$172,500	\$501,317
Public Transit	\$3,006,532	\$2,550,929	\$2,671,837	\$2,885,623
Criminal Justice	\$2,336,095	\$1,532,560	\$2,139,736	\$1,728,919
Drug Investigation	\$12,570	\$3,100	\$5,000	\$10,670
ECTV Operations	\$109,712	\$101,998	\$103,587	\$108,123
Park Acquisition	\$587,378	\$122,661	\$420,000	\$290,039
Lodging Tax	\$912,486	\$690,000	\$330,313	\$1,272,173
Affordable Housing	\$1,687,778	\$792,160	\$717,500	\$1,762,438
Total Special Revenue Funds	\$12,008,448	\$15,240,474	\$17,430,523	\$9,818,399
Debt Service Funds				
Capital Improvements Bond Debt Ser	\$362,378	\$562,327	\$562,326	\$362,379
2010 GO Bond Debt Service	\$60,818	\$187,003	\$187,003	\$60,818
2003 Library Bond Debt Service	\$79,806	\$0	\$0	\$79,806
Total Debt Service Funds	\$503,002	\$749,330	\$749,329	\$503,003
Capital Project Funds				
Sidewalk Fund	\$838,647	\$448,000	\$768,712	\$517,935
Recreation Facilities	\$0	\$380,000	\$0	\$380,000
Total Capital Project Funds	\$838,647	\$828,000	\$768,712	\$897,935
Enterprise Funds				
Stormwater Utility	\$869,714	\$2,900,819	\$2,902,664	\$867,869
Stormwater Bond Construction	\$719,433	\$0	\$719,433	\$0
Telecommunications Utility	\$256,154	\$355,901	\$368,539	\$243,516
Natural Gas Utility	\$2,842,378	\$12,432,141	\$12,767,868	\$2,506,652
Electric Utility	\$10,483,048	\$21,656,195	\$25,125,915	\$7,013,329
Water Utility	\$4,682,092	\$6,530,244	\$7,699,650	\$3,512,686
Water Bond Construction	\$3,306,615	\$0	\$1,750,000	\$1,556,615
Wastewater Utility	\$5,423,712	\$8,320,059	\$10,541,588	\$3,202,183
Total Enterprise Funds	\$28,583,147	\$52,195,359	\$61,875,656	\$18,902,850
Internal Service Funds				
Shop/Warehouse	\$10,460,738	\$2,658,820	\$2,589,923	\$10,529,635
General Facilities	\$0	\$628,554	\$587,129	\$41,425
Employee Health & Benefits	\$1,106,073	\$2,423,824	\$2,688,003	\$841,894
Risk Management	\$1,357,068	\$688,102	\$937,098	\$1,108,072
Info. Tech.	\$938,207	\$1,967,181	\$2,006,693	\$898,695
Geo. Info. Systems	\$314,822	\$294,244	\$562,433	\$46,633
Total Internal Service Funds	\$14,176,908	\$8,660,725	\$9,371,279	\$13,466,355
Grand Total	\$66,648,513	\$101,564,197	\$117,210,483	\$51,002,227

Ordinance No. 4900 - Exhibit B (2023-2024 Biennial Budget Ordinance)
City of Ellensburg
2024 Budget Table - All Funds

Fund	Budgeted Beg. Fund Balance	2024 Revenues	2024 Expenditures	Budgeted Ending Fund Balance
General Fund	\$2,630,160	\$17,491,610	\$19,368,990	\$752,780
Budgeted General Sub Funds				
Sales Tax Reserve Fund	\$3,570,352	\$6,515,811	\$6,825,007	\$3,261,156
Art Acquisition	\$8,851	\$51,000	\$59,000	\$851
COVID-19 Grants	\$0	\$0	\$0	\$0
Library Trust	\$316,805	\$7,500	\$8,800	\$315,505
Hal Holmes Trust	\$136,931	\$10,500	\$10,000	\$137,431
Fire Relief and Pension	\$750,585	\$190,737	\$147,594	\$793,728
Total Budgeted General Sub Funds	\$4,783,525	\$6,775,548	\$7,050,401	\$4,508,673
Special Revenue Funds				
Street	\$265,711	\$2,816,103	\$3,057,360	\$24,454
Arterial Street	\$993,387	\$3,210,151	\$3,655,000	\$548,538
Traffic Impact Fees	\$501,317	\$372,387	\$797,500	\$76,204
Public Transit	\$2,885,623	\$2,467,505	\$2,482,106	\$2,871,023
Criminal Justice	\$1,728,919	\$1,556,822	\$1,716,760	\$1,568,981
Drug Investigation	\$10,670	\$3,100	\$5,000	\$8,770
ECTV Operations	\$108,123	\$100,198	\$98,646	\$109,675
Park Acquisition	\$290,039	\$102,261	\$0	\$392,300
Lodging Tax	\$1,272,173	\$687,000	\$330,313	\$1,628,860
Affordable Housing	\$1,762,438	\$820,406	\$682,500	\$1,900,344
Total Special Revenue Funds	\$9,818,399	\$12,135,934	\$12,825,185	\$9,129,148
Debt Service Funds				
Capital Improvements Bond Debt Ser	\$362,379	\$562,327	\$562,326	\$362,380
2010 GO Bond Debt Service	\$60,818	\$187,003	\$187,003	\$60,818
2003 Library Bond Debt Service	\$79,806	\$0	\$0	\$79,806
Total Debt Service Funds	\$503,003	\$749,330	\$749,329	\$503,004
Capital Project Funds				
Sidewalk Fund	\$517,935	\$406,000	\$586,000	\$337,935
Recreation Facilities	\$380,000	\$380,000	\$760,000	\$0
Total Capital Project Funds	\$897,935	\$786,000	\$1,346,000	\$337,935
Enterprise Funds				
Stormwater Utility	\$867,869	\$2,099,924	\$2,069,506	\$898,287
Stormwater Bond Construction	\$0	\$0	\$0	\$0
Telecommunications Utility	\$243,516	\$355,901	\$368,013	\$231,404
Natural Gas Utility	\$2,506,652	\$12,656,533	\$13,224,241	\$1,938,944
Electric Utility	\$7,013,329	\$21,752,965	\$23,355,697	\$5,410,597
Water Utility	\$3,512,686	\$6,555,464	\$7,378,390	\$2,689,760
Water Bond Construction	\$1,556,615	\$0	\$1,210,000	\$346,615
Wastewater Utility	\$3,202,183	\$6,912,817	\$7,104,576	\$3,010,424
Total Enterprise Funds	\$18,902,850	\$50,333,604	\$54,710,423	\$14,526,031
Internal Service Funds				
Shop/Warehouse	\$10,529,635	\$2,846,320	\$2,534,407	\$10,841,548
General Facilities	\$41,425	\$628,554	\$550,383	\$119,596
Employee Health & Benefits	\$841,894	\$2,533,915	\$2,703,393	\$672,416
Risk Management	\$1,108,072	\$688,102	\$937,098	\$859,076
Info. Tech.	\$898,695	\$2,775,361	\$2,879,734	\$794,322
Geo. Info. Systems	\$46,633	\$309,244	\$352,137	\$3,740
Total Internal Service Funds	\$13,466,355	\$9,781,496	\$9,957,153	\$13,290,698
Grand Total	\$51,002,227	\$98,053,523	\$106,007,479	\$43,048,270

2023/2024 Biennial Budget Ordinance - Exhibit C
2023/2024 Biennial Budget - Positions by Department

1 of 4

Department/ Position	FTE '23	FTE '24
General Governmental		
Mayor	0.04	0.04
Council Member	0.21	0.21
Total FTE	0.25	0.25
Finance Department		
Account Clerk 1/RPZ	2.00	2.00
Account Clerk II	2.00	2.00
Accountant II	1.00	1.00
Accounting Manager	1.00	1.00
Accounting Specialist	2.00	2.00
Application Specialist	1.00	1.00
Assistant Finance Director	1.00	1.00
City Clerk	1.00	1.00
Executive Assistant/Asst. City Clerk	0.44	0.44
Finance Director	1.00	1.00
Payroll & Benefits Technician	0.50	0.50
Payroll/Accounting Specialist	1.00	1.00
Senior Meter Reader	1.00	1.00
Senior Utility Account Clerk	1.00	1.00
Sr. Account Clerk	1.00	1.00
Utility Services Supervisor	1.00	1.00
Accountant III/Financial Analyst	1.00	1.00
Total FTE	18.94	18.94
Info. Technology		
Asst.City Manager/City Attorney	0.05	0.05
Executive Assistant/Asst. City Clerk	0.05	0.05
IT & Telecommunications Manager	0.90	0.90
IT Director	1.00	1.00
IT Systems Administrator	1.00	1.00
IT Systems Administrator - SQL	1.00	1.00
Network/Desktop Analyst	1.00	1.00
Total FTE	5.00	5.00

Department/ Position	FTE '23	FTE '24
Community Development Department		
Building Inspector II	1.00	1.00
Building Official	1.00	1.00
Community Dev. Director	1.00	1.00
Housing Coordinator/ Grants Manager	1.00	1.00
Planner	1.00	1.00
Planning Manager	1.00	1.00
Planning/Permit Technician	2.00	2.00
Senior Planner	2.00	2.00
Total FTE	10.00	10.00
Library/ Hal Holmes Department		
Facilities Assistant	0.95	0.95
Facilities Coordinator	1.00	1.00
Librarian	1.00	1.00
Library Aide	0.38	0.38
Library Assistant	2.70	2.70
Library Associate	3.75	3.75
Library Director	1.00	1.00
Library Specialist	0.75	0.75
Office Specialist	0.45	0.45
Total FTE	11.98	11.98
City Administration		
Arts & Economic Development Mgr.	1.00	1.00
Assistant City Attorney	1.00	1.00
Asst.City Manager/City Attorney	0.90	0.90
City Manager	1.00	1.00
Executive Assistant - City Manager	1.00	1.00
Executive Assistant/Asst. City Clerk	0.46	0.46
HR Director	1.00	1.00
HR Specialist	2.00	2.00
Public Information Officer	1.00	1.00
Total FTE	9.36	9.36

2023/2024 Biennial Budget Ordinance - Exhibit C
2023/2024 Biennial Budget - Positions by Department

2 of 4

Department/ Position	FTE '23	FTE '24
Parks & Recreation Department		
Adult Activity Coordinator	1.00	1.00
Aquatic & Recreation Supervisor	1.00	1.00
Custodian I	0.36	0.36
Custodian II	0.22	0.22
ERRC Coordinator	1.00	1.00
Foreperson (Parks)	1.00	1.00
Lifeguard I	2.65	2.65
Lifeguard II	0.58	0.58
Lifeguard III	0.58	0.58
Park Maintenance Tech	4.00	4.00
Parks & Rec Administrative Secretary	2.00	2.00
Parks & Recreation Director	1.00	1.00
Rec Aid I or II	0.40	0.40
Rec Aide I or II	0.80	0.80
Rec Aide II	1.24	1.24
Rec Aide IV	0.62	0.62
Rec Leader 1 2 or 3	0.85	0.85
Rec. Leader II	0.10	0.10
Recreation Leader - Aquatics	2.00	2.00
Sports Official I	0.23	0.23
Sports Official II	0.38	0.38
Sports Official III	0.28	0.28
Sports Official IV	0.07	0.07
Sports Official VI	0.47	0.47
Swim Instructor I	0.07	0.07
Swim Instructor II	0.63	0.63
Swim Instructor III	0.53	0.53
Temporary Laborer	8.67	8.67
Youth Center & Athletic Program Coordinator	1.00	1.00
Total FTE	33.73	33.73

Department/ Position	FTE '23	FTE '24
Police Department		
Animal Control Officer	0.50	0.50
Anti-Crimes Team	2.00	2.00
Code Enforcement Officer	2.00	2.00
Corporal	2.00	2.00
Detective	2.00	2.00
Detective Sergeant	1.00	1.00
Police Captain	1.00	1.00
Police Chief	1.00	1.00
Police Officer First Class	9.00	9.00
Police Officer First Class/SRO	1.00	1.00
Police Records Supervisor	1.00	1.00
Secretary/Records Clerk	3.00	3.00
Sergeant Regular	4.00	4.00
Total FTE	29.50	29.50

Criminal Justice Fund (Police Department)

Animal Control Officer	0.50	0.50
Corporal	2.00	2.00
Detective	1.00	1.00
Police Captain	1.00	1.00
Police Officer First Class	3.00	3.00
Secretary/Records Clerk	1.00	1.00
Sergeant Regular	1.00	1.00
Police Reserve	0.38	0.38
Crime Analyst	1.00	1.00
Total FTE	10.88	10.88

Telecommunications Utility

Assistant City Manager/ City Attorney	0.05	0.05
IT & Telecommunications Manager	0.10	0.10
Executive Assistant/Deputy City Clerk	0.05	0.05
Total FTE	0.20	0.20

2023/2024 Biennial Budget Ordinance - Exhibit C
2023/2024 Biennial Budget - Positions by Department

3 of 4

Department/ Position	FTE '23	FTE '24
Public Works Admin/ Engineering (Public Works & Utilities)		
Assistant City Engineer/Capital Projects	1.00	1.00
City Engineering Services Manager	0.07	0.07
Civil Engineer	1.00	1.00
Engineering Intern	0.34	0.34
Engineering Technician I	2.00	2.00
Engineering Technician II	1.00	1.00
Public Works & Utilities Director	0.05	0.05
Public Works Administrative Secretary	1.00	1.00
Public Works Development Supervisor	1.00	1.00
Sr. Operations Analyst	1.00	1.00
Total FTE	8.46	8.46
Street		
Assistant Public Works Director	0.25	0.25
Foreperson (Street & Water)	1.00	1.00
Heavy Equipment Operator	7.00	7.00
Shop/Warehouse Manager	0.10	0.10
Temporary Laborer	0.94	0.94
Temporary Student Laborer	1.00	1.00
Total FTE	10.29	10.29
Ellensburg Public Transit		
Public Works & Utilities Director	0.10	0.10
Transit Manager	1.00	1.00
Total FTE	1.10	1.10
Stormwater Utility		
City Engineering Manager	0.10	0.10
Stormwater Utility Manager	1.00	1.00
Public Works & Utilities Director	0.14	0.14
Stormwater Tech/Urban Horticulturist	1.00	1.00
Total FTE	2.24	2.24

Department/ Position	FTE '23	FTE '24
Electric Light Utility		
Assistant Utilities Director	0.50	0.50
City Engineering Services Manager	0.16	0.16
Engineering Tech - Light	2.00	2.00
Groundperson	1.00	1.00
Line Foreperson	1.00	1.00
Lineperson	3.00	3.00
Lineperson (Apprentice)	1.00	1.00
Meterperson	1.00	1.00
Operations Analyst - ES	0.67	0.67
Operations Supervisor- Electric	1.00	1.00
Power and Gas Manager	0.45	0.45
Project Engineer	1.00	1.00
Public Works & Utilities Director	0.14	0.14
Rate Analyst	0.45	0.45
Senior Electrical Engineer	1.00	1.00
Serviceperson	1.00	1.00
Sustainability Coordinator	0.45	0.45
Temporary Lineperson	1.00	1.00
Total FTE	16.82	16.82
Geographic Information Systems (GIS)		
GIS Specialist	1.00	1.00
GIS Supervisor	1.00	1.00
Total FTE	2.00	2.00

2023/2024 Biennial Budget Ordinance - Exhibit C
2023/2024 Biennial Budget - Positions by Department

4 of 4

Department/ Position	FTE '23	FTE '24
Wastewater Utility		
Assistant Public Works Director	0.25	0.25
City Engineering Services Manager	0.25	0.25
Collection Serviceperson	3.00	3.00
Lab-Tech., Operator	1.00	1.00
Plant Maintenance Mechanic/Operator	4.00	4.00
Public Works & Utilities Director	0.14	0.14
Shop/Warehouse Manager	0.05	0.05
Temporary Laborer	0.58	0.58
Treatment Plant Operator	2.00	2.00
Wastewater Foreperson	1.00	1.00
Total FTE	12.27	12.27

Natural Gas Utility		
Assistant Utilities Director	0.50	0.50
City Engineering Services Manager	0.13	0.13
Engineering Specialist - Gas	1.00	1.00
Gas Customer Serviceperson	1.00	1.00
Gas Engineer	1.00	1.00
Gas Foreperson	1.00	1.00
Gas Journeyperson	4.00	4.00
Gas Meterperson	1.00	1.00
Operations Analyst - ES	0.33	0.33
Power and Gas Manager	0.55	0.55
Public Works & Utilities Director	0.14	0.14
Rate Analyst	0.55	0.55
Summer Intern	0.50	0.50
Sustainability Coordinator	0.55	0.55
Total FTE	12.25	12.25

Department/ Position	FTE '23	FTE '24
Shop/ Warehouse		
Assistant Public Works Director	0.25	0.25
City Engineering Services Manager	0.01	0.01
Equipment Mechanic	2.00	2.00
Foreperson (Warehouse & Shop)	1.00	1.00
Lead Equipment Mechanic	1.00	1.00
Public Works & Utilities Director	0.14	0.14
Shop/Warehouse Manager	0.65	0.65
Temporary Laborer	0.58	0.58
Warehouse/Plant Maintenance	1.00	1.00
Warehouseperson	1.00	1.00
Total FTE	7.63	7.63

Water Utility		
Assistant Public Works Director	0.25	0.25
City Engineering Services Manager	0.28	0.28
Cross Connection Cont. Spec.	1.00	1.00
Foreperson (Street & Water)	1.00	1.00
Plant Maintenance	1.00	1.00
Public Works & Utilities Director	0.14	0.14
Senior Pipeperson	4.00	4.00
Shop/Warehouse Manager	0.20	0.20
Temporary Laborer	1.50	1.50
Total FTE	9.37	9.37

General Facilities		
Plant Maintenance	1.00	1.00
Total FTE	1.00	1.00



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: November 21, 2022

Item Title/Agenda Subject: Public Hearing - First Reading Ordinance 4901 Imposing an Additional One-Quarter of One Percent Real Estate Excise Tax (REET 2)

Submitted by: Keith Bassett Finance Department

Recommended Action or Motion: Conduct First Reading of Ordinance 4901.

Background/Summary: The proposed ordinance would levy an additional excise tax of 0.25% on real estate sales. Revenues may be used for certain capital transportation, water, storm, sewer, and park capital purposes listed in the City's capital facilities plan. May also be used for limited first 0.25% Real Estate Excise Tax (REET) the so-called "REET 1", purposes or capital facility maintenance, with additional reporting requirements. Use of "REET 2" revenues is somewhat more restrictive than REET 1. The revenue develops a dedicated funding for investments in Parks and Recreation capital facilities.

Previous Council Action: At the November 7, 2022 Council Study Session, staff presented revenue options available to the City to fund community cultural and recreational facilities. Council then conducted a Public Hearing on the Preliminary 2023-2024 Biennial Budget, which included collection and expenditure of REET 2 funds, at the November 7 regular council meeting.

Analysis: Over \$31 million of investments are identified in the City's Comprehensive Plan Parks and Recreation Six-year Capital Facilities Plan, exceeding the current level of allocated General Fund and anticipated Park Impact Fee resources.

Financial Impact: REET is highly variable revenue source, dependent on the volume of property sales in addition to property sales price. Approximately \$380,000 is forecast to be collected annually in 2023 and 2024 if the tax is imposed. Collection and expenditure of REET 2 dollars is included in the proposed 2023-2024 Biennial Budget Ordinance.

Attachments:

Ordinance 4901 - Imposing an additional one-quarter of one percent Real Estate Excise Tax

ORDINANCE NO. 4901

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO CHAPTER 2.25 “REAL ESTATE EXCISE TAX” AND AMENDING SECTIONS 2.25.100, 2.25.120 AND 2.25.160 OF THE ELLENSBURG CITY CODE, THEREBY IMPOSING AN ADDITIONAL ONE-QUARTER OF ONE PERCENT REAL ESTATE EXCISE TAX.

WHEREAS, pursuant to Chapter 2.25 of the Ellensburg City Code (“ECC”), the City of Ellensburg currently imposes a Real Estate Excise Tax on the sale of real property within the city at a rate of one-quarter of one percent of the selling price; and

WHEREAS, RCW 82.46.035 authorizes the City of Ellensburg to collect an additional one-quarter of one percent Real Estate Excise Tax if it plans under the Growth Management Act (“GMA”), chapter 36.70A RCW; and

WHEREAS, the City of Ellensburg is currently required to plan under the GMA in accordance with RCW 36.70A.040, and may therefore impose the additional one-quarter of one percent Real Estate Excise Tax for the purpose of financing capital projects specified in the capital facilities plan element of the City’s comprehensive plan, as authorized by RCW 82.46.035; and

WHEREAS, the City Council of the City of Ellensburg conducted a public hearing regarding imposing an additional one-quarter of one percent Real Estate Excise Tax at its November 21, 2022 meeting; and

WHEREAS, following due consideration the City Council desires collecting an additional one-quarter of one percent Real Estate Excise Tax supporting implementation of projects included in the City’s Capital Facility Plan as currently enacted or hereafter amended;

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

Section 1. A new Section entitled “2.25.100 – Additional real estate excise tax” is hereby added to the Ellensburg City Code to read as follows:

2.25.100 Additional real estate excise tax.

Pursuant to RCW 82.46.035, there is hereby imposed an additional excise tax on each sale of real property located within the corporate limits of the City of at the rate of one-quarter of one percent (0.25%) of the selling price to be collected by the County as prescribed in RCW 82.46.060.

Section 2. Section 2.25.120 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 3550, is hereby amended to read as follows:

2.25.120 Administration and collection of tax.

The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of Chapter 82.45 RCW and Chapter 82.46 RCW 82.46.010. [Ord. 3550 § 1, 1986.]

Section 3. Section 2.25.160 of the Ellensburg City Code, as last amended by Section 2 of Ordinance 3619, is hereby amended to read as follows:

2.25.160 Distribution of proceeds.

A. The distribution of proceeds from the tax imposed in this chapter shall be in accordance with RCW 82.46.030. Upon receipt from the county treasurer of the city tax imposed in ~~this chapter~~ section 2.25.040, the city finance director/treasurer shall deposit the receipted funds into the sidewalk improvement fund of the city of Ellensburg.

B. Proceeds from the additional tax imposed in section 2.25.100 shall be deposited in a separate account in the municipal capital improvements fund and expended as authorized by law under RCW 82.46.035. [Ord. 3619 § 2, 1988; Ord. 3550 § 1, 1986.]

Section 4. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

Section 5. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 6. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 5th day of December, 2022.

MAYOR

ATTEST:

CITY CLERK

Approved as to form:

CITY ATTORNEY

Publish:

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4901 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4901 was published as required by law.

BETH LEADER



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: November 21, 2022

Item Title/Agenda Subject: Ordinance 4899 (second reading) - 2023 Property Tax Levy

Submitted by: Jerica Pascoe Finance Department

Recommended Action or Motion: Conduct second reading and adoption of Ordinance 4899 establishing the Ad Valorem Property Tax Levy for 2023.

Background/Summary: Ordinance 4899 reflects the 2023 levy for property taxes to be collected in 2023 for municipal purposes. The ordinance establishes the 2023 regular property tax levy and certifies the 2023 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 2023 property tax was 6.457%; therefore, the City is limited to 101%.

Tax revenue funds are approximately 69% of the General Fund budget, of which property tax alone accounts for 17%. 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 \$11,694 (15.88%) over the 2022 actual cost, and we have been notified of Kittcom dispatch and cost center user fee increases of \$167,727 (30.46%) over 2022 for the General Fund. In addition, labor contract increases of 2.5% for Teamsters wages in the Parks & Recreation Department, an 8.66% increase in minimum wage, and an anticipated new \$75,000 expenditure to provide for Public Defender servicers/indigent defense are just a few of the General Fund increases in 2023. Only specifically anticipated cost increases

are included in the preliminary budget with no across-the-board increase to supplies and service costs.

Previous Council Action: Council held a public hearing on revenue sources, including property tax, on October 3, 2022. Council held a public hearing and gave first reading to Ordinance 4899 at the November 7, 2022 meeting.

Analysis: Property tax collections for the City of Ellensburg are estimated to be \$3,510,200.17. This is an increase of \$96,215.32 over the 2022 levy. This increase reflects a one percent (1.00%) increase of \$34,139.85, an increase of \$61,662.83 attributed to new construction, improvements, wind turbines, solar, biomass, and geothermal facilities, \$10.93 for an increase in the value of state-assessed property, \$401.71 from annexations. 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 approximately \$96,215. The proposed 2023 budget includes the 1.00% increase.

Attachments:
[Ordinance 2023 Property Tax Levy.pdf](#)

ORDINANCE NO. 4899

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, 2023, 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 3, 2022 to consider proposed 2023 revenue sources, including property taxes; and

WHEREAS, the City Council of the City of Ellensburg has met and considered its budget for 2023-2024 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 7, 2022, to consider possible increases in property tax revenue for the calendar year 2023; and

WHEREAS, the City's actual levy amount from previous year was \$3,413,984.85; 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 2023. An increase in the regular property tax levy is hereby authorized for the levy to be collected in the 2023 tax year. The dollar amount of the increase over the actual levy amount from previous year shall be \$34,139.85, which is a percentage increase of 1% from previous year as authorized by RCW 84.55.005. 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. Majority Approval. This ordinance was passed by a majority of the entire Council.

Section 3. 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 4. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

Section 5. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 6. Effective Date. This ordinance, 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 21st day of November, 2022.

MAYOR

ATTEST:

CITY CLERK

Approved as to form:

CITY ATTORNEY

Publish:

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4899 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4899 was published as required by law.

BETH LEADER



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: November 21, 2022

Item Title/Agenda Subject: First Reading Ordinance 4902 Establishing Funds

Submitted by: Keith Bassett Finance Department

Recommended Action or Motion: Conduct first reading of Ordinance 4902.

Background/Summary: Activity of the City must be accounted for as prescribed by the State Auditor's Office in the Budgeting, Accounting and Reporting System (BARS) Manual. Certain activities must be accounted for separately in a designated "fund." Three activities included in the proposed 2023-2024 Biennial Budget would require separate funds to be created: collection and expenditure for the second one quarter percent Real Estate Excise Tax (REET), operation of a General Facilities Internal Service Fund, and operations of a Geographic Information Systems (GIS) Internal Service Fund.

Previous Council Action: NA

Analysis: New funds are required to account for three new activities proposed in the 2023-2024 Biennial Budget.

1. REET revenue may only be spent as allowed by law. Tracking and reporting the proposed additional one-quarter percent REET will be accomplished through a new fund.
2. General Fund facilities currently require appropriation of available resources to respond to maintenance and operating needs. Creation of a General Facilities Internal Service Fund will allow the City to begin to bank designated reserves from which to appropriate planned and emergent facility maintenance and operating needs.
3. GIS resources are currently accounted for within the Information Technology (IT) Internal Service Fund. As part of a minor reorganization, these operations have moved to the City's engineering office. Establishing a new fund will allow existing resources and investments in

the City's GIS infrastructure and operations to be identified and transferred to facilitate efficient management of these resources in the current organizational structure.

Financial Impact:

Revenues and expenditures are budgeted in these funds as part of the City's proposed 2023-2024 Biennial Budget ordinance, which was presented earlier in this evening's agenda.

Attachments:

[Ordinance 4902 - Establishing Funds](#)

ORDINANCE NO. 4902

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO CHAPTER 2.16 “FUNDS” AND AMENDING CHAPTER 2.16 “FUNDS” TO ADD NEW SECTIONS ENTITLED “2.16.4710 ARTICLE XXXIV. CAPITAL FACILITIES FUND.”, “2.16.4910 ARTICLE XXXV. GENERAL FACILITIES FUND.”, AND “2.16.5010 ARTICLE XXXVI. GEOGRAPHIC INFORMATION SYSTEMS FUND.” TO THE ELLENSBURG CITY CODE.

WHEREAS, the City of Ellensburg establishes multiple funds to manage resources; and

WHEREAS, certain resources, operations, and projects require separate funds to meet requirements imposed by the Washington State Auditor’s Office; and

WHEREAS, the City of Ellensburg is proposing, as part of the 2023-2024 Biennial Budget, to budget separate funds for capital facilities, general facilities, and geographic information systems; and

WHEREAS, following due consideration the City Council desires to establish separate funds to budget and account for these activities and resources;

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

Section 1. A new Section entitled “2.16.4710 Article XXXIV. Capital Facilities Fund” is hereby added to the Ellensburg City Code to read as follows:

Article XXXIV. Capital Facilities Fund

2.16.4710 Capital Facilities Fund – Established.

There is hereby established for the city a fund to be known as the “Capital Facilities Fund” for the purposes of accumulating and expending revenues collected pursuant to Section 1 of Ordinance No. 4900.

2.16.4720 Expenditures – Appropriations.

Expenditures shall be made only after being provided for by specific appropriation of the city council in the biennial budget, supplemental appropriation or budget duly adopted by the city council. Expenditures shall be made as authorized by law under RCW 82.46.035 as currently written or as subsequently amended, or as otherwise authorized by law.

Section 2. A new Section entitled “2.16.4810 Article XXXV. General Facilities Fund” is hereby added to the Ellensburg City Code to read as follows:

Article XXXV. General Facilities Fund

2.16.4810 General Facilities Fund – Established.

There is hereby established for the city a fund to be known as the “General Facilities Fund” to consist of a revolving fund to be expended for the purpose of paying salaries and wages, and otherwise financing operations required for the repair, replacement, purchase, lease and operation of key buildings related appurtenance and fixtures owned by the city, for purchasing equipment, materials and supplies incidental to the operation and maintenance of such buildings appurtenances and fixtures, and for purchasing equipment, materials and supplies to be used in the administration and operation of said fund.

2.16.4820 Transfer of facilities.

Key buildings, related appurtenances, and fixtures owned or controlled by the city may be transferred without charge to and assumed by the general facilities fund created by this article at for the efficient management of city assets. The city council may, from time to time, place additional money, buildings, appurtenances, and fixtures into the general facilities fund. All buildings, appurtenances, and fixtures may be returned to the fund which originally transferred it to the fund, along with any associated collected fund balance, and equivalent consideration for any shared equipment or supplies purchased and retained by the general facilities fund.

2.16.4830 Rental of facilities.

Use of buildings, appurtenances, and fixtures shall be rented for the use of various offices and departments of the city at rates set at equal or almost equal value, designed to align fees proportionate to the benefit received by each fund.

Section 3. A new Section entitled “2.16.4910 Article XXXVI. Capital Facilities Fund” is hereby added to the Ellensburg City Code to read as follows:

Article XXXVI. Geographic Information Systems

2.16.4910 Geographic Information Systems Fund – Established.

There is hereby established for the city a fund to be known as the “Geographic Information Systems Fund” to consist of a revolving fund to be expended for the purpose of paying salaries and wages and otherwise financing operations required for the administration, use, and support of the City’s Geographic Information Systems and services to various offices and departments of the city, and for purchasing equipment, materials and supplies incidental to the operation and maintenance of such system, and for purchasing equipment, materials and supplies to be used in the administration and operation of said fund.

2.16.4920 Transfer of resources.

Resources collected by other funds of the city and retained for purpose identified in 2.16.4910 shall be transferred to the fund established in 2.16.4910. The city council may, from time to time, place additional money, or other resources into the geographic information systems fund. Resources may be returned to the fund which originally transferred it to the fund, along with any associated collected fund balance, and equivalent consideration for any shared equipment or supplies purchased and retained by the geographic information systems fund.

2.16.4930 Charges for services.

Geographic information system access and other services provided to the various offices and departments of the city shall be provided at rates set at equal or almost equal value, designed to align fees proportionate to the benefit received by each fund.

Section 4. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

Section 5. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 6. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 5th day of December, 2022.

MAYOR

ATTEST:

CITY CLERK

Approved as to form:

CITY ATTORNEY

Publish:

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4902 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4902 was published as required by law.

BETH LEADER



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: November 21, 2022

Item Title/Agenda Subject: Resolution 2022-38 Regarding Shoreline Master Program Periodic Review Update

Submitted by: Jamey Ayling Community Development

Recommended Action or Motion: Adopt proposed Resolution 2022-38 amending the Shoreline Master Program and authorize submission to the Washington State Department of Ecology.

Background/Summary: The City of Ellensburg undertook a periodic review of its Shoreline Master Program (SMP) as required by the Washington State Shoreline Management Act (SMA), RCW 90.58.080(4). The SMA requires each SMP be reviewed and revised, if needed, on an eight-year schedule established by the legislature. The review ensures the SMP stays current with changes in laws and rules, remains consistent with other City of Ellensburg plans and regulations, and is responsive to changed circumstances, new information, and improved data.

Previous Council Action: Council adopted the previous Shoreline Master Program on June 21, 2016.

Analysis: The City worked jointly with the Washington State Department of Ecology to update the Shoreline Master Program. An Open House to kick off the periodic review of the SMP and answer questions was held in the Council Chambers from 4:30 to 6:30 p.m. on June 23, 2022. The City and Ecology held a joint public hearing with the Planning Commission to gather public input and review the proposed updates to the SMP on August 25, 2022, after which the Planning Commission made a motion to recommend the City Council adopt the SMP as proposed by staff.

Staff notified Department of Commerce of the intent to adopt the updated Shoreline Master Program and submitted the proposal for the mandatory 60-day review on September 14, 2022. The Department of Commerce has since completed their review and provided an approval to adopt the document as

revised.

Financial Impact: None anticipated.

Attachments:

[Resolution 2022-38 SMP Update](#)

[Periodic Review Checklist](#)

[Ellensburg Final Draft SMP](#)

[Appendix A Shoreline Map](#)

[Appendix B Shoreline Environment Designation Descriptions](#)

RESOLUTION NO. 2022-38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, expressing its intent to approve the amendments to the Shoreline Master Program and authorizing the submittal of this proposed Shoreline Master Program to the Washington State Department of Ecology.

WHEREAS, the Shoreline Management Act of 1971, codified by the State of Washington at chapter 90.58 RCW, requires all cities and counties with “shorelines of the state” including the City of Ellensburg, to prepare and adopt a shoreline Master Program (“SMP”) for its jurisdiction; and

WHEREAS, the pursuant to RCW 90.58.08, the City of Ellensburg (“City”) is required to adopt a shoreline Master Program no later than December 1, 2013; and

WHEREAS, pursuant to RCW 90.58.080(4) the City shall conduct a periodic review of the adopted SMP every eight years; and

WHEREAS, the City held a public open house to educate interested parties on the elements of the SMP on June 23, 2022; and

WHEREAS, the City issued a Notice of Intent to adopt the draft SMP on September 14 2022; and

WHEREAS, the City Planning Commission considered the information in the record and conducted a public hearing on August 25, 2022; and

WHEREAS the City Planning Commission unanimously recommended approval of amendments proposed to the SMP; and

WHEREAS the City Council agrees with the Planning Commission recommendation; and

WHEREAS the City Council has reviewed a revised City of Ellensburg Shoreline Master Program which incorporates the recommendation of the Planning Commission;

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

Section 1. Statement of Intent. The Ellensburg City Council intends to adopt the revised August 25, 2022 City of Ellensburg Shoreline Master Program upon approval from the Washington State Department of Ecology.

Section 2. Authorization. The City Clerk is hereby authorized to submit the revised City of Ellensburg Shoreline Master Program (including this resolution and all other submittal documents) to the Washington State Department of Ecology for approval.

ADOPTED by the City Council of the City Ellensburg this 21st day of November 2022.

Mayor

Attest: _____
City Clerk

SHORELINE MASTER PROGRAM PERIODIC REVIEW

Periodic Review Checklist

This document is intended for use by counties, cities and towns subject to the Shoreline Management Act (SMA) to conduct the “periodic review” of their Shoreline Master Programs (SMPs). This review is intended to keep SMPs current with amendments to state laws or rules, changes to local plans and regulations, and changes to address local circumstances, new information or improved data. The review is required under the SMA at [RCW 90.58.080\(4\)](#). Ecology’s rule outlining procedures for conducting these reviews is at [WAC 173-26-090](#).

This checklist summarizes amendments to state law, rules and applicable updated guidance adopted between 2007 and 2019 that may trigger the need for local SMP amendments during periodic reviews.

How to use this checklist

See the associated *Periodic Review Checklist Guidance* for a description of each item, relevant links, review considerations, and example language.

At the beginning of the periodic review, use the review column to document review considerations and determine if local amendments are needed to maintain compliance. See WAC 173-26-090(3)(b)(i).

Ecology recommends reviewing all items on the checklist. Some items on the checklist prior to the local SMP adoption may be relevant.

At the end of your review process, use the checklist as a final summary identifying your final action, indicating where the SMP addresses applicable amended laws, or indicate where no action is needed. See WAC 173-26-090(3)(d)(ii)(D), and WAC 173-26-110(9)(b).

Local governments should coordinate with their assigned [Ecology regional planner](#) for more information on how to use this checklist and conduct the periodic review.

Prepared By	Jurisdiction	Date
Jamey Ayling	City of Ellensburg	5/3/2022

Row	Summary of change	Review	Action
2019			
a.	OFM adjusted the cost threshold for building freshwater docks	Chp 6.3.2h (pg 122) language identifies the old threshold. This language should be updated: (A) twenty-two thousand five hundred dollars (\$22,500) for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced; or (B) Eleven thousand two hundred (\$11,200) dollars for all other docks constructed in fresh waters. However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered a substantial development for the purpose of this chapter.	Chp 6.3.2h (pg 122) has been updated with the new thresholds.
b.	The Legislature removed the requirement for a shoreline permit for disposal of dredged materials at Dredged Material Management Program sites (<i>applies to 9 jurisdictions</i>)	Not applicable	No change
c.	The Legislature added restoring native kelp, eelgrass beds and native oysters as fish habitat enhancement projects.	Not applicable	No change

Row	Summary of change	Review	Action
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	Chp 6.3.2a (pg 120) identifies the old threshold. This amount need to be updated: Seven thousand forty seven dollars (\$7,047)	Chp 6.3.2a (pg 120) has been updated with the new threshold.
b.	Ecology permit rules clarified the definition of “development” does not include dismantling or removing structures.	Chp 7.25 (pg 143) Definition need to be updated to include: “Development” does not include dismantling or removing structures if there is no other associated development or re-development.	Chp 7.25 (pg 143) Definition has been updated to match the WAC.
c.	Ecology adopted rules clarifying exceptions to local review under the SMA.	Chp 1.7 aplicability does not include these exceptions. Add language as 6-10: 6. Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. 7. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit. 8. WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of	Chapter 1.7 has been updated to include new exceptions.

Row	Summary of change	Review	Action
		Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other local review. 9. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045. 10. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.	
d.	Ecology amended rules clarifying permit filing procedures consistent with a 2011 statute.	Chp 6.7 is consistent with this checklist item. No change required	No Change
e.	Ecology amended forestry use regulations to clarify that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs.	The City of Elensburg does not have any forests for commercial forestry to take place. No Changes required.	No Change
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	Chp 1.7.4 includes this provision. No change required	No Change
g.	Ecology clarified “default” provisions for nonconforming uses and development.	SMP includes nonconforming provisions.	No Change
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews.	The SMP does not include information on the periodic review process, consider adding? Chp 6.13	Reference to periodic reviews added to chapter 6.13.
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	This process is an option for the city even if it is not identified in the SMP. No change Required.	No Change
j.	Submittal to Ecology of proposed SMP amendments.	Add WAC 173-26-110 for consistency with submitting amendments to ecology?	“Amendments shall be submitted to Ecology pursuant to WAC 173-26-110” has been added to text.

Row	Summary of change	Review	Action
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the Americans with Disabilities Act.	Exemption List does not include this exemption. Add to the bottom of the list Chp 6.3.2Q (pg 126): The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.	Exemption list has been updated.
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	SMP uses Eastern WA Guidance. No change.	No Change
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	This is an optional amendment. No change proposed.	No Change
2014			
a.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	City of Ellensburg does not have floating residences.	No Change
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures.	Procedures apply whether or not outlined in the Smp, No change needed.	No Change
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual.	This provision was included in the comprehensive update approved in 2016	No Change
b.	Ecology adopted rules for new commercial geoduck aquaculture.	Not applicable to the City	No Change

Row	Summary of change	Review	Action
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	Not applicable to the City	No Change
d.	The Legislature authorizing a new option to classify existing structures as conforming.	This provision was included in the comprehensive update approved in 2016	Not Applicable
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications.	This provision was included in the comprehensive update approved in 2016	Not Applicable
2009			
a.	The Legislature created new “relief” procedures for instances in which a shoreline restoration project within a UGA creates a shift in Ordinary High Water Mark.	This provision was included in the comprehensive update approved in 2016	Not Applicable
b.	Ecology adopted a rule for certifying wetland mitigation banks.	This provision was included in the comprehensive update approved in 2016	Not Applicable
c.	The Legislature added moratoria authority and procedures to the SMA.	This provision was included in the comprehensive update approved in 2016	Not Applicable
2007			
a.	The Legislature clarified options for defining “floodway” as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	This provision was included in the comprehensive update approved in 2016	Not Applicable
b.	Ecology amended rules to clarify that comprehensively updated SMPs shall include a list and map of streams and lakes that are in shoreline jurisdiction.	This provision was included in the comprehensive update approved in 2016	Not Applicable
c.	Ecology’s rule listing statutory exemptions from the requirement for an SDP was amended to include fish habitat enhancement projects that conform to the provisions of RCW 77.55.181.	This provision was included in the comprehensive update approved in 2016	Not Applicable

Additional amendments

Modify this section, as needed, to reflect additional review issues and related amendments. The summary of change could be about Comprehensive Plan and Development regulations, changes to local circumstance, new information, or improved data.

Two example formats:

SMP Section	Summary of change	Discussion



Ellensburg Shoreline Master Program

Adopting Resolution No.

Effective Date: *New date*

Final SMP

2016 Comprehensive Update Ecology Grant No: G1200054

Ellensburg Shoreline Master Program

Final SMP

Prepared by:

City of Ellensburg
501 North Anderson Street
Ellensburg, WA 98926
Contact: Mike Smith
509-962-7232



Van Ness Feldman
719 Second Avenue, Suite 1150
Seattle, WA 98104
Contact: Anna M. Nelson, AICP
206-623-9372



Environmental Science Associates
5309 Shilshole Ave NW, Suite 200
Seattle, WA 98107
Contact: Margaret Clancy
206-789-9658



New Date Here

This document should be cited as: City of Ellensburg Shoreline Master Program. Ellensburg, WA.

Ellensburg

Shoreline Master Program

Table of Contents

1. Framework, purpose, principles and applicability	1
1.1 The Shoreline Management Act.....	1
1.2 Scope and jurisdiction of the Shoreline Master Program	1
1.3 Purpose and intent	3
1.4 Title and reference	4
1.5 Public involvement process, advisory committee and agency coordination	4
1.6 Relationship to other plans.....	6
1.7 Applicability	7
1.8 Governing principles	8
1.9 Severability.....	9
1.10 Effective date	9
2. Goals and objectives	110
2.1 Conservation element	110
2.2 Shoreline use element	121
2.3 Economic development element	121
2.4 Public access element	132
2.5 Recreation element.....	143
2.6 Circulation element	143
2.7 Historical/cultural element	154
2.8 Flood hazard prevention element.....	154
3. Environment designations and management policies	176
3.1 Purpose and intent	176

3.2	Evaluation	176
3.3	Environment designations	176
3.4	Urban conservancy environment.....	176
3.5	Aquatic environment	18
3.6	Shoreline use and modification table	18
4.	General policies and regulations	243
4.1	Archaeological and historical resources	243
4.2	Environmental protection and critical areas.....	265
4.3	Flood hazard reduction	676
4.4	Public access	69
4.5	Shoreline buffers and vegetation conservation	743
4.6	Water quality, stormwater, and nonpoint pollution.....	787
5.	Shoreline use and modification policies and regulations.....	79
5.1	General shoreline use policies	79
5.2	General shoreline modification policies.....	81
5.3	Agriculture	810
5.4	Aquaculture	821
5.5	Boating facilities	832
5.6	Commercial development.....	865
5.7	Dredging and dredge material disposal.....	876
5.8	Filling, grading, and excavation	88
5.9	Forest practices.....	90
5.10	Industrial and port development	93
5.11	In-stream structures	943
5.12	Mining	96
5.13	Recreation.....	97

5.14	Residential development.....	99
5.15	Shoreline stabilization	1021
5.16	Shoreline restoration and habitat enhancement.....	1076
5.17	Signs	109
5.18	Transportation	10908
5.19	Utilities.....	1110
5.20	Shoreline bulk and dimensional standards.....	1132
5.21	Shoreline Use and Dimensional Standards Table.....	11716
6.	Administration and Procedures.....	11817
6.1	Purpose.....	11817
6.2	Applicability	118
6.3	Permit Exemptions	12019
6.4	Types of permits.....	12927
6.5	Review authority.....	12928
6.6	Review Criteria.....	13029
6.7	Review Procedures	1321
6.8	Appeals	1354
6.9	Timing	1354
6.10	Revisions.....	13635
6.11	Liberal construction	13736
6.12	Enforcement.....	13836
6.13	Amendments to Master Program	13938
7.	Definitions and Acronym List.....	141

Appendices

Appendix A: Shoreline Environment Designation Map [Attached Separately]

Appendix B: Shoreline Environment Designation Descriptions [Attached Separately]

List of Tables

Table 3.7-1.	Shoreline Use and Modification Table
Table 4.2-1.	Wetland Buffers for Wetlands in Shoreline Jurisdiction
Table 4.2-2.	Wetland Mitigation Ratios for Unavoidable Wetland Impacts in Shoreline Jurisdiction
Table 4.2-3.	Aquatic Habitat Conservation Area Buffers for Type F, Np, and Ns Waters
Table 4.5-1.	Standard Shoreline Buffers (Type S Waters)
Table 5.21-1.	Shoreline Use and Dimensional Standards

Code Revisions

To facilitate implementation of this Shoreline Master Program (SMP), the City of Ellensburg has proposed amendments to Ellensburg City Code (ECC) Chapter 13.64, Enforcement. Those amendments are available as a separate document.

Supporting Documents

Community Visioning Report	October 2012
Inventory and Characterization Report	May 2013
Cumulative Impacts Analysis	January 2014
Restoration Plan	April 2014
No Net Loss Report	June 2014

1. Framework, purpose, principles and applicability

Sections:

- 1.1** The Shoreline Management Act
- 1.2** Scope and jurisdiction of the Shoreline Master Program
- 1.3** Purpose and intent of the Shoreline Master Program
- 1.4** Title and reference
- 1.5** Public involvement process, advisory committee and agency coordination
- 1.6** Relationship to other plans
- 1.7** Applicability
- 1.8** Governing principles
- 1.9** Severability
- 1.10** Effective date

1.1 *The Shoreline Management Act*

The Washington State Shoreline Management Act (also referred to in this document as SMA or the Act) was passed by the legislature in 1971 and adopted by a vote of Washington's citizens in a 1972 referendum (RCW 90.58). The goal of the Shoreline Management Act is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." The Act also recognizes that "shorelines are among the most valuable and fragile" of the state's resources.

The Act provides for the management and protection of the state's shoreline resources by requiring planning for their reasonable and appropriate use. The area regulated under the Act includes lands within two hundred (200) feet of designated shorelines as well as certain wetlands, river deltas, floodways and floodplains associated with such shorelines.

The SMA establishes a balance of authority between local and state governments. Cities and counties have the primary review responsibility for development along their shorelines, and the state (through the Washington State Department of Ecology; also referred to as Ecology in this document) has authority to review local master programs and local shoreline development permit decisions.

1.2 *Scope and jurisdiction of the Shoreline Master Program*

The Shoreline Management Act (SMA) applies to all 39 counties and more than 200 cities in Washington State that have "shorelines of the state" (RCW 90.58.030(2)) within their jurisdictional boundaries. Shorelines of the state include:

- All marine waters;
- Streams with greater than twenty cubic feet per second (20 cfs) mean annual flow;
- Lakes twenty (20) acres or larger;

Ellensburg Shoreline Master Program

- Upland areas called shorelands that extend two hundred (200) feet landward, in all directions on a horizontal plane, from the edge of the ordinary high water mark (OHWM) of these waters; and
- The following areas when they are associated with one of the above:
 - o Wetlands and river deltas; and
 - o Floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways.

The Act recognizes that certain waters are so important to citizens that they necessitate a special status for classification and protection. These are “shorelines of statewide significance.” The Act lists the following criteria for defining “shorelines of statewide significance” in Eastern Washington:

Any [natural rivers or segments thereof] east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer. (RCW 90.58.030(2)(f)(v)(B))

Shoreline jurisdiction areas for Yakima River, a shoreline of statewide significance, fall within the City of Ellensburg (also referred to as City or Ellensburg in this document).

In Ellensburg, the shoreline jurisdiction includes: all shorelines of the state; upland areas (shorelands) within two hundred (200) feet of the ordinary high water mark of those waters; associated wetlands and river deltas; and floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways. A shoreline environment designation map depicting the updated jurisdictional areas is included as Appendix A to this SMP. Shoreline environment designation descriptions are included in Appendix B. Depictions of the shoreline jurisdiction boundaries are for information purposes only and need to be confirmed in the field.

Ellensburg Shoreline Master Program

1.3 Purpose and intent

The purpose and intent of this SMP is to:

1. To promote the public health, safety and general welfare of the community by providing long range, comprehensive policies and effective, reasonable regulations for development and use of shorelines within Ellensburg;
2. To manage shorelines in a positive, effective and equitable manner;
3. To assume and carry out the City's responsibilities established by the Act; and
4. To implement RCW 90.58.020 for shorelines of the state:

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

- (1) Recognize and protect the statewide interest over local interest;*
- (2) Preserve the natural character of the shoreline;*
- (3) Result in long term over short term benefit;*
- (4) Protect the resources and ecology of the shoreline;*
- (5) Increase public access to publicly owned areas of the shorelines;*
- (6) Increase recreational opportunities for the public in the shoreline;*
- (7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.*

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of

Ellensburg Shoreline Master Program

the state, in those limited instances when authorized, shall be given priority for single family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state, and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use the water.

1.4 Title and reference

This Document shall be known and may be cited as the “City of Ellensburg Shoreline Master Program.” This document may be referred to herein as the “Program,” “Master Program,” “Shoreline Master Program,” or “SMP.”

1.5 Public involvement process, advisory committee and agency coordination

1. Public information and outreach

This SMP was updated as part of a multi-jurisdictional update process with Kittitas County serving as project lead. The participating jurisdictions were Kittitas County, the City of Ellensburg, the City of Cle Elum, and the Town of South Cle Elum. The participating jurisdictions involved the public throughout the update effort consistent with the Shoreline Management Act (see RCW 90.58.130) and the SMP Guidelines (WAC 173-26-090). As project lead, Kittitas County prepared a public participation plan that identified specific objectives, key stakeholders, and timelines for public participation activities.

2. Multi-jurisdictional SMP update coordination

The SMP update process was closely coordinated among the participating jurisdictions. An interlocal agreement was adopted to define the responsibilities of each jurisdiction and allocate resources from a Washington State Department of Ecology grant.

Kittitas County provided the primary professional and clerical support and was responsible for project management and contracting. Staff assigned by the Cities and Town coordinated local efforts on shorelines within their respective municipal boundaries.

The County coordinated the SMP update process with Washington State Department of Ecology (Ecology), Washington State Department of Fish and Wildlife (WDFW), tribal governments and other state agencies as required in the SMP update guidelines. In addition, the County consulted with other entities for scientific, technical or cultural information including federal agencies, watershed planning units, conservation districts,

Ellensburg Shoreline Master Program

public utility districts, and other institutions as needed.

All participating jurisdictions were responsible for reviewing and commenting on recommended shoreline environment designations and the goals, policies, and use regulations associated with those designations as well as the various supporting documents including but not limited to: inventory characterization reports, restoration plans and cumulative impact analysis. Each jurisdiction was responsible for approving the final SMP through local adoption processes.

3. Shoreline visioning process

To kick-off the process of developing the regional SMP, community-wide visioning sessions were held in Ellensburg and Cle Elum to gather input on how the shoreline areas should look five (5) to ten (10) years from now. Community visioning questionnaires were also distributed widely throughout the County to solicit feedback. Community members provided input on topics such as public access, water-related and water-dependent uses, recreation, restoration activities and more. A summary of the community visioning process can be found in the Community Visioning Report dated October 2012.

4. Regional Shoreline Master Program website

A web page was developed and hosted on the Kittitas County website to share information about the regional SMP update process and to provide opportunities for the public to submit comments and input.

The webpage contained a range of information and documentation related to the development of the SMP update process including:

- background materials
- public participation plan and process timeline
- frequently asked questions
- information on how to participate in the process
- community visioning questionnaire
- information on advisory committees
- meeting materials and summaries
- key contacts

The webpage was kept current and maintained throughout the duration of the update.

5. Technical Advisory Committee

Kittitas County, with input from the Cities and Town invited a group of representatives within the scientific community from statewide agencies, the Yakama Nation, the private sector, and academia to participate on the Technical Advisory Committee (TAC). The purpose of the TAC was to help focus technical discussions and identify key technical

Ellensburg Shoreline Master Program

and policy issues associated with the SMP update process. The TAC provided input on data inventory and materials collection, shoreline characterization, shoreline analysis, shoreline designations, shoreline restoration, and monitoring and enforcement efforts. The TAC met monthly between April 2012 and August 2012. Meetings were open to the public.

6. Open public forums and public meeting events

Open public forums (i.e., public meetings, open houses, workshops) were used throughout the regional SMP update process. They were deployed as an early action strategy to improve public knowledge and investment in the regional SMP update process. Later in the update process, open public forums provided opportunities for the jurisdictions to present draft goals, policies, and regulations, as well as a place for citizens to provide comments and input on the draft goals, policies and regulations. Open public forums were held in July 2012 (two open houses), September 2012 (community visioning workshop), and November 2012 (open house) and January 2014 (open house). Additional targeted outreach was conducted by County staff by attending a regular meeting or meeting with individuals of the following groups: Central Washington Homebuilders Association, Kiwanis of Ellensburg and Cle Elum, the Kittitas Field and Stream Club, the Kittitas County Farm Bureau, and the Washington Cattlemen's Association.

7. Citizen Advisory Committee

The Citizen Advisory Committee (CAC) was established to finalize recommendations on environment designations, goals, policies, and use regulations. Representatives were selected by each of the four participating jurisdictions. The jurisdictions coordinated their selections to achieve a diverse mix of interests including agriculture, recreation, power generation, real estate/development, environment, sporting and conservation. Invitations to participate were also extended to the Washington State Departments of Ecology, Natural Resources, and Fish and Wildlife, and the Yakama Indian Nation. The committee began meeting in October 2012 and continued through December 2013.

1.6 Relationship to other plans

The Growth Management Act (GMA) defines shoreline master program policies as a part of the local comprehensive plan:

For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A 020. . . . The goals and policies of a shoreline master program for a county or city approved under RCW Chapter 90.58 shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under RCW Chapter 90.58, including use regulations, shall be considered a part of the

Ellensburg Shoreline Master Program

county or city's development regulations. (RCW 36. 70A.480 (1))

Counties and cities that plan under the GMA are required, under RCW 36.70A, to ensure that there is internal consistency between the comprehensive plan elements, future land use plan, and implementing development regulations (including master programs).

The GMA also calls for coordination and consistency of comprehensive plans among local jurisdictions:

The comprehensive plan of each county or city that is adopted pursuant to RCW 36.70A.040 shall be coordinated with, and consistent with, the comprehensive plans adopted pursuant to RCW 36.70A.040 of other counties or cities with which the county or city has, in part, common borders or related regional issues. (RCW 36.70A.100)

This regional SMP update has been developed to comply with the GMA requirements for internal consistency with each jurisdiction's comprehensive plan and implementing regulations as well as to ensure coordination and consistency between the County, Cities and Town.

1.7 Applicability

1. Unless specifically exempted below, all proposed uses and development occurring within shoreline jurisdiction must conform to the intent and requirements of RCW Chapter 90.58, the Shoreline Management Act, and this Program whether or not a permit or other form of authorization is required. See Section 1.2 for the definition of shoreline jurisdiction; Chapter 6 for permit procedures; and Chapter 7 for definitions of uses, activities, and development.
2. The following activities are not considered "development" for the purpose of this SMP:
 - a. Interior building improvements that do not change the use or occupancy;
 - b. Exterior building maintenance activities, including painting and roofing, that do not expand the existing footprint of the structure;
 - c. Routine landscape maintenance of established, ornamental landscaping, such as lawn mowing, pruning and weeding; and
 - d. Maintenance of the following existing facilities that does not expand the affected area: septic tanks (routine cleaning), wells, and individual utility service connections.
3. Development on non-federal land is subject to this SMP and must obtain a shoreline permit, even if it is leased, rented, etc. to the federal government, unless the state has ceded regulatory authority by statute.

Ellensburg Shoreline Master Program

4. Federal lands include, but are not limited to, national forests, national parks, national wilderness areas, and lands owned by the Federal Bureau of Land Management (BLM). The following subsections shall guide the determination of SMP applicability on federal lands:
 - a. Federal development on federally owned land is not required to obtain a shoreline permit, unless otherwise required by law, but shall be consistent to the maximum extent practicable with this master program;
 - b. Non-federal activities, uses and development on federally owned land are subject to this SMP and must obtain a shoreline permit;
5. As recognized by RCW 90.58.350, the provisions of this SMP shall not affect treaty rights of Indian Nations or tribes.
6. Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW.
7. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.
8. WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other local review.
9. 9. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.
10. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

1.8 Governing principles

The following principles, in conjunction with the policy statements of RCW 90.58.020, establish the foundation for the goals, policies and regulations of this Program:

1. Any inconsistencies between this Program and the Act must be resolved in accordance with the Act.
2. The policies of this Program may be achieved by diverse means including, but not limited to: regulation of development; acquisition of lands and/or easements by

Ellensburg Shoreline Master Program

purchase or gift; public facility and park planning; watershed planning; voluntary salmon recovery projects; and incentive programs.

3. Regulation of private property to implement Program goals must be consistent with all relevant constitutional and other legal limitations including, but not limited to: civil rights guaranteed by the U.S. and state constitutions, recent federal and state case law, and state statutes.
4. Regulatory or administrative actions contained herein must not unconstitutionally infringe on private property rights or result in an unconstitutional taking of private property.
5. The waters of the state are owned by the citizens of the state. The property rights accrued to the citizens of the state must not be infringed upon by activities that denigrate the value of this ownership interest.
6. The regulatory provisions of this Program are limited to shorelines of the state, whereas the planning functions of this Program may extend beyond the designated shoreline boundaries.
7. The policies and regulations established by the Regional Shoreline Master Program must be integrated and coordinated with those policies and rules of the comprehensive plans and development regulations adopted by the participating jurisdictions under the GMA.
8. Protecting the shoreline environment is an essential statewide policy goal, consistent with other policy goals. Permitted and/or exempt development, actions taken prior to the Act's adoption, and/or unregulated activities can impair shoreline ecological processes and functions. This Program protects the shoreline ecology from such impairments in the following ways:
 - a. By using a process that identifies, inventories, and ensures meaningful understanding of current and potential ecological functions provided by affected shorelines.
 - b. By including policies, regulations, and incentives designed to ensure all development, including permit-exempt development, will not cause a net loss of shoreline ecological function.
 - c. By including regulations and incentives designed to restore impaired ecological functions where such functions have been identified, consistent with the Restoration Plan dated April 2014.
 - d. By including policies and regulations to address cumulative impacts, including the cumulative effect of exempt development, and by fairly allocating the burden of addressing such impacts among development opportunities.
 - e. By including policies and regulations that coordinate shoreline management while protecting private property rights, consistent with the public interest.

Ellensburg Shoreline Master Program

9. In light of other relevant local, state, and federal regulatory and non-regulatory programs, the City will balance the policy goals of this Program to the extent consistent with the policies of the Act and these governing principles, and modify this Program to reflect changing circumstances.

1.9 Severability

Shall any chapter, section, subsection, paragraph, sentence, clause or phrase of this Program be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Program.

1.10 Effective date

This Program and all amendments thereto shall become effective 14 days after final approval by Ecology.

2. Goals and objectives

Sections:

- 2.1 Conservation element
- 2.2 Shoreline use element
- 2.3 Economic development element
- 2.4 Public access element
- 2.5 Recreation element
- 2.6 Circulation element
- 2.7 Historical/cultural element
- 2.8 Flood hazard prevention element

2.1 *Conservation element*

A. Goals

1. Develop and implement management practices that will conserve and sustain shoreline resources and important natural features.
2. Protect the ecological functions and values of the shoreline areas to ensure no net loss.
3. Protect fragile natural areas and resources.
4. Promote restoration of shoreline ecological functions and processes.

B. Objectives

1. Preserve unique, rare, and fragile natural features, habitats and native shoreline vegetation.
2. Avoid and minimize adverse impacts to natural systems and quality of the shoreline environment.
3. Preserve the scenic and aesthetic quality of shorelines and vistas to the greatest extent feasible.
4. Locate and design new uses and development to avoid impacts to shoreline resources. Where there is no feasible alternative, require that adverse impacts be mitigated to achieve no net loss of shoreline ecological functions.
5. Follow best management practices (BMPs) that protect water quality.
6. Integrate critical area standards in the Shoreline Master Program with the policies and regulations of the local jurisdiction.

2.2 Shoreline use element

A. Goals

1. Consider the use and development of shorelines and adjacent land areas for public and private land uses in relation to the natural environment.
2. Ensure no net loss of ecological function.

B. Objectives

1. Give shoreline use preference to single-family residential uses, ports, shoreline recreational uses, and water-dependent commercial or industrial developments that are consistent with preservation of shoreline ecological functions and processes.
2. Give secondary preference to water-related and water-enjoyment uses.
3. Allow non-water-oriented uses only when substantial public benefit is provided with respect to the goals of the Act for public access and ecological restoration.
4. Locate, design, and manage shoreline uses to prevent a net loss of shoreline ecological functions and processes over time. Where adverse impacts are unavoidable, require mitigation to ensure no net loss of shoreline ecological functions.
5. Ensure proposed residential developments are compatible with or enhance the aesthetic quality of the shoreline area.
6. Design and locate residential development to preserve the natural landscape and shoreline ecology and minimize conflicts with present and planned land uses.
7. Encourage mixed use developments that include and support water-oriented uses and provide a substantial public benefit consistent with the public access and ecological restoration goals and policies of the Act.
8. Locate new high intensity uses in areas that are not susceptible to erosion and flooding and where impacts to ecological functions can be avoided.
9. Plan for and control stormwater runoff from new developments and redevelopment projects. When required, provide treatment consistent with state and local standards.

2.3 Economic development element

A. Goals

1. Recognize the role of shorelines, recreational opportunities, agriculture, and forest products industry in attracting people to the region as residents, business owners, tourists, and second home owners.

Ellensburg Shoreline Master Program

2. Support uses that contribute to the region's economy while maintaining the qualities and functions of the shorelines, flood prone areas and channel migration zones.

B. Objectives

1. Protect existing agricultural and commercial forest land uses and provide for new environmentally sensitive resource-based development.
2. Develop the recreational industry along shorelines in a manner that will enhance public enjoyment of the shorelines and provide an economic benefit to the community.
3. Ensure that any economic activity taking place in the shoreline environment operates in a manner that protects shoreline ecological functions and processes. Minimize and mitigate unavoidable impacts.
4. Encourage appropriate new water-dependent, water-related, or water-enjoyment activities along shorelines not prone to flooding.

2.4 Public access element

A. Goals

1. Develop and maintain a network of safe, convenient and diversified access opportunities for the public to enjoy the physical and aesthetic qualities of the shorelines of Ellensburg.
2. Recognize the rights of private property owners.

B. Objectives

1. Promote and enhance the public interest with regard to rights to access waters held in public trust by the state, while protecting private property rights and public safety.
2. Encourage incorporation of shoreline access into private and public shoreline use and development proposals. Allow private access developed for residential development to be limited to owners within that development.
3. Encourage the acquisition of suitable upland shoreline properties to provide public access to publicly-owned shorelines. Prioritize shoreline reaches with limited access opportunities, where public access is compatible with the shoreline environment.
4. Encourage the development of additional public access to the shoreline on lands owned by the city, state, and federal government and through public easements.
5. Consider the diverse needs of residents and visitors in acquisition and design of public access facilities.

Ellensburg Shoreline Master Program

6. Locate, design, develop, manage and maintain public access in a manner that protects shoreline ecological functions and processes and minimizes impacts to surrounding properties.
7. Provide, protect, and enhance physical and visual access to shorelines.
8. Design and maintain public access so that negative impacts to surrounding properties (e.g., trespass and litter) are eliminated or reduced.

2.5 Recreation element

A. Goal

1. Provide opportunities and space for diverse forms of water-oriented recreation.

B. Objectives

1. Prioritize water-oriented shoreline recreational development that is primarily related to access, enjoyment, and use of the water and shorelines of the state.
2. Locate, design, develop, manage, and maintain recreational areas in a manner that protects shoreline ecological functions and processes.
3. Recognize and protect the public interest by providing increased recreational opportunities within shorelines of statewide significance.
4. Provide diverse choices of regional water-oriented public recreational opportunities.
5. Consider measures necessary to establish a high level of compatibility with other uses and activities and avoid negative impacts to the shoreline environment when locating, designing and operating recreational developments.
6. Encourage private investment in water-oriented recreational facilities that are open to the public.
7. Encourage federal, state, and local governments to develop existing sites and evaluate opportunities to acquire additional shoreline property for public recreational use.
8. Encourage development of non-motorized multi-use trails that provide recreation and transportation opportunities where compatible with shoreline ecological functions.

2.6 Circulation element

A. Goal

1. Create and maintain a comprehensive circulation system which provides for the

Ellensburg Shoreline Master Program

safe, convenient, economic, and diversified movement of people, goods, and services, with minimum disruption to the shoreline area and environment.

B. Objectives

1. Locate and design new circulation systems for alternative modes of transportation where the natural landscape can be preserved, ecological function maintained, and land use conflicts minimized.
2. Locate, design, develop, manage, and maintain transportation systems in a manner that protects shoreline ecological functions and processes. Minimize and mitigate unavoidable impacts.
3. Encourage the use of waterborne transportation for recreational uses.
4. Locate new road corridors for motorized vehicles outside of shoreline jurisdiction unless there is no reasonably feasible location.

2.7 *Historical/cultural element*

A. Goal

1. Identify, protect, preserve, and restore sites, objects, structures, buildings, and districts that have historical, cultural, educational, and scientific value and/or significance.

B. Objectives

1. Protect cultural and historic sites in collaboration with appropriate tribal, state, federal, and local governments.
2. Encourage cooperation between public agencies and private parties in the identification, protection, and management of cultural resources.
3. Preserve, protect, or restore unique educational, historical, or culturally significant features to further enhance the value of the shorelines.
4. Provide access to sites in a manner that does not degrade the cultural or historical resource or impact the quality of the environment.
5. Incorporate opportunities for education related to archaeological, historical, and cultural features into public and private programs and development where appropriate.

2.8 *Flood hazard prevention element*

A. Goal

Ellensburg Shoreline Master Program

1. Prevent and minimize flood damage potential.

B. Objectives

1. Comply with the requirements of the National Flood Insurance Program.
2. Ensure conformance with applicable flood prevention codes and hazard management and mitigation plans.
3. Design, locate, and maintain flood hazard reduction measures to avoid a net loss of shoreline ecological functions.
4. Encourage bio-stabilization methods for erosion damage repair whenever possible.
5. Recognize that flooding is a natural process and that floodplains are integral to functioning river ecosystems.

3. Environment designations and management policies

Sections:

- 3.1** Purpose and intent
- 3.2** Evaluation
- 3.3** Environment designations
- 3.4** Urban conservancy environment
- 3.5** Aquatic environment
- 3.6** Shoreline use and modification table

3.1 Purpose and intent

This chapter is intended to meet the requirements in WAC 173-26-211(2)(a), which states:

Master programs shall contain a system to classify shoreline areas into specific environment designations. This classification system shall be based on the existing use pattern, the biological and physical character of the shoreline, and the goals and aspirations of the community as expressed through comprehensive plans as well as the criteria in this Section. Each master program's classification system shall be consistent with that described in WAC 173-26-211 (4) and (5) unless the alternative proposed provides equal or better implementation of the act.

3.2 Evaluation

Environment designations were created by evaluating the existing use patterns, biological and physical characteristics, zoning designations, and comprehensive plan designations. The inventory and characterization data, depicted on maps and described in text, was used to determine the extent of shoreline alterations.

3.3 Environment designations

The shoreline environment designation system includes two (2) environments: urban conservancy and aquatic. Each environment designation contains a purpose statement, management policies and designation criteria.

For all areas not specifically designated, the environment designation will be urban conservancy.

3.4 Urban conservancy environment

A. Purpose

The purpose of the urban conservancy environment is to protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban

Ellensburg Shoreline Master Program

and developed settings, while allowing a variety of compatible uses.

B. Management policies

Shoreline use and development within this designation must be consistent with the following policies:

1. Allow primarily uses that preserve the natural character of the area or promote preservation of open space, floodplain or sensitive lands either directly or over the long-term. Allow uses that result in restoration of ecological functions if the use is otherwise compatible with the purpose of the environment and the setting.
2. Establish standards for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications to ensure that new uses and/or development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.
3. Public access and public recreation objectives should be preferred uses and implemented whenever feasible if significant ecological impacts can be mitigated.
4. Encourage uses to include restoration of ecological functions in the design of project components.
5. Prioritize water-oriented uses over non-water-oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses should be given highest priority.
6. Recognize mining is a unique use that may be an appropriate use within the urban conservancy environment when conducted in a manner consistent with the environment policies and the provisions of WAC 173-26-241(3)(h) and located consistent with mineral resource lands designation criteria.

C. Designation criteria

1. Assign an urban conservancy environment designation to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring the ecological functions of the area, that are not generally suitable for water-dependent uses and that lie in incorporated municipalities, urban growth areas, or commercial or industrial "limited areas of more intense development" if any of the following characteristics apply:
 - a. They are suitable for water-related or water-enjoyment uses;
 - b. They are open space, floodplain or other sensitive areas that should not be more intensively developed;
 - c. They have potential for ecological restoration;
 - d. They retain important ecological functions, even though partially developed; or
 - e. They have the potential for development that is compatible with ecological restoration.

3.5 Aquatic environment

A. Purpose

The purpose of the aquatic environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the OHWM.

B. Management policies

Shoreline use and development within this designation must be consistent with the following policies:

1. Allow new over-water structures only for water-dependent uses, public access, or ecological restoration.
2. Limit the size of new over-water structures to the minimum necessary to support the structure's intended use.
3. Encourage multiple use of over-water facilities.
4. Locate and design all uses and developments on navigable waters or their beds to:
 - a. Minimize interference with surface navigation;
 - b. Consider impacts to public views; and
 - c. Allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
5. Prohibit uses that adversely impact the ecological functions of critical freshwater habitats except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the sequence described in Section 4.2.B.2 to assure no net loss of ecological functions.
6. Design and manage shoreline uses and modifications to prevent degradation of water quality and alteration of natural hydrographic conditions.

C. Designation criteria

Assign an aquatic environment designation to lands waterward of the OHWM.

3.6 Shoreline use and modification table

Shoreline use and modification shall be classified by the Administrator and regulated under one or more of the following applicable sections of this Program.

Table 3.7-1: Shoreline Use and Modification Table

Legend

Ellensburg Shoreline Master Program

P: Permitted with a shoreline permit

C: Conditional use permit required

X: Prohibited

S: Refer to upland shoreline environment.

NA: Use is not applicable in this environment

Proposed Land Use		
	Urban Conservancy	Aquatic
Agriculture		
Grazing	P	NA
Cultivation/orchards	P	NA
Buildings	P	NA
Feedlot	X	NA
Manure Lagoon	X	NA
Aquaculture		
Floating net pens	NA	C
On shore, confined types of facilities and accessory structures	C	NA
Boating facilities and marinas		
Covered over-water structures	NA	X
Launch ramps, public/community	P	S
Launch ramps, private	X	X
Commercial		
Water-dependent	P	S
Water-enjoyment	P	S
Water-related	C	S
Non-water-oriented	X	X
Dredging		
Dredging and dredge material disposal	C	S
Filling, grading, and excavation		

Ellensburg Shoreline Master Program

Proposed Land Use		
	Urban Conservancy	Aquatic
Activities defined in Sections 7.39 and 7.45 (1) Requirements for fill landward of the ordinary high water mark shall be based on corresponding primary land use in Table 3.7-1. Fill waterward of the ordinary high water mark for any use except ecological restoration requires a conditional use permit.	(1)	(1)
Forest Practices		
Non-federal and non-exempt practices	P	S
Industrial		
Water-oriented industrial development	C	S
Non-water-oriented industrial development	X	X
In-stream structures		
In-stream structures, unless specifically listed below.	P	S
Dams, diversions, and tailrace structures	C	C
Channelization or dams for flood control	C	S
Mining		
Mineral prospecting	P	P
Mining	C	C
Surface oil and gas drilling	X	X
Recreational		
Water-dependent	P	P
Water-enjoyment	P	P
Water-related	P	S
Non-water-oriented	C	S
Residential		

Ellensburg Shoreline Master Program

Proposed Land Use		
	Urban Conservancy	Aquatic
Single-family dwelling, including accessory dwelling unit	P	X
Two-family dwelling	P	X
Multi-family dwelling	P	X
Overwater residence	X	X
Shoreline restoration and habitat enhancement		
Shoreline restoration and habitat enhancement activities	P	S
Shoreline stabilization		
Dikes/levees	C	C
Breakwaters, groins and jetties	C	C
Bulkheads and revetments	C	C
Bioengineering approaches	P	C
Signs		
Signage	P	X
Transportation		
Roads, bridges, and railroads	P	S
Parking accessory to a permitted use	P	X
Parking not accessory to a permitted use	X	X
Unclassified Uses		
Uses not otherwise identified in this Table	C	C
Utilities		
Utility facilities accessory to existing uses and/or developments or undergoing shoreline review	N/A	N/A
Water System	P	S
Utility production and processing facilities (see 5.19.B.4)	C	C
Solid waste disposal facilities	X	X

Ellensburg Shoreline Master Program

Proposed Land Use		
	Urban Conservancy	Aquatic
Power generating facilities	C	C
Transmission facilities (see 5.19.B.9-10)	C	C
Telecommunication towers	X	X

4. General policies and regulations

Sections:

- 4.1** Archaeological and historical resources
- 4.2** Environmental Protection and Critical areas
 - A. Policies
 - B. Regulations – General regulations for environmental protection
 - C. Regulations – General regulations for all critical areas
 - D. Regulations – General mitigation requirements for all critical areas
 - E. Regulations – General mitigation plan contents for all critical areas
 - F. Regulations – Wetland designation, mapping, delineation, and categorization
 - G. Regulations – Wetland buffers
 - H. Regulations – Wetland reporting
 - I. Regulations – Wetland compensatory mitigation
 - J. Regulations – Aquatic habitat conservation area designation and mapping
 - K. Regulations – Aquatic habitat conservation area buffers
 - L. Regulations – Aquatic habitat conservation area reporting
 - M. Regulations – Wildlife habitat conservation areas designation, classification, mapping, and surveying
 - N. Regulations – Wildlife habitat conservation area reporting and mitigation requirements
 - O. Regulations – Geologically hazardous areas designation, classification, and mapping
 - P. Regulations – Geologically hazardous areas
 - Q. Regulations – Frequently flooded area designation and mapping
 - R. Regulations – Frequently flooded area protection standards
 - S. Regulations – Frequently flooded area reporting
 - T. Regulations – Frequently flooded area compensatory mitigation
 - U. Regulations – Critical aquifer recharge areas designation, mapping, and classification
 - V. Regulations – Critical aquifer recharge areas protection standards
 - W. Regulations – Critical aquifer recharge areas reports
 - X. Regulations – Critical aquifer recharge areas reports
- 4.3** Flood hazard reduction
- 4.4** Public access
- 4.5** Shoreline buffers and vegetation conservation
- 4.6** Water quality, stormwater, and nonpoint pollution

4.1 *Archaeological and historical resources*

The following provisions apply to cultural, archaeological, and historic resources that are either recorded at the Washington State Department of Archeology and Historic

Ellensburg Shoreline Master Program

Preservation and/or by local jurisdictions or have been inadvertently uncovered. Archaeological sites located both in and outside shoreline jurisdiction are subject to RCW Chapter 27.44 (Indian graves and records) and RCW Chapter 27.53 (Archaeological sites and records). Shoreline uses or development that may impact such sites shall comply with Chapter 25-48 WAC as well as the provisions of this chapter.

A. Policies

1. Care should be taken to avoid disturbing archeological and historical resources along Ellensburg shorelines.
2. Prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes, and the Department of Archaeology and Historic Preservation.
3. Review of proposed new uses and/or development along shorelines in areas documented to contain archaeological resources should include consultation with professional archaeologists, historians, affected Indian tribes and biologists to identify areas containing potentially valuable data, and to establish procedures for salvaging the data or maintaining the area in an undisturbed condition.

B. Regulations

1. Developers and property owners shall immediately stop work and notify the local government, the Washington State Department of Archeology and Historic Preservation and affected Indian tribes if archaeological resources are uncovered during excavation. Construction may recommence pursuant to RCW 27.44.040, RCW 27.53.040 and WAC 25-48-030. A notification stating this requirement shall be included on shoreline permit documents.
2. Prior to issuance of a permit in areas documented to contain cultural or archaeological resources, a cultural resources site inspection or evaluation by a professional archaeologist shall be required in coordination with affected Indian tribes.
3. If a cultural resource site inspection or evaluation identifies the presence of significant historic or archaeological resources, a cultural resource management plan shall be prepared by a professional archaeologist or historic preservation professional. In addition, a permit or other requirements administered by the Washington State Department of Archaeology and Historic Preservation pursuant to RCW 27.44 and RCW 27.53 may apply.

4.2 *Environmental protection and critical areas*

A. Policies

1. The beneficial functions of shorelines, critical areas, and critical freshwater habitats should be protected and potential dangers or public costs associated with the inappropriate use of such areas should be minimized by reasonable regulation of shoreline use and development.
2. To implement the policy stated above, it is the intent of this Section to accomplish the following:
 - a. Categorize and designate critical areas that occur within shoreline jurisdiction according to the SMA requirements in RCW 90.58 and regulate critical areas according to WAC 173-26.
 - b. Designate minimum buffer widths for all shorelines to protect shoreline resources, maintain fish and wildlife habitat, and achieve the goal of having no net loss of shoreline ecological functions.
 - c. Preserve, protect, manage, or regulate critical areas that have a direct or indirect effect on conservation of fish, wildlife, other natural resources, and values.
 - d. Conserve and protect the environmental attributes of Ellensburg that contribute to the quality of life for residents of both the City and the State of Washington.
 - e. Regulate use and development adjacent to shoreline water bodies and within critical areas on adjacent shorelands.
 - f. Guide development proposals to the most environmentally suitable and naturally stable portion of a development site.
 - g. Protect people and property from hazards associated with floods, landslides, erosion, migrating river channels, and other natural processes or events.
 - h. Minimize the costs that the public has to bear to protect properties in hazardous areas or to repair damages associated with floods and other hazards.
 - i. Reduce cumulative adverse environmental impacts to water availability, water quality, wetlands, aquatic and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas.
 - j. Maintain and protect both acreage and functions of regulated wetlands in Ellensburg through general protection standards, enhancement, restoration, and creation.
 - k. Protect water quality by controlling erosion, providing guidance in the siting of land uses and activities to prevent or reduce the release of chemical or bacterial pollutants into waters of the State, and maintaining stream flows and habitat quality for fish.
 - l. Conserve drainage features that function together or independently to collect, store, purify, discharge, and/or convey waters of the State.
 - m. Maintain groundwater recharge and prevent the contamination of groundwater resources to ensure water quality and quantity for public and private uses and critical area functions.

Ellensburg Shoreline Master Program

- n. Promote the restoration of degraded critical areas and their buffers in order to regain lost ecological functions and values and improve the economic health and stability of Ellensburg.
 - o. Recognize that the protection of critical areas and their buffers is important for maintaining hyporheic zone functions.
- 3. In protecting and restoring shorelines and critical areas within shoreline jurisdiction, the full spectrum of planning and regulatory measures should be integrated, including the comprehensive plan, interlocal watershed plans, local development regulations, and state, tribal, and federal programs.
 - 4. The planning objectives of this SMP for critical areas shall be the protection of existing ecological functions and ecosystem-wide processes and restoration of degraded ecological functions and ecosystem-wide processes. The regulatory provisions for critical areas shall protect existing ecological functions and ecosystem-wide processes.
 - 5. Promote human uses and values that are compatible with the other objectives of this Section, such as public access and aesthetic values, provided that impacts to ecological functions are first avoided, and any unavoidable impacts are mitigated.

B. Regulations – General regulations for environmental protection

The following regulations apply to all uses and developments in shorelines of the state unless stated otherwise.

- 1. Proponents of new shoreline use and development, including preferred uses and uses that are exempt from permit requirements, shall employ all reasonable measures to protect shoreline functions and processes.
- 2. Adverse impacts caused by new shoreline use and development shall be mitigated using the following actions in order of priority (referred to as the mitigation sequence):
 - a. Avoiding the impact altogether by not taking a certain action or parts of an action;
 - b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by adhering to the dimensional requirements, performance standards and design criteria in this Program and using other technologies or steps, as needed, to avoid or reduce impacts;
 - c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - d. Reducing or eliminating the impact over time by preservation and maintenance operations;
 - e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
 - f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

Ellensburg Shoreline Master Program

3. Proposals for new shoreline uses and developments shall clearly identify potential shoreline impacts. During initial review of the proposal, the Administrator may require the applicant to submit documentation, prepared by a qualified professional, to assess the degree and extent of potential impacts to shoreline functions. When reviewing proposals for new shoreline uses and developments, the Administrator shall first determine whether identified shoreline impacts have been avoided and secondly minimized. The Administrator shall require compensatory mitigation, designed by a qualified professional, for development proposals that:
 - a. Do not fully conform to one or more of the dimensional requirements, performance standards, and/or design criteria in this Program; or
 - b. Require a variance or conditional use permit; or
 - c. Result in measureable damage, loss and/or displacement of a wetland, aquatic habitat conservation area, wildlife habitat conservation area, flood storage or conveyance area, or critical aquifer recharge area.
4. Compensatory mitigation measures shall occur in the vicinity of the shoreline impact or at an alternative location within the same watershed that provides greater and more sustainable ecological benefits. When determining whether off-site mitigation provides greater and more sustainable benefits, the Administrator shall consider limiting factors, critical habitat needs, and other factors identified by the April 2014 shoreline restoration plan, or an approved watershed or comprehensive resource management plan. The Administrator may also approve use of alternative mitigation practices such as in-lieu fee programs, mitigation banks, and other similar approaches provided they have been approved and sanctioned by the appropriate state, federal, and Tribal authorities.
5. In review of applications for shoreline permits and exemptions the City shall consider the cumulative impacts of individual uses and developments, including preferred uses and uses that are exempt from permit requirements, when determining whether a proposed use or development could cause a net loss of ecological functions. The Administrator shall prohibit any shoreline use or development that will result in unmitigated cumulative impacts.
6. The City shall have the authority to require the applicant/proponent to submit special studies, assessments and analyses as necessary to identify and address cumulative impacts including, but not limited to, impacts on fish and wildlife habitat, public access/use, aesthetics, and other shoreline attributes.
7. Mitigation plans and critical areas reports shall be prepared by a qualified professional, with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area or shoreline resource. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field, and two years of related work experience. Also, a qualified professional must have the following license, degree or experience:

Ellensburg Shoreline Master Program

- a. A qualified professional for habitats or wetlands must have a degree in biology and have at least two years of full-time experience as a wetland professional, including delineating wetlands using the federal manuals, preparing wetland reports, conducting function assessments, and developing and implementing mitigation plans;
 - b. A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the state of Washington;
 - c. A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments;
 - d. A qualified professional for frequently flooded areas must be familiar with hydrology, hydraulics, and fluvial geomorphology.
8. When compensatory mitigation plans for impacts to shoreline resources are required, all of the following shall apply:
- a. The quality and quantity of the replaced, enhanced, or substituted resources shall be the same or better than the affected resources;
 - b. The mitigation site and associated vegetative planting shall be nurtured and maintained such that healthy native plant communities grow and mature over time;
 - c. The mitigation shall be informed by pertinent scientific and technical studies, including but not limited to, the Shoreline Inventory and Characterization Report, the Shoreline Restoration Plan, and other background studies prepared in support of this Program;
 - d. The mitigation shall replace the functions as quickly as possible following the impacts;
 - e. Mitigation activity shall be monitored and maintained to ensure that it achieves its intended functions and values; and
 - f. The Administrator shall require the applicant/proponent to post a bond or provide other financial surety equal to one hundred twenty-five percent (125%) of the estimated cost of the mitigation to ensure the mitigation is carried out successfully. The bond shall remain in effect until the City determines, in writing, that the standard bonded for have been met.

C. Regulations—General regulations for all critical areas

The following provisions apply to any use or development occurring in or adjacent to critical areas or their buffers in shoreline jurisdiction whether or not a permit or other authorization is required from Ellensburg. Critical areas outside of shoreline jurisdiction shall be regulated by the Ellensburg City Code (ECC) and not this section of this Program.

1. Any land, water, or vegetation within the shoreline jurisdiction that meets the critical areas designation criteria under this Section shall be subject to the provisions of this Program and not the ECC.

Ellensburg Shoreline Master Program

2. Land divisions: Land division in critical areas and/or buffers shall meet all of the following conditions and the conditions in Section 5.14 (Residential) of this Program:
 - a. All lots within the proposed land division shall contain at least one site, including access and utility locations, that is suitable for development and is not located entirely within a wetland, aquatic habitat conservation area, floodway, channel migration zone, or landslide hazard area. Land divisions for non-water-dependent and non-water-related developments that create more than four (4) new lots shall adhere to the standard shoreline buffer requirements shown in Table 4.5-1 without buffer averaging or reduction. Buffers that have been averaged or reduced by any prior actions administered by the City shall not be further averaged or reduced.
 - b. A new lot or parcel may be created in a seismic hazard area as long as there is a note on the face of the plat which indicates the presence of a potential hazard.
 - c. All lots meet lot minimum lot area requirements specified by this Program and ECC and other applicable provisions therein.
 - d. The buildable area, critical areas, and buffers shall be shown on the face of the final plat and/or site plan.
 - e. New land divisions shall be surveyed by a professional land surveyor.
3. Notice on title:
 - a. In order to inform subsequent purchasers of real property of the existence of critical areas, the owner of any property containing a critical area or buffer on which a development proposal is submitted shall record a notice with the County auditor. The notice shall state the presence of the critical area or buffer on the property, the application of this chapter to the property, and the fact that limitations on actions in or affecting the critical area or buffer may exist. The notice shall “run with the land.”
 - b. The applicant shall submit proof that the notice has been filed for public record before the city approves any site development or construction for the property or, in the case of subdivisions, short subdivisions, planned unit developments, and binding site plans, at or before recording.
4. Critical area tracts:
 - a. Critical area tracts shall be used in development proposals for subdivisions, short subdivisions, planned unit developments, and binding site plans to delineate and protect those contiguous critical areas and buffers listed below that total five thousand (5,000) or more square feet:
 - i. All landslide hazard areas and buffers;
 - ii. All wetlands and buffers;
 - iii. All habitat conservation areas; and
 - iv. All other lands to be protected from alterations as conditioned by project approval.

Ellensburg Shoreline Master Program

- b. Critical area tracts shall be recorded on all documents of title of record for all affected lots.
- c. Critical area tracts shall be designated on the face of the plat or recorded drawing in a format approved by the City attorney. The designation shall include the following restriction:
 - i. An assurance that native vegetation will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering, and protecting plants, fish, and animal habitat; and
 - ii. The right of the city to enforce the terms of the restriction.
- d. The City may require that any required critical area tract be dedicated to the City, held in an undivided interest by each owner of a building lot within the development with the ownership interest passing with the ownership of the lot, or held by an incorporated homeowner's association or other legal entity (such as a land trust, which ensures the ownership, maintenance, and protection of the tract).

D. Regulations—General reporting requirements for all critical areas

- 1. Preparation by qualified professional: If required in accordance with this Section, the applicant shall submit a critical area report prepared by a qualified professional, as defined in Section 4.2.B.7.
 - a. Incorporation of best available science. The critical area report shall use scientifically valid methods and studies in the analysis of critical area data and field reconnaissance and reference the source of science used. The critical area report shall evaluate the proposal and all probable impacts to critical areas in accordance with the provisions of this Section.
 - b. Minimum report contents: At a minimum, the report shall contain the following:
 - i. The name and contact information of the applicant and a description of the proposal;
 - ii. A copy of the site plan for the development proposal including:
 - 1. A map to scale depicting critical areas, buffers, the development proposal, and any areas to be cleared; and
 - 2. A description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations;
 - iii. The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;
 - iv. Identification and characterization of all critical areas, water bodies, and buffers adjacent to the proposed project area;
 - v. A statement specifying the accuracy of the report, and all assumptions made and relied upon;
 - vi. An assessment of the probable cumulative impacts to critical areas resulting from development of the site and the proposed development;

Ellensburg Shoreline Master Program

- vii. A description of reasonable efforts made to apply mitigation sequencing pursuant to Section 4.2.B.2, to avoid, minimize, and mitigate impacts to critical areas;
 - viii. Plans for adequate mitigation, as needed, to offset any impacts, in accordance with Section 4.2.F, including, but not limited to:
 - 1. The impacts of any proposed development within or adjacent to a critical area or buffer on the critical area; and
 - 2. The impacts of any proposed alteration of a critical area or buffer on the development proposal, other properties, and the environment;
 - ix. A discussion of the performance standards applicable to the critical area and proposed activity;
 - x. Financial guarantees to ensure compliance; and
 - xi. Any additional information required for the critical area as specified in the corresponding chapter.
- c. Unless otherwise provided, a critical area report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site, as approved by the Administrator.
2. Modifications to critical areas report requirements:
- a. Limitations to study area: The Administrator may limit the required geographic area of the critical area report as appropriate if:
 - i. The applicant, with assistance from the City, cannot obtain permission to access properties adjacent to the project area; or
 - ii. The proposed activity will affect only a limited part of the subject site.
 - b. Modifications to required contents: The applicant may consult with the Administrator prior to or during preparation of the critical area report to obtain City approval of modifications to the required contents of the report where, in the judgment of a qualified professional, more or less information is required to adequately address the potential critical area impacts and required mitigation.
 - c. Additional information requirements: The Administrator may require additional information to be included in the critical area report when determined to be necessary to the review of the proposed activity in accordance with this chapter. Additional information that may be required, includes, but is not limited to:
 - i. Historical data, including original and subsequent mapping, aerial photographs, data compilations and summaries, and available reports and records relating to the site or past operations at the site;
 - ii. Grading and drainage plans; and
 - iii. Information specific to the type, location, and nature of the critical area.
3. When there is a conflict between the findings of a critical areas study and the findings of the Administrator in review of the study, the applicant or affected party may appeal such decision of the Administrator pursuant to the procedures in Section 6.8.

Ellensburg Shoreline Master Program

E. Regulations—General mitigation requirements for all critical areas

1. Proponents of new shoreline use and development, including preferred uses and uses that are exempt from permit requirements, shall employ all reasonable measures to mitigate adverse impacts to critical areas and their buffers. Mitigation shall occur according to the mitigation sequence defined in Section 4.2.B.2.
2. The Administrator shall first determine whether identified critical area impacts have been avoided and second, minimized. Unless otherwise stated in this Program, development proposals that do not fully conform to the dimensional requirements, performance standards, and/or design criteria in this Section and in the Program shall require a variance and compensatory mitigation to ensure no net loss at the project scale, as specified in Section 4.2.B.3.
3. Compensatory mitigation measures shall occur in the vicinity of the impact or at an alternative location within the same watershed that provides greater and more sustainable ecological benefits, as specified in Section 4.2.B.4.
4. Innovative mitigation:
 - a. The City should encourage, facilitate, and approve innovative mitigation projects that are based on the best available science. Advance mitigation and mitigation banking are examples of alternative mitigation projects allowed under the provisions of this section wherein one or more applicants, or an organization with demonstrated capability, may undertake a mitigation project together if it is demonstrated that all of the following circumstances exist:
 - i. Creation or enhancement of a larger system of critical areas and open space is preferable to the preservation of many individual habitat areas;
 - ii. The applicant(s) demonstrates the organizational and fiscal capability to act cooperatively;
 - iii. The applicant(s) demonstrates that long-term management of the habitat area will be provided; and
 - iv. There is a clear potential for success of the proposed mitigation at the identified mitigation site.
 - b. Conducting mitigation as part of a cooperative process does not reduce or eliminate the required replacement ratios.
5. Bonds to ensure mitigation, maintenance, and monitoring:
 - a. When mitigation required pursuant to a development proposal is not completed prior to the City final permit approval, such as final plat approval or final building inspection, the City shall require the applicant to post a performance bond or other security in a form and amount deemed acceptable by the City. If the development proposal is subject to mitigation, the applicant shall post a mitigation bond or other security in a form and amount deemed acceptable by the city to ensure mitigation is fully functional.

Ellensburg Shoreline Master Program

- b. The bond shall be in the amount of one hundred twenty-five percent (125%) of the estimated cost of the uncompleted actions or the estimated cost of restoring the functions and values of the critical area that are at risk, whichever is greater.
- c. The bond shall be in the form of a surety bond, performance bond, assignment of savings account, or an irrevocable letter of credit guaranteed by an acceptable financial institution, with terms and conditions acceptable to the City attorney and with a company authorized to do business in the state of Washington.
- d. Bonds or other security authorized by this Section shall remain in effect until the City determines, in writing, that the standards bonded for have been met. Bonds or other security shall be held by the City for a minimum of five (5) years to ensure that the required mitigation has been fully implemented and demonstrated to function, and may be held for longer periods when necessary.
- e. Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.
- f. Public development proposals shall be relieved from having to comply with the bonding requirements of this Section if public funds have previously been committed for mitigation, maintenance, monitoring, or restoration.
- g. Any failure to satisfy critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within thirty (30) days after it is due or comply with other provisions of an approved mitigation plan shall constitute a default, and the City may demand payment of any financial guarantees or require other action authorized by the City code or any other law.
- h. Any funds recovered pursuant to this Section shall be used to complete the required mitigation and reimburse the City for its costs relating to the enforcement action.

F. Regulations—General mitigation plan contents for all critical areas

- 1. When mitigation is required, the applicant shall submit for approval by the City, a mitigation plan as part of the critical area report. The mitigation plan shall include:
 - a. Environmental goals and objectives: The mitigation plan shall include a written report identifying environmental goals and objectives of the compensation proposed and including:
 - i. A description of the anticipated impacts to the critical areas and the mitigating actions proposed and the purposes of the compensation measures, including the site selection criteria; identification of compensation goals; identification of resource functions; and dates for beginning and completion of site compensation construction activities. The goals and objectives shall be related to the functions and values of the impacted critical area;
 - ii. A review of the best available science supporting the proposed mitigation and a description of the report author's experience to date in restoring or creating the type of critical area proposed; and
 - iii. An analysis of the likelihood of success of the compensation project.

Ellensburg Shoreline Master Program

- b. Performance standards. The mitigation plan shall include measurable specific criteria for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained and whether or not the requirements of this chapter have been met.
- c. Detailed construction plans. The mitigation plan shall include written specifications and descriptions of the mitigation proposed, such as:
 - i. The proposed construction sequence, timing, and duration;
 - ii. Grading and excavation details;
 - iii. Erosion and sediment control features;
 - iv. A planting plan specifying plant species, quantities, locations, size, spacing, and density; and
 - v. Measures to protect and maintain plants until established.These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, and topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.
- d. Monitoring program. The mitigation plan shall include a program for monitoring construction of the compensation project and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring (for example, monitoring shall occur in years one (1), three (3), five (5), and seven (7) after site construction), and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five (5) years. For example, ten years or more of monitoring are needed for forested and scrub-shrub communities.
- e. Contingency plan. The mitigation plan shall include identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.
- f. Estimates of cost. The mitigation plan shall include an estimate of the costs to implement the required activities under the proposed plan to include both labor and materials.

G. Regulations—Wetland designation, mapping, delineation, and categorization

- 1. Designation: Wetlands are those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include, but are not limited to, swamps, marshes, bogs, ponds, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of

Ellensburg Shoreline Master Program

the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

2. Mapping: The approximate location and extent of wetlands are shown on maps maintained by the City. These maps are useful as a guide for the City, project applicants, and/or property owners, but do not provide a conclusive or definitive indication of wetland presence or extent. Other wetlands may exist that do not appear on the maps and some wetlands that appear on the maps may not meet all of the wetland designation criteria.
3. Delineation: Wetlands shall be identified and delineated by a qualified wetlands professional in accordance with the most current approved federal wetland delineation manual and applicable regional supplements. The professional shall field stake, flag or mark the on-site wetland boundary to aid the County in reviewing the development proposal. The County may require an applicant to identify the approximate location or presence of any wetlands within three hundred (300) feet of a proposed development site. Wetlands that occur or extend beyond the boundaries of the development site, onto adjoining properties, do not need to be flagged or formally delineated but their general location must be disclosed in order to assess wetland buffer impacts.
4. Wetland rating: Wetlands shall be rated and categorized according to the current version of the Washington State Wetland Rating System for Eastern Washington, the procedure outlined in WAC 173-22-035, and the appropriate rating forms approved by the Washington State Department of Ecology. These categories are generally defined as follows:
 - a. Category I Wetlands: Category I wetlands are those that represent a unique or rare wetland type, are more sensitive to disturbance than most wetlands, are relatively undisturbed and contain ecological attributes that are impossible or too difficult to replace within a human lifetime, and provide a high level of functions. The following types of wetlands are Category I:
 - i. Alkali wetlands;
 - ii. Wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR;
 - iii. Bogs and calcareous ferns;
 - iv. Mature and old-growth forested wetlands over ¼ acre with slow growing trees;
 - v. Forest wetlands with stands of Aspen;
 - vi. Wetland scoring between twenty-two and twenty-seven (22-27) points (out of twenty-seven [27]) in the Eastern Washington Wetland Rating System.
 - b. Category II wetlands: Category II wetlands are difficult, though not impossible, to replace, and provide high levels of some functions. These wetlands occur more

Ellensburg Shoreline Master Program

commonly than Category I wetlands, but still need a relatively high level of protection. Category II wetlands include:

- i. Forested wetlands in the floodplains of rivers;
 - ii. Mature and old-growth forested wetlands over ¼ acre with native fast growing trees;
 - iii. Vernal pools;
 - iv. Wetlands scoring between nineteen and twenty-one (19-21) points (out of twenty-seven [27]) in the Eastern Washington Wetland Rating System.
- c. Category III wetlands have a moderate level of functions (scores between sixteen and eighteen (16-18) points). These wetlands can often be adequately replaced with a well planned mitigation project. Wetlands scoring between 16-18 points generally have been disturbed in some way, and are often less diverse and more isolated from other natural resources in the landscape than Category II wetlands.
- d. Category IV wetlands have the lowest levels of functions, scoring less than sixteen (16) points in the Eastern Washington Wetland Rating System, and are often heavily disturbed. These are wetlands that should be able to be replaced, and in some cases improved. These wetlands may provide some important functions, and also need to be protected.

H. Regulations—Wetland buffers

1. Buffer widths: Buffers shall be established and maintained to protect all regulated wetlands. Standard minimum buffer for wetlands are listed in Table 4.2-1. The buffer shall not be altered except as authorized by this Program; provided that such alteration meets all other standards for the protection of regulated wetlands. Buffers are measured horizontally in all directions from the regulated wetland edge as marked in the field.

Table 4.2-1. Wetland Buffers for Wetlands in Shoreline Jurisdiction

Wetland Category	Wetland Buffer Width
Category I	250 feet
Category II	200 feet
Category III	150 feet
Category IV:	50 feet

2. Buffer maintenance: Except as otherwise specified or allowed in accordance with this Section, wetland buffers and buffers of mitigation sites shall be retained in an undisturbed condition, or shall be maintained as enhanced pursuant to any required permit or approval. Removal of invasive nonnative weeds is required for the duration of the mitigation bond.

Ellensburg Shoreline Master Program

3. Multiple buffers: In the event that wetland buffers or other critical areas are contiguous or overlapping, the landward-most edge of all such buffers shall apply.
4. Interrupted buffer: When a wetland buffer contains an existing legally established public road or private access road, the Administrator may allow development on the landward side of the road provided that the development will not have a detrimental impact to the wetland. The applicant may be required to provide a wetland critical areas report to describe the potential impacts. In determining whether a critical areas report is necessary, the City shall consider the hydrologic, geologic, and/or biological habitat connection potential and the extent and permanence of the buffer interruption.
5. Buffers of restored wetlands: The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland.
6. Buffer averaging: The Administrator may allow averaging of the standard wetland buffer widths in Table 4.2-1 in accordance with an approved critical area report on a case-by-case basis, when necessary to accommodate a single family residential development. With buffer averaging, the buffer width is reduced in one location and increased in another location to maintain the same overall buffer area. Proposals for buffer averaging shall not require a shoreline variance or compensatory mitigation if the following conditions are met:
 - a. It will not reduce wetland functions or functional performance;
 - b. The buffer has not been averaged or reduced by any prior actions administered by the City;
 - c. The wetland contains variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;
 - d. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and
 - e. The buffer width is not reduced to less than seventy-five percent (75%) of the standard width or thirty-five (35) feet.
7. Increased wetland buffers: The Administrator shall increase wetland buffer zone widths, up to a maximum of two (2) times the standard width in Table 4.2-1, for a development project on a case-by-case basis when a larger buffer is necessary to protect wetland functions and values based on site-specific characteristics. Such determination shall be based on site-specific and project-related conditions which include, but are not limited to the following criteria:
 - a. A larger buffer is needed to protect other critical areas;
 - b. The buffer or adjacent uplands has a slope greater than fifteen percent (15%) or

Ellensburg Shoreline Master Program

- is susceptible to erosion and standard erosion-control measures will not prevent adverse impacts to the wetland;
- c. The buffer area has minimal vegetative cover. In lieu of increasing the buffer width where existing buffer vegetation is inadequate to protect the wetland functions and values, implementation of a buffer planting plan may substitute. Where a buffer planting plan is proposed, it shall include densities that are not less than three (3) feet on center for shrubs and eight (8) feet on center for trees and require monitoring and maintenance to ensure success. Existing buffer vegetation is considered inadequate and will need to be enhanced through additional native plantings and (if appropriate) removal of nonnative plants when: (i) nonnative or invasive plant species provide the dominant cover, (ii) vegetation is lacking due to disturbance and wetland resources could be adversely affected, or (iii) enhancement plantings in the buffer could significantly improve buffer functions;
 - d. The standard buffer is less than that which is necessary to protect documented endangered, threatened, or sensitive wildlife species which have a primary association with the wetland;
 - e. The wetland contains plants listed as sensitive, threatened, or endangered;
 - f. The proposed development density is greater than two (2) or more residential units per acre and abuts a Category I or II wetland with high habitat value of eight to nine (8-9) points obtained in the wetland critical areas report; or
 - g. The wetland is associated with a stream segment on the 303d list for pollutants, or has a total daily maximum load for sediment or temperature and the proposal includes removal of trees and shrubs or untreated stormwater runoff.
8. Allowed buffer uses: The following uses may be permitted within a wetland buffer without a variance; provided they are not prohibited by any other applicable law, are consistent with the provisions of this Program, and they are conducted in a manner so as to minimize impacts to the buffer and adjacent wetland, including wetland functions and values:
- a. Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife.
 - b. Passive recreation facilities designed in accordance with an approved critical area report, including:
 - i. Walkways and trails; provided that those pathways which are generally parallel to the perimeter of the wetland shall be located in the outer twenty-five percent (25%) of the buffer area, and constructed with a surface that is not impervious to water. Raised boardwalks utilizing non-treated pilings may be acceptable;
 - ii. Wildlife viewing structures less than five hundred (500) square feet in size; and
 - iii. Fishing access areas down to the water's edge that shall be no wider than six (6) feet.

Ellensburg Shoreline Master Program

- c. Stormwater management facilities, limited to stormwater dispersion facilities, outfalls and bioswales, may be allowed within the outer twenty-five percent (25%) of the buffer of Category III or IV wetlands only; provided that:
 - i. No other location is feasible; and
 - ii. The location of such facilities will not degrade the functions or values of the wetland.

9. Signs and fencing of wetlands:

- a. Temporary markers. The outer perimeter of the wetland and buffer and the limits of those areas to be disturbed pursuant to an approved permit or authorization shall be marked in the field in such a way as to ensure that no unauthorized intrusion will occur and is subject to inspection by the Administrator prior to the commencement of permitted activities. The Administrator shall have the authority to require that temporary fencing be placed on site to mark the outer perimeter of the wetland and its associated buffer area. This temporary marking, and any required temporary fencing, shall be maintained throughout construction and shall not be removed until permanent signs, if required, are in place.
- b. Permanent signs. As a condition of any permit or authorization issued pursuant to this chapter, the Administrator may require the applicant to install permanent signs along the boundary of a wetland or buffer.
 - i. Permanent signs shall be made of a metal face with a green color background and white letters; attached to a metal post, or another non-treated material of equal durability; made with a sign face no smaller than one (1) foot by one (1) foot square and no larger than two (2) feet by two (2) feet square; and mounted with the bottom of the sign face no less than three (3) feet above and no more than five (5) feet above adjacent grade. Signs must be posted at a minimum of one per lot of record, or on large parcels every three hundred (300) feet, or additional signs as required by the Administrator and must remain unobstructed and be maintained by the property owner in perpetuity. The sign(s) shall be worded as follows or with alternative language approved by the Administrator:

Protected Critical Area
Do Not Disturb
Contact the City of Ellensburg
Regarding Uses and Restrictions

- ii. The provisions Section 4.2.H.9.b.i may be modified by the Administrator as necessary to assure protection of sensitive features or wildlife.

I. Regulations—Wetland reporting

- 1. All critical areas located within three hundred (300) feet of the project area that have been designated by the City and are shown on city, state, or federal government agency maps and/or reports shall be addressed in a critical area report for wetlands.

Ellensburg Shoreline Master Program

2. Wetland analysis. A written assessment of the wetland, the appropriate wetland type, and required buffer under the provisions of this Section.
3. As provided for in Section 4.2.D.2.c, the Administrator may require additional information to be included in the critical area report when determined to be necessary for the review of the proposed activity. Additional information for wetlands that may be required includes, but is not limited to, the following:
 - a. Vegetative, faunal, and hydrologic characteristics;
 - b. Soil and substrate characteristics;
 - c. Topographic elevations;
 - d. A discussion of water sources supplying the wetland and documentation of the hydrologic regime. Such discussion shall include an analysis of existing and future hydrologic regimes and proposed hydrologic regime for enhanced, created, or restored mitigation areas, if provided for in the project.

J. Regulations—Wetland compensatory mitigation

1. Wetland Mitigation Sequencing: Proposed activities or uses that would impact wetlands must follow the mitigation sequencing requirements of Section 4.2.B.2. Wetland impacts may be allowed when there is no reasonable alternative site design that would result in less adverse impact to a wetland or its buffer. Activities and uses within Category I wetlands shall be limited to the following:
 - a. An existing public facility that must be expanded or extended into the wetland;
 - b. Utility construction or maintenance, where there is no other site that can serve the utility's function; or
 - c. Development associated with an approved variance that allows the impact.
2. Compensatory mitigation requirement: Compensatory mitigation for alterations to wetlands shall achieve equivalent or greater biologic functions. Compensatory mitigation shall be consistent with "Wetland Mitigation in Washington State, part 1: Agency Policies and Guidance" (Ecology Publication #06-06-011a) and "Wetland Mitigation in Washington State Part 2: Guidelines for Developing Freshwater Mitigation Plans and Proposals" (Ecology Publication # 06-06-011b), or as revised.
3. Preference of mitigation actions: Mitigation actions that require compensation by replacing, enhancing, or substitution shall occur in the following order of preference:
 - a. Restoring wetlands on upland sites that were formerly wetlands.
 - b. Creating wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of nonnative introduced species. This should only be attempted when there is a consistent source of hydrology and it can be shown that the surface and subsurface hydrologic regime is conducive for the wetland community that is being designed.
 - c. Enhancing significantly degraded wetlands in combination with restoration or creation. Such enhancement should be part of a mitigation package that includes

Ellensburg Shoreline Master Program

replacing the impacted area meeting appropriate ratio requirements.

4. Mitigation for affected functions or functions lost as a result of the proposed activity:
 - a. The lost wetland provides minimal functions as determined by a site-specific function assessment, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal Washington state watershed assessment plan or protocol; or
 - b. Out-of-kind replacement will best meet formally identified watershed goals, such as replacement of historically diminished wetland types.
5. Type and location of mitigation: Unless it is demonstrated that a higher level of ecological functioning would result from an alternate approach, compensatory mitigation for ecological functions shall be either in-kind and on-site, or in-kind and within the same stream reach, subbasin, or drift cell. Mitigation actions shall be conducted within the same subdrainage basin and on the site as the alteration except when all of the following apply:
 - a. There are no reasonable on-site or in-subdrainage basin opportunities or on-site and in-subdrainage basin opportunities do not have a high likelihood of success, after a determination of the natural capacity of the site to mitigate for the impacts. Consideration should include: anticipated wetland mitigation replacement ratios, buffer conditions and proposed widths, hydrogeomorphic classes of on-site wetlands when restored, proposed flood storage capacity, potential to mitigate riparian fish and wildlife impacts (such as connectivity);
 - b. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland; and
 - c. Off-site locations shall be in the same subdrainage basin unless:
 - i. Established watershed goals for water quality, flood or conveyance, habitat, or other wetland functions have been established and strongly justify location of mitigation at another site; or
 - ii. Credits from a state certified wetland mitigation bank are used as mitigation and the use of credits is consistent with the terms of the bank's certification.
6. Mitigation timing: Mitigation projects shall be completed with an approved monitoring plan prior to activities that will disturb wetlands. In all other cases, mitigation shall be completed immediately following disturbance and prior to use or occupancy of the activity or development. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora. The Administrator may authorize a one-time temporary delay, up to one hundred twenty (120) days, in completing minor construction and landscaping when environmental conditions could produce a high probability of failure or significant construction difficulties. The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation, and the delay shall not be injurious to the health, safety, and general welfare of the public. The request for the temporary delay must include a written justification that

Ellensburg Shoreline Master Program

documents the environmental constraints which preclude implementation of the mitigation plan. The justification must be verified and approved by the City and include a financial guarantee.

7. Mitigation ratios for wetland impacts: The following ratios shall apply to creation or restoration that is in-kind, is on-site, is the same category, is timed prior to or concurrent with alteration, and has a high probability of success. These ratios do not apply to remedial actions resulting from unauthorized alterations; greater ratios shall apply in those cases. These ratios do not apply to the use of credits from a state certified wetland mitigation bank. When credits from a certified bank are used, replacement ratios should be consistent with the requirements of the bank's certification. The first number specifies the acreage of replacement wetlands and the second specifies the acreage of wetlands altered. The re-establishment or creation of Category I Natural Heritage Sites, Alkali, and Bog wetlands is not considered possible.
 - a. Category I: six-to-one (6:1)
 - b. Category II: four-to-one (4:1)
 - c. Category III: two-to-one (2:1)
 - d. Category IV: one-and-one-half-to-one (1.5:1)
8. Increased replacement ratios: The Administrator may increase the ratios under the following circumstances:
 - a. Uncertainty exists as to the probable success of the proposed restoration or creation;
 - b. A significant period of time will elapse between impact and replication of wetland functions;
 - c. Proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted; or
 - d. The impact was an unauthorized impact.
9. Wetlands enhancement as mitigation:
 - a. Impacts to wetland functions may be mitigated by enhancement of existing significantly degraded wetlands, but must be used in conjunction with restoration and/or creation. Applicants proposing to enhance wetlands must produce a critical area report that identifies how enhancement will increase the functions of the degraded wetland and how this increase will adequately mitigate for the loss of wetland area and function at the impact site. An enhancement proposal must also show whether existing wetland functions will be reduced by the enhancement actions.
 - b. At a minimum, enhancement acreage shall be double the acreage required for creation or restoration as specified above. The ratios shall be greater than double the required acreage where the enhancement proposal would result in minimal gain in the performance of wetland functions and/or result in the reduction of other wetland functions currently being provided in the wetland.

Ellensburg Shoreline Master Program

- c. Mitigation ratios for enhancement in combination with other forms of mitigation shall range from six-to-one (6:1) to three-to-one (3:1) and be limited to Class III and IV wetlands.
- K. Regulations—Aquatic habitat conservation area designation, classification, and mapping
 - 1. Designation and classification: Aquatic Habitat Conservation Areas include:
 - a. Those streams and lakes which meet the criteria for Type S, F, Np, and Ns waters, as defined in the water type classifications in the forest practices rules in WAC 222-16-030. Type S waters are synonymous with shorelines of the state.
 - b. Areas with which federally and/or state-listed endangered, threatened, or sensitive aquatic species have a primary association;
 - c. State priority aquatics habitats and areas associated with state priority aquatic species;
 - d. Naturally occurring ponds under twenty (20) acres in size; and
 - e. Naturally occurring lakes over twenty (20) acres and other waters of the state, including waters planted with game fish by a government or tribal entity.
 - 2. Mapping: The approximate location and extent of aquatic habitat conservation areas are shown on the City's critical area maps. These maps are to be used as a guide and do not provide definitive information about aquatic habitat conservation areas size or presence. Other aquatic habitat conservation areas may exist that do not appear on the maps. The City shall update the maps as new aquatic habitat conservation areas are identified and as new information becomes available.
- L. Regulations—Aquatic habitat conservation area buffers and mitigation requirements
 - 1. Buffer widths: Buffers shall be established and maintained to protect regulated aquatic habitat conservation areas as shown in Table 4.2-2 below. These stream buffers shall be measured in all directions from the ordinary high watermark as identified in the field. The buffer widths for Type S Waters are shown in Table 4.5-1. Buffers shall not be altered except as authorized by this Program. These standard buffer widths are presumed to be adequate to protect aquatic habitat conservation area functions and values provided that the buffer contains relatively intact native vegetation at the time of the proposed use or development. Where the use is being intensified adjacent to a degraded buffer area that is not well vegetated, the Administrator may require the degraded area to be revegetated to maintain aquatic habitat conservation area functions and values.

**Table 4.2-2. Aquatic Habitat Conservation Area
Buffers for Type F, Np, and Ns Waters**

Ellensburg Shoreline Master Program

Aquatic Habitat Conservation Area	Standard Buffer Width
Type F Waters	100 feet
Type Np Waters	50 feet
Type Ns Waters	30 feet

2. Buffer maintenance: Except as otherwise specified or allowed in accordance with this Section, aquatic habitat conservation area buffers and buffers of mitigation sites shall be retained in an undisturbed condition, or shall be maintained as enhanced pursuant to any required permit or approval. Removal of invasive nonnative weeds is required for the duration of the mitigation bond.
3. Multiple buffers: In the event that buffers for any aquatic habitat conservation areas or other critical areas are contiguous or overlapping, the landward-most edge of all such buffers shall apply.
4. Interrupted buffer: When an aquatic habitat conservation area buffer contains an existing legally established public road or private access road, the Administrator may allow a use and/or development on the landward side of the road provided that the use and/or development will not have a detrimental impact to the habitat area. The applicant may be required to provide a critical areas report to describe the impacts. In determining whether a critical areas report is necessary, the City shall consider the hydrologic, geologic, and/or biological habitat connection potential and the extent and permanence of the buffer interruption.
5. Buffer for aquatic habitat conservation area mitigation sites: Any non-shoreline of the state aquatic habitat conservation area that is created, restored, or enhanced as compensation for approved shall be the same as the buffer required for the category of the created, restored, or enhanced aquatic habitat conservation area.
6. Increased Buffer Widths: The Administrator may require increased aquatic habitat conservation area buffer widths in accordance with the recommendations of an experienced, qualified professional on a case-by-case basis when the buffer is necessary to maintain the structure and functions of the habitat area, based on site-specific characteristics. The criteria to be used to analyze the issues whether the buffer should be increased are as follows:
 - a. When the Administrator determines that the recommended width is insufficient to prevent habitat degradation and to protect the structure and functions of the habitat area;

Ellensburg Shoreline Master Program

- b. The historical and current susceptibility to severe erosion, channel instability, or aggrading; or
 - c. The land adjacent to the ordinary high water mark and extending throughout the standard habitat buffer is steeply sloped (greater than forty percent [40%] slope), and there are no designated landslide hazards within the area of shoreline jurisdiction, such that an increased buffer may be required to protect ecological functions.
7. Buffer averaging: The Administrator may allow averaging of the aquatic habitat buffer widths in Table 4.2-2 in accordance with an approved critical area report on a case-by-case basis, when necessary to accommodate a single-family residential development. With buffer averaging, the buffer width is reduced in one location and increased in another location to maintain the same overall buffer area. Proposals for buffer averaging shall not require a shoreline variance or compensatory mitigation if the following conditions are met:
- a. The averaging will not reduce stream or habitat functions, including those of non-fish habitat;
 - b. The buffer has not been averaged or reduced by any prior actions administered by the City;
 - c. The averaging will not degrade the habitat, including habitat for salmon or trout;
 - d. The proposal will provide additional habitat protection;
 - e. The total area contained in the riparian habitat area of each stream on the development proposal site is not decreased;
 - f. The recommended stream buffer width is not reduced by more than twenty-five percent (25%) in any one location;
 - g. The width reduction will not be located within another critical area or associated buffer; and
 - h. The averaging is supported by the best available science.
8. Riparian habitat mitigation: Mitigation of adverse impacts to stream buffers shall result in equivalent functions and values on a per function basis, be located as near the alteration as feasible, and be located in the same subdrainage basin as the habitat impacted.
9. Alternative mitigation for stream buffers: The performance standards set forth in this Section may be modified at the City's discretion if the applicant demonstrates that greater habitat functions, on a per function basis, can be obtained in the affected subdrainage basin as a result of alternative mitigation measures.
10. Signs and fencing of aquatic habitat conservation areas:
- a. Temporary markers. The outer perimeter of the aquatic habitat conservation and its buffer and the limits of those areas to be disturbed pursuant to an approved permit or authorization shall be marked in the field in such a way as to ensure that no unauthorized intrusion will occur and is subject to inspection by the

Ellensburg Shoreline Master Program

Administrator prior to the commencement of permitted activities. The Administrator shall have the authority to require that temporary fencing be placed on site to mark the outer perimeter of the aquatic habitat conservation area and its associated buffer area. This temporary marking, and any required temporary fencing, shall be maintained throughout construction and shall not be removed until permanent signs, if required, are in place.

- b. Permanent signs. As a condition of any permit or authorization issued pursuant to this Section, the Administrator may require the applicant to install permanent signs along the boundary of an aquatic habitat conservation area or buffer.
 - i. Permanent signs shall be made of a metal face with a green color background and white letters; attached to a metal post, or another non-treated material of equal durability; made with a sign face no smaller than one (1) foot by one (1) foot square and no larger than two (2) feet by two (2) feet square; and mounted with the bottom of the sign face no less than three (3) feet above and no more than five (5) feet above adjacent grade. Signs must be posted at a minimum of one (1) per lot of record, or on large parcels every three hundred (300) feet, or additional signs as required by the Administrator and must remain unobstructed and be maintained by the property owner in perpetuity. The sign(s) shall be worded as follows or with alternative language approved by the Administrator:

Protected Critical Area
Do Not Disturb
Contact the City of Ellensburg
Regarding Uses and Restriction
 - ii. The provisions Section 4.2.L.10.b.i may be modified by the Administrator as necessary to assure protection of sensitive features or wildlife.

M. Regulations—Aquatic habitat conservation area reporting

1. Except for single-family residences located outside of shoreline buffers, if a proposed use or development is located within two hundred (200) feet of a designated aquatic habitat conservation area, a critical areas report is required and shall include the following, in addition to the general reporting requirements specified in Section 4.2.D:
 - a. The aquatic habitat conservation area habitat type and location of the ordinary high water mark;
 - b. All aquatic habitat conservation areas and required buffers within two hundred (200) feet of the project area shall be depicted on the site plan;
 - c. The vegetative, faunal, topographic, and hydrologic characteristics of the aquatic habitat conservation area; and
 - d. A detailed discussion of the direct and indirect potential impacts on aquatic habitat conservation area by the project. Such discussion shall include a

Ellensburg Shoreline Master Program

discussion of the ongoing management practices that will protect habitat after the project site has been developed.

N. Regulations—Wildlife habitat conservation areas designation, classification, mapping, and surveying

1. Designation: Wildlife habitat conservation areas shall include the following:
 - a. Areas where federal and/or state listed endangered, threatened, and sensitive species have a primary association. This includes locations of nests, rookeries, or other breeding areas of species of concern recognized by local, state, and federal public agencies having jurisdiction over such species;
 - b. State priority habitats and areas associated with state priority wildlife species; and
 - c. Other state-identified priority habitats, including Aspen stands, biodiversity areas and corridors, old-growth/mature forest, Oregon white oak woodlands, and shrub-steppe.
2. Mapping: The approximate location and extent of wildlife habitat conservation areas are shown on the City's critical areas maps. These maps are to be used as a guide and do not provide definitive information about wildlife habitat conservation area size or presence. The City shall update the maps as new wildlife habitat conservation areas are identified and as new information becomes available.
3. Habitat boundary survey: If the Administrator determines that a wildlife habitat conservation area may be present within the project vicinity, a wildlife habitat boundary survey shall be required. Habitat surveys shall be conducted by a professional wildlife biologist who is knowledgeable of wildlife habitat within Kittitas County, or by the Washington Department of Fish and Wildlife. The Management Recommendations for Washington's Priority Habitats and Species, or a federal equivalent, may be used as a tool for identifying and delineating the habitat boundary. The City may waive the requirement for the survey, if:
 - a. The proposed development is not within the extended proximity of the associated habitat;
 - b. There is adequate information available on the area proposed for development to determine the impacts of the proposed development and appropriate mitigating measures; and
 - c. The applicant provides voluntary deed restrictions that are approved by the City.

O. Regulations—Wildlife habitat conservation area reporting and mitigation requirements

1. Habitat management plan: When development is proposed in or adjacent to a wildlife habitat conservation area, the Administrator shall require the applicant to submit a habitat management plan, prepared by a professional wildlife biologist who

Ellensburg Shoreline Master Program

is knowledgeable of wildlife habitat within Kittitas County, when the following conditions are met:

- a. A proposed use or development is located within two hundred (200) feet of a known or suspected wildlife habitat conservation area; and
 - b. There are potential direct and/or indirect impacts on wildlife species or habitat from the proposed use or activity.
2. Habitat management plan contents: The habitat management plan shall include a discussion of the potential direct and indirect impacts, as well as a discussion of the ongoing management practices that will protect habitat after the project site has been developed. The habitat management plan will include any relevant information and recommendations from the Washington Department of Fish and Wildlife habitat guidelines for the affected species and/or habitat. Based on the characteristics of the site, the Administrator may require that all or a portion of the following be included in a habitat management plan:
 - a. A map drawn to scale or survey showing the location of the fish and wildlife habitat conservation area on the subject property, as well as the approximate location of any potential fish and wildlife habitat conservation area within two hundred (200) feet of the subject property;
 - b. Detailed description of vegetation and habitat characteristics within and adjacent to the site;
 - c. Identification of any endangered, threatened, sensitive, or candidate species that have a primary association with habitat on the project area, and assessment of potential project impacts to use of the buffer and critical area on the site by the species;
 - d. Methods and measures to avoid, minimize and/or compensate for adverse impacts associated with the proposed development, including, but not limited to:
 - i. Prohibition or limitation of development activities within the fish and wildlife habitat conservation area;
 - ii. Establishment of a buffer around the fish and wildlife habitat conservation area;
 - iii. Retention of vegetation and/or revegetation of areas / habitats critically important to species;
 - iv. Special construction techniques;
 - v. Implementation of erosion and sediment control measures;
 - vi. Habitat enhancement (i.e., fish passage barrier removal);
 - vii. Seasonal restrictions on construction activities on the subject property;
 - viii. Clustering of development on the subject property; and
 - ix. Any other requirements and/or recommendations from WDFW's habitat management guidelines.
3. Wildlife habitat management and mitigation plan: For unavoidable impacts to wildlife habitat conservation areas, a wildlife habitat management and mitigation plan shall be prepared. The wildlife habitat management and mitigation plan shall:

Ellensburg Shoreline Master Program

- a. Demonstrate, when implemented, that there shall be no net loss of ecological function of habitat; and
 - b. Identify how impacts from the proposed project shall be mitigated, as well as the necessary monitoring and contingency actions for the continued maintenance of the wildlife habitat conservation area and its associated buffer.
- 4. In addition to the general mitigation plan requirements specified in Section 4.2.F, the wildlife habitat management and mitigation plan shall contain a report containing, but not limited to, the following information:
 - a. A map or maps indicating the boundary of the habitat conservation areas; the width and length of all existing and proposed structures, utilities, roads, easements; wastewater and stormwater facilities; adjacent land uses, zoning districts and comprehensive plan designations;
 - b. A description of the proposed project including the nature, density, and intensity of the proposed development and the associated grading, structures, roads, easements, wastewater facilities, stormwater facilities, utilities, etc., in sufficient detail to allow analysis of such land use change upon the habitat conservation area;
 - c. A description of the vegetation in the habitat conservation area, on the overall project site and adjacent to the site;
 - d. A detailed description of the proposed project's effect on the habitat conservation area, and a discussion of any federal, state, or local management recommendations which have been developed for the species or habitats in the area;
 - e. An explanation of how any adverse impacts created by the proposed development will be mitigated, including the following techniques:
 - i. Establishment of buffer zones;
 - ii. Preservation of critically important plants and trees;
 - iii. Limitation of access to the habitat conservation area;
 - iv. Seasonal restriction of construction activities; and
 - v. Establishment of a timetable for periodic review of the plan.
- 11. Signs and fencing of wildlife habitat conservation areas:
 - a. Temporary markers. The outer perimeter of the wildlife habitat conservation and its buffer and the limits of those areas to be disturbed pursuant to an approved permit or authorization shall be marked in the field in such a way as to ensure that no unauthorized intrusion will occur and is subject to inspection by the Administrator prior to the commencement of permitted activities. The Administrator shall have the authority to require that temporary fencing be placed on site to mark the outer perimeter of the aquatic habitat conservation area and its associated buffer area. This temporary marking, and any required temporary

Ellensburg Shoreline Master Program

fencing, shall be maintained throughout construction and shall not be removed until permanent signs, if required, are in place.

- b. Permanent signs. As a condition of any permit or authorization issued pursuant to this Section, the Administrator may require the applicant to install permanent signs along the boundary of a wildlife habitat conservation area or buffer.
 - i. Permanent signs shall be made of a metal face with a green color background and white letters; attached to a metal post, or another non-treated material of equal durability; made with a sign face no smaller than one (1) foot by one (1) foot square and no larger than two (2) feet by two (2) feet square; and mounted with the bottom of the sign face no less than 3 feet above and no more than five (5) feet above adjacent grade. Signs must be posted at a minimum of one (1) per lot of record, or on large parcels every three hundred (300) feet, or additional signs as required by the Administrator and must remain unobstructed and be maintained by the property owner in perpetuity. The sign(s) shall be worded as follows or with alternative language approved by the Administrator:

Protected Critical Area
Do Not Disturb
Contact the City of Ellensburg
Regarding Uses and Restriction

- ii. The provisions Section 4.2.O.5.b may be modified by the Administrator as necessary to assure protection of sensitive features or wildlife.

P. Regulations—Geologically hazardous areas designation, classification, and mapping

- 1. Designation: Lands classified as landslide, erosion, and seismic hazard areas are hereby designated as geologically hazardous areas and are subject to the standards of this Section.
- 2. Classification - Landslide hazard areas: Lands potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include any areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. The following shall be designated as landslide hazards and are subject to the requirements of this Section:
 - a. Areas of historic failures, such as:
 - i. Those areas delineated by the Natural Resource Conservation Service (NRCS) as having a “severe” limitation for building site development; or
 - ii. Those areas mapped as landslides, as having a liquefaction susceptibility or having a NEHPR seismic site class A through D on the most current Washington State Department of Natural Resources Division of Geology and Earth Resources natural hazards web based map; or
 - iii. Areas designated as quaternary slumps, earth-flows, mudflows, lahars, or landslides on maps published by the U.S. Geological Survey or Washington

Ellensburg Shoreline Master Program

Department of Natural Resources (DNR) Division of Geology and Earth Resources.

- b. Areas with all three of the following characteristics:
 - i. Slopes steeper than fifteen percent (15%);
 - ii. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
 - iii. Springs or groundwater seepage.
 - c. Areas that have shown movement during the Holocene epoch (from 10,000 years ago to the present) or which are underlain or covered by mass wastage debris of this epoch;
 - d. Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;
 - e. Slopes having gradients steeper than eighty percent (80%) subject to rockfall during seismic shaking;
 - f. Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action, including stream channel migration zones;
 - g. Areas that show evidence of, or are at risk from snow avalanches;
 - h. Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding; and
 - i. Any area with a slope of forty percent (40%) or steeper and with a vertical relief of ten (10) or more feet except areas composed of bedrock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least ten (10) feet of vertical relief.
3. Classification - Erosion hazard areas: Areas containing soils that may experience significant erosion, including:
- a. Slopes forty percent (40%) or steeper with a vertical relief of ten (10) or more feet, except areas composed of consolidated rock.
 - b. Concave slope forms equal to or greater than fifteen percent (15%) with a vertical relief of ten (10) or more feet, except areas composed of consolidated rock.
 - c. Channel migration zones: Areas within which the stream channel can reasonably be expected to migrate over time as a result of normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings. Such hazards are characterized by abandoned channels, ongoing sediment deposition and erosion, topographic position, and changes in the plant community, age, structure and composition.
4. Classification - Seismic hazard areas: Lands subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, or surface faulting the following classifications shall be designated as seismic hazard and are subject to the requirements of this Section.
5. Classification- Other hazard areas: Geologically hazardous areas shall also include areas determined by the Administrator to be susceptible to other geological events including mass wasting, debris flows, rock falls, and differential settlement.

Ellensburg Shoreline Master Program

6. Mapping: The approximately location and extent of geologically hazardous areas are shown on maps maintained by the City. These maps shall be advisory and used by the Administrator to provide guidance in determining applicability of the standards to a property. These maps shall be updated periodically as new information becomes available.

Q. Regulations—Geologically hazardous areas reporting and protection standards

1. New shoreline uses and developments shall be located, designed, constructed, and maintained to avoid geologically hazardous areas. Impact avoidance measures shall include, but not be limited to, locating the use/development outside of the hazard area, reducing the number, size or scale of buildings, driveways and other features; altering the configuration or layout of the proposed development; using environmentally favorable construction materials; implementing special engineering methods for construction, drainage, runoff management practices, etc.; foregoing construction of accessory structures; preserving native vegetation; and other reasonable measures.
2. Alterations of geologically hazardous areas may only occur for activities that:
 - a. Will not increase the threat of the geological hazard to adjacent properties beyond pre-development conditions;
 - b. Will not adversely impact other critical areas;
 - c. Are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than pre-development conditions; and
 - d. Are certified as safe as designed and under anticipated conditions by a qualified engineer or geologist, licensed in the state of Washington.
3. Critical facilities shall be prohibited in geologically hazardous areas and/or their buffers.
4. The Administrator shall review each development proposal to determine if there is any possible geologically hazardous area on-site. In making the determination, the Administrator shall use the best available information including any previously completed special reports conducted in the vicinity of the subject proposal. If no hazard area is determined to be present, this Section shall not apply to the review of the proposed development.
5. Hazard present: If it is determined that a severe erosion hazard, mine hazard, seismic hazard, or landslide hazard may be present on or adjacent to a proposed development site, the applicant shall submit a geologic hazard area risk assessment prepared by a qualified professional. The geologic hazard area risk assessment shall include:
 - a. A description of the geology of the site and the proposed development;

Ellensburg Shoreline Master Program

- b. An assessment of the potential impact the project may have on the geologic hazard;
- c. An assessment of what potential impact the geologic hazard may have on the project;
- d. Appropriate mitigation measures, if any; and
- e. A conclusion as to whether further analysis is necessary.

The assessment shall be signed by and bear the seal of the qualified professional that prepared it. No further analysis shall be required if the geologic hazard area risk assessment concludes that there is no geologic hazard present on the site, nor will the project affect or be affected by any potential geologic hazards that may be nearby. If the professional preparing the geologic hazard area risk assessment concludes that further analysis is necessary, the applicant shall submit a geotechnical report consistent with the provisions of this Section.

6. Geotechnical report: The geotechnical report shall include a certification from the professional preparing the report, including the professional's stamp and signature. The geotechnical report shall include the following:
 - a. A detailed description of the geology and soil conditions of the site;
 - b. Evaluation of the geologic conditions giving rise to the geologic hazard;
 - c. An evaluation of the safety of the proposed project;
 - d. Conclusions and recommendations regarding the effect of geologic conditions on the proposed development;
 - e. Conclusions and recommendations on the suitability of the site to be developed;
 - f. A statement regarding the risk of damage from the project, both on- and off-site; and whether or not the project will materially increase the risk of occurrence of the hazard;
 - g. Recommendations concerning drainage practices, vegetation retention and other mitigation, and monitoring measures which may be needed to ensure slope stability;
 - h. Recommended erosion and sediment control measures;
 - i. A bibliography of scientific citations; and
 - j. Any other specific measures which must be incorporated into the design and operational plan of the project to eliminate or reduce the risk of damage due to the hazard. This shall include a recommendation on the required buffer or setback distance that must be maintained between the proposed development and the hazard to ensure the safety of the development.
7. Channel Migration Zone: If County maps indicate that a potential channel migration zone hazard exists on or adjacent to a proposed use or development site, the applicant shall either:
 - a. Locate the proposal landward of the channel migration hazard area as indicated on the map; or
 - b. Submit a channel migration zone study, prepared by a geologist, engineering geologist, or professional engineer licensed in the State of Washington with at

Ellensburg Shoreline Master Program

least five (5) years of experience in analyzing channel responses in the fluvial systems of the Pacific Northwest, that demonstrate the following:

- i. The parcel on which the development or use is proposed is effectively protected (disconnected) from channel movement due to the existence of permanent levees maintained by public agencies or infrastructure such as roads and bridges constructed and maintained by public agencies (not all roads and levees will be considered disconnection points); or
 - ii. The proposed use or development site has minimal risk of channel migration during the next one hundred (100) years as indicated by the existing channel type; land cover (and low likelihood of future alterations in land cover); surficial geology; low soil erosion potential; lack of evidence of likely avulsion pathways (including areas upstream or, but proximate to, the site); low inundation frequency(ies). The assessment shall include a review of available data regarding historical channel locations at the site, identification of the site within a broader geomorphic reach of the river system, and the general characteristics of that reach; description of existing channel type, existing channel alterations and likelihood of future alterations with changes in land cover, surficial geology, soils and erosion potential, and geotechnical setbacks relation to erosion at the toe of adjacent slope(s). The approach to assessing local migration shall be generally equivalent to the methods detailed in "A Framework for Delineating Channel Migration Zones" (Ecology Publication #03-06-027), or similar method approved or sanctioned by Ecology.
8. Based upon the results of the channel migration zone assessment, the Administrator may prohibit or limit use or development within a channel migration zone and/or require a buffer of undisturbed natural vegetation from the edge of the channel migration zone.
9. The Administrator may impose conditions on any new shoreline use and developments in a geologically hazardous area as needed to:
 - a. Protect slope stability and minimize erosion, seismic, and/or landslide hazard risks;
 - b. Maintain natural sediment and erosion processes that are integral to the health and sustainability of freshwater ecosystems;
 - c. Minimize the potential for property damage related to seismic events, erosion and/or landslides;
 - d. Minimize the need for structural shoreline stabilization in the future;
 - e. Protect human health and safety; and
 - f. Reduce public liabilities for damages associated with seismic events, erosion and/or landslides.

Ellensburg Shoreline Master Program

R. Regulations—Frequently flooded area designation and mapping

1. Designation and mapping: All lands classified as floodway or special flood hazard areas in the Federal Emergency Management Agency report titled “Flood Insurance Rate Maps and Flood Boundary and Floodway Maps” dated November 5, 1980, as now or hereafter amended are designated as frequently flooded areas. The report and maps are on file at the Ellensburg Community Development Department.
2. Use of additional information: The Administrator may use additional flood information that is more restrictive or detailed than that provided in the flood insurance study conducted by the Federal Emergency Management Agency to designate frequently flooded areas, including data on channel migration, historical data, high water marks, photographs of past flooding, location of restrictive floodway, maps showing future built-out conditions, maps that show riparian habitat areas, or similar information.
3. Flood elevation data: When base flood elevation data is not available, the Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, county, or other source, in order to administer this Section.

S. Regulations—Frequently flooded area protection standards: general requirements

1. The Administrator shall verify that all necessary permits have been obtained from those governmental agencies from which prior approval is required by federal, state, or local law, including, but not limited to Section 404 of the Federal Water Pollution Control Act Amendment of 1972 and the Endangered Species Act of 1973.
2. Development proposals must not reduce the effective base flood storage volume of a floodplain. Grading or other activity that would reduce the effective storage volume must be mitigated by creating compensatory storage on the site. The compensatory storage must provide equivalent volume at equivalent elevations to that being displaced, be hydraulically connected to the source of the flooding, be provided in the same construction season, and occur on site or off site, if legal arrangements can be made to assure that the effective compensatory storage will be preserved over time.
3. Areas without base flood elevation data: Where base flood elevation data is not available and there is insufficient data available from federal, state, county, or other sources, the Administrator shall determine the base flood elevation using historical data, high water marks, photographs of past flooding, and other available information. If there is insufficient data available for the Administrator to make a determination of the base flood elevation, and standards requiring a base flood elevation cannot be implemented, the Administrator shall require measures that assure the proposed structures will be reasonably safe from flooding. At a minimum, the base flood elevation shall be set at least two (2) feet above the highest adjacent

Ellensburg Shoreline Master Program

grade. The Administrator shall have the authority to set an average base flood elevation if there are sufficient grade deficiencies in elevation around the development area.

4. Construction materials and methods:

- a. Methods that minimize flood damage: All new construction and substantial improvements shall be constructed using flood-resistant materials and utility equipment, and with methods and practices that minimize flood damage.
- b. Structures shall be located outside the floodplain: All structures shall be located on the buildable portion of the site out of the floodplain unless there is no buildable site area out of the floodplain. For sites with no buildable area out of the floodplain, structures shall be placed on the highest land on the site, oriented parallel to the anticipated flow of water rather than perpendicular, and sited as far from the watercourse and other critical areas as possible. If the Administrator finds any evidence of active hyporheic exchange on a site, the development shall be located to minimize disruption of such exchange.
- c. Utilities shall be protected: All utilities shall be located on the buildable portion of the site out of the floodplain unless there is no buildable site area out of the floodplain. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within their components during conditions of flooding.

5. Elevation certificate required following construction: Following construction of a structure within the floodplain where the base flood elevation is provided, the applicant shall be required to submit to the Administrator an as-built elevation certificate from a licensed professional land surveyor that records the elevation of the lowest floor. The Administrator shall obtain said as-built elevation certificate and maintain said certificates in its official records.

6. Floodproofing:

- a. When a structure is to be floodproofed, it shall be designed and constructed using methods that meet the following requirements:
 - i. Watertight structure: The structure shall be watertight with walls substantially impermeable to the passage of water below one (1) foot above the base flood level;
 - ii. Hydrostatic resistance: Structural components shall be capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - iii. Certified by a registered professional engineer or architect: The structure shall be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans.

Ellensburg Shoreline Master Program

- b. Floodproofing certificate required following construction: Following construction of the structure, the applicant shall obtain a floodproofing certificate from a registered professional engineer or architect that records the actual (as-built) elevation to which the structure was floodproofed.
 - c. Floodproofing nonresidential buildings: Applicants floodproofing nonresidential buildings shall be notified by the Administrator that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (for example, a building floodproofed to the base flood level will be rated as one foot below).
7. Anchoring:
- a. Anchoring required: All new construction and substantial improvements within the floodplain shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 - b. Manufactured homes shall be anchored: All manufactured homes placed within the floodplain must be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
8. Fill and grading: Fill and grading within the floodplain shall only occur after the review and approval by the City of the clearing, grading, and fill proposal. Such proposal shall require a determination from a licensed professional engineer that the fill or grading will not block side channels, inhibit channel migration, increase flood hazards to others, or be placed within a channel migration zone, whether or not the City delineated such zones as of the time of the application.
9. Critical facilities: Construction of new critical facilities shall be permissible within frequently flooded areas if no feasible alternative site is available. Critical facilities constructed within frequently flooded areas shall have the lowest floor elevated three (3) feet or more above the level of the base flood elevation (one hundred-(100)-year flood). Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.
10. Construction in floodways:
- a. New construction requires certification by a licensed professional engineer: Encroachments, including new construction, substantial improvements, fill, and other development, are prohibited within designated floodways unless certified by a registered professional engineer. Such certification shall demonstrate through hydrologic and hydraulic analyses, performed in accordance with standard engineering practices, that the proposed encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge. Small projects that are solely to protect or create fish habitat and designed by a qualified professional may be allowed without certification if the Administrator

Ellensburg Shoreline Master Program

determines that the project will not obstruct flood flows. Fish protection projects shall be reviewed on behalf of the City by a qualified professional in the field of hydraulics.

- b. Residential construction and reconstruction prohibited: Construction and reconstruction of residential structures is prohibited within designated floodways, except for:
 - i. Repairs, reconstruction, or improvements to a structure that do not increase the ground floor area; and
 - ii. Repairs, reconstruction or improvements to a structure, for which the cost does not exceed fifty percent (50%) of the market value of the structure either:
 - 1. Before the repair or reconstruction is started; or
 - 2. If the structure has been damaged, and is being restored, before the damage occurred. Improvement to a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions or to structures identified as historic places may be excluded from the calculation of the fifty percent (50%).

T. Regulations—Frequently flooded area protection standards: specific uses

1. Residential construction:

- a. Must be no lower than one (1) foot above the base flood elevation. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation for the area; and
- b. Areas below the lowest floor must meet requirements for crawlspaces as set forth hereinabove in this Section.

2. Manufactured homes must be elevated. All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one (1) foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

3. Recreational vehicles. Recreational vehicles are required to either:

- a. Be on the site for fewer than one hundred eighty (180) consecutive days;
- b. Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
- c. Must obtain a development permit and meet the requirements of this Section, including elevation and anchoring, for manufactured homes.

4. Nonresidential Construction:

Ellensburg Shoreline Master Program

- a. Must be no lower than one (1) foot above the base flood elevation. Construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation for the area or, together with attendant utility and sanitary facilities, shall be floodproofed, as specified above. Unavoidable impacts to flooded areas (from fill) need to be mitigated; and
- b. Areas below the lowest floor must meet the requirements for crawlspaces set forth hereinabove in this Subsection.

5. Utilities:

- a. Shall be designed to minimize infiltration of floodwaters. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
- b. Sanitary sewage systems. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

6. Subdivision proposals:

- a. All subdivisions and short subdivisions shall:
 - i. Minimize flood damage: Subdivisions and short subdivisions shall be designed to minimize or eliminate flood damage to proposed structures; and public utilities and facilities that are installed as part of such subdivisions, such as sewer, gas, electrical, and water systems, shall be located and constructed to minimize flood damage. Subdivisions should be designed using natural features of the landscape, and should not incorporate flood protection changes;
 - ii. Have adequate drainage: Subdivisions and short subdivisions shall have adequate natural surface water drainage in accordance with City of Ellensburg Public Works Development Standards to reduce exposure to flood hazards; and
 - iii. Show flood areas on plat maps: Subdivisions and short subdivisions shall show the one hundred-(100)-year floodplain, floodway, and channel migration zone where designated by the City on the preliminary and final plat and short plat maps.
- b. Detailed base flood elevation data shall be generated for subdivisions of at least fifty (50) lots or five (5) acres. Where detailed base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres.

7. Alteration of watercourses:

- a. Shall require the submission of a critical area report by the applicant and be in accordance with this Program. Watercourse alterations shall only be allowed

Ellensburg Shoreline Master Program

- when no negative impacts occur to critical areas, in accordance with this Program.
- b. Shall not result in blockage. Watercourse alteration projects shall not result in blockage of side channels.
 - c. Notification required: The City shall notify adjacent communities, the Washington State Department of Ecology, the Washington Department of Fish and Wildlife, and the Federal Insurance Administration of the proposed watercourse alteration at least thirty (30) days prior to permit issuance.
 - d. Maintenance of alterations: The applicant shall maintain the altered or relocated portion of the watercourse to ensure that the flood carrying capacity is not diminished. The applicant shall furnish the City with a surety bond for maintenance, which bond shall remain in effect for a period of five (5) years after completion of the alterations and be in accordance with a maintenance program approved by the Administrator for the alteration project. The bond shall be in an amount to be determined by the Administrator as sufficient to ensure that the flood carrying capacity of the watercourse is not diminished and complies with the terms of the maintenance program. The surety and the form of the bond shall be subject to the approval of the City attorney.
8. Crawlspace: Crawlspace are commonly used as a method of elevating buildings to or above the base flood elevation or providing area for easier access to utilities and other building facilities. The following requirements apply to all crawlspaces that have enclosed areas or floors below the base flood elevation:
- a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effect of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required opening standards set forth below in this Section. If crawlspace construction is proposed for areas in which the flood velocities exceed five (5) feet per second, the design must be reviewed and approved by a registered architect or engineer.
 - b. The crawlspace is an enclosed area below the base flood elevation, and as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. Openings or vents must meet the following criteria:
 - i. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;
 - ii. The bottom of all openings shall be no higher than one (1) foot above grade; and
 - iii. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.
 - c. All portions of the building below the base flood elevation must be constructed with materials resistant to flood damage. The recommended construction

Ellensburg Shoreline Master Program

practice is to elevate the bottom of the joists and all insulation above the base flood elevation.

- d. Any building utility systems within the crawlspace must be elevated above the base flood elevation or designed so that floodwaters cannot enter or accumulate within the system components. Duct work must either be placed above the base flood elevation or sealed from floodwaters.
- e. In addition to the above requirements, the following specific provisions also apply to below grade crawlspaces:
 - i. The interior grade of a crawlspace below the base flood elevation must not be more than two (2) feet below the lowest adjacent exterior grade;
 - ii. The height of the below grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four (4) feet at any point;
 - iii. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. Possible options include natural drainage through porous, well-drained soils or drainage systems such as perforated pipes, tiles, gravel or other means; and
 - iv. Below grade crawlspace construction in accordance with the requirements listed above will not be considered basements.

U. Regulations—Frequently flooded area reporting

1. A frequently flooded areas report shall be prepared for development within floodplains. Such report shall be required to be prepared by a qualified professional who is a hydrologist or engineer familiar with hydrology, hydraulics, and fluvial geomorphology, and who is licensed in the state of Washington with experience in preparing flood hazard assessments.
2. The following areas shall be addressed in a critical area report for frequently flooded areas:
 - a. The location of the proposed activity;
 - b. All areas of a special flood hazard area, as indicated on the flood insurance map(s) within two hundred (200) feet of the project area; and
 - c. All other flood areas indicated on the flood insurance map(s) within two hundred (200) feet of the project area.
3. Flood hazard assessment: A critical area report for a proposed activity within a frequently flooded area shall contain a flood hazard assessment including the following site- and proposal-related information at a minimum:
 - a. Site and construction plans: A copy of the site and construction plans for the development proposal showing:
 - i. Floodplain (one hundred-(100)-year flood elevation); ten-(10)-year and fifty-(50)-year flood elevations and floodway, if required by the Administrator and, in addition, other critical areas, buffers, and shoreline areas;
 - ii. Proposed development, including the location of existing and proposed

Ellensburg Shoreline Master Program

- structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the floodplain;
- iii. Extent and location of proposed clearing and grading activity; and
- iv. Elevation of the lowest floor (including basement) of all structures, and the level to which any structure has been floodproofed.
- b. Floodproofing certificate: When floodproofing is proposed, a certification by a registered professional engineer or architect that the floodproofing methods meet the requirements of specified in this Section;
- c. Watercourse alteration: When watercourse alteration is proposed, the critical area report shall include:
 - i. Extent of watercourse alteration: A description of and plan showing the extent to which a watercourse will be altered or relocated as a result of the proposal; and
 - ii. Maintenance program required for watercourse alterations: A maintenance program that provides maintenance practices for the altered or relocated portion of the watercourse to ensure that the flood-carrying capacity is not diminished.
- d. Information regarding other critical areas: Potential impacts to wetlands, fish and wildlife habitat conservation areas and other critical areas shall be addressed in accordance with the applicable sections of this Section.

V. Regulations—Critical aquifer recharge areas designation, mapping, and classification

1. Designation: Critical aquifer recharge areas (CARAs) are those areas with a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2). CARAs have prevailing geographic conditions associated with infiltration rates that create a high potential for contamination of groundwater resources or contribute significantly to the replenishment of groundwater.
 - a. Wellhead protection areas. Wellhead protection areas may be defined by the boundaries of the ten-(10)-year time of groundwater travel or boundaries established using alternate criteria approved by the Washington State Department of Health in those settings where groundwater time of travel is not a reasonable delineation criterion, in accordance with WAC 246-290-135.
 - b. Sole source aquifers. Sole source aquifers are areas that have been designated by the U.S. Environmental Protection Agency pursuant to the Federal Safe Water Drinking Act.
 - c. Susceptible groundwater management areas. Susceptible groundwater management areas are areas that have been designated as moderately or highly vulnerable or susceptible in an adopted groundwater management program developed pursuant to Chapter 173-100 WAC.
 - d. Moderately or highly vulnerable aquifer recharge areas. Aquifer recharge areas that are moderately or highly vulnerable to degradation or depletion because of hydrogeologic characteristics are those areas delineated by a hydrogeologic study prepared in accordance with the Washington State Department of Ecology

Ellensburg Shoreline Master Program

guidelines.

- e. Moderately or highly susceptible aquifer recharge areas. Aquifer recharge areas moderately or highly susceptible to degradation or depletion because of hydrogeologic characteristics are those areas meeting the criteria established by the Washington State Department of Ecology.
2. Classification: Aquifer recharge areas shall be rated as having high, moderate, or low susceptibility based on soil permeability, geologic matrix, infiltration and depth to water as determined by the criteria established by the Washington State Department of Ecology.
3. Mapping: The general location and extent of critical aquifer recharge are shown on maps maintained by Kittitas County. These maps are useful as a guide for the City, project applicants, and/or property owners, and may be updated as more information on aquifer recharge and susceptibility becomes available. These maps are a reference and do not provide a conclusive or final critical area designation. As of the time of adoption of this Program, the City does not believe there are any critical aquifer recharge areas within City limits relating to public drinking supplies. If this situation changes, the City will show the approximate location and extent of critical aquifer recharge areas on the adopted critical areas map.

W. Regulations—Critical aquifer recharge areas protection standards

1. Protection standards for critical aquifer recharge areas have been incorporated into the water quality regulations in Section 4.6 and into the provisions for specific shoreline uses in Chapter 3. Such standards shall be considered the minimum necessary to protect critical aquifer recharge areas.
2. The following activities are allowed in critical aquifer recharge areas, and do not require submission of a critical areas report:
 - a. Construction of structures and improvements, including additions, resulting in less than five percent (5%) or two thousand five hundred (2,500) square feet (whichever is greater) total site impervious surface area that does not result in a change of use or increase the use of a hazardous substance.
 - b. Development and improvement of parks, recreational facilities, open space or conservation areas resulting in less than five percent (5%) total site impervious surface area that do not increase the use of a hazardous substance.
 - c. One-site domestic septic systems releasing less than fourteen thousand five hundred (14,500) gallons of effluent per day and that are limited to a maximum density of one (1) system per one (1) acre.
3. Activities may only be permitted in a critical aquifer recharge area if the applicant can show that the proposed activity will not cause contaminants to enter the aquifer and that the proposed activity will not adversely affect the recharging of the aquifer.

Ellensburg Shoreline Master Program

4. The proposed activity must comply with the water source protection requirements and recommendations of the U.S. Environmental Protection Agency, Washington State Department of Health and the City of Ellensburg Wellhead Protection Plan.
5. The proposed activity must be designed and constructed in accordance with the locally adopted surface water management or water quality regulations.
6. Storage tanks. All storage tanks proposed to be located in a critical aquifer recharge area must comply with local building code requirements and must conform to the following requirements:
 - a. Underground tanks. All new underground storage facilities proposed for use in the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:
 - i. Prevent releases due to corrosion or structural failure for the operational life of the tank;
 - ii. Be protected against corrosion, constructed of noncorrosive material, steel clad with a noncorrosive material, or designed to include a secondary containment system to prevent the release or threatened release of any stored substances; and
 - iii. Use material in the construction or lining of the tank that is compatible with the substance to be stored.
 - b. Aboveground tanks. All new aboveground storage facilities proposed for use in the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:
 - i. Not allow the release of a hazardous substance to the ground, groundwaters, or surface waters;
 - ii. Have a primary containment area enclosing or underlying the tank or part thereof; and
 - iii. A secondary containment system either built into the tank structure or a dike system built outside the tank for all tanks.
7. Vehicle repair and servicing:
 - a. Vehicle repair and servicing must be conducted over impermeable pads and within a covered structure capable of withstanding normally expected weather conditions. Chemicals used in the process of vehicle repair and servicing must be stored in a manner that protects them from weather and provides containment should leaks occur.
 - b. No dry wells shall be allowed in critical aquifer recharge areas on sites used for vehicle repair and servicing. Dry wells existing on the site prior to facility establishment must be abandoned using techniques approved by the Washington State Department of Ecology prior to commencement of the proposed activity.
8. Residential use of pesticides and nutrients. Application of household pesticides,

Ellensburg Shoreline Master Program

herbicides, and fertilizers shall not exceed times and rates specified in the packaging.

9. Use of reclaimed water for surface percolation or direct recharge. Water reuse projects for reclaimed water must be in accordance with the adopted water or sewer comprehensive plans that have been approved by the Washington State Departments of Ecology or Health.
 - a. Use of reclaimed water for surface percolation must meet the groundwater recharge criteria given in RCW 90.46.080(1) and RCW 90.46.010(10). The Washington State Department of Ecology may establish additional discharge limits in accordance with RCW 90.48.080(2).
 - b. Direct injection must be in accordance with the standards developed by authority of RCW 90.46.042.

X. Regulations—Critical aquifer recharge areas reports

1. Critical area reports for critical aquifer recharge areas must meet the requirements of this Section:
 - a. Hydrogeologic assessment: For all proposed activities to be located in a critical aquifer recharge area that are not listed in Section 4.2.W, a critical area report shall contain a level one (1) hydrogeological assessment. A level two (2) hydrogeological assessment shall be required for any of the following proposed activities:
 - i. Activities that result in five percent (5%) or more impervious site area;
 - ii. Activities that divert, alter, or reduce the flow of surface or groundwaters, or other reduce the recharging of the aquifer;
 - iii. The use of hazardous substances, other than household chemicals used according to the directions specified on the packaging for domestic applications;
 - iv. The use of injection wells, including on-site septic systems, except those domestic septic system releasing less than fourteen thousand five hundred (14,500 gallons) of effluent per day and that are limited to a maximum density of one (1) system per one (1) acre; or
 - v. Any other activity determined by the Administrator likely to have an adverse impact on groundwater quality or quantity or in the recharge of an aquifer.
 - b. Level one hydrogeologic assessment: A level one hydrogeologic assessment shall include the following site and proposal-related information at a minimum:
 - i. Available information regarding geologic or hydrogeologic characteristics of the site including the surface location of all critical aquifer recharge areas located on site or immediately adjacent to the site, and permeability of the unsaturated zone;
 - ii. Groundwater depth, flow direction and gradient based on available information;
 - iii. Currently available data on wells and springs within one thousand three hundred (1,300) feet of the project area;
 - iv. Location of other critical areas, including surface waters, within one

Ellensburg Shoreline Master Program

- thousand three hundred (1,300) feet of the project area;
- v. Available historic water quality data for the area to be affected by the proposed activity; and
- vi. Best management practices proposed to be utilized.
- c. Level two hydrologic assessment: A level two hydrologic assessment shall include the following site-and proposal-related information at a minimum, in addition to the requirements for a level one hydrological assessment:
 - i. Historic water quality data for the area to be affected by the proposed activity compiled for at least the previous five-(5)-year period;
 - ii. Groundwater monitoring plan provisions;
 - iii. Discussion of the effects of the proposed project on the groundwater quality and quantity, including:
 - 1. Predictive evaluation of groundwater withdrawal effects on nearby surface wells and surface water features; and
 - 2. Predictive evaluation of contaminant transport based on potential releases to groundwater; and
 - 3. A spill plan that identifies equipment and/or structures that could fail, resulting in an impact. Spill plans shall include provisions for regular inspection, repair and replacement of structures and equipment that could fail.

4.3 Flood hazard reduction

The following provisions apply to actions taken to reduce flood damage or hazard and to uses, development, and shoreline modifications that may increase flood hazards. Flood hazard reduction measures may consist of non-structural measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, biotechnical measures, and stormwater management programs as well as structural measures such as dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures consistent with the National Flood Insurance Program.

A. Policies

1. Minimize future use and development in flood prone areas in order to protect public health and private property.
2. Prohibit new or expanding shoreline uses or development in the shoreline, including subdivision of land that would likely require structural flood control works within a river, channel migration zone, floodway, or lakes.
3. Limit flood control works in the shoreline to those necessary to protect existing development where non-structural flood hazard reduction measures are infeasible.
4. Encourage non-structural and non-regulatory methods to protect, enhance, and restore shoreline ecological functions and processes and other shoreline resources as an alternative to structural flood hazard reduction measures and structures. Non-regulatory and non-structural methods may include public facility and resource

Ellensburg Shoreline Master Program

planning, land or easement acquisition, education, voluntary protection and enhancement projects, or incentive programs.

5. Where feasible, flood hazard reduction measures should be bioengineered to enhance ecological functions, create a more natural appearance, improve ecological processes, and provide more flexibility for long-term shoreline management. Such features may include, but not be limited to, vegetated berms; and vegetative stabilization, including brush matting and buffer strips and retention of existing trees, shrubs and grasses on banks.
6. Plan and design flood hazard reduction measures in a manner consistent with applicable watershed management plans, flood hazard mitigation plans, local comprehensive planning efforts, the SMA and WAC 173-26.
7. Assure that flood hazard reduction measures result in no net loss of ecological functions and ecosystem-wide processes associated with rivers, streams and lakes.
8. Locate, design, construct and maintain flood control measures so their resultant effects on geo-hydraulic shoreline processes will not cause significant damage to other properties or shoreline resources, and so that the physical integrity of the shoreline corridor is maintained.
9. Plan for and facilitate returning river and stream corridors to more natural hydrological conditions, recognizing that seasonal flooding is an essential natural process.
10. When evaluating alternate flood control measures, consider the removal or relocation of structures in flood-prone areas.
11. Evaluate appropriate opportunities to remove or prevent structures that confine floodplains and inhibit channel migration.

B. Regulations

1. Use and development in floodplains shall not significantly or cumulatively increase flood hazards or be inconsistent with comprehensive flood hazard management plans adopted pursuant to RCW Chapter 86.12.
2. New uses or development in shoreline jurisdiction, including the subdivision of land, shall not be permitted when it would be reasonably foreseeable that the uses and/or development would require structural flood hazard reduction measures within the channel migration zone or floodway.
3. The following uses and activities may be appropriate and/or necessary within the channel migration zone or floodway:

Ellensburg Shoreline Master Program

- a. Actions that protect or restore the ecosystem-wide processes or ecological functions.
 - b. Forest practices in compliance with the Washington State Forest Practices Act and its implementing rules.
 - c. Existing and ongoing agricultural practices provided that no new restrictions to channel movement occur.
 - d. Mining when conducted in a manner consistent with Section 5.12 Mining, the shoreline environment designation, and with the provisions of WAC 173-26-241(3)(h).
 - e. Bridges, utility lines, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate costs. Where such structures are allowed, mitigation shall address impacted functions and processes in the affected shoreline.
 - f. Repair and maintenance of an existing legal use, provided that such actions do not cause significant ecological impacts or increase flood hazards to other uses.
 - g. Use and development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.
 - h. Modification or additions to an existing nonagricultural legal use, provided that channel migration is not further limited and that the new uses and/or development includes appropriate protection of ecological functions.
 - i. Use and development in incorporated municipalities and designated urban growth areas, as defined in RCW Chapter 36.70A, where structures exist that prevent active channel movement and flooding.
4. Allow new structural flood hazard reduction measures in shoreline jurisdiction only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development; that nonstructural measures are not feasible; that impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss; and that appropriate vegetation conservation actions are undertaken consistent with Section 4.5 Shoreline buffer and vegetation conservation, and WAC 173-26-221(5).
 5. Structural flood hazard reduction measures shall be consistent with the adopted Kittitas County Multi-jurisdictional Hazard Mitigation Plan (October 2012).
 6. Place new structural flood hazard reduction measures landward of the associated wetlands, and designated vegetation conservation areas, except for actions that increase ecological functions, such as wetland restoration; provided that such flood hazard reduction projects be authorized if it is determined that no other alternative to reduce flood hazard to existing uses and/or development is feasible. The need for, and analysis of feasible alternatives to, structural improvements shall be documented through a geotechnical analysis.
 7. New structural public flood hazard reduction measures, such as dikes and levees, shall dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public,

Ellensburg Shoreline Master Program

inherent and unavoidable security problems, unacceptable and unmitigated significant ecological impacts, unavoidable conflict with the proposed use, or cost that is disproportionate and unreasonable to the total long-term cost of the use or development.

8. The removal of gravel for flood management purposes shall be consistent with an adopted flood hazard reduction plan and with the provisions of WAC 173-26, Section 5.8 Dredging and dredge material disposal and Section 5.12 Mining; and be allowed only after a biological and geo-morphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.

4.4 Public access

Public access includes the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Public access provisions below apply to all shorelines of the state unless stated otherwise.

A. Policies

1. Promote and enhance the public interest with regard to rights to access waters held in public trust by the state while protecting private property rights and public safety.
2. Protect the rights of navigation and space necessary for water-dependent uses.
3. Protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water in a manner consistent with the overall best interest of the state and the people generally.
4. Public shoreline access should not cause negative impacts to surrounding properties, such as litter or trespass.
5. Regulate the design, construction, and operation of permitted uses in the shorelines of the state to minimize, insofar as practical, interference with the public's use of the water.
6. Incorporate physical and/or visual public access to shorelines in new uses and development proposals.
7. Public access areas and/or facility requirements should be commensurate with the scale and character of the use or development and should be reasonable, fair and effective.
8. Shoreline use and development activities should be designed and operated to minimize obstructions of the public's visual access to the water and shoreline.

Ellensburg Shoreline Master Program

9. The linkage of shoreline parks, recreation areas and public access points by hiking paths, bicycle paths, easements and/or scenic drives, should be encouraged.
10. Public access should be designed for accessibility by disabled persons.
11. Public access improvements shall not result in a net loss of shoreline ecological functions.
12. Existing public access points, including parks, trailheads, and boat launches shall be maintained to support public use and enjoyment of shorelines.
13. Seek opportunities to establish new boat launches and picnic areas along the Yakima River.
14. Additional user amenities at or along shorelines in the Urban Conservancy environments, such as parking areas, restrooms, benches, picnic tables, and signage should be added throughout the city to improve the recreational experience along shorelines.

B. Regulations

1. Public access shall consist of a dedication of land or easement and a physical improvement in the form of a walkway, trail, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat launching ramp, dock or pier area, or other area serving as a means of view and/or physical approach to public waters and may include interpretive centers and displays.
2. New shoreline use and development by public entities, such as local governments, port districts, state agencies, and public utility districts, shall provide public access as part of each development project, unless such access is shown to be incompatible with the Program due to reasons of safety, security, or adverse impacts to shoreline functions and processes.
3. New shoreline use and development by private entities shall provide public access when:
 - a. The development would generate a public demand for one or more forms of such physical or visual access;
 - b. The development will impair existing legal access opportunities or rights; or
 - c. The development is not a preferred shoreline use (e.g. non-water-oriented commercial or industrial development).
4. Public health and safety concerns associated with community or public access sites shall be adequately mitigated.

Ellensburg Shoreline Master Program

5. Efforts to implement the public access provisions of this Section shall be consistent with all relevant constitutional and other legal limitations on regulation of private property and the principles of nexus and proportionality.
6. Public access requirements on privately owned lands shall be commensurate with the scale and character of the use and/or development and shall be reasonable, effective and fair to all affected parties including but not limited to the landowner and the public.
7. Where feasible, providers of shoreline public access shall:
 - a. Locate and design public access improvements in a manner that is compatible with the natural shoreline character and avoids adverse impacts to shoreline ecological processes and functions; and
 - b. Ensure public access improvements and amenities are safe, respect individual privacy, and avoid or minimize visual impacts from neighboring properties; and
 - c. Provide maps, signage, and orientation information to inform the public of the presence and location of privately held shorelands, especially those adjacent to public access and recreational areas; and
 - d. Incorporate programs, signage and informational kiosks into public access locations, where appropriate, to enhance public education and appreciation of shoreline ecology and areas of historical or cultural significance.
8. Opportunities to provide visual public access shall be evaluated during the review and conditioning of all proposed commercial and industrial shoreline developments and residential developments involving more than four (4) residential parcels.
9. Dedicated space for physical public access shall be incorporated into all use and development proposals on public lands, all public and private commercial and industrial uses and developments, multi-family residential development of more than four (4) dwelling units, and all residential subdivisions of greater than four (4) parcels unless the project proponent demonstrates that any of the following conditions exist:
 - a. Unavoidable public health or safety hazards exist and cannot be prevented through reasonable means; or
 - b. The use and/or development has inherent security or cultural sensitivity requirements that cannot be mitigated through reasonable design measures or other solutions; or
 - c. The provision of public access for the proposed use or development is not consistent with all relevant constitutional and other legal limitations on regulation of private property and the principles of nexus and proportionality; or
 - d. The cost of providing the access, easement or an alternative amenity is disproportionate to the total long-term cost of the proposed use or development; or
 - e. The public access will cause unacceptable environmental impacts that cannot be mitigated; or

Ellensburg Shoreline Master Program

- f. The access would create significant, undue, and unavoidable conflicts with adjacent uses that cannot be mitigated.
10. To be relieved from public access requirements, the project proponent must demonstrate that all feasible alternatives have been considered, including, but not limited to:
- a. Regulating access through means such as maintaining a gate and/or limiting hours of use; and
 - b. Separating uses and activities (e.g., fences, terracing, use of one-way glazing, hedges, landscaping, etc.).
11. When physical public access is deemed to be infeasible, the proponent shall provide visual access to the shoreline or provide physical access at an off-site location geographically separated from the proposed use or development (e.g., a street end, vista, or trail system), or for a residential development, provide community access to the shoreline or to a common waterfront lot/tract for non-commercial recreational use of the property owners and guests within the proposed subdivision.
12. Public access shall be located and designed to be compatible with the natural shoreline character, to avoid adverse impacts to shoreline ecological functions and processes, and to ensure public safety.
13. Public shoreline access provided by public road ends, public road rights-of-way, public utilities and rights-of-way shall not be diminished by the City, neighboring property owners, or other citizens, unless the property is zoned for industrial uses in accordance with RCW Chapter 36.87.130.
14. Public access sites shall be directly connected to the nearest public street and shall include improvements that conform to the requirements of the Americans with Disabilities Act (ADA) when feasible and impacts to shoreline ecology are mitigated.
15. Opportunities for boat-in public access and access to primitive shorelines not accessible by automobile shall be provided where feasible and appropriate.
16. When required for public land, commercial, port or industrial use or development, public access sites shall be fully developed and available for public use prior to final occupancy of such use or development.
17. Public access easements, dedications, and permit conditions shall be recorded on the deed of title and/or the face of a short or long plat as a condition running, at a minimum, for a period contemporaneous with the duration of the authorized land use. Recording of such easements, dedications, and conditions shall occur at the time of final approval for all subdivisions and binding site plans or prior to final occupancy for other permits.

Ellensburg Shoreline Master Program

18. Where there is an irreconcilable conflict between water-dependent shoreline uses or physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.
19. Public access facilities shall be maintained over the life of the use or development. Future actions by successors-in-interest or other parties shall not diminish the usefulness or value of required public access areas and associated improvements.
20. Maintenance of the public access facility shall be the responsibility of the owner or home owner's association, unless otherwise accepted by a public or non-profit agency through a formal agreement recorded with the County Auditor's Office. Applicants shall make provisions to assure permanence and maintenance of public access facilities.
21. Access improvements shall not result in a net loss of shoreline ecological functions and values.
22. Rights of navigation shall be protected in conformance with the provisions of this Program.

4.5 *Shoreline buffers and vegetation conservation*

Shoreline buffers protect shorelines from the adverse effect of adjacent land use and development. Buffers also help protect people and property from natural hazards that are present on some shorelines. Vegetated buffers provide habitat, maintain water quality, stabilize slopes and streambanks, and help achieve no net loss of shoreline ecological functions. To function effectively, buffers must be well-vegetated. As a result, the Program promotes vegetation conservation including restrictions on clearing and grading, vegetation restoration and enhancement, and the control of invasive weeds and non-native species.

Unless otherwise stated, buffer and vegetation conservation regulations of this Program do not apply to those activities covered under the Washington State Forest Practices Act, except for conversion of forest uses to other uses and those other forest practice activities over which local governments have authority. As with all master program provisions, buffer and vegetation conservation provisions apply even to those shoreline uses and developments that are exempt from the requirement to obtain a shoreline permit. Like other Master Program provisions, buffer and vegetation conservation standards do not apply retroactively to legally established existing uses and structures, such as existing agricultural activities.

A. Policies

Ellensburg Shoreline Master Program

1. Native shoreline vegetation should be conserved to maintain shoreline ecological functions and processes and mitigate the direct, indirect and cumulative impacts of shoreline use and development, wherever feasible. Disturbance of native plant communities should be avoided. Disturbed areas should be re-vegetated with native plant species appropriate to the soil and hydrologic conditions.
2. To protect the ecological and aesthetic qualities of the shoreline environment and minimize risks associated with flooding, erosion, channel migration, landslides, and other natural events and processes, new shoreline uses and developments should be separated and set back from the edge of the water. Vegetated buffers should be maintained between shoreline waters and the adjoining land uses.
3. Encourage noxious and invasive weed management and control. Control of such species should be done in a manner that retains on-site native vegetation, provides for erosion control, and protects water quality.

B. Regulations-shoreline buffers

1. New uses and developments shall be located landward of the shoreline buffers shown in Table 4.5-1 in accordance with the shoreline environment designation, unless this Program specifically allows the use/development within the shoreline buffer. Shoreline buffers shall be measured in all directions from the OHWM. Uses/development may also be subject to additional buffers prescribed in Section 4.2 of this Program due to presence of critical areas. In such cases, the landward-most buffer shall apply.

Table 4.5-1. Standard Shoreline Buffers (Type S Waters)

Shoreline Environment Designation	Type S Standard Shoreline Buffer Width (feet)
Urban Conservancy	100
Shoreline Residential	100

2. Buffer condition: Shoreline buffers shall be maintained in a well-vegetated condition. For purposes of this Program, a well vegetated buffer is one that supports a predominance of native plant species at densities that would occur in similar relatively undisturbed settings.
3. Interrupted buffer: When a shoreline buffer contains an existing legally established public road or private access road, the Administrator may allow development on the landward side of the road provided that the development will not have a detrimental

Ellensburg Shoreline Master Program

impact to the shoreline. The applicant may be required to provide a critical areas report to describe the impacts. In determining whether a critical areas report is necessary, the City shall consider the hydrologic, geologic, and/or biological habitat connection potential and the extent and permanence of the buffer interruption.

4. Allowed shoreline buffer alterations: Alteration or disturbance of the standard shoreline buffers shown in Table 4.5-1 shall not be allowed except in those limited instances when the Administrator finds that the alteration is necessary to accommodate one of the following uses/developments. In all cases, the buffer alteration shall be the minimum necessary to accommodate the proposed use/development. The Administrator may require vegetation enhancement outside of the disturbed area as compensation for the buffer alteration:
 - a. Shoreline view corridors: The Administrator may allow limited and selective tree removal, pruning, and/or limbing within the shoreline buffer to create a view of the shoreline when otherwise consistent with this Program. The development or maintenance of view corridors can provide opportunities for visual access to water bodies associated with waterfront lots. One view corridor, limited to twenty-five (25) feet in width or twenty-five percent (25%) of the width of the lot frontage, whichever distance is less, may be permitted per lot. Prior to approval of a view corridor, Applicants shall provide a photo documentation showing the vegetation conditions from the top floor of the development one hundred eighty degrees (180°) toward the shoreline and a critical areas report demonstrating the proposed clearing will not result in a net loss of shoreline ecological function. The removal, pruning, and/or limbing of vegetation within the view corridor shall not require any ground-disturbing equipment and shall not materially alter soils or topography. The Administrator may require a view clearance plan prepared by a qualified ecologist, forester, arborist, or landscape architect prior to approving the view corridor. The view clearance plan shall identify and describe the location and extent of the proposed tree removal, pruning, and limbing and shall demonstrate compliance with American National Standards Institute (ANSI) A300 Standards for Tree Care Operations (Tree, Shrub, and Other Woody Plant Management – Standard Practices). For properties within designated landslide or erosion hazard areas, the Administrator may require review of the view clearance plan by an engineering geologist or geotechnical engineer to ensure that the proposed removal, pruning, and/or limbing will not cause or exacerbate hazards associated with soil or slope instability. The location and size of the view corridor shall be clearly defined on the site plan.
 - b. Private pathways: Private pathways which provide pedestrian access to the shoreline may be allowed within a shoreline buffer provided they are constructed of pervious material, are less than or equal to six (6) feet wide, and follow a route that minimizes erosion and gulying (e.g., a winding but direct path). Pathways shall be co-located within the view corridor if one is available in order to minimize buffer disturbance.
 - c. Hazard tree removal: Removal of a hazard tree may be allowed in the shoreline buffer when trimming is not sufficient to address the hazard. Where the hazard is

Ellensburg Shoreline Master Program

- not immediately apparent to the Administrator, the Administrator may require the applicant to submit a hazard tree determination report prepared by a qualified arborist or forester.
- d. Invasive species management: Removing invasive, non-native shoreline vegetation listed on the Kittitas County Noxious Weed List or Washington State Noxious Weed Board Monitor List may be allowed in the shoreline buffer when otherwise consistent with this Program. The disturbed areas must be promptly re-vegetated using species native to Kittitas County and appropriate for the ecological setting. If the removal area is greater than ten thousand (10,000) square feet or requires soil disturbance using non-handheld mechanized equipment, the Administrator shall require a vegetation management plan prepared by a qualified ecologist, forester, arborist, or landscape architect prior to approving the invasive species removal. The vegetation management plan shall identify and describe the location and extent of vegetation management. For properties within designated landslide or erosion hazard areas, the Administrator may require review of the vegetation management plan by an engineering geologist or geotechnical engineer to ensure that the vegetation management will not cause or exacerbate hazards associated with soil or slope instability. The location and size of the invasive species management area shall be clearly defined on the site plan.
 - e. Public trails and other public access improvements: Public trails and public access improvements may be allowed in the shoreline when there is no suitable alternative location outside the buffer and when they are otherwise consistent with the policies and regulations of this Program.
 - f. Utilities and essential public facilities: Utilities and essential public facilities that meet the definition of water-dependent or water-related may be allowed in the shoreline buffer when there is no suitable alternative location outside the buffer and when they are consistent with the policies and regulations specified in Section 5.20 of this Program.
 - g. Water-Dependent and Water-Related Uses: Water-dependent and water-related uses provided the amount of buffer encroachment and disturbance are the minimum needed to accommodate the use or development.
5. Buffer averaging: The Administrator may allow averaging of the shoreline buffer widths in Table 4.5-1 on a case-by-case basis, when necessary to accommodate a single-family residential development or a water-dependent or water-related use or development. The buffer averaging shall be allowed only in those limited instances when adherence to the standard buffer is infeasible or presents a substantial hardship because of site conditions, lot configuration or other circumstances. Residential subdivisions of more than four (4) lots and non-water-dependent non-water-related developments shall not be eligible for buffer averaging except through a shoreline variance. Buffers that have been averaged or reduced by any prior actions administered by the City shall not be further averaged. Prior to approving buffer averaging the Administrator shall require a critical area report (per the requirements in Section 4.2). With buffer averaging, the buffer width is reduced in one location and increased in another location to maintain the same overall buffer

Ellensburg Shoreline Master Program

area. Proposals for buffer averaging shall not require a shoreline variance or compensatory mitigation if the following conditions are met:

- a. The minimum width of the buffer at any given point is at least seventy-five percent (75%) of the standard width per Table 4.5-1, or twenty-five (25) feet, whichever is greater; and
- b. The net buffer area (acreage) after averaging is the same as the buffer area without averaging; and
- c. The area that is added to the buffer to offset the reduction is well-vegetated. The Administrator may require vegetation enhancement if needed to ensure this criterion is met.

C. Regulations- vegetation outside of shoreline buffers

1. Where possible, development and uses within urban conservancy designated areas should be situated to avoid or minimize impacts to forest habitat and other relatively undisturbed native vegetation communities.

4.6 *Water quality, stormwater, and nonpoint pollution*

The following Section applies to all uses and development in shorelines of the state, as defined in WAC 173-26-020, that affect water quality.

To ensure mutual consistency between shoreline management provisions and other regulations that address water quality and stormwater quantity, including public health, stormwater, and water discharge standards, the regulations that are most protective of ecological functions shall apply.

A. Policies

1. Prevent impacts to water quality and stormwater quantity that would result in a net loss of shoreline ecological functions, or a significant impact to aesthetic qualities, or recreational opportunities.
2. Maintain or enhance the quantity and quality of surface and groundwater over the long term.
3. Shoreline use and development should minimize the need for chemical fertilizers, pesticides or other similar chemical treatments to prevent contamination of surface and groundwater and/or soils and adverse effects on shoreline ecological functions and values.

B. Regulations

1. Shoreline use and development shall incorporate measures to protect and maintain surface and groundwater quantity and quality in accordance with all applicable laws.

Ellensburg Shoreline Master Program

2. New uses and developments shall provide stormwater management facilities designed, constructed, and maintained in accordance with the current stormwater management standards. Deviations from these standards may be approved where it can be demonstrated that off-site facilities would provide better treatment, or where common retention, detention and/or water quality facilities meeting such standards have been approved as part of a comprehensive stormwater management plan.
3. Best management practices for control of erosion and sedimentation shall be implemented for all use and development proposals in shorelines through an approved temporary erosion and sediment control (TESC) plan, identified in the Stormwater Management Manual for Eastern Washington, as amended.
4. On-site sewage systems shall be located, designed and maintained to meet all applicable water quality, utility, and health standards.
5. All building materials that may come in contact with water shall be constructed of untreated wood, cured concrete, or steel. Materials used for decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants. Wood treated with creosote, arsenate compounds, copper chromium arsenic or pentachlorophenol is prohibited in shoreline water bodies.
6. Permanent stormwater management systems serving property within the shoreline shall be designed using BMP's ensuring water quality treatment in compliance with the Stormwater Management Manual for Eastern Washington to prevent stormwater runoff from degrading or adding to the pollution of recipient waters or adjacent properties. Maintenance of storm drainage facilities on private property shall be the responsibility of the property owner(s). This responsibility and the provision for maintenance shall be clearly stated on any recorded subdivision, short plat, or binding site plan map, building permit, property conveyance documents, maintenance agreements and /or improvement plans.

5. Shoreline use and modification policies and regulations

Sections:

- 5.1** General shoreline use policies
- 5.2** General shoreline modification policies
- 5.3** Agriculture
- 5.4** Aquaculture
- 5.5** Boating facilities, marinas, piers, and docks
- 5.6** Commercial development
- 5.7** Dredging and dredge material disposal
- 5.8** Filling, grading, and excavation
- 5.9** Forest practices
- 5.10** Industrial and port development
- 5.11** In-stream structures
- 5.12** Mining
- 5.13** Recreation
- 5.14** Residential development
- 5.15** Shoreline stabilization
- 5.16** Shoreline restoration and habitat enhancement
- 5.17** Signs
- 5.18** Transportation
- 5.19** Utilities
- 5.20** Shoreline bulk and dimensional standards

5.1 *General shoreline use policies*

A. Policies

1. Uses and development within the shoreline jurisdiction should be consistent with the provisions of the environment designation in which they are located and the policies and regulations of this Program.
2. Require a shoreline conditional use permit for shoreline uses and development that require specially tailored environmental analysis, design criteria, or consideration of cumulative impacts and for unanticipated uses not classified in this Program.
3. New uses and developments should be set back to protect ecological function and protect structures from flooding and channel migration hazards.
4. Avoid and reduce significant ecological impacts according to the mitigation sequence in Section 4.2(B)(2).

5.2 General shoreline modification policies

A. Policies

1. Allow structural shoreline modifications only where they are demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.
2. Limit the number and extent of shoreline modifications.
3. Allow only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed.
4. Assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions. Give preference to those types of shoreline modifications that have a lesser impact on ecological functions. Require mitigation of identified impacts resulting from shoreline modifications.
5. Plan for the enhancement of impaired ecological functions where feasible and appropriate while accommodating permitted uses. As shoreline modifications occur, incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.

5.3 Agriculture

A. Policies

1. Recognize the importance of agriculture in Ellensburg and support its continued economic viability.
2. Allow lawfully established agricultural activities occurring on agricultural lands to continue as they historically have. Require new agricultural activities on land not currently used for agriculture, conversion of agricultural lands to other uses, and other development on agricultural land that does not meet the definition of agricultural activities (including any agricultural uses and development not specifically exempted by Section 6.3.2) to meet shoreline requirements.
3. Use appropriate vegetation management and Natural Resources Conservation Service conservation practices to avoid and minimize water quality impacts from agricultural activities.
4. Encourage agricultural uses to maintain a buffer of permanent vegetation or other soil erosion control measures between tilled areas and associated water bodies that will restrict surface runoff, protect water quality, improve habitat and reduce siltation.

Ellensburg Shoreline Master Program

B. Regulations

1. The applicability of shoreline review for agricultural activities shall be determined based on WAC 173-26-020 (Definitions) and WAC 173-26-241(3)(a) (Agriculture). Existing agricultural activities (see Section 6.2(B)), including maintenance, repair and replacement of existing equipment and facilities (e.g., machinery, roads, buildings, etc. see Section 6.3(2)(b)), may continue as they historically have and may include changes in crops. New agricultural activities on land not currently in agricultural use are subject to shoreline review. New agricultural activities, equipment, and facilities are subject to shoreline review or exemption when applicable. The following provisions apply to any development, construction, or use of land for agricultural purposes.
2. New agricultural activities on lands that did not have agricultural activities in place on the date of adoption of this Master Program; conversion of agricultural lands to non-agricultural activities; the development of non-agricultural activities on agricultural lands; and uses in support of agricultural activities are governed by the provisions of this Master Program and subject to the following criteria:
 - a. Uses and activities shall be consistent with the environment designation;
 - b. Uses and activities shall be located and designed to ensure no net loss of ecological functions;
 - c. Uses and activities shall not have a significant impact on other shoreline resources and values.
3. New agricultural activities, equipment, and facilities shall utilize best management practices established by the USDA Natural Resources Conservation Service or other similar agency.
4. Discharge of any manure storage facility into ground or surface water is prohibited.

5.4 ***Aquaculture***

A. Policies

1. Aquaculture is a preferred water dependent use of the shoreline when consistent with control of pollution, avoidance of adverse impacts to the environment and preservation of habitat for resident native species.
2. Ensure that aquaculture uses do not conflict with other water-dependent uses or navigation, spread disease, establish non-native species that cause significant ecological impact, or significantly impact the aesthetic qualities of the shoreline.
3. Protect spawning areas designated by the Washington State Department of Fish and Wildlife from conflicting uses.
4. Forms of aquaculture that involve lesser environmental and visual impacts and lesser impacts to native plant and animal species are preferred. Projects that require either

Ellensburg Shoreline Master Program

no structures or submerged structures are preferred over those that involve substantial floating structures. Projects that involve little or no substrate modification are preferred over those that involve substantial modification.

5. Design, locate and operate aquaculture activities in a manner that supports long-term beneficial use of the shoreline and protects and maintains shoreline ecological functions and processes. Prohibit aquaculture where it would result in a net loss of shoreline ecological functions; adversely affect the quality or extent of habitat for native species; adversely impact other habitat conservation areas; or interfere with navigation or other water-dependent uses.

B. Regulations

1. All structures located within water bodies shall not preclude navigability of those waters at any time, and shall be clearly marked so as to provide no hazard to navigation on those waters.
2. Aquaculture facilities shall avoid significant conflict with water-dependent uses, the spreading of disease, introduction of non-native species, or impacts to shoreline aesthetic qualities.

5.5 ***Boating facilities***

A. Policies

1. Ensure that boating facilities are located only at sites with suitable environmental conditions, shoreline configuration, access, and neighboring uses. All marinas should be developed and operated in accordance with all state and local requirements.
2. In planning for marina location and design, special consideration should be given to facilities such as adequate access, parking, and restroom facilities for the public. Such facilities should be located away from the water's edge.
3. Boating facilities should provide public physical and visual shoreline access and provide for multiple uses, including water-related use, to the extent compatible with shoreline ecological functions and processes and adjacent shoreline use.
4. Accessory uses at marinas or launch ramps should be limited to water-oriented uses, or uses that provide physical or visual shoreline access for substantial numbers of the general public.
5. Special care should be given to preventing and controlling invasive species infestations at boat launches.
6. Piers and docks should only be allowed for water dependent uses and public access, except that water enjoyment and water-related uses may sometimes be included as part of a mixed use development. New piers and docks must have a specific need and

Ellensburg Shoreline Master Program

not exceed the minimum size necessary. The cooperative use of piers and docks is encouraged.

7. New piers and docks, excluding docks accessory to single-family residences, should be permitted only when the applicant/proponent has demonstrated that a specific need exists to support intended water-dependent or public access use.
8. A port district or other public or commercial entity involving water-dependent uses may demonstrate a future need for a pier or dock according to WAC 173-26-231(3)(b), and seek approval of a pier design, size, and construction.
9. New and existing docks should be designed to be fish-friendly (e.g., grating to allow light penetration, and use of non-toxic materials).
10. The City shall prohibit the construction of private docks on rivers.
11. Overwater structure design, construction, and use shall minimize degradation of aquatic, near-shore, and shoreline habitats.

B. Regulations

1. For purposes of this chapter, “boating facilities” excludes docks serving four (4) or fewer single-family residences.
2. Private docks shall be prohibited on all rivers.
3. Boating facilities, marinas and extended mooring sites shall:
 - a. Be located and designed as not to obstruct or cause danger to normal public navigation of water bodies;
 - b. Be restricted to suitable locations and should avoid locating in critical habitat including spawning and holding areas for anadromous fish;
 - c. Avoid or mitigate aesthetic impacts;
 - d. Mitigate special impacts of live-aboard vessels, such as water and wastewater needs, and garbage collection;
 - e. Limit the total number of slips dedicated to live-aboard vessels to twenty percent (20%) of marina’s total slips;
 - f. Mitigate impacts to existing public access and navigation;
 - g. Provide documentation of ownership or authorization to use associated water areas;
 - h. Demonstrate that state and local regulations will be met. Agencies responsible for such regulations shall be consulted as to the viability of the proposed design; and
 - i. Submit an operations and site plan demonstrating:
 - i. Location and design of fuel handling and storage facilities to minimize accidental spillage and protect water quality;

Ellensburg Shoreline Master Program

- ii. Proper water depth and flushing action for any area considered for overnight or long-term moorage facilities;
 - iii. Adequate facilities to properly handle wastes from holding tanks;
 - iv. Suitable environmental conditions and shoreline configuration;
 - v. Adequate access, parking, and restroom facilities for the public located away from the immediate water's edge.
4. Piers, ramps, and docks shall meet the following dimensional standards:
- a. To prevent damage to shallow water habitat, piers and/or ramps shall extend at least forty (40) feet perpendicular from the OHWM. Docks shall be positioned at least forty (40) feet horizontally from the OHWM.
 - b. Float components for single party docks shall not exceed the dimensions of eight-by-twenty (8-by-20)-feet or an aggregate total of one hundred sixty (160) square feet for all float components. Float components for joint-use docks shall not exceed the dimensions of eight-by-forty (8-by-40)-feet or an aggregate total of three hundred twenty (320) square feet for all float components.
 - c. Piers and ramps shall be no more than four (4) feet in width for single or joint-use docks. Greater widths may be permitted for community, public, or commercial docks where use patterns can justify the increase.
 - d. The bottom of the pier or bottom of the landward edge of the ramp shall be elevated at least two (2) feet above the plane of OHWM.
 - e. Floats shall not be located in shallow water habitat where they could ground or impede the passage or rearing of any life stage of salmonid. Floats shall be in at least ten (10) feet of water.
 - f. Grating shall cover the entire surface area of the pier, ramp, and/or float. The open area of grating shall be at least fifty percent (50%) as rated by the manufacturer.
 - g. Pier and ramp construction shall meet or exceed the standards and/or requirements of the Washington State Departments of Ecology, Fish and Wildlife, and Natural Resources and the United States Army Corps of Engineers.
 - h. Flotation materials shall be permanently encapsulated to prevent breakup into small pieces and dispersal in water, (e.g. rectangular float tubs).
5. New pier or dock construction, excluding docks accessory to single-family residences must demonstrate that a specific need exists to support the intended water-dependent or public access use, for example, a market analysis showing demand for additional pier or dock facilities.
6. New residential development of two (2) or more dwellings must provide joint-use or community dock facilities, rather than allow individual docks for each residence, unless documentation is provided demonstrating joint use is not feasible.
7. All piers and docks shall be designed and constructed to avoid or, if that is not possible, to minimize and mitigate the impacts to ecological functions and critical areas. Structures shall be made of materials that have been approved by the Washington State Department of Fish and Wildlife.

Ellensburg Shoreline Master Program

8. Extended moorage on waters of the state is prohibited, except as allowed by applicable state regulations and unless a lease or permission is obtained from the state and impacts to navigation and public access are mitigated.
9. Boat launch ramps shall meet the following:
 - a. Minimize the area disturbed by boat launch construction.
 - b. Submit an operations and site plan demonstrating:
 - i. Vegetation management, mowing, and trimming;
 - ii. Litter pickup and disposal;
 - iii. Appropriate directional and regulatory signs;
 - iv. Adequate access location away from the immediate water's edge;
 - v. Adequate parking and restroom facilities located landward of the shoreline buffers shown in Table 4.5-1.

5.6 Commercial development

A. Policies

1. Limit commercial development to those activities that are particularly dependent upon a shoreline location. Other commercial uses should be encouraged to locate upland.
2. Give first preference to water-dependent commercial uses over non-water-dependent commercial uses; and give second preference to water-related and water-enjoyment commercial uses over non-water-oriented commercial uses. Allow non-water-oriented commercial uses in limited situations.
3. Commercial uses located in the shoreline should provide public access unless such improvements are demonstrated to be infeasible or present hazards to life and property.

B. Regulations

1. Water-dependent commercial uses shall be given preference over water-related and water-enjoyment commercial uses. Prior to approval of water-dependent uses, the Administrator shall review a proposal for design, layout, and operation of the use and shall make specific findings that the use qualifies as a water-dependent use.
2. Non-water-oriented commercial uses are prohibited in the shoreline unless the use provides significant public benefit with respect to the objective of the Act such as providing public access and ecological restoration, and the commercial use is:
 - a. Part of a mixed use project that includes a water-dependent use; or
 - b. Proposed on a site where navigability is severely limited.

Ellensburg Shoreline Master Program

3. Commercial development shall not result in a net loss of ecological functions that have significant adverse impacts to other shoreline uses, resources and values, such as navigation, recreation, and public access.
4. Public access and ecological restoration should be considered as potential mitigation of impacts to shoreline resources and values for all water-related or water-dependent development unless such improvements are demonstrated to be infeasible or inappropriate.
5. Only those portions of water-dependent commercial uses that require over-water facilities shall be permitted to locate waterward of the OHWM, provided they are located on pilings or other open-work structures, and they are limited to the minimum size necessary to support the structures intended use.
6. Non-water-dependent commercial uses shall not be allowed over-water except in limited instances where they are appurtenant and necessary to support water-dependent uses.

5.7 *Dredging and dredge material disposal*

A. Policies

1. Dredging material disposal on land away from the shoreline is generally preferred over open water disposal.
2. Dredging waterward of the OHWM for the primary purpose of obtaining fill material should not be allowed, except when the material is necessary for the restoration of ecological functions.
3. Disposal of dredge material on shorelands or wetlands within a river's channel migration zone is discouraged.

B. Regulations

1. Dredging and dredge material disposal shall be done in a manner that avoids or minimizes significant ecological impacts. Impacts that cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions.
2. New uses and developments should be sited and designed to avoid or, where avoidance is not possible, to minimize the need for new and/or maintenance dredging.
3. Dredging for the purpose of establishing, expanding, relocating, or reconfiguring navigation channels and basins shall be allowed where necessary for assuring safe and efficient accommodation of navigational uses and then only when significant ecological impacts are minimized and mitigated.

Ellensburg Shoreline Master Program

4. Maintenance dredging of established navigation channels and basins shall be restricted to maintaining previously dredged and/or existing authorized locations, depths and widths.
5. All applications for substantial development permits that include dredging shall supply a dredging plan that includes the following information:
 - a. The quantity of material to be removed;
 - b. The method of removal;
 - c. Location of spoil disposal sites and measures that will be taken to protect the environment around them; and
 - d. Plans for the protection and restoration of the shoreline environment during and after dredging operations.
6. A dredging operation judged by the Administrator to be insufficient for protection or restoration of the shoreline environment shall cause denial of a substantial development permit.
7. Dredging in surface waters shall be allowed only where necessary because of existing navigation needs, habitat restoration or improvement, maintenance or construction of water-dependent uses.
8. Minor trenching to allow the installation of necessary underground pipes or cables may be allowed if no alternative, including boring, is feasible, and:
 - a. Impacts to fish and wildlife habitat are avoided to the maximum extent possible;
 - b. The utility installation shall not increase or decrease the natural rate, extent, or opportunity of channel migration;
 - c. Appropriate best management practices are employed to prevent water quality impacts or other environmental degradation; and
 - d. Mitigation is implemented, as appropriate, pursuant to Section 4.2 Environmental protections and critical areas.
9. Dredging for the purpose of obtaining fill material is prohibited, except when permitted under Section 5.12 Mining; or when needed for a project associated with the Model Toxics Control Act (MTCA) or the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) habitat restoration, or any other significant restoration effort approved by a shoreline conditional use permit, where placement of fill is waterward of the OHWM.
10. Dredging and excavation shall be confined to the minimum area necessary to accomplish the intended purpose or use.
11. Hydraulic dredging or other techniques that minimize the dispersal and broadcast of bottom materials shall be preferred over agitation forms of dredging.

Ellensburg Shoreline Master Program

12. Curtains and other appropriate mechanisms shall be used to minimize widespread dispersal of sediments and other dredge materials.
13. Entries across shore and wetland edges to accomplish dredging or excavation shall be confined to the minimum area necessary to gain entry and shall be confined to locations with the least potential for site disturbance and damage.
14. Dredging and excavation shall be scheduled at times having the least impact to fish spawning, nesting patterns, and other identified natural processes.
15. Dredge spoils are also considered fill, and shall not be deposited within the shoreline except where such deposit is in accordance with approved procedures intended to preserve or enhance wildlife habitat, natural drainage, or other naturally occurring conditions.
16. Disposal of dredge material within a river's channel migration zone shall require a conditional use permit.
17. Dredge material disposal on land away from the shoreline is permitted under the following conditions:
 - a. Shoreline ecological functions and processes will be preserved, including protection of surface and groundwater;
 - b. Erosion, sedimentation, floodwaters or runoff will not increase adverse impacts to shoreline ecological functions and processes or property; and
 - c. Sites will be adequately screened from view of local residents or passersby on public right-of-ways.

5.8 *Filling, grading, and excavation*

A. Policies

1. Filling, grading, and excavation should be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.
2. Allow normal and reasonable land grading and filling where necessary to develop a land area for a permitted use. There should be no substantial changes made in the natural drainage patterns and no reduction of floodwater storage capacity that might endanger other areas. Allow filling, grading, and excavation within the OHWM only when necessary to support water dependent uses, public access, transportation facilities, mitigation, restoration, enhancement, and other uses listed in 5.8.B.2.
3. In evaluating filling, grading, and excavation projects, such factors as total water surface reduction, navigation restriction, impediment to water flow and circulation, impediment to irrigation systems, reduction of water quality, and destruction of fish and wildlife habitat should be examined.

Ellensburg Shoreline Master Program

4. Locate and design shoreline fills or cuts to avoid creating a hazard to adjacent life, property, and natural resources systems, and to provide all perimeters of fills with vegetation, retaining walls, or other mechanisms for erosion prevention.

B. Regulations

1. Filling, grading or excavation waterward of the OHWM for any use except ecological restoration shall require a conditional use permit.
2. Fill waterward of the OHWM shall be allowed with a shoreline conditional use permit only when necessary to support:
 - a. Water-dependent use;
 - b. Public access;
 - c. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;
 - d. Disposal of dredged material considered suitable under, and conducted in accordance with the dredged material management program of the Washington State Department of Natural Resources;
 - e. Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible; or
 - f. Mitigation action, environmental restoration, or enhancement project.
3. Fill for the purpose of increasing elevation may be permitted if such can be accomplished in a manner consistent with the policies of this SMP.
4. Fill shall be the minimum necessary to accomplish the use or purpose and shall be confined to areas having the least impact to the stream corridor. Other alternatives should be preferred over fill to elevate new homes in the floodplain, such as increasing foundation height or zero-rise methods such as piers, posts, columns, or other methods.
5. Fill in floodplains shall meet the requirements of Section 4.2 Environmental protection and critical areas and Section 4.3 Flood hazard reduction.
6. Pile or pier supports shall be preferred over fill for water-dependent uses and facilities.
7. Unless site characteristics dictate otherwise, fill material within surface waters or wetlands shall be sand, gravel, rock, or other clean material, with a minimum potential to degrade water quality.
8. Fill placement shall be scheduled at times having the least impact to fish spawning, nesting patterns, and other identified natural processes.

Ellensburg Shoreline Master Program

9. Fill shall be stabilized with native vegetation where appropriate to prevent erosion, migration of sediments and other material from the fill area to surrounding water, shore, and wetlands, unless technical consultation with other regulating agencies indicates alternative means are required.
10. Projects that propose fill shall make every effort to acquire fill on-site (also known as compensatory storage) where appropriate.
11. Excavation that occurs either waterward of the OHWM or within wetlands shall be considered dredging for purposes of this Program.
12. Filling, grading or excavation shall not be located where shoreline stabilization will be necessary to protect materials placed or removed. Disturbed areas shall be immediately stabilized and re-vegetated, as applicable.
13. Filling, grading, and excavation shall be designed to blend physically and visually with existing topography whenever possible, so as not to interfere with long-term appropriate use including lawful access and enjoyment of scenery.
14. Cut and fill slopes shall generally be no steeper than one (1) foot vertical for every three (3) feet horizontal unless a specific engineering analysis has been provided certifying that the proposed slope is stable, and the Administrator determines that the fill blends physically and visually with existing topography.
15. A temporary erosion and sediment control (TESC) plan, consistent with the standards found in the Stormwater Manual for Eastern Washington, shall be provided for all proposed filling, grading, and excavation activities.
16. Excavation and grading for the primary purpose of restoration of shoreline habitat and the natural character of the shoreline must demonstrate the following:
 - a. The site is currently degraded and provides limited ecological function;
 - b. The restoration project will result in a net increase in ecological function within the project boundaries; and
 - c. The project complies with the provisions of Section 4.2 Environmental protection and critical areas.

5.9 Forest practices

A. Policies

1. Shoreline areas having well-known scenic qualities (such as those providing a diversity of views, unique landscape contrasts, or landscape panoramas) should be maintained as scenic views in timber harvesting areas. Timber harvesting practices, including road construction and debris removal, should be closely regulated so that

Ellensburg Shoreline Master Program

the quality of the view and viewpoints along shorelines of statewide significance in the region are not degraded.

2. Forest management shall proceed in accordance with regulations established by the Washington State Forest Practices Act, including coordination with Ellensburg on forest practice conversions and other Class IV-forest practices where there is a likelihood of conversion to non-forest uses.
3. Ensure that timber harvesting on shorelines of statewide significance does not exceed the limitations established in RCW 90.058.150 (regarding selective harvest requirements), except as provided in cases where selective logging is rendered ecologically detrimental or is inadequate for preparation of land for other uses.
4. Accomplish reforestation in shorelines as quickly as possible. Replanting should be done with native species common to the area.
5. Forest lands should be reserved for long-term forest management and other uses compatible with forest use.

B. Regulations

1. All federal forest practices or non-federal forest practices meeting the criteria below shall qualify for an exemption from this Program. All forest practices qualifying for this exemption shall demonstrate compliance by providing a copy of the federal approval or state forest practices permit. To qualify for an exemption a non-federal forest practice must meet the following criteria:
 - a. The activities includes harvest/treatment of at least five (5) acres of forestland, or supporting such an operation;
 - b. All harvesting within two hundred (200) feet of the OHWM of a shoreline of statewide significance use methods meeting RCW 90.58.150 (selective harvest), as amended;
 - c. The activities are not associated with a conversion option harvest;
 - d. The activities are approved under a forest practices permit;
 - e. The activities are not associated with a harvest under a Class IV–General application to convert forest land to non-forestry use.
2. Non-federal forest practices not meeting criteria (a), (b), or (c) above shall require a conditional use permit.
3. Non-federal forest practices not meeting criteria (d) above (Class 1 forest practices activities not requiring DNR approval) shall be reviewed as separate uses or activities.
4. Non-federal forest practices not meeting criteria (e) above shall be reviewed as a new proposed use.

Ellensburg Shoreline Master Program

5. Within the shoreline jurisdiction, development activities associated with timber harvest (such as road construction), land conversion of forest land to non-forest uses, and forest practices not meeting any of the exemptions listed above must conform to all applicable provisions of this Program.

5.10 Industrial and port development

A. Policies

1. Allocate sufficient quantities of suitable land for water related industry. Give preference to water-dependent industrial uses over non-water-dependent industrial uses; and give preference to water-related industrial uses over non-water-oriented industrial uses. Allow non-water-oriented industrial development in limited situations.
2. Industrial development shall be located, designed, or constructed in a manner that assures no net loss of shoreline ecological functions such that it does not have significant adverse impacts to other shoreline resources and values.
3. Discourage industries which have proven to be environmentally hazardous from locating along the shorelines.
4. Industrial development should consider incorporating public access as mitigation for impacts to shoreline resources and values unless public access cannot be provided in a manner that does not result in significant interference with operations or hazards to life or property.
5. Where industrial use is proposed for location on land in public ownership, public access should be required.
6. Industrial development and redevelopment should be encouraged to locate where environmental cleanup and restoration of the shoreline area can be incorporated.

B. Regulations

1. Industrial uses are allowed subject to the policies and regulations of this Program and the specific criteria below:
 - a. Water-dependent industrial uses shall be given preference over non-water dependent industrial uses and, second, preference shall be given to water-related industrial uses over non-water-oriented industrial uses. Prior to approval of water-dependent uses, the Administrator shall review a proposal for design, layout, and operation of the proposed use and shall make specific findings that the use qualifies as water-dependent.
 - b. Non-water-oriented industrial uses may be permitted where located on a site physically separated from the shoreline by another property in separate ownership or a public right-of-way such that access for water-oriented use is

Ellensburg Shoreline Master Program

precluded. All other non-water-oriented industrial and port uses are prohibited in the shoreline unless the use provides significant public benefit with respect to the objective of the Act and is either part of a mixed-use project that includes water-dependent uses; or located on a site where navigability is severely limited.

- c. Industrial development shall be located, designed, and constructed in a manner that assures no net loss of shoreline ecological functions and such that it does not have significant adverse impacts to other shoreline resources and values.
2. Required setback areas shall not be used for storage of industrial equipment, materials, or waste disposal, but may be used for outdoor recreation and public access. Portions of side yard setbacks may be used for light motor vehicle parking if design of such facilities is consistent with this Program.
3. Disposal or storage of solid or other industrial wastes is not permitted on shorelines.
4. When feasible, mitigation to ensure no net loss of shoreline ecological functions should be implemented in a manner consistent with restoration opportunities identified in the “Kittitas County Shoreline Restoration Plan.”
5. Only those portions of water-dependent industrial uses that require over-water facilities shall be permitted to locate waterward of the OHWM, provided they are located on pilings or other open-work structures, and they are limited to the minimum size necessary to support the structures intended use.

5.11 *In-stream structures*

A. Policies

1. In-stream structures should be planned and designed to be compatible with appropriate multiple uses of stream resources over the long-term, especially in shorelines of statewide significance.
2. The location and planning of in-stream structures shall give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.
3. In-stream structures should be located, designed, constructed and maintained so their resultant effects on geologic or hydrologic shoreline processes will not cause damage to other properties or shoreline resources, and so that the physical integrity of the shoreline process corridor is maintained.
4. In-stream structures shall be sited and designed consistent with appropriate engineering principles, including, but not limited to, guidelines of the Natural Resource Conservation Service and the U.S. Army Corps of Engineers.

Ellensburg Shoreline Master Program

5. Non-structural and non-regulatory methods to protect, enhance, and restore shoreline ecological functions and processes and other shoreline resources should be encouraged as an alternative to in-stream structures. Non-regulatory and non-structural methods may include public facility and resource planning, land or easement acquisition, education, voluntary protection and enhancement projects, or incentive programs.
6. Planning and design of in-stream structures should be consistent with and incorporate elements from applicable watershed management and restoration plans and/or surface water management plans.

B. Regulations

1. Channelization projects that damage fish and wildlife resources, degrade recreation and aesthetic resources, or result in high flood stages and velocities shall not be permitted when feasible alternatives are available.
2. Cut-and-fill slopes and backfilled areas shall be stabilized with brush matting and buffer strips and re-vegetated with native grasses, shrubs, or trees to prevent loss of shoreline ecological functions and processes.
3. In-stream structures shall be constructed and maintained in a manner that does not degrade the quality of affected waters. The jurisdictions may require reasonable conditions to achieve this objective, such as setbacks, buffers, or storage basins.
4. Natural in-stream features such as snags, uprooted trees, or stumps should be left in place unless it can be demonstrated that they are causing significant bank erosion or higher flood stages, or pose an unavoidable hazard to navigation.
5. In-stream structures shall allow for natural groundwater movement and surface runoff.
6. The jurisdictions shall require professionally engineered design of any proposed in-stream structure.
7. The design of all dams and the suitability of the proposed site for dam construction shall be certified by a professional engineer licensed in the state of Washington. The professional design shall include a maintenance schedule.
8. For all dams that are not regulated by either the Federal Energy Regulatory Commission licensing procedures, or the Washington State Department of Ecology reservoir permit requirements, a maintenance agreement and construction bond for one hundred-fifty percent (150%) of the cost of the structure shall be filed with the Administrator prior to construction. The maintenance agreement shall specify who is responsible for maintenance, shall incorporate the maintenance schedule specified by the design engineer, shall require annual inspections by a civil engineer licensed

Ellensburg Shoreline Master Program

in the state of Washington and shall stipulate abandonment procedures which shall include, where appropriate, provisions for site restoration.

9. No in-stream structure may commence without having obtained all applicable federal, state, and local permits and approvals, including but not limited to an hydraulic project approval (HPA) from the Washington State Department of Fish and Wildlife.
10. Shoreline modification projects shall be designed and constructed to avoid or minimize impacts to sediment transport.

5.12 Mining

A. Policies

1. Mining and associated activities shall be designed and conducted to result in no net loss of shoreline ecological functions and processes. Mining should not be approved where it could interfere with shoreline ecological functions or processes or cause irreparable damage to shoreline resources or features. Application of this policy shall include avoidance and mitigation of adverse impacts during the course of mining and reclamation. The determination of whether there will be no net loss of ecological function shall be based on an evaluation of the reclamation plan required for the site and shall consider impacts on ecological functions during operation. Preference shall be given to mining proposals that result in the creation, restoration, or enhancement of habitat for priority species.
2. Mineral prospecting shall be allowed according to the provisions of WAC 220-110-200 through 220-110-206.
3. Mining should not be located on shorelines where unavoidable adverse impacts on other users or resources taken together equal or outweigh the benefits from mining.
4. Mining should not interfere with public recreation on the shoreline.
5. Mining should be located and operated so as to provide long-term protection of water quality, and fish and wildlife habitats.
6. Mining, particularly surface or strip mining, should provide for timely restoration of disturbed areas to a biologically productive, attractive semi-natural, or other useful condition through a reclamation process consistent with regulations administered by the Washington State Department of Natural Resources and other applicable local standards.
7. Mining of shorelines having high value for recreation, or as fish or wildlife habitat, should generally not be permitted.

Ellensburg Shoreline Master Program

8. Mining should only be permitted where appropriate studies and detailed operation plans demonstrate that:
 - a. Fish habitat, upland habitat and water quality will not be significantly harmed; and
 - b. The operation will not adversely affect geologic or hydrologic processes, channel alignment, nor increase bank erosion or flood damage.
9. Mining operations should be located, designed, and managed so that other appropriate uses are not subjected to substantial or unnecessary adverse impacts from noise, vibration, odor, dust or other effects of the operation. The operator may be required to implement measures such as buffers, limited hours, or other mitigating measures to minimize adverse impacts.

B. Regulations

1. Mining below the OHWM of a river shall be permitted only when:
 - a. Removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect the natural processes of gravel transportation for the river system as a whole; and
 - b. The mining and any associated permitted activities will not have significant adverse impacts to habitat for priority species nor cause a net loss of ecological functions of the shoreline.

Determination of whether the two provisions above have been met shall be made consistent with RCW 90.58.100(1) and WAC 173-26-201(2)(a). Such evaluation of impacts should be appropriately integrated with relevant environmental review requirements of SEPA (RCW Chapter 43.21C) and the SEPA rules WAC Chapter 197-11). The provisions of this Section do not apply to dredging of authorized navigation channels when conducted in accordance with WAC 173-26-231(3)(f).

2. Mining within any channel migration zone that is within the shoreline jurisdiction shall require a shoreline conditional use permit.
3. Mining shall not be permitted in designated fish and wildlife habitat areas except as a part of an approved flood control program or in conjunction with a habitat restoration or enhancement plan, provided that such activities are demonstrated to be water-dependent. A determination of water dependency shall be based on an evaluation of geologic factors such as the distribution and availability of mineral resources for that jurisdiction, and a need for such mineral resources, economic, transportation, and land use factors. This demonstration may rely on analysis or studies prepared for purposes of comprehensive plan designations, and may be integrated with any relevant environmental review conducted under SEPA (RCW Chapter 43.21 C), or otherwise be shown in a manner consistent with RCW 90.58.100(1) and WAC 173-26-201 (2)(a).

Ellensburg Shoreline Master Program

4. Application for permits for mining operations shall be accompanied by operation plans, reclamation plans, and analysis of environmental impacts in compliance with local ordinances and sufficient to make a determination as to whether the project will result in net loss of shoreline ecological functions and processes during the course of mining and after reclamation. Creation, restoration, or enhancement of habitat for priority species and the future productivity of the site may be considered in determining no net loss of ecological functions.
5. The designation of mineral resource lands of long-term commercial significance and the development of mineral resource activities must demonstrate that mining is dependent on a shoreline location, and that demand cannot reasonably be accommodated in operations outside shoreline jurisdiction. Information required to meet this criteria shall evaluate geologic factors such as the distribution and availability of mineral resources and the need for such mineral resources.
6. Renewal, extension, or reauthorization of in-stream and gravel bar mining activities requires review for compliance with WAC 173-26-241(3)(h)(ii)(D)(IV).
7. A reclamation plan that complies with the format and detailed minimum standards of RCW 78.44 shall be included with any shoreline permit application for mining. In reviewing reclamation plans together with permit applications, the Administrator shall determine whether or not the plan is also consistent with this Program and other local regulations. An inconsistent reclamation plan shall constitute sufficient grounds for denial of a shoreline permit, provided, the applicant/proponent shall be given reasonable opportunity to revise the plan.
8. Subsequent use of reclaimed sites shall be consistent with the provisions of this Program.

5.13 Recreation

A. Policies

1. Recreational development includes both commercial and public recreational developments.
2. Recreational development should be given priority for shoreline location to the extent that the use facilitates the public's ability to access, enjoy, and use the water and shoreline in accordance with Section 4.4 Public access.
3. Recreational uses and development should provide for the preservation and enhancement of scenic views and vistas.
4. Ensure that recreational facilities do not interfere with the use and enjoyment of adjacent properties by providing buffering when necessary between the recreation development and adjacent private property.

Ellensburg Shoreline Master Program

5. Recreational uses and facilities should be designed and located to ensure no net loss of critical areas and shoreline ecological functions.
6. Opportunities incorporating educational and interpretive information should be pursued in design and operation of recreation facilities.
7. Where consistent with the provisions of this Program, shoreline use and development should specifically support opportunities to increase or enhance the following forms of recreation: boating, fishing, camping, hiking, bicycle riding, swimming, and picnicking.
8. Commercial recreational facilities should be consistent with the provisions of Section 5.6 Commercial development.
9. Components of an approved recreational use or development that are water-dependent or water-related may be allowed within the shoreline buffer provided that the amount of buffer encroachment and disturbance are the minimum needed to accommodate the water-dependent or water-related component and provided further that the use/development:
 - a. Is located in pre-existing disturbed areas with low habitat value or within the active use area;
 - b. Will not impact a geologically hazardous area;
 - c. Uses low impact development techniques to minimize adverse effects on water quality and habitat; and
 - d. Complies with all other requirements of the Program.
10. The Administrator shall determine whether and how much water-dependent or water-related recreational development to allow in the buffer on a case-by-case basis by considering all of the following factors:
 - a. The type and intensity of the proposed recreational use;
 - b. The size and configuration of the parcel and the ability to locate structures and other facilities outside the buffer without significantly diminishing the recreational experience;
 - c. The amount of native vegetation that would be cleared/removed;
 - d. The sensitivity of the aquatic habitat to the disturbances caused by the proposed use; and
 - e. The ability of the proponent to offset unavoidable impacts through compensatory mitigation on-site or at an appropriate off-site location.

B. Regulations

1. Recreational development is a priority use of the shoreline. Preference shall be given to water-dependent uses such as fishing, swimming, and boating. Water-related and water-enjoyment uses such as picnicking, hiking, and walking are permitted provided they do not displace water-dependent uses and are consistent

Ellensburg Shoreline Master Program

with the specific shoreline environment. Non-water-related recreation facilities and/or support facilities such as parking lots shall be located in upland areas.

2. Linkage of shoreline parks and public access points by means of linear access should be encouraged.
3. Commercial and public recreation areas or facilities on the shoreline shall provide public access (visual or physical) consistent with Section 4.4, Public access.
4. Commercial recreational facilities shall be consistent with the provisions of Section 5.6 Commercial development.
5. Recreational uses and facilities shall be designed and located to ensure no net loss of critical areas and shoreline ecological functions.
6. Recreation facilities shall be designed to take maximum advantage of and enhance the natural character of the shoreline area. The use of native plant species is preferred over the use of plant types that need extensive maintenance and support (mowing, pruning, irrigation, etc.).
7. Recreational facilities shall incorporate means to prevent erosion, control the amount of runoff and prevent harmful concentrations of chemicals and sediment from entering water bodies.
8. State-owned shorelines of the state are priority locations for wilderness beaches, ecological study areas and other recreational activities for the general public.
9. The location, design, and operation of recreational facilities shall be consistent with the purpose of the environmental designation.
10. Recreational activities in the urban conservancy environment must be compatible with existing or proposed uses in the area and must not create a noise, traffic, visual, or similar problem.

5.14 Residential development

A. Policies

1. Residential development shall be designed and constructed in a way that ensures no net loss of shoreline ecological function.
2. Residential development and appurtenant structures and uses should be set back an adequate distance from steep slope areas and shorelines vulnerable to erosion to ensure that shoreline and/or soil stabilization structures will not be needed to protect the residential use. (e.g., bulkheads, rip-rap or other shoreline or slope stabilization structures.)

Ellensburg Shoreline Master Program

3. Residential development and appurtenant structures and uses should be sited in locations sufficiently set back from flood prone areas to ensure that flood hazard protection measures are not necessary to protect the structure.
4. Single-family residences are a priority use when planned and built in accordance with the policies and regulations of this Program. New over-water residences, including floating homes, are not a preferred shoreline use and should be prohibited.
5. New multi-unit residential developments, including short plats and subdivisions, should provide access (visual and physical) to the shoreline in conformance with Section 4.4, Public access.
6. New lot creation should not create a need for new shoreline stabilization or flood hazard reduction measures and should be consistent with the shoreline environment designation policies and general shoreline policies.
7. Measures to conserve native vegetation should be implemented in conformance with Section 4.2, Environmental protection and critical areas and Section 4.5 Shoreline buffer and Vegetation conservation.
8. Whenever possible, non-regulatory methods to protect, enhance and restore shoreline ecological functions and other shoreline resources should be encouraged for residential development. Such methods may include resource management planning, low impact development techniques, voluntary protection and enhancement projects, education, and/or incentive programs.
9. Encourage residential development that provides common ownership of the shoreline to protect views of the shoreline, provide equitable access for property owners and to protect the natural character and functions of the shoreline consistent with other provisions in the Master Program.

B. Regulations

1. New residential development, including lot creation, will not be approved in cases when it can be reasonably foreseeable that the use or development would require structural flood hazard reduction measures within the floodway during the life of the use or development.
2. New residential development shall assure that the proposal will not require shoreline or slope stabilization measures. Where located in a designated geologically hazardous area, a geotechnical analysis of the site and shoreline characteristics shall demonstrate that shoreline stabilization is unlikely to be necessary; setbacks from steep slopes, bluffs, landslide hazard areas, seismic hazard areas, riparian shoreline and erosion areas, shall be sufficient to protect structures during the life of the structure; and impacts to adjacent, downslope or down-current properties are not likely to occur during the life of the lots created.

Ellensburg Shoreline Master Program

3. New over-water residential structures, including floating homes, are prohibited.
4. New residential development shall be designed to comply with applicable setbacks, critical area buffers, lot frontage requirements, height limits and density standards.
5. Residential development shall make provisions for vegetation conservation in conformance with Section 4.5 Shoreline buffer and vegetation conservation.
6. Shoreline access for residential development shall incorporate access to adjacent publicly owned shorelines or public water bodies as provided for in Section 4.4, Public access.

5.15 Shoreline stabilization

Shoreline erosion – including erosion caused by currents, flood, wind or wave action – is a natural phenomenon associated with properly functioning shoreline environments. However, erosion can put existing structures and uses at risk. In some cases, shoreline stabilization is necessary to protect existing uses and development from naturally occurring erosion. Shoreline stabilization includes actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, wind, or wave action. These actions include nonstructural and structural methods.

Nonstructural methods include building setbacks, relocation of the structure to be protected, groundwater management, planning and regulatory measures to avoid the need for structural stabilization.

Structural stabilization measures include:

- Vegetation enhancement;
- Anchor trees;
- Gravel placement;
- Rock revetments;
- Gabions;
- Concrete groins;
- Retaining walls and bluff walls; and
- Bulkheads.

Structural stabilization measures can be “hard” or “soft.” “Hard” structural stabilization refers to those with solid, hard surfaces, such as concrete bulkheads, while “soft” structural measures rely on less rigid materials, such as biotechnical vegetation measures.

Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions. Additionally, hard structures, especially vertical walls, often create conditions that lead to failure of the structure. Failed bulkheads and walls adversely impact beach

Ellensburg Shoreline Master Program

aesthetics, may be a safety or navigational hazard, and may adversely impact shoreline ecological functions.

A. Policies

1. Nonstructural alternatives of stabilization should be encouraged over structural methods, whenever possible. Such alternatives may include no action, increased building setbacks, building relocation, drainage controls, and bioengineering, including vegetative stabilization.
2. New structures should be located and designed to avoid the need for future shoreline stabilization where feasible. New lots created through short plat or subdivision should be designed to assure that future use or development on the created lots will not require structural shoreline stabilization for reasonable use or development to occur.
3. New or expanded structural shoreline stabilization should be permitted only where demonstrated to be necessary to protect an existing primary structure that is in imminent danger of loss or substantial damage, and where mitigation of impacts would not cause a net loss of shoreline ecological functions and processes.
4. New or expanded structural shoreline stabilization for ecological enhancement, restoration, or hazardous substance remediation projects should be allowed only when non-structural measures, vegetation planting, or on-site drainage improvements would be insufficient to achieve enhancement, restoration or remediation objectives.
5. Shoreline stabilization should not interfere with public access to shorelines.
6. New shoreline stabilization should not cause significant impacts to adjacent or down-current properties.
7. Shoreline stabilization should be developed in a coordinated manner among affected property owners and public agencies. Where erosion threatens existing uses or developments, a comprehensive program for shoreline management should be established.
8. Non-regulatory methods to protect, enhance, and restore shoreline ecological functions and other shoreline resources should be encouraged for shoreline stabilization. Non-regulatory methods may include public facility and resource planning, technical assistance, education, voluntary enhancement and restoration projects, or other incentive programs.
9. Materials used for construction of shore stabilization should be selected for long-term durability, ease of maintenance, compatibility with local shore features including aesthetic values, and flexibility for future uses.
10. All shore stabilization activities must be designed and constructed to accepted engineering standards.

Ellensburg Shoreline Master Program

11. Breakwaters, jetties, groins, and weirs are shoreline stabilization structures, which should be allowed only when necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purposes, and should be designed to protect critical areas and provide for mitigation.

B. Regulations

1. New uses and developments shall be located and designed to avoid the need for future shoreline stabilization to the extent feasible.
2. Subdivision of land may not create lots that will require shoreline stabilization in order for reasonable use or development to occur.
3. New uses and developments on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis.
4. New uses and developments that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas shall not be allowed.
5. New structural stabilization measures shall only be allowed for the following instances, and then only when necessity is demonstrated based on criteria included in this Section:
 - a. When necessary to protect an existing primary structure;
 - b. In support of new non-water-dependent development, including single-family residence;
 - c. In support of new water-dependent development; and
 - d. To protect projects for the restoration of ecological functions or hazardous substance remediation projects.
6. New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, are permitted only if there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by stream processes or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization.
7. New structural stabilization for new non-water-dependent development, including single-family residences, is permitted only if it can be demonstrated that:
 - a. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage;

Ellensburg Shoreline Master Program

- b. Nonstructural measures, such as placing the proposed use or development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient; and
 - c. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as stream processes or waves.
- 8. New structural stabilization for water-dependent development is permitted only if it can be demonstrated that:
 - a. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage;
 - b. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient; and
 - c. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.
- 9. New structural stabilization to protect projects for the restoration of ecological functions or hazardous substance remediation projects is permitted only if it can be demonstrated that nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
- 10. An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect primary uses or structures or public facilities from erosion caused by stream undercutting or wave action.
- 11. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the OHWM, provided a geotechnical analysis documents that alternative solutions are not feasible or do not provide sufficient protection.
- 12. Replacement walls or bulkheads shall not encroach waterward of the OHWM or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.
- 13. All new, expanded, or replacement shoreline stabilization shall be permitted only if it can be demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measure does not interfere with fluvial hydrological and geo-morphological processes normally acting in natural conditions, and that the proposed measures will not result in a net loss of shoreline ecological functions.
- 14. For purposes of this Section, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

Ellensburg Shoreline Master Program

15. Geotechnical reports that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. Hard armoring solutions should not be authorized except when a geotechnical report confirms that there is a significant possibility that the primary structure will be damaged within three (3) years as a result of shoreline erosion in the absence of hard armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions. Where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the three (3) years, the report may still be used to justify more immediate authorization to protect against erosion using soft measures.
16. When structural shoreline stabilization measures are demonstrated to be necessary, the following provisions shall apply:
 - a. The size of stabilization measures shall be limited to the minimum necessary. Use measures designed to assure no net loss of shoreline ecological functions;
 - b. Soft approaches shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses; and
 - c. Publicly financed or subsidized shoreline erosion control measures may not restrict appropriate public access to the shoreline except where such access is not feasible because of incompatible uses, safety, security, or harm to ecological functions. See Section 4.4 Public access. Where feasible, incorporate ecological restoration and public access improvements into the project.
17. Breakwaters, jetties, groins, and weirs shall:
 - a. Be located waterward of the OHWM and shall be allowed only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purposes; and
 - b. Require a conditional use permit; except for those structures installed to protect or restore ecological functions, such as woody debris installed in streams.
18. Shoreline stabilization projects shall be designed to protect critical areas and shall avoid and reduce significant ecological impacts by providing for mitigation according to the sequence in Section 4.2.B.2.
19. Public access shall be required as part of publically-financed shoreline erosion control measures.
20. Shoreline stabilization projects shall be designed and constructed to avoid or minimize impacts to sediment transport.

5.16 Shoreline restoration and habitat enhancement

A. Policies

1. Restoration actions should improve shoreline ecological functions and processes as well as shoreline features and should promote sustainability of sensitive and/or regionally important plant, fish, and/or wildlife species and their habitats.
2. Restoration and enhancement of shorelines should be designed using principles of landscape and conservation ecology and should restore or enhance chemical, physical, and biological watershed processes that create and sustain shoreline habitat structures and functions.
3. Cumulative effects.
4. Provide, where feasible and desirable, restoration of degraded areas along the shorelines of Ellensburg.
5. Restoration should be used to complement and not take the place of the shoreline protection strategies required by this Program to achieve the greatest overall ecological benefit.
6. Consider opportunities to seek funding from state, federal, private and other sources to implement planned restoration, enhancement, and acquisition projects.
7. Develop processing guidelines that will streamline the review of restoration only projects.
8. Encourage public and private shoreline owners to promote the proliferation of native, noninvasive wildlife, fish, and plants.
9. Ensure that long-term maintenance and monitoring of restoration sites is included in the original permitting of the project.
10. Support voluntary and cooperative restoration efforts between local, state, and federal public agencies, tribes, non-profit organizations, and landowners to improve shorelines with impaired ecological functions and/or processes.
11. Restoration projects should be coordinated with applicable local public utility and conservation districts.
12. Restoration should be integrated with and should support other natural resource management efforts in Ellensburg.
13. Jurisdictions should coordinate with state resource agencies to develop educational materials which promote the maintenance and restoration of shoreline functions. Educational materials shall provide resources for a variety of scenarios and trends

Ellensburg Shoreline Master Program

occurring within the shoreline that is reflected in the inventory and analysis, such as: the conversion of agricultural land to non-agricultural use; existing and ongoing agricultural uses; and existing or planned residential and commercial development.

14. Encourage the agricultural industry to continue to work closely with agencies, such as the Natural Resource Conservation Service and conservation districts, with expertise in agricultural practices and restoration to improve degraded shoreline functions.
15. Allow for the use of tax incentive programs, mitigation banking, restoration grants, land swaps, or other programs, as they are developed, to encourage restoration of shoreline ecological functions and to protect habitat for fish, wildlife, and plants.
16. Jurisdictions should pursue the development of a public benefit rating system that provides incentives for the restoration of the shoreline.

B. Regulations

In addition to the regulations below, shoreline restoration and habitat enhancement is regulated through Section 4.2 Environmental protection and critical areas, Section 4.5 Shoreline buffer and vegetation conservation, and Section 4.6 Water quality, stormwater, and nonpoint pollution.

1. Restoration shall be carried out in accordance with a County or resource agency-approved restoration plan and in accordance with the policies and regulations of this Program.
2. All shoreline restoration and enhancement projects shall protect the integrity of adjacent natural resources, including aquatic habitats and water quality, and shall not result in significant adverse changes to ecological functions, processes or properties.
3. Restoration projects shall be monitored and maintained to ensure they achieve their intended restoration goals. The project proponent shall assess and document each restoration project according to the requirements prescribed by the applicable authorizing or funding agency. The project proponent shall be responsible for implementing corrective actions as needed to ensure the project's ecological benefits are sustainable over time.
4. The Administrator shall track and document shoreline restoration efforts and their expected and actual contribution to shoreline ecological functions on a regular and ongoing basis as part of demonstrating whether no net loss is being achieved.
5. The Administrator, at his/her discretion, may waive or reduce review fees for shoreline enhancement projects that meet either of the following criteria:

Ellensburg Shoreline Master Program

- a. Sponsored projects: Restoration and enhancement projects sponsored by City of Ellensburg, Washington State Department of Fish and Wildlife, Kittitas Conservation District, Natural Resources Conservation Service, United States Fish and Wildlife Service, Washington State Department of Natural Resources, Yakama Nation or other public agency approved by the Administrator which are consistent with the comprehensive plan or other plans adopted by the Ellensburg City Council.
- b. Vegetation planting/removal: Planting of native vegetation or removal of non-native species for the enhancement of a shoreline buffer or designated critical area; provided that such activities are limited to the area being enhanced.

5.17 Signs

A. Policies

1. Signs should be located, designed, and maintained to be visually compatible with local shoreline scenery as seen from both land and water, especially on shorelines of statewide significance.
2. Sign location and design should not significantly impair shoreline views or public access.

B. Regulations

This Program does not contain specific regulations and standards associated with outdoor signage. Signs may be permitted above the ordinary high water mark in any shoreline environment, subject to the locally adopted signage standards.

5.18 Transportation

A. Policies

1. New public or private transportation facilities should be located inland from the water, out of the shoreline, unless:
 - a. Perpendicular water crossings are required for access to authorized uses consistent with this Program; or
 - b. Facilities are primarily oriented to pedestrian and non-motorized use and provide an opportunity for a substantial number of people to enjoy shoreline areas, and are consistent with policies and regulations in Section 4.2 Critical areas and environmental protection.
2. Transportation facilities should be located and designed to avoid public recreation and access areas and significant natural, historic, archaeological or cultural sites.
3. Parking should only be allowed to support authorized uses where no feasible alternatives exist.

Ellensburg Shoreline Master Program

4. Circulation planning should include systems for pedestrian, bicycle and public transportation where appropriate. Circulation planning and projects should support existing and proposed shoreline uses that are consistent with this Master Program.
5. Transportation system route planning, acquisition, and design in the shoreline should provide space wherever possible, for compatible multiple uses such as utility lines, pedestrian shore access or view points, or recreational trails.
6. Transportation system plans and projects within shorelines should accommodate non-motorized traffic such as pedestrians, bicyclists, or equestrians. Space for such uses should be encouraged along roads on shorelines and should be considered when rights-of-way are being disposed of or abandoned.
7. Viewpoints, parking, trails and similar improvements should be considered for inclusion in transportation system projects in shoreline areas.
8. Public transportation routes should be located, designed, and maintained to provide safe enjoyment of adjacent shoreline areas.

B. Regulations

1. Roads and railroads shall not be located within a designated shoreline except where it is necessary to cross a stream corridor, or where an existing use, development, topography, and other conditions preclude locations outside the shoreline.
 - a. Construction of roadways across stream corridors shall be by the most direct route possible having the least impact to the stream corridor.
 - b. Roadways that must run parallel to stream or wetland edges shall be along routes having the greatest possible distance from stream or wetland and the least impact to the corridor.
 - c. Roadways within the stream corridor shall not hydrologically obstruct, cut-off, or isolate stream corridor features.
2. Material excavated from the roadway area to achieve the design grade shall be used as fill where necessary to maintain grade, or shall be transported outside the shoreline.
3. Necessary fill to elevate roadways shall not impede the normal flow of floodwaters or cause displacement that would increase the elevation of flood waters such that it would cause properties not in the floodplain to be flood-prone.
4. Spoil, construction waste, and other debris shall not be used as road fill or buried within the shoreline.
5. Bridges and water crossing structures shall not constrict the stream channel or impede the flow of the ordinary high water, sediment, and woody debris.

Ellensburg Shoreline Master Program

6. Natural stream channels and drainage ways shall be preserved through the use of bridges for crossings, unless the use of culverts is demonstrated to be the only technically feasible means for crossing. The use of bridges shall be the preferred means to preserve natural streams and drainage ways. Where bridges are not feasible, large, natural bottom culverts, multi-plate pipes and bottomless arches shall be used.
7. The alignment and slope of culverts shall parallel and match the natural flow of streams or drainage ways, unless doing so conflicts with subsections 1 and 2 above, and shall be sized to accommodate the OHWM, sediment, debris and ice.
8. Culverts for stream crossings, if needed, shall be designed according to applicable state and federal criteria for fish passage as required by law and regulation.
9. At least one end of a wood stringer bridge shall be anchored to prevent it from being washed away during high water.
10. Roads must be designed and constructed using established flood resistant and design and construction methods when they may be subject to damage by floodwaters.
11. Parking is not a preferred shoreline use and shall be allowed only as an accessory use to an authorized primary use when no other feasible alternative exists.
12. Authorized parking areas shall be designed and constructed to minimize the visual impact of parking facilities from the shoreline and to prevent environmental impacts to the shoreline.

5.19 Utilities

A. Policies

1. New utility facilities should be located so as not to require extensive shoreline protection works.
2. Utility facilities and corridors should be located so as to protect scenic views. Whenever possible, such facilities should be placed underground, or alongside or under bridges.
3. Utility facilities and rights-of-way should be designed to preserve the natural landscape and to minimize conflicts with present and planned land uses.

B. Regulations

1. Utilities are services and facilities that produce, transmit, carry, store, process, or dispose of electric power, gas, water, sewage, communications, oil, and the like. The provisions in this Section apply to primary uses and activities, such as solid waste

Ellensburg Shoreline Master Program

handling and disposal, sewage treatment plants, pipelines and outfalls, public high-tension utility lines on public property or easements, power generating or transfer facilities, and gas distribution lines and storage facilities that are water-dependent. The provisions in this Section do not apply to utility facilities accessory to an existing use or accessory to a new use or development undergoing review by this SMP.

2. Non-water dependent utilities should be placed outside of shoreline jurisdiction unless no other feasible option exists.
3. All utility facilities shall be designed and located to assure no net loss of shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth. The Administrator may require the relocation or redesign of proposed utility development in order to ensure no net loss of ecological function.
4. Utility production and processing facilities, such as power plants and sewage or stormwater treatment facilities, or parts of those facilities that are non-water-oriented shall not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available. In such cases, significant ecological impacts shall be avoided.
5. Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located outside of the shoreline area where feasible and when necessarily located within the shoreline area shall assure no net loss of shoreline ecological functions. Utilities should be located in existing rights-of-way and corridors whenever feasible.
6. Development of pipelines and cables on shorelines, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic maintenance or that cause significant ecological impacts shall not be allowed unless no other feasible option exists. When permitted, those facilities shall include adequate provisions to protect against significant ecological impacts.
7. Restoration of ecological functions shall be a condition of new and expanded non-water-dependent utility facilities. The Administrator or designee will consult the provisions of this SMP and determine the applicability and extent of ecological restoration required. The extent of ecological restoration shall be that which is reasonable given the specific circumstances of utility development.
8. New solid waste disposal sites and facilities are prohibited. Existing solid waste disposal and transfer facilities in shoreline jurisdiction shall not be added to or substantially reconstructed.
9. New electricity, communications and fuel lines shall be located underground, except where the presence of bedrock or other obstructions make such placement infeasible or if it is demonstrated that above-ground lines would have a lesser

Ellensburg Shoreline Master Program

impact. Existing aboveground lines shall be moved underground during normal replacement processes.

10. Transmission and distribution facilities shall cross areas of shoreline jurisdiction by a route that has the least ecological impact to the shoreline.
11. Utility developments shall be located and designated so as to avoid or minimize the use of any structural or artificial shoreline stabilization or flood protection works.
12. Utility production and processing facilities shall be located outside shoreline jurisdiction unless no other feasible option exists. Where major facilities must be placed in a shoreline area, the location and design shall be chosen so as not to destroy or obstruct scenic views, and shall meet no-net-loss standards.
13. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited, unless no other feasible alternative exists. In those limited instances when permitted by conditional use, automatic shut-off valves shall be provided on both sides of the water body.
14. Filling in shoreline jurisdiction for development of utility facility or line purposes is prohibited. Permitted crossings shall utilize pier or open pile techniques.
15. Power-generating facilities shall require a conditional use permit.
16. Clearing of vegetation for the installation or maintenance of utilities shall be kept to a minimum and upon project completion any disturbed areas shall be restored to their pre-project condition.
17. Telecommunication towers, such as radio and cell phone towers, are specifically prohibited in shoreline jurisdiction.
18. Utilities that need water crossings shall be placed deep enough to avoid the need for bank stabilization and stream/riverbed filling both during construction and in the future due to flooding and bank erosion that may occur over time. Boring, rather than open trenching, is the preferred method of utility water crossing.
19. Water systems for irrigation or domestic supply are permitted uses if allowable under Washington State water laws and regulations.

5.20 Shoreline bulk and dimensional standards

A. Policies

1. Standards for density, setbacks, height, and other provisions should ensure no net loss of shoreline ecological functions and/or processes, and should preserve the existing character of the shoreline, consistent with the purpose of the shoreline environment designations.

Ellensburg Shoreline Master Program

B. Regulations

1. Table 5.21-1 establishes the minimum dimensional requirements for shoreline use development. Dimensional standards are measured on the horizontal plane, as applicable. Dimensional standards relating to critical areas are governed by the provisions of Section 4.2 Environmental protection and critical areas.
2. Bulk and dimensional standards shall be coordinated with locally adopted zoning and development standards to protect the natural character of the shoreline and ensure no net loss of shoreline ecological functions and processes consistent with the purpose of the environment designation. In the event the provisions of this Program conflict with provisions of federal, state, or local regulations, the provision that is more protective of shoreline resources shall prevail, when consistent with SMA policy.
3. No new structures within the shoreline shall exceed a height of thirty-five (35) feet above average grade level, except as provided herein.
4. Proposals for new or expanded commercial, multi-family or mixed use structures exceeding the thirty-five (35) foot building height limitation shall only be allowed with a Shoreline Variance where the Administrator finds the following standards are met:
 - a. The proposed building shall not obstruct the view of the water for a substantial number of residential buildings located with a view of the adjoining shoreline.
 - b. The applicant shall provide a view analysis identifying the properties and structures located within the view corridor for that shoreline demonstrating the level of obstruction represented by the proposed structure for each affected property.
 - c. The view corridor shall include residential buildings located outside of the shoreline area if it can be clearly demonstrated that the property has significant water views.
 - d. To insure that the analysis is cumulative in nature, it shall include vacant existing parcels of record as well as existing structures. Vacant parcels of record shall be assumed to be developed with structures complying with the thirty-five (35) foot height limitation.
 - e. The proposed structure shall not obstruct more than thirty percent (30%) of the view of the shoreline enjoyed by the structures within the view corridor.
 - f. The structure shall be located and oriented on the subject property in a manner that diminishes the potential view impact.
 - g. No side yard setbacks shall be reduced to accommodate the proposed structure. Side yard setbacks may be increased where necessary to mitigate potential view obstruction resulting from the proposed structure.
 - h. Extraordinary circumstances are demonstrated and the public interest will be served by the proposed use or development.

Ellensburg Shoreline Master Program

5. Where permitted above ground, power poles and transmission towers are not subject to height limits but shall not be higher than necessary to address public safety and meet federal and state standards.
6. The following types of development are not subject to side yard setbacks, provided that they are constructed and maintained in a manner that minimizes adverse impacts on shoreline functions and processes, and provided further that they comply with all applicable regulations in Sections 4.2 Environmental protection and critical areas and 4.5 Shoreline buffers and vegetation conservation:
 - a. Those portions of approved water-dependent development that require a location waterward of the OHWM of rivers and lakes, associated wetlands and/or within their associated buffers;
 - b. Underground utilities;
 - c. Modifications to existing development that are necessary to comply with environmental requirements of any agency, when otherwise consistent with this Program, provided that the Administrator determines that the facility cannot meet the dimensional standard and accomplish the purpose for which it is intended and the facility is located, designed, and constructed to meet specified dimensional standards to the maximum extent feasible, and the modification is in conformance with the provisions of Section 6.2.C Prior development and Section 6.2.D Non-conformance;
 - d. Roads, railways and other essential public facilities that must cross shorelines and are necessary to access approved water-dependent development;
 - e. Stairs and walkways not greater than five (5) feet in width or eighteen (18) inches in height above grade, except for railings;
 - f. An essential public facility or public utility where the Administrator determines that no feasible alternative location will accommodate the use;
 - g. Shared moorages shall not be subject to side yard setbacks when located on or adjacent to a property line shared in common by the project proponents.
7. Common line shoreline buffer : To ensure new single-family dwellings have similar, though not necessarily equivalent, shoreline views as existing development, a common line shoreline buffer – determined by averaging the buffers for each of the adjacent residential dwelling units on the shoreline – may be utilized for the development of a single-family dwelling where:
 - a. The lot was a legal lot of record in place on the date of adoption of this Program;
 - b. The lot is located adjacent to existing residential dwelling units on both adjacent shoreline lots;
 - c. The lot is located within an urban growth area;
 - d. There is less than fifteen (15) feet of elevation difference between the vacant lot and adjacent lots and less than two hundred fifty (250) cubic yards of grade or fill is required to accommodate use of the common line shoreline buffer; and
 - e. A management and mitigation plan prepared by a qualified professional shall be submitted and approved which demonstrates no net loss of ecological functions

Ellensburg Shoreline Master Program

for the site in conformance with Sections 4.2 Environmental protection and critical areas and 4.5 Shoreline buffer and vegetation conservation.

8. Shoreline buffers shall comply with Sections 4.2 Environmental protection and critical areas and 4.5 Shoreline buffer and vegetation conservation.
9. Additional standards which apply to impervious surface area and water quality review may be found in Section 4.6, Water quality, stormwater and nonpoint pollution.
10. When calculating density for subdivisions, short plats, and multi-family and duplex development shall be calculated based on the total area of the parent parcel including those areas located outside of shoreline jurisdiction. Submerged lands within the boundaries of any waterfront parcel that are located waterward of the OHWM shall not be used in density calculations. The density of that portion of the parent parcel located outside of the shoreline jurisdiction shall be limited to the density permitted by the underlying zoning district.
11. Lot frontage: Lot frontage standards are provided in Table 5.21-1. Lot frontage standards of underlying zoning districts and/or development standards of each jurisdiction may be more restrictive. The most restrictive lot frontage standard shall apply. Lot frontage refers to the minimum lot frontage for any division or exempt parcel transfer, or parcel boundary modification permitted by a local jurisdiction on the shoreline. Lot frontage shall be measured at right angles along a horizontal distance, between the side lot lines, at the most landward point of the OHWM. Lot frontage requirements are measured in feet.
12. Reduced setbacks: the building setbacks listed in Table 5.21-1 may be reduced by twenty-five (25) percent where the applicant demonstrates that:
 - a. Compliance with the standard setback significantly interferes with development potential due to the unique size, shape or natural features of the lot;
 - b. The design of the project is compatible with other authorized and planned uses within the area; and
 - c. The project will not cause adverse impacts to the shoreline environment.

5.21 Shoreline Use and Dimensional Standards Table

Table 5.21-1: Shoreline Use and Dimensional Standards

Shoreline Bulk and Dimensional Standards(1)		
	Urban Conservancy	Aquatic
Shoreline Buffer(2)	100'	N/A
Building Setback (measured from edge of shoreline buffer) (3)	15'	N/A
Height	35'	N/A
Lot Frontage	60'	N/A
Other (e.g. density)	Governed by underlying zone	

Notes to Shoreline Bulk and Dimensional Standards Table:

1. Where the standards of this table conflict with the standards of the underlying zone, the standard that is most protective of shoreline ecological function shall apply.
2. Unless common line shoreline buffer provisions of 5.20.B.7 are met.
3. Unless reduced setback provisions of 5.20.B.12 are met.

6. Administration and Procedures

Sections:

- 6.1 Purpose
- 6.2 Applicability
- 6.3 Exemptions
- 6.4 Types of permits
- 6.5 Review authority
- 6.6 Review criteria
- 6.7 Review procedures
- 6.8 Appeals
- 6.9 Timing
- 6.10 Revisions
- 6.11 Liberal construction
- 6.12 Enforcement
- 6.13 Amendments to SMP

6.1 *Purpose*

The purpose of this Shoreline Management Program is to provide for the administration and management of uses and development within the shoreline jurisdiction in a manner consistent with RCW 90.58, the Shoreline Management Act, and other rules and guidelines adopted by the Washington State Department of Ecology.

6.2 *Applicability*

A. Generally

Except when specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to RCW Chapter 90.58, the Shoreline Management Act, and this master program. No substantial development shall be undertaken on shorelines of the state without first obtaining a permit. See *a/so* Section 1.7 Applicability.

B. Agricultural activities on agricultural lands

Nothing in this SMP shall require modification of or limit agricultural activities occurring on agricultural lands. However, new agricultural activities on land not meeting the definition of agricultural land, conversion of agricultural lands to other uses, and development not meeting the definition of agricultural activities is subject to the provisions of this SMP.

C. Prior development

The provisions of WAC 173-27-070 shall apply to substantial development undertaken

Ellensburg Shoreline Master Program

prior to the effective date of the Act.

D. Nonconformance

1. Applicability

- a. The following provisions apply to lots, structures and uses lawfully established prior to the effective date of this master program, or amendments thereto, which do not conform to the current regulations or standards of this program.
- b. The following provisions do not apply to lots, structures or uses that were unlawfully established.

2. Nonconforming lots.

- a. An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established in accordance with local and state subdivision requirements prior to the effective date of this master program but which does not conform to the present lot size standards may be developed as permitted by the land use regulations of the local government so long as such development conforms to all other requirements of the applicable master program and the act.

3. Nonconforming structures.

- a. Nonconforming structures may be maintained, repaired, renovated, and remodeled, provided such activity does not enlarge or expand the structure.
- b. Nonconforming structures may be enlarged or expanded provided that said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction would not be allowed for new development.
- c. Enlarging or expanding a nonconforming non-residential structure in a manner that increases the extent of nonconformity requires a variance.
- d. Enlarging or expanding nonconforming residential structures used for a conforming use in a manner that increases the extent of nonconformity may be allowed if the change is consistent with the provisions of this Program and demonstrates no net loss of shoreline ecological functions.
- e. Nonconforming single-family residences may increase their height within the existing structural footprint up to maximum of thirty-five (35) feet without requiring a variance.
- f. A nonconforming structure which is moved any distance must be brought into conformance with this Program and the Act.
- g. Damaged nonconforming structures outside frequently flooded areas may be reconstructed to those configurations existing immediately prior to the time the development was damaged. Reconstruction of nonconforming development located in frequently flooded areas shall comply with regulations contained in Ellensburg City Code.

4. Nonconforming uses.

- a. Nonconforming uses may be continued consistent with their lawfully established

Ellensburg Shoreline Master Program

scale and range of uses.

- b. A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit. In addition to the conditional use permit criteria of Section 6.3, a conditional use permit for a change in a nonconforming use may be approved only upon a finding that:
 - i. No reasonable alternative conforming use is practical because of the configuration of the structure and/or the property;
 - ii. The proposed use will be at least as consistent with the policies and provisions of the Act and this Program and as compatible with the uses in the area as the pre-existing use;
 - iii. The use or activity is enlarged, intensified, increased or altered only to the minimum amount necessary to achieve the intended functional purpose;
 - iv. The structure(s) associated with the nonconforming use shall not be expanded in a manner that increases the extent of the non-conformity, including encroachment into areas such as setbacks, and any critical areas and/or associated buffers where new structures, use, or development would not be allowed;
 - v. The shoreline buffer and vegetation conservation standards of this Program are met (see Section 4.5);
 - vi. The change in use, remodel, or expansion will not create adverse impacts to shoreline ecological functions and/or processes;
 - vii. Uses which are specifically prohibited or which would thwart the intent of the Act or this Program shall not be authorized; and
 - viii. Conditions necessary to assure that the use will not become a nuisance or a hazard have been attached to the permit.
- c. Redevelopment of nonconforming rights-of-way and associated transportation structures, such as railroad trestles, may be permitted for purposes of facilitating the development of public trails and/or public shoreline access; provided, that such redevelopment shall be otherwise consistent with the provisions of this Program, including, but not limited to, the provisions for public access and no net loss of shoreline ecological functions and processes, except as provided for in Section 6.3 of this chapter.
- d. If a nonagricultural nonconforming use is discontinued for twelve (12) consecutive months or for twelve (12) months during any two-(2)-year period, the nonconforming rights shall expire and any subsequent use shall be conforming.

6.3 Permit Exemptions

1. General provisions:

- a. Only those uses and developments that meet the precise terms of one (1) or more of the listed exemptions may be granted exemption from the substantial development permit process;
- b. An exemption from the substantial development permit process is not an exemption from compliance with the Act or Master Program or from any other

Ellensburg Shoreline Master Program

regulatory requirements;

- c. The burden of proof that a development or use is exempt from the permit process is on the applicant;
- d. If any part of a proposed use or development is not eligible for exemption, then a substantial development permit is required for the entire proposal; and
- e. Conditions may be attached to the approval of exempted uses or developments as necessary to assure consistency of the project with the Act and the Master Program.

2. Developments exempt from shoreline substantial development permitting process:

Subject to the general provisions above, exempt activities include those set forth in WAC 173-27-040(2) and RCW 90.58.030, as amended:

- a. Any use or development of which the total cost or fair market value, whichever is higher, does not exceed seventhouasnd forty sevendollars (\$7,047), if such use or development does not materially interfere with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection will be adjusted for inflation by the office of financial management every five (5) years, according to WAC 172-27-040(2)(a). For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;
- b. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition including, but not limited to, its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including, but not limited to, its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment;
- c. Construction of the normal protective bulkhead common to single-family residences. A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the OHWM for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more

Ellensburg Shoreline Master Program

than one (1) cubic yard of fill per one (1) foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an OHWM has been established by the presence and action of water landward of the bulkhead, then the replacement bulkhead must be located at or near the actual OHWM. Bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the Washington State Department of Fish and Wildlife;

- d. Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent the emergency, obtained, pursuant to RCW Chapter 90.58 and this Master Program. All emergency construction shall be consistent with the policies of RCW Chapter 90.58 and this Master Program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;
- e. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including, but not limited to, head gates, pumping facilities, and irrigation channels. Provided that a feedlot of any size; all processing plants; other activities of a commercial nature; alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation; shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations. See definition of "feedlot" at Section 7.38;
- f. Construction or modification of navigational aids such as channel markers and anchor buoys;
- g. Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five (35) feet above average grade level and which meets all requirements of the City, other than requirements imposed pursuant to RCW Chapter 90.58. "Single-family residence" means a detached dwelling designed for and occupied by one (1) family including those structures and developments within a contiguous ownership which are a normal

Ellensburg Shoreline Master Program

appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the OHWM and the perimeter of a wetland. Normal appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and drainfield, and grading which does not exceed two hundred fifty (250) cubic yards and which does not involve placement of fill in any wetland or waterward of the OHWM. Construction authorized under this exemption shall be located landward of the OHWM;

- h. Construction of a dock, including a community dock, designed for pleasure craft only for the private non-commercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if:
 - a. In fresh water the fair market value of the dock does not exceed:
 - i. \$22,500 (twenty two thousand five hundred dollars) for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced, and are located in a county, city, or town that has updated its master program consistent with the master program guidelines in chapter 173-26 WAC as adopted in 2003; or
 - ii. \$11,200 (eleven thousand two hundred dollars) for all other docks constructed in fresh waters.

However if subsequent construction occurs within five (5) years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified in either (h)(ii)(A) or (B) of this subsection the subsequent construction shall be considered a substantial development for the purpose of this chapter;

- i. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters including return flow and artificially stored groundwater from the irrigation of lands;
- j. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;
- k. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;
- l. Any project with a certification from the governor pursuant to RCW Chapter 80.50;
- m. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under WAC 173-27-040(2), when all of the following conditions are met;
 - i. The activity does not interfere with the normal public use of the surface waters;
 - ii. The activity will have no significant adverse impact on the environment

Ellensburg Shoreline Master Program

- including, but not limited to, fish; wildlife; fish or wildlife habitat; water quality; and aesthetic values;
- iii. The activity does not involve the installation of any structure, and upon completion of the activity, the vegetation and land configuration of the site are restored to conditions existing before the activity; and
 - iv. A private entity seeking development authorization under this Section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions;
 - n. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Washington State Department of Agriculture or the Washington State Department of Ecology jointly with other state agencies under RCW Chapter 43.21C; recommended under RCW Chapter 43.21C;
 - o. Watershed restoration projects as defined herein. The City shall review the projects for consistency with the Shoreline Master Program in an expeditious manner and shall issue its decision along with any conditions within forty-five (45) days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this Section.
 - i. "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:
 - A. A project that involves less than ten (10) miles of stream reach, in which less than twenty-five (25) cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;
 - B. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
 - C. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state; provided that any structure, other than a bridge or culvert or in-stream habitat enhancement structure associated with the project, is less than two hundred (200) square feet in floor area and is located above the OHWM of the stream.
 - ii. "Watershed restoration plan" means a plan, developed or sponsored by the Washington State Departments of Fish and Wildlife, Ecology, Natural Resources, and Transportation (WSDOT); a federally recognized Indian

Ellensburg Shoreline Master Program

tribe acting within and pursuant to its authority; a city; a county; or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to RCW Chapter 43.21C, the state Environmental Policy Act.

- p. A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply:
 - i. The project has been approved in writing by the Washington State Department of Fish and Wildlife;
 - ii. The project has received hydraulic project approval by the Washington State Department of Fish and Wildlife pursuant to RCW Chapter 77.55; and
 - iii. The City determines that the project is substantially consistent with the Shoreline Master Program. The City shall make such determination in a timely manner and provide it by letter to the project proponent.
 - iv. Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with local shoreline Master Programs, as follows:
 - A. In order to receive the permit review and approval process created in this Section, a fish habitat enhancement project must meet the criteria under p.iv.A.I and II of this subsection:
 - I. A fish habitat enhancement project must be a project to accomplish one or more of the following tasks:
 - 1. Elimination of human-made fish passage barriers, including culvert repair and replacement;
 - 2. Restoration of an eroded or unstable stream bank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
 - 3. Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.

The Washington State Department of Fish and Wildlife shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this Section or under other project

Ellensburg Shoreline Master Program

review and approval processes. A project proposal shall not be reviewed under the process created in this Section if the Washington State Department of Ecology determines that the scale of the project raises concerns regarding public health and safety; and

II. A fish habitat enhancement project must be approved in one of the following ways:

1. By the Washington State Department of Fish and Wildlife pursuant to RCW Chapter 77.95 or 77.100;
2. By the sponsor of a watershed restoration plan as provided in RCW Chapter 89.08;
3. By the Washington State Department of Ecology as a WDFW-sponsored fish habitat enhancement or restoration project;
4. Through the review and approval process for the Jobs for the Environment Program;
5. Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the Conservation Commission through interagency agreement with the U. S. Fish and Wildlife Service and the Natural Resource Conservation Service;
6. Through a formal grant program established by the Legislature or the Washington State Department of Fish and Wildlife for fish habitat enhancement or restoration; and
7. Through other formal review and approval processes established by the Legislature.

B. Fish habitat enhancement projects meeting the criteria of p.iii.A of this subsection are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of p.iii.A of this subsection and being reviewed and approved according to the provisions of this Section are not subject to the requirements of RCW 43.21C.030 (2)(c).

C. A hydraulic project approval (HPA) permit is required for projects that meet the criteria of p.iii.A of this subsection and are being reviewed and approved under this Section. An applicant shall use a joint aquatic resource permit (JARPA) application form developed by the Office of Regulatory Assistance to apply for approval under this chapter. On the same day, the applicant shall provide copies of the completed application form to the Washington State Department of Fish and Wildlife and to each appropriate local government agency. Local governments shall accept the

Ellensburg Shoreline Master Program

application as notice of the proposed project. The Washington State Department of Fish and Wildlife shall provide a fifteen-(15)-day comment period during which it will receive comments regarding environmental impacts. Within forty-five (45) days, the Washington State Department of Ecology shall either issue a permit, with or without conditions, deny approval, or make a determination that the review and approval process created by this Section is not appropriate for the proposed project. Ecology shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by the conditioning of a permit. If Ecology determines that the review and approval process created by this Section is not appropriate for the proposed project, Ecology shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes. Any person aggrieved by the approval, denial, conditioning, or modification of a permit under this Section may formally appeal the decision to the Hydraulic Appeals Board pursuant to the provisions of this chapter.

D. The City may not require permits or charge fees for fish habitat enhancement projects that meet the criteria of p.iii.A of this subsection and that are reviewed and approved according to the provisions of this Section.

q. The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.

3. Letter of exemption:

- a. General. A letter of exemption is required for all requests for exemption from a shoreline substantial development permit to ensure the proposal complies with the regulations of this SMP, except for emergency development pursuant to WAC 173-27-040(2)(d).
- b. Application. Any person claiming exemption from the substantial development permit requirements shall submit an application for such an exemption in the manner prescribed by the Shoreline Administrator. Applications shall include, at a minimum: a summary of the proposed development project; identification of the specific exemption provisions from WAC 173-27-040 that applies to the proposal; and a description of how the proposal will comply with the applicable policies and regulations of this Shoreline Master Program.
- c. Letter of exemption. City of Ellensburg shall prepare a letter of exemption, addressed to the applicant and the Washington State Department of Ecology, whenever a proposal is determined to be exempt from the substantial

Ellensburg Shoreline Master Program

development permit requirements. The letter of exemption must indicate the specific exemption provision from WAC 173-27-040 that is applicable to the proposal and provide a summary of the consistency of the proposal with the regulations of this SMP.

- d. Watershed restoration projects. This Section applies to a letter of exemption for a watershed restoration project pursuant to WAC 173-27-040 or subject to one or more of the following federal permits: U.S. Army Corps of Engineers Section 10 permit under the Rivers and Harbors Act of 1899 (generally applicable to any project occurring on or over navigable waters); or Section 404 permit under the Federal Water Pollution Control Act of 1972 (generally applicable to any project which may involve discharge of dredge or fill material to any water or wetland area).

- i. The letter of exemption must indicate the specific exemption provision from WAC 173-27-040 that is applicable to the proposal and provide a summary of the consistency of the proposal with the regulations of this SMP.

Watershed restorations projects must be reviewed in an expeditious manner and an exemption decision, together with any conditions, must be issued within forty-five (45) days of receiving all materials necessary to review the request for exemption. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this Section.

4. Programmatic statements of exemption.

- a. Applicability. Programmatic statements of exemption may be issued for activities exempt under the provisions of subsection 6.3.2 above that:

- i. Are repetitive and part of a maintenance program or other similar program;
 - ii. Have the same or similar identifiable impacts each time the activity is repeated at all sites covered by the programmatic statement of exemption; and
 - iii. Are suitable to having standard conditions that will apply to any and all sites.

- b. Conditions. A programmatic statement of exemption shall not be issued until appropriate conditions, if needed, are developed and approved. Conditions shall apply uniformly to each activity authorized and all locations covered by the programmatic statement of exemption. Conditions may include specifications for the frequency, method and contents of periodic status reports.

- c. Revisions. The programmatic statement of exemption may be modified or withdrawn if the department determines that:

- i. The programmatic statement of exemption or activities authorized under the statement of exemption no longer comply with law;
 - ii. The programmatic statement of exemption does not provide adequate regulation of the activity;
 - iii. The conditions or the manner in which the conditions are implemented are not adequate to protect against the impacts resulting from the activity.

- d. Expiration. Programmatic exemptions shall expire 5 years after the date of issuance if a shorter expiration period is not specified in the exemption approval.

6.4 *Types of permits*

1. Substantial development permits: All substantial development undertaken on shorelines of the state requires a permit to ensure consistency with the policies of RCW 90.58.020 and the Master Program.
2. Variances: The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the applicable Master Program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the Master Program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020. When a use or development is proposed that does not comply with the bulk, dimensional and performance standards of the Master Program, such use or development can only be authorized by approval of a variance.
3. Conditional uses: The purpose of a conditional use permit is to provide a system within the Master Program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. Uses which are classified or set forth in the applicable Master Program as conditional uses may be authorized with a conditional use permit. Other uses which are not classified or set forth in the applicable Master Program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this Section and the requirements for conditional uses contained in the Master Program. Uses which are specifically prohibited by the Master Program may not be authorized as conditional uses.

6.5 *Review authority*

1. Administrator: The Administrator or his/her designee shall have the authority to review and approve, deny, or approve with conditions, applications for the following:
 - a. Letters of exemption;
 - b. Shoreline substantial development permits;
 - c. Revisions to substantial development permits; and
 - d. Requests for timing extensions.
2. Hearing Examiner: The Hearing Examiner or his/her designee shall have the authority to review and make initial recommendations for approval, denial, or approval with conditions for the following:
 - a. Shoreline conditional use permits; and
 - b. Shoreline variances.

Ellensburg Shoreline Master Program

3. City Council: The City Council or their designee shall have the authority to:
 - a. Acquire lands and easements within shorelines of the state by purchase, lease, or gift, either alone or in concert with other governmental entities, when necessary to achieve implementation of the Master Program;
 - b. Accept grants, contributions, and appropriations from any agency, public or private, or individual for the purposes of the Master Program;
 - c. Appoint advisory committees to assist in carrying out the purposes of the Master Program;
 - d. Contract for professional or technical services required by the Master Program which cannot be performed by its employees; and
 - e. Adopt moratoria or other interim official controls necessary to implement SMP, in accordance with RCW 90.58.590 as amended.
4. Washington State Department of Ecology: The Washington State Department of Ecology shall be responsible for the final approval, denial, or approval with conditions for the following:
 - a. Shoreline conditional use permits and revisions to same; and
 - b. Shoreline variances and revisions to same.

6.6 Review Criteria

1. All development permits: As provided in Section 5.20, no permit shall be issued for any new or expanded building or structure of more than thirty-five (35) feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines unless overriding considerations of the public interest will be served.
2. Substantial development permits: A substantial development permit shall be granted only when the applicant demonstrates all of the following:
 - a. That the proposal is consistent with the policies and procedures in RCW Chapter 90.58 and WACN Chapter 173-27;
 - b. That the proposal is consistent with the policies and procedures of the Master Program; and
 - c. That the proposal has been appropriately conditioned where necessary to assure consistency of the project with the Act and the local Master Program.
3. Conditional use permits: Uses which are classified or set forth in Table 3.7-1 as conditional uses, or unclassified uses not specifically prohibited, may be authorized as a conditional use provided that the applicant demonstrates all of the following:
 - a. That the proposed use is consistent with the policies of RCW 90.58.020 and the Master Program;

Ellensburg Shoreline Master Program

- b. That the proposed use will not interfere with the normal public use of public shorelines;
- c. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP;
- d. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located;
- e. That the public interest suffers no substantial detrimental effect;
- f. That if conditional use permits were granted for other developments in the area where similar circumstances exist, the cumulative impact of such uses would remain consistent with the policies of RCW [90.58.020](#) and not produce substantial adverse effects to the shoreline environment;
- g. That the proposed use has been appropriately conditioned to prevent undesirable effects of the proposed use and to assure consistency of the project with the Act and the local Master Program;
- h. When converting from one nonconforming use to a different nonconforming use, the applicant must demonstrate that no reasonable alternative conforming use is practical and that the proposed use will be at least as consistent with the policies and provisions of the Act and the Master Program and as compatible with the uses in the area as the pre-existing use.

4. Variance:

- a. General provisions. Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect. Variances from the use regulations of the Master Program are prohibited.
- b. Review criteria for all variances. Variance permits for uses and/or development that will be located landward of the OHWM and/or landward of any wetland may be authorized provided the applicant can demonstrate all of the following:
 - i. That the strict application of the bulk, dimensional or performance standards set forth in the applicable Master Program precludes, or significantly interferes with, reasonable use of the property;
 - ii. That the hardship is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the Master Program, and not, for example, from deed restrictions or the applicant's own actions;
 - iii. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP and will not cause adverse impacts to the shoreline environment;
 - iv. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
 - v. That the variance requested is the minimum necessary to afford relief;

Ellensburg Shoreline Master Program

- vi. That the public interest will suffer no substantial detrimental effect; and
- vii. That the cumulative impact of additional requests for variances in the area where similar circumstances exist would not produce substantial adverse effects to the shoreline environment.
- c. Additional review criteria for variances waterward of the OHWM. In addition to the criteria established under subsection 4.b above, applicants for variance permits for uses and/or development that will be located waterward of the OHWM must also demonstrate:
 - i. That the strict application of the bulk, dimensional or performance standards set forth in the applicable Master Program precludes all reasonable use of the property; and
 - ii. That the public rights of navigation and use of the shorelines will not be adversely affected.

6.7 Review procedures

1. Generally: The general procedural requirements of the City shall apply to shoreline permits except where this chapter is more restrictive or specific, in which case the provision of this chapter shall apply.
2. Complete application: The Administrator shall issue a determination of completeness, upon finding that the following required information has been submitted with an application for a substantial development, conditional use, or variance permit:
 - a. A completed joint aquatic resources permit application (JARPA);
 - b. A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:
 - i. The boundary of the parcel(s) of land upon which the use or development is proposed;
 - ii. The OHWM of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location provided, that for any use or development where a determination of consistency with the applicable regulations requires a precise location of the OHWM, the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the OHWM is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest OHWM of a shoreline;
 - iii. Existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the use or development. Areas within the boundary that will not be altered by the use or development may be indicated as such and contours approximated for that area;

Ellensburg Shoreline Master Program

- iv. A delineation of all wetland areas that will be altered or used as a part of the proposal;
 - v. A general indication of the character of vegetation found on the site;
 - vi. The dimensions and locations of all existing and proposed structures and improvements including, but not limited to: buildings, paved or graveled areas; roads; utilities; septic tanks and drainfields; material stockpiles or surcharge; and stormwater management facilities;
 - vii. Where applicable, scaled elevation drawings of all proposed structures including location of the OWHM;
 - viii. Where applicable, a landscaping plan for the project;
 - ix. Where applicable, plans for use and development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included and contain information consistent with the requirements of this Section;
 - x. Quantity, source, and composition of any fill material that is placed on the site whether temporary or permanent;
 - xi. Quantity, composition, and destination of any excavated or dredged material;
 - xii. A vicinity map showing the relationship of the property and proposed use or development to roads, utilities, and existing uses and developments on adjacent properties;
 - xiii. Where applicable, a depiction of the impacts to views from existing residential uses and public areas; and
 - xiv. On all Variance Permit applications the plans shall clearly indicate where use and/or development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.
3. Concurrent submittals: When a substantial development permit and a conditional use or variance permit are required for a proposal, the submittal on the permits shall be made concurrently.
4. Notice:
- a. Required. The Administrator shall notify the public, the Washington State Department of Ecology, the Yakama Nation, other agencies with jurisdiction as well as individuals and organizations that have requested notice in writing of applications for a shoreline management substantial development, conditional use, or variance permit.
 - b. Timing. Notice of application shall be provided within fourteen (14) days after the determination of completeness. When an open record hearing is required. If an open record pre-decision hearing is required for the requested project permits, the notice of application shall be provided at least fifteen (15) days prior to the open record hearing.
 - c. Contents. The notice shall include:

Ellensburg Shoreline Master Program

- i. The date of application; the date of the notice of completion for the application; and the date of the notice of application;
 - ii. A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested;
 - iii. The identification of other permits not included in the application to the extent known by the local government;
 - iv. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing the notice of application, such as a city land use bulletin, the location where the application and any studies can be reviewed;
 - v. A statement of the public comment period, which shall be not less than thirty (30) days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. A local government may accept public comments at any time prior to the closing of the record of an open record pre-decision hearing, if any, or, if no open record pre-decision hearing is provided, prior to the decision on the project permit;
 - vi. The date, time, place, and type of hearing, if applicable and scheduled at the date of notice of the application;
 - vii. A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency; and
 - viii. Any other information determined appropriate by the local government.
 - d. Method. The notification system shall assure that notice to the general public and property owners in the vicinity of such application is given by at least one of the following methods:
 - i. Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred (300) feet of the boundary of the property upon which the use or development is proposed; or
 - ii. Posting of the notice in a conspicuous manner on the property upon which the project is to be undertaken.
5. Review and decision: The appropriate review authority identified in Section 6.5 shall review applications for compliance with review criteria in Section 6.6 and either approve, deny, or approve with conditions. In the case of shoreline conditional use and variance Permits, the decision shall serve as a recommendation to the Washington State Department of Ecology, which is responsible for the final decision on shoreline conditional use permits and variances.
6. Submittal to the Washington State Department of Ecology:
- a. Required submittal. All applications for a permit or a permit revision shall be

Ellensburg Shoreline Master Program

submitted to the Washington State Department of Ecology upon a final decision by local government, pursuant to WAC 173-27-130.

- b. Appeals. When a permit has been appealed pursuant to RCW 90.58.180, upon conclusion of all review proceedings, a copy of the final order shall be provided by the local government to the Washington State Department of Ecology.
- c. Modified project. When the project has been modified in the course of the review proceeding, plans or text shall be provided to the local government that clearly indicate the final approved plan, and the local government shall reissue the permit accordingly and submit a copy of the reissued permit and supporting documents to the Washington State Department of Ecology for completion of the file on the permit. The purpose of this provision is to assure that the local and Ecology files on the permit are complete and accurate and not to provide a new opportunity for appeal of the permit.
- d. Conditional use permits and variances. Shoreline Conditional Use Permits and Variances shall be transmitted to the Washington State Department of Ecology for final approval, denial, or approval with conditions.

6.8 Appeals

Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state may seek review from the shorelines hearings board by filing a petition for review within twenty-one (21) days of the date of filing of the decision, pursuant to RCW 90.58.180.

6.9 Timing

1. Applicability: The time requirements of this Section shall apply to all Substantial Development Permits and to any development authorized pursuant to a Variance or Conditional Use Permit.
2. Effective date: The effective date of a Substantial Development Permit shall be the date of filing as provided in RCW 90.58.140(6).
3. Commencement: Construction activities associated with a shoreline permit are not authorized and shall not begin until twenty-one (21) days from the date of filing or until all review proceedings initiated within twenty-one (21) days from the date of such filing have been terminated. Construction activities, or the use or activity where no construction activities are involved, shall be commenced within two (2) years of the effective date of a Substantial Development Permit.
4. Expiration: Authorization to conduct development activities shall terminate five (5) years after the effective date of a shoreline permit, unless extended in accordance with the provisions below.
5. Extension: The Administrator may authorize a single extension for a period not to exceed one (1) year based on reasonable factors, if a request for extension has

Ellensburg Shoreline Master Program

been filed before the expiration date and notice of the proposed extension is given to parties of record on the shoreline permit and to the Washington State Department of Ecology.

6. Exclusions: The time periods in this Section do not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the proposal, including all reasonably related administrative or legal actions on any such permits or approvals.
7. Flexibility: Upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of the master program and RCW 90.58, the City may adopt different time limits from those set forth in this subsection as part of action on a Substantial Development Permit.

6.10 Revisions

1. Applicability:
 - a. Substantive changes. A permit revision is required whenever the applicant proposes substantive changes to the design, terms, or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the Master Program and/or the policies and provisions of the Shoreline Management Act (RCW 90.58). Changes which are not substantive in effect do not require approval of a revision.
 - b. Substantial development. If the proposed change, or the sum of the proposed revisions and any previously approved revisions, constitutes substantial development then the applicant is not eligible for the revision process and shall be required to apply for a new permit.
2. Submittal requirements: An applicant seeking to revise a permit shall submit detailed plans and text describing the proposed changes to the Administrator.
3. Review criteria and findings: The Administrator may approve a revision when the proposed changes are within the scope and intent of the original permit, and are consistent with the applicable Master Program and the Act. At a minimum, Administrator must find:
 - a. No additional over-water construction is involved except that pier, dock, or float construction may be increased by five hundred (500) square feet or ten percent (10%) from the provisions of the original permit, whichever is less;
 - b. Ground area coverage and height may be increased a maximum of ten percent (10%) from the provisions of the original permit;
 - c. The revised permit does not authorize development to exceed height, lot

Ellensburg Shoreline Master Program

- coverage, setback, or any other requirements of the applicable Master Program except as authorized under a variance granted as the original permit or a part thereof;
- d. Additional or revised landscaping is consistent with any conditions attached to the original permit and with the applicable Master Program;
 - e. The use authorized pursuant to the original permit is not changed; and
 - f. No adverse environmental impact will be caused by the project revision
4. Timing and limitations: Revisions to permits may be authorized after original permit authorization has expired. However, such revisions shall be limited to authorization of changes which are consistent with this Section and which would not require a shoreline permit for the development or change. This subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.
 5. Notice: Notice of the revision approval shall be given to parties of record on the original permit and to the Washington State Department of Ecology.
 6. Effective date: The revised permit is effective immediately upon final decision by the Administrator or, when appropriate, upon final action by the Washington State Department of Ecology.
 7. Appeals:
 - a. Timing. Appeals shall be in accordance with RCW 90.58.180 and shall be filed within twenty-one (21) days from the date of receipt of the local government's action on a substantial development permit revision by the Washington State Department of Ecology or, for revisions to conditional use permits or variances, the date Ecology's final decision is transmitted to local government and the applicant.
 - b. Grounds. Appeals shall be based only upon contentions of noncompliance with the provisions of WAC 173-27-100.
 - c. Construction during appeal period. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline.
 - d. Impact of appeal on original permit. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

6.11 Liberal construction

As provided for in RCW 90.58.900, the Act is exempted from the rule of strict construction. The Act and this Program shall be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the Act and this Program were enacted and adopted, respectively. In the event the provisions of this Program conflict with provisions of federal, state, or local regulations, the provision that is the most

Ellensburg Shoreline Master Program

protective of shoreline resources shall prevail, when consistent with policies set out in the SMA.

6.12 Enforcement

Chapter 173-27 WAC contains enforcement regulations, including authority for the City to issue regulatory orders to enforce the SMA and the SMP. Upon a determination that there has been a violation of any provision of the City's shoreline regulations, the City may pursue code enforcement and penalties in accordance with the provisions of the ECC.

1. Violations

- a. It is a violation of this SMP for any person to initiate or maintain or cause to be initiated or maintained the use of any structure, land or property within the shorelines of the City without first obtaining the permits or authorizations required for the use by this Chapter.
- b. It is a violation of this SMP for any person to use, construct, locate, or demolish any structure, land or property within shorelines of the City in any manner that is not permitted by the terms of any permit or authorization issued pursuant to this SMP, provided that the terms or conditions are explicitly stated on the permit or the approved plans.
- c. It is a violation of this SMP to remove or deface any sign, notice, or order required by or posted in accordance with this SMP.
- d. It is a violation of this SMP to misrepresent any material fact in any application, plans or other information submitted to obtain any shoreline use or development authorization.
- e. It is a violation of this SMP for anyone to fail to comply with any other requirement of this SMP.

2. Duty to Enforce

- a. It shall be the duty of the Administrator to enforce this Chapter. The Administrator may call upon the police, fire, health, or other appropriate City or county departments, or the state of Washington, to assist in enforcement.
- b. Upon presentation of proper credentials, the Administrator, or duly authorized representative of the Administrator may, with the consent of the owner or occupier of a building or premises, or pursuant to lawfully issued inspection warrant, enter at reasonable times any building or premises subject to the consent or warrant to perform the duties imposed by this SMP.
- c. This SMP shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.
- d. It is the intent of this SMP to place the obligation of complying with its requirements upon the owner, occupier or other person responsible for the condition of the land and buildings within the scope of this SMP.

Ellensburg Shoreline Master Program

- e. No provision of or term used in the SMP is intended to impose any duty upon the City or any of its officers or employees which would subject them to damages in a civil action.

3. Investigation, Notice of Violation and Penalties

- a. The Administrator or his/her representative shall investigate any structure, premises or use which the Administrator reasonably believes does not comply with the standards and requirements of this SMP.
- b. If after investigation the Administrator determines that the SMP's standards or requirements have been violated, the Administrator shall follow the procedures for enforcement action and penalties shall be as specified in RCW 90.58 and WAC 173-27.
- c. The Shoreline Management Act calls for a cooperative enforcement program between local and state government. It provides for both civil and criminal penalties, orders to cease and desist, orders to take corrective action and permit rescission. The choice of enforcement action and the severity of any penalty should be based on the nature of the violation and the damage or risk to the public or to public resources. The existence or degree of bad faith of the persons subject to the enforcement action, the benefits that accrue to the violator, and the cost of obtaining compliance may also be considered.
- d. Notwithstanding any other provision of the SMP, the Administrator or his/her representative, shall have the authority to enforce the provisions of the SMP in accordance with the ECC.

6.13 *Amendments to Master Program*

- 1. **Applicability:** This Section applies to comprehensive Shoreline Master Program updates, periodic review process consistent with requirements of RCW 90.58.080 and WAC 173-26-090, as well as limited SMP amendments that may be necessary from time to time to comply with state and federal laws and implementing rules, address newly annexed shorelines, improve consistency with the Act's goals and policies, or correct errors or omissions. All Master Program amendments shall be processed pursuant to the procedural requirements of WAC 173-26-010 through 173-26-160 and RCW 90.58.090.
- 2. **Initiation of amendments:**
 - a. By elected or appointed officials. The City Council or Planning Commission may initiate an amendment to this Program according to the procedures prescribed in WAC 173-26-100.
 - b. By the public. Any person may petition the City Council or Planning Commission to amend this Program. Petitions shall specify the changes requested and any and all reasons therefor. The City Council or Planning Commission may schedule a public hearing on said petition(s) if it deems the proposed amendment would

Ellensburg Shoreline Master Program

- make this Program more consistent with the Act or more equitable in its application to persons or property due to changed conditions in an area.
- c. As the result of annual review. The Administrator shall submit an annual report reviewing the effectiveness of the Program in achieving its stated purpose, goals, and objectives as well as any proposed amendments deemed necessary to increase its effectiveness or equity. If said report contains proposed amendments, the City Council may schedule a public hearing to consider such matter.
3. Notice: Notice of a public hearing shall be published in one or more newspapers of general circulation in the area in which the hearing is to be held. The notice shall include: a reference to the authority under which the action is proposed; a statement or summary of the proposed changes to the Master Program; the date, time and location of the hearing; the manner in which interested persons may present their views; and reference to the availability of the draft proposal for public inspection at the Ellensburg Community Development Department.
 4. Consultations:
 - a. The local government shall consult with and solicit the comments of any persons, groups, federal, state, regional, or local agency, and tribes having interests or responsibilities relating to the shorelines or any special expertise with respect to any environmental impact.
 - b. Adjacent local governments with jurisdiction over common shorelines of that state shall be included in the consultation process.
 - c. The local government shall solicit comments on the draft proposal from the Washington State Departments of Ecology and Commerce at least sixty (60) days prior to final local approval.
 5. Coordination: The City shall coordinate with the participating jurisdictions and verify concurrence with or denial of the proposal. The amendments of concurring jurisdictions shall be processed together.
 6. Hearing: The City shall conduct at least one (1) public hearing to consider the draft proposal.
 7. Washington State Department of Ecology Approval: Washington State Department of Ecology approval is required pursuant to RCW 90.58.090. Amendments shall be submitted to Ecology pursuant to WAC 173-26-110.

7. Definitions and Acronym List

The terms used throughout this Program shall be defined and interpreted as indicated below. When consistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular. Definitions established by WAC 173 have been incorporated herein; and should these definitions in the WAC be amended, the most current WAC definition shall apply.

1. **"Act"** means the Washington State Shoreline Management Act, RCW Chapter 90.58.
2. **"Adoption by rule"** means an official action by the Washington State Department of Ecology to make a local government shoreline master program effective through rule consistent with the requirements of the Administrative Procedure Act, RCW Chapter 34.05, thereby incorporating the adopted shoreline master program or amendment into the state master program.
3. **"Administrator"** means the City of Ellensburg Community Development Director or designee.
4. **"Agricultural activities"** means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.
5. **"Agricultural products"** includes, but is not limited to, horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty (20) years of planting; and livestock including both the animals themselves and animal products including, but not limited to, meat, upland finfish, poultry and poultry products, and dairy products.
6. **"Agricultural equipment"** and **"agricultural facilities"** includes, but is not limited to:
 - a. The following used in agricultural operations: Equipment; machinery; constructed shelters; buildings and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes, canals, ditches, and drains;

Ellensburg Shoreline Master Program

- b. Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;
 - c. Farm residences and associated equipment, lands, and facilities; and
 - d. Roadside stands and on-farm markets for marketing fruit or vegetables; and
7. **"Agricultural land"** means those specific land areas on which agricultural activities are conducted as of the date of adoption of a local master program pursuant to these guidelines as evidenced by aerial photography or other documentation. After the effective date of the master program, land converted to agricultural use is subject to compliance with the requirements of the master program.
8. **"Alluvial fan"** or **"Alluvial fan hazard area"** is a low, outspread, relatively flat-to-gentle sloping features deposited by a stream at the transitional area between valley floodplains and steep mountain slopes. Channel pattern is highly variable, often dependent on substrate size and age of the landform. Channels may change course frequently, resulting in a multi-branched stream network. Channels can also be deeply incised within highly erodible alluvial material.
9. **"Amendment"** means a revision, update, addition, deletion, and/or reenactment to an existing shoreline master program.
10. **"Approval"** means an official action by a local government legislative body agreeing to submit a proposed shoreline master program or amendments to the Washington State Department of Ecology for review and official action pursuant to this chapter; or an official action by the Washington State Department of Ecology to make a local government shoreline master program effective, thereby incorporating the approved shoreline master program or amendment into the state master program.
11. **"Aquaculture"** means the culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the state managed wildstock geoduck fishery.
12. **"Average grade level"** means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure. In the case of structures to be built over-water, average grade level shall be the elevation of the ordinary high water mark (OHWM). Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.
13. **"Avulsion"** means a sudden cutting off or separation of land by a flood breaking through a meander or by a sudden change in current whereby the stream deserts its old channel for a new one.
14. **"Bulkhead"** means a wall-like, shoreline armoring structure such as a revetment that is placed parallel to the shoreline (at or near the OHWM) primarily for retaining uplands, stabilizing shoreline and fills, and prone to sliding or sheet erosion and to protect uplands and fills from erosion by waves or currents.

Ellensburg Shoreline Master Program

15. **"Channel migration zone (CMZ)"** means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.
16. **"Conditional use"** means a use, development, or substantial development which is classified as a conditional use or is not classified within the master program.
17. **"Comprehensive master program update"** means a master program that fully achieves the procedural and substantive requirements of the Washington State Department of Ecology's shoreline master program guidelines effective January 17, 2004, as now or hereafter amended.
18. **"Comprehensive plan"** means the guiding policy document for all land use and development regulations in a defined area and for regional services throughout the area including transit, parks, trails, utilities, environment and natural resource protection, cultural resource protection and providing open space.
19. **"Critical areas"** includes the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" do not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.
20. **"Critical aquifer recharge area (CARA) "** means an area designated by WAC 365-190-100 that is determined to have a critical recharging effect on aquifers (i.e., maintain the quality and quantity of water) used for potable water as defined by WAC 365-190-030(3).
21. **"Critical facility"** means a facility for which even a slight chance of flooding, inundation, or impact from a hazard event might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations that produce, use, or store hazardous materials or hazardous waste.
22. **"Dam"** means a barrier or controlling and appurtenant works across a stream or river that does or can confine, impound or regulate flow or raise water levels for purposes such as flood or irrigation water storage, erosion control, power generation, or collection of sediment or debris.
23. **"Degradation"** as it pertains to riverine morphology means the lowering of a streambed due to such factors as increased scouring.
24. **"Department"** means the Washington State Department of Ecology.

Ellensburg Shoreline Master Program

25. **"Development"** means a use consisting of the construction or exterior alteration of structures, dredging, drilling, dumping, filling; removal of any sand, gravel or minerals; bulkheading; driving of pilings; placing of obstructions; interior building improvements that do not change the use or occupancy; or any project of a permanent or temporary nature that interferes with the normal public use of the surface of the waters overlying lands subject to the Shoreline Management Act at any stage state of water level. Development does not include dismantling or removing structures if there is no other associated development or re-development.
26. **"Development regulations"** means the controls placed on development or land uses by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under RCW Chapter 90.58, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances, together with any amendments thereto.
27. **"Document of record"** means the most current shoreline master program officially approved or adopted by rule by the Washington State Department of Ecology for a given local government jurisdiction, including any changes resulting from appeals filed pursuant to RCW 90.58.190.
28. **"Ecological functions"** or **"shoreline functions"** means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. See WAC 173-26-201(2)(c).
29. **"Ecological restoration"** see definition for "restore."
30. **"Ecologically intact shorelines"** means those shoreline areas that retain the majority of their natural shoreline functions, as evidenced by the shoreline configuration and the presence of native vegetation, and provide valuable functions for the larger aquatic and terrestrial environments which could be lost or significantly reduced by human development. Ecologically intact shoreline areas range from larger reaches that may include multiple properties to small areas located within a single property and are generally free of structural shoreline modifications, structures, and intensive human uses.
31. **"Ecosystem-wide processes"** means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.
32. **"Enhancement"** means actions performed within an existing degraded shoreline, critical area, and/or buffer to intentionally increase or augment one or more ecological functions or values of the existing area. Enhancement actions include, but are not limited to, increasing plant diversity and cover; increasing wildlife habitat and structural complexity (snags, woody debris); installing environmentally compatible

Ellensburg Shoreline Master Program

erosion controls; removing non-indigenous plant or animal species; or removing human-made structures or fill that are degrading ecological functions or values.

33. **"Environmental designation"** means a categorical classification of a land parcel that reflects the biological and physical character of the shoreline, as well as the type of development that has or should take place in a given area.
34. **"Exempt"** developments are those set forth in WAC 173-27-040 and RCW 90.58.030(3)(e), 90.58.140(9), and 90.58.515 which are not required to obtain a substantial development permit but which must otherwise comply with applicable provisions of the act and the local master program.
35. **"Fair market value"** of a development is the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.
36. **"Feasible"** means, for the purpose of this chapter, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:
- a. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
 - b. The action provides a reasonable likelihood of achieving its intended purpose;
 - c. The action does not physically preclude achieving the project's primary intended legal use; and
 - d. In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.
37. **"Feedlot"** means the use of structures or pens for the concentrated feeding or holding of animals or poultry including, but not limited to, horses, cattle, sheep or swine. This definition includes dairy confinement areas, slaughterhouses, shipping terminal holding pens, poultry and/or egg production facilities and fur farms, but does not include animal husbandry and normal farming practices.
38. **"Fill"** means any solid or semi-solid material that when placed, changes the grade or elevation of the receiving site, including the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the

Ellensburg Shoreline Master Program

ordinary high water mark (OHWM), in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

39. **"Fish and wildlife habitat area"** means Fish and Wildlife Habitat Conservation Areas (FWHCA) that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems; communities; and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. Counties and cities may also designate locally important habitats and species.
40. **"Floodplain"** is synonymous with one hundred-(100)-year floodplain and means that land area susceptible to inundation with a one percent (1%) chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act.
41. **"Floodway"** means the area, as identified in a master program, that either:
- a. Has been established in federal emergency management agency flood insurance rate maps or floodway maps (defined as the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood (one hundred-(100)-year flood) without cumulatively increasing water surface elevation more than a designated height of one (1) foot); or
 - b. Consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually; said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occur with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.
42. **"Frequently flooded areas"** means lands in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year, or within areas subject to flooding due to high groundwater and those lands that provide important flood storage, conveyance, and attenuation functions. These areas include, but are not limited to, streams, rivers, lakes, wetlands, and areas where high groundwater forms ponds on the ground surface. As designated and classified determined by a local government in accordance with WAC 365-190-110. Classifications of frequently flooded areas include, at a minimum, the one hundred-(100)-year floodplain

Ellensburg Shoreline Master Program

designations of the Federal Emergency Management Agency and the National Flood Insurance Program.

43. **"Geotechnical analysis" or "geotechnical report"** means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.
44. **"Grading"** means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.
45. **"Groundwater"** means all the water that exists beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves.
46. **"Guidelines"** means those standards adopted by the Washington State Department of Ecology to implement the policy of RCW Chapter 90.58 for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria for local governments and the Washington State Department of Ecology in developing and amending master programs.
47. **"Height"** is measured from average grade level to the highest point of a structure: provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the applicable master program specifically requires that such appurtenances be included; provided further, that temporary construction equipment is excluded in this calculation.
48. **"Hydric soil"** means a soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in WAC 173-22-035.
49. **"Hyporheic zone"** is the region beneath and alongside a stream bed, where there is mixing of shallow groundwater and surface water.

Ellensburg Shoreline Master Program

50. **"In-stream structure"** is a structure other than a pier or dock, which is placed waterward of the ordinary high water mark and either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow.
51. **"Lake"** means a body of standing water in a depression of land or expanded part of a stream, of twenty (20) acres or greater in total surface area, including reservoirs. A lake is bounded by the ordinary high water mark (OHWM), or where a stream enters the lake, the extension of the lake's OHWM within the stream.
52. **"Limited master program amendment"** means a master program amendment that addresses specific procedural and/or substantive topics and which is not intended to meet the complete requirements of a comprehensive master program update.
53. **"Local government"** means any county, incorporated city or town which contains within its boundaries shorelines of the state subject to RCW Chapter 90.58.
54. **"Marine"** means pertaining to tidally influenced waters, including oceans, sounds, straits, marine channels, and estuaries, including the Pacific Ocean, Puget Sound, Straits of Georgia and Juan de Fuca, and the bays, estuaries, and inlets associated therewith.
55. **"Master program"** or **"Shoreline master program"** or **"Program"** means the comprehensive use plan for a described area, the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020 and the applicable guidelines. As provided in RCW 36.70A.480, the goals and policies of a shoreline master program for a county or city approved under RCW Chapter 90.58 shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under RCW Chapter 90.58, including use regulations, shall be considered a part of the county or city's development regulations.
56. **"May"** means the action is acceptable, provided it conforms to the provisions of this chapter.
57. **"Mineral prospecting"** means to excavate, process, or classify aggregate using hand-held mineral prospecting tools and mineral prospecting equipment, conducted according to the provisions of WAC 220-110-200 through 220-110-206.
58. **"Mining"** means the removal of sand, gravel, soil, minerals, and other earth materials for commercial and other uses. Mining does not include mineral prospecting conducted according to WAC 220-110-200 through 220-110-206.
59. **"Must"** means a mandate; the action is required.
60. **"Natural or existing topography"** means the topography of the lot, parcel, or tract

Ellensburg Shoreline Master Program

of real property immediately prior to any site preparation or grading, including excavation or filling.

61. **"Nonconforming structure"** means a structure within the shoreline jurisdiction that was lawfully established prior to the effective date of this master program, or through the variance process, which does not conform to present setbacks, buffers, bulk, height or other development standards.
62. **"Nonconforming use"** means a use which was lawfully established prior to the effective date of this master program, or amendments thereto, but which does not conform to present regulations or standards of this program, including procedural requirements such as those requiring certain uses to obtain conditional use permit approval.
63. **"Non-water-oriented uses"** means those uses that are not water-dependent, water-related, or water-enjoyment.
64. **"Ordinary high water mark (OHWM)"** on all lakes, streams, and tidal water means that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the Washington State Department of Ecology; provided that in any area where the OHWM cannot be found, the OHWM salt water shall be the line of mean higher high tide and the OHWM adjoining freshwater shall be the line of mean high water.
65. **"Party of record"** includes all persons, agencies, or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit; and who have provided an address for delivery of such notice by mail.
66. **"Permit"** means any substantial development, variance, conditional use permit, or revision authorized under RCW Chapter 90.58.
67. **"Priority habitat"** means a habitat type with a unique or significant value to one (1) or more species. An area classified and mapped as priority habitat must have one (1) or more of the following attributes: comparatively high fish or wildlife densities; comparatively high fish or wildlife species diversity; fish spawning habitat; important wildlife habitat; important fish or wildlife seasonal range; important fish or wildlife movement corridors; rearing and foraging habitat; refuge; limited availability; high vulnerability to habitat alteration; unique or dependent species; or shellfish beds. A priority habitat may be described by its unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a

Ellensburg Shoreline Master Program

successional stage (such as old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or non-priority fish and wildlife (WAC 173-26-020(28)).

68. **"Priority species"** means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed in WAC 173-26-020(29).
69. **"Program"** see definition for "Master program."
70. **"Provisions"** means policies, regulations, standards, guideline criteria or environment designations.
71. **"Public interest"** means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development.
72. **"Qualified Professional"** means a person with experience and training with expertise appropriate for the relevant subject. A qualified professional must have obtained a B.S. or B.A. degree or have appropriate education and experience in biology, soil science, engineering, environmental studies, fisheries, geology, geomorphology, or related field.
73. **"Rehabilitation"** means a type of restoration action intended to repair natural or historic functions and processes. Activities could involve breaching a dike to reconnect wetlands to a floodplain or other activities that restore the natural water regime.
74. **"Restore," "restoration" or "ecological restoration"** means the re-establishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, re-vegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.
75. **"Riverine erosion hazard areas"** are located within the lateral extent of likely watercourse channel movement due to bank destabilization and erosion, rapid incision, and shifts in location of watercourse channels. Riverine erosion hazard areas are also referred to as channel migration zones (CMZs).
76. **"Setback"** means the distance a building or structure is placed behind a specified limit such as a lot line or shoreline buffer.

Ellensburg Shoreline Master Program

77. **"Shall"** means a mandate; the action must be done.
78. **"Shorelands" or "shoreland areas"** means those lands extending landward for two hundred (200) feet in all directions as measured on a horizontal plane from the OHWM; floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the Washington State Department of Ecology.
- a. Any county or city may determine that portion of a one hundred-(100)-year-floodplain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred (200) feet therefrom.
 - b. Any city or county may also include in its master program land necessary for buffers for critical areas, as defined in RCW Chapter 36.70A, that occur within shorelines of the state, provided that forest practices regulated under RCW Chapter 76.09, except conversions to non-forest land use, on lands subject to the provisions of RCW 98.58.030(2)(d)(ii) are not subject to additional regulations under this chapter.
79. **"Shoreline areas" and "shoreline jurisdiction"** means all "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.
80. **"Shoreline functions"** see definition for "ecological functions."
81. **"Shoreline master program"** see definition for "master program."
82. **"Shoreline modifications"** means any human activity that changes the structure, hydrology, habitat, and/or functions of a shoreline. Bulkheads, piers, docks, shoreline stabilization systems, clearing and grading, application of chemicals, berms or significant vegetation removal, and dikes are all examples of shoreline modifications.
83. **"Shorelines"** means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second (20 cfs) or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty (20) acres in size and wetlands associated with such small lakes.
84. **"Shorelines of statewide significance"** means the shorelines identified in RCW 90.58.030 which because of their elevated status require the optimum implementation of the Shoreline Management Act's policies. This includes all rivers with a mean annual flow of greater than two hundred cubic feet per second (200 cfs) and lakes with surface areas of one thousand (1,000) acres or more.

Ellensburg Shoreline Master Program

85. **"Shorelines of the state"** are the total of all "shorelines" and "shorelines of statewide significance" within the state.
86. **"Should"** means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.
87. **"Significant vegetation removal"** means the removal or alteration of trees, shrubs, and/or groundcover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping where it does not affect ecological functions, does not constitute significant vegetation removal.
88. **"State master program"** means the cumulative total of all shoreline master programs and amendments thereto approved or adopted by rule by the Washington State Department of Ecology.
89. **"Structure"** means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.
90. **"Structure, In-stream"** see definition of "In-stream structure."
91. **"Substantial development"** as defined by RCW 90.58.030(3)(e).
92. **"Transmit"** means to send from one (1) person or place to another by mail or hand delivery. The date of transmittal for mailed items is the date that the document is certified for mailing or, for hand-delivered items, is the date of receipt at the destination.
93. **"Type F Water"** means streams and waterbodies that are known to be used by fish, or meet the physical criteria to be potentially used by fish. Fish streams may or may not have flowing water all year; they may be perennial or seasonal.
94. **"Type Np Water"** means streams that have flow year round and may have spatially intermittent dry reaches downstream of perennial flow. Type Np streams do not meet the physical criteria of a Type F stream.
95. **"Type Ns Water"** means stream that do not have surface flow during at least some portion of the year, and do not meet the physical criteria of a Type F water.
96. **"Type S Water"** means streams and waterbodies that are designated as "shorelines of the state."
97. **"Water-dependent use"** means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by

reason of the intrinsic nature of its operations.

98. **"Water-enjoyment use"** means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.
99. **"Water-oriented use"** means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.
100. **"Water quality"** means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and stormwater handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of groundwater or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.
101. **"Water-related use"** means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:
- a. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
 - b. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.
102. **"Water system"** means any system providing water intended for, or used for, human consumption, domestic uses, or commercial businesses. It includes, but is not limited to, the source, purification, storage, transmission, pumping, and distribution facilities.
103. **"Wetland Creation"** means construction of a wetland in an area that was historically non-wetland.
104. **"Wetland restoration"** means restoration of original wetland hydrology, vegetation, and functions at sites where wetlands existed previously, but where they have been impacted by prior or surrounding land uses.
105. **"Wetlands"** means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal

Ellensburg Shoreline Master Program

circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

106. **"Variance"** is a means to grant relief from the specific bulk, dimensional or performance standards set forth in the applicable master program and not a means to vary a use of a shoreline.
107. **"Vessel"** includes ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water.

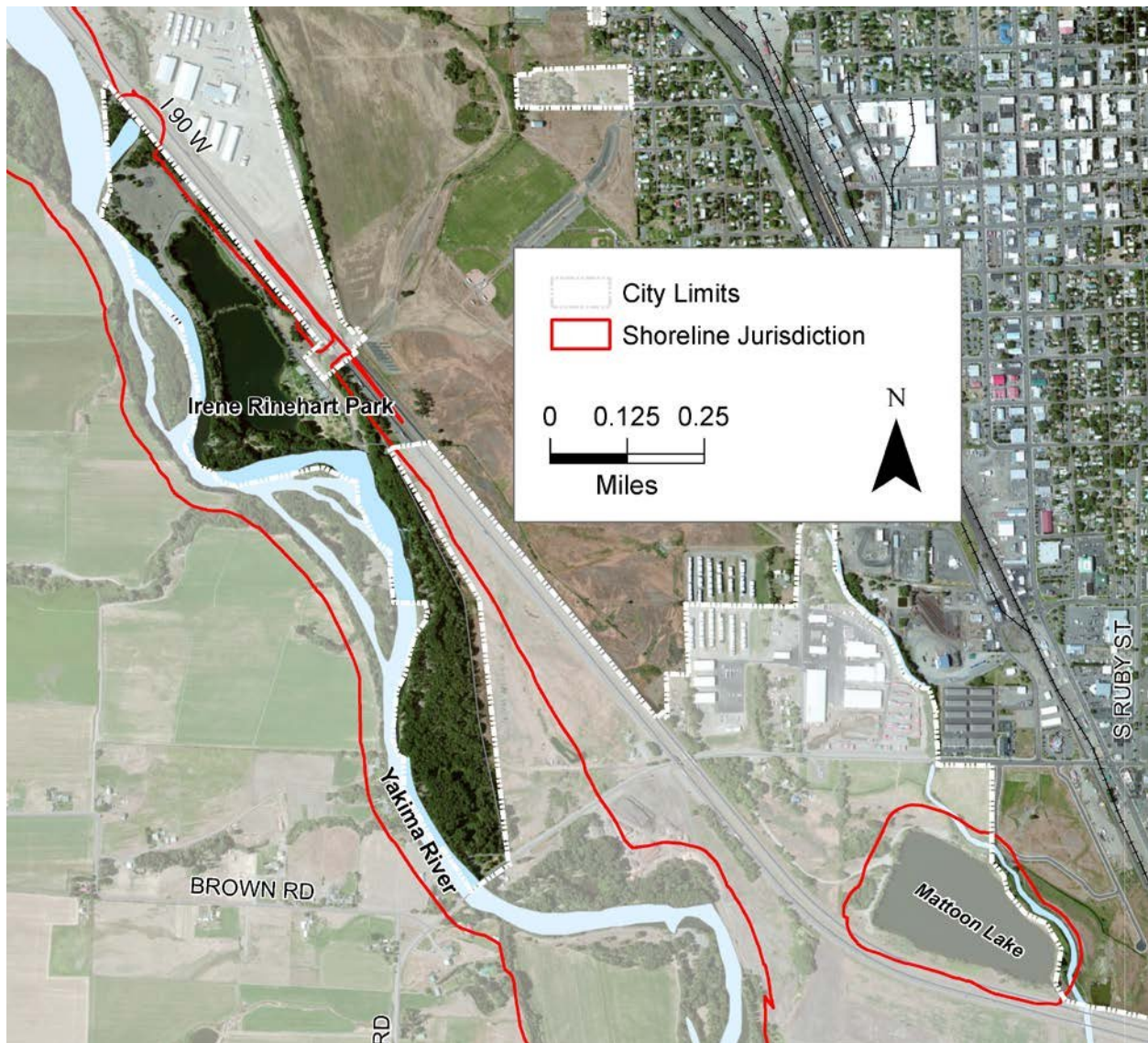
Acronym List

ADA	Americans with Disabilities Act
BLM	Federal Bureau of Land Management
BMPs	Best Management Practices
CAC	Citizen advisory committee
CARA	Critical aquifer recharge area
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CFS	Cubic feet per second
CMZ	Channel migration zone
ECC	Ellensburg City Code
EPA	Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FWHCA	Fish and wildlife habitat conservation area
GMA	Growth Management Act
HPA	Hydraulic project approval
ICR	Shoreline Inventory and Characterization Report
JARPA	Joint aquatic resource permit
LAMIRD	Limited areas of more intensive rural development
MTCA	Model Toxics Control Act
OHWM	Ordinary high water mark
RCW	Revised Code of Washington
SMA	Shoreline Management Act
SMP	Shoreline Master Program
TAC	Technical advisory committee
TESC	Temporary erosion and sediment control

UGA	Urban Growth Area
WAC	Washington Administrative Code
WDFW	Washington State Department of Fish and Wildlife
WSDOT	Washington State Department of Transportation

Appendix A

Shoreline Environment Designation Map



Appendix B

The following sections describe the current ecological conditions and land uses along the shorelines within Ellensburg City limits (portions of the Yakima River and Matoon Lake).

Yakima River

An approximately 1.5 mile segment of the left bank of the Yakima River is located within City shoreline jurisdiction, which includes a portion of the river channel itself and adjacent shorelands (Figure 2-1). This portion of the river is identified by WDFW (2012) as providing spawning and juvenile rearing habitat for spring Chinook and summer steelhead, and the presence of several other salmonid species is documented. Fish habitat quality within City shoreline jurisdiction has been impacted by upstream conditions and land uses, including an altered flow regime due to irrigation reservoir operations, lack of large woody debris, and the presence of floodplain/channel confining structures. Within City shoreline jurisdiction, water quality is listed by Ecology (2009) as impaired for pH, elevated water temperatures, and fecal coliform.

Within City shoreline jurisdiction, the shoreland area of the Yakima River is contained within Irene Rinehart Riverfront Park, a popular area that provides public access to the Yakima River. In the southern portion of the park, the riparian area consists almost entirely of relatively undisturbed forest habitat, with the exception of a trail, boat launch, and small parking area. The north end of the park is generally more developed with park amenities, including two ponds (Carey Ponds, also referred to as 'People's Pond'), which are former gravel pits. This area also contains a sand volleyball court, picnic tables and barbecues, grassy play area, and restroom facilities. Access to the river for swimming, fishing and rafting is provided. Non-motorized boating on Carey Lake is also available. The river shoreline along the northern portion of the park contains an uncertified levee. The Yakima River shoreland area within City shoreline jurisdiction is within a mapped channel migration zone and the FEMA 100-year floodplain.

Matoon Lake

Matoon Lake is a shallow, 26-acre formal gravel pit that is annually stocked with trout by WDFW. The lake is eutrophic, and has a maximum depth of approximately 12 feet. The lakeshore is highly modified by adjacent roads (including I-90 to the south), and the presence of invasive aquatic vegetation (i.e., Eurasian watermilfoil) has been reported by Ecology (2009). Because of the lake's highly altered shoreline, it provides limited habitat functions. An approximately 0.25-mile segment of the eastern shoreline lies within Ellensburg City limits, although the City limits do not extend into the waters of the lake (Figure 2-2). Within the City, the shoreland area contains a gravel road and sparse vegetation. A channelized portion of Wilson Creek parallels the Matoon Lake in this area. This portion of the creek is not a shoreline of the state, but does lie within shoreline jurisdiction of the lake. Almost the entire shoreland area within City shoreline jurisdiction lies within the FEMA 100-year floodplain.



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: November 21, 2022

Item Title/Agenda Subject: FISH Funding Request

Submitted by: Heidi Behrends Cerniwey City Manager Department

Recommended Action or Motion: Discuss status of request and recommend future discussion or action.

Background/Summary: On March 21, 2022, FISH executive director Peggy Morache presented the City Council with a formal funding request of \$250,000 for their capital facility project at the Airport location. An operational request for services approximating \$50,000 annually was presented as well. Council expressed interest in hosting a discussion to explore the functional role of the City in food security.

Previous Council Action: On June 6, 2022, Council discussed the City's role in food security at their study session. Council also discussed addressing the budget requests formally through the Biennial Budget process.

Analysis: Community food security services have not traditionally been services provided by the City. Instead, programs have historically been delivered through the nonprofit sector with funding and support through federal and state programs. In past years, the City has partnered with FISH and other nonprofits to operate the Community Thanksgiving program. And over the years, FISH and other service providers have received funds through the Council's competitive grants for program operations.

Since the initial budget request, FISH was able to meet capital campaign goals and will be breaking ground soon. Urgency of the \$250K capital funding need for the airport location from the City has been relieved. However, FISH would be open to financial support from the City for investments in their Open Table facility.

The three fee-for-service programs highlighted in the March

2022 request were the Community Thanksgiving, Community Christmas, and Weekend Nutrition programs.

- FISH will not be supporting the Community Thanksgiving program, instead the City will take the lead on this event.
- FISH will continue the Weekend Nutrition and Community Christmas program with other revenues.

Staff surveyed several other Washington cities to ask what funding they provide to local food bank or role they play in food security.

The following municipalities said they did not provide direct funding to the local food bank: Sunnyside, Waitsburg, Tumwater, Moses Lake, Quincy, Prosser, Connell, Pasco, Kennewick, Yakima, Leavenworth, Chehalis, Kittitas, Roslyn and Toppenish.

The following cities provide some level of support or in-kind service to their local food banks: Wenatchee (\$2,500 per year to senior center); Leavenworth (\$1/year lease for food bank building); and Toppenish (water for community garden).

Financial Impact: Discussion item only.

Attachments:

[March 2022 Funding Requests from FISH](#)



Food Bank Food Pantries Open Table Meal Service

To: Nancy Lillquist, Mayor
 Members of the Ellensburg City Council

Subject: Request for a one-time donation to FISH to close the \$4.5 million capital campaign.

Date: March 21, 2022

Friends in Service to Humanity (FISH) is asking the Ellensburg City Council for a one-time donation of \$250,000 to complete FISH's capital campaign. The money will be used to expand the Food Bank, and renovate the Food Pantry and Client Reception/Education Center. The building will be used by FISH's community partners, including other social services agencies, healthcare, and academia to expand their outreach by using available space at FISH to meet clients, deliver informational and educational programs.

The goal of the campaign is \$4,550,000 and the sources of committed funds to date include:

Board, staff and community	\$ 154,000
FISH Building Fund	\$ 250,000
Kittitas County Board of Commissioners	\$ 400,000
State of Washington Governor's Budget	\$1,500,000
US House of Representatives (Rep. Kim Schrier, MD)	\$ 900,000
Community Development Block Grant (County sponsored)	\$ 900,000
Washington State Department of Agriculture	\$ 176,000
Total	\$4,280,000

Money needed to close the campaign \$270,000.

A \$250,000 donation from the City of Ellensburg would bring the campaign to a groundbreaking this summer.

Respectfully submitted:

Peggy L. Morache
Chief Executive Officer



Food Bank Food Pantries Open Table Meal Service

To: Nancy Lillquist, Mayor
 Members of the Ellensburg City Council

Subject: Request for fee-for-service partnership agreement to support three unfunded programs
 that directly benefit the residents of the City of Ellensburg.

Date: March 21, 2022

Friends in Service to Humanity (FISH) is asking the Ellensburg City Council to consider a three-year fee-for-service agreement to help fund the Community Thanksgiving, Community Christmas, and Weekend Nutrition for Children. The funds would be used to help fund the Ellensburg residents portion of these programs.

In 2021, these programs cost FISH \$76,055.00 and the programs grow each year. The fee-for-service agreement would cap at \$50,000. FISH will continue to fundraise and apply for grants to offset the remainder of funds needed annually. The agreement would renew in three-years.

Respectfully submitted:

A handwritten signature in blue ink, reading "Peggy L. Morache". The signature is fluid and cursive, with the first name "Peggy" and last name "Morache" clearly legible.

Peggy L. Morache
Chief Executive Officer



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: November 21, 2022

Item Title/Agenda Subject: Council Funded Grant Program - 2023 Grant Awards

Submitted by: Cynthia LaChappelle-Mathis City Manager Department

Recommended Action or Motion: Consider the award recommendations and authorize the 2023 grant funding distributions in the amount of \$62,775.19 for the Community Grants, Parks Partnership, Historic Preservation Grants and Water Quality Grants.

Background/Summary: The City Council Subcommittee, Parks and Recreation Commission, Landmarks and Design Commission and Environmental Commission solicited and received grant applications for each of their respective programs by the August 31, 2022, advertised deadline. Each commission reviewed the project requests against the eligibility requirements and have recommended awards for Council's consideration.

By resolution, Council set funding limits for each program as follows:

Council Community Grants - .3% of annual sales tax revenue (April 2021-2022) – \$17,591.73

Parks Partnership Program - .3% of annual sales tax revenue (April 2021-2022) – \$17,591.73

Historic Preservation - .3% of annual sales tax revenue (April 2021-2022) – \$17,591.73

Water Quality Grant Program – annual stormwater revenue - \$10,000

The Parks Partnership Commission is requesting that Council authorize allocation of remaining funds equally between the 2 applicants (see attached memorandum from Brad Case, Parks & Recreation Director).

Previous Council Action: None

Analysis: Attached is a spreadsheet showing the recommendations for the four programs. The recommendations from the Council

Subcommittee (\$17,591), The Parks Partnership (\$17,591) Historic Preservation (\$17,590) and the Environmental Commission (10,000), total \$62,772.

Financial Impact:

The proposed 2023 budget includes \$62,775.19 for the four grant programs.

Attachments:

[2023 Funded Grant Recommendations](#)

[2023 Parks & Recreation Grants Memorandum from Brad Case](#)

2023 COUNCIL FUNDED GRANT PROGRAMS

COMMUNITY GRANTS

Applicant	Request	Award
APOYO	\$1,900.00	\$1,900.00
CASA	\$5,500.00	\$3,591.00
EBDA dba CenterFuse	\$12,000.00	\$4,000.00
EthicsLab at CWU	\$6,054.00	\$3,100.00
Hospice Friends	\$3,500.00	\$500.00
Kittitas Co. Early Learning Coalition	\$3,000.00	\$2,000.00
NW Expressive Arts Response (NEAR)	\$50,000.00	\$0.00
Youth Services of Kittitas County	\$10,000.00	\$2,500.00
	\$91,954.00	\$17,591.00

HISTORIC PRESERVATION

Applicant	Request	Award
Sadie Thayer/KCHS- (Cadwell Building)	\$17,591.00	\$10,190.00
Darren Reid and Nicole Hilderman (Historic Downtown Building)	\$7,000.00	\$4,000.00
Chris and Rebekah Gough (Shoudy Mansion)	\$6,000.00	\$3,400.00
	\$30,591.00	\$17,590.00

PARK PARTNERSHIPS

Applicant	Request	Award
Ellensburg Youth Rugby Club	\$3,752.00	\$5,871.50
Ellensburg Pickleball Club (EPIC)	\$9,600.00	\$11,719.50
	\$13,352.00	\$17,591.00

WATER QUALITY

Applicant	Request	Award
Grace Episcopal Church Labyrinth Project	\$10,000.00	\$875.00
Mid-Columbia Fisheries Backyard Buffer and Adopt a Stream	\$10,000.00	\$9,125.00
	\$20,000.00	\$10,000.00

Memorandum

Date: October 28, 2022
To: Cyndi LaChappelle-Mathis, Executive Assistant
From: Brad Case, Parks & Recreation Director 
Subject: Park Partnership Grant Awards

At their September 14, 2022 meeting the Parks & Recreation Commission heard the following two Park Partnership proposals:

- The Ellensburg Youth Rugby Club requesting \$3,752.00 to install a split rail fence around the new rugby pitch at West Ellensburg Park.
- The Ellensburg Pickleball Club (EPIC) requested \$9,600.00 for improvements at the four pickleball courts located at West Ellensburg Park. The scope of improvements includes purchasing and installing a windscreen, install additional interior and perimeter chain link fencing, add a storage unit at the park for maintenance equipment, purchase a hitting training wall, repair existing court cracks and to purchase extra nets and court equipment.

A motion was passed to fund both projects at their full request.

The funds available in this year's program is \$17,591.00, the requests for the two above mentioned projects total \$13,352.00, leaving a balance of \$4,239.00 in the Park Partnership Fund. The Commission is requesting that Council authorize the Parks & Recreation Commission to allocate the remaining funds between the Ellensburg Youth Rugby Club and EPIC for additional project work.



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: November 21, 2022

Item Title/Agenda Subject: Approval of Ellensburg Arts Commission 2023 Grant Awards

Submitted by: Josephine Camarillo Arts Commission

Recommended Action or Motion: Staff recommends approval of Ellensburg Arts Commission 2023 Grant Awards.

Background/Summary: As part of the Ellensburg Arts Commission annual spending plan, a call for funding applications from organizations and individuals for projects that advance the arts in our community is offered annually. The 2023 grant cycle, which closed August 31, 2022, included 23 applications with requests totaling \$48,552. Grant funding budgeted at \$30,000 was part of the Art Commission's 2023 Spending Plan first considered at Council's June 21, 2022 meeting at which time Council requested the plan be brought back for final consideration during the biennial budget process.

Previous Council Action: In 2016, Council designated 10% of construction sales tax revenue to community art, with an annual floor of \$25,000 and ceiling of \$50,000.

Analysis: Twenty-three applications were received with a total of \$48,552 in 2023 grant funding requests. Each application was reviewed and ranked independently by the Arts Commission members for strength in public benefit, artistic merit, experience of the applicant to execute the project and budget feasibility. All applications, regardless of ranking, were discussed and considered at their regular meeting on October 13, 2022. Commissioners who may receive a direct benefit from or were directly involved in a project, abstained from the ranking and did not vote on that project.

The Arts Commission recommends the following grant awards for Council consideration in fiscal year 2023:

Organization/Individual	Project Title	Amount
-------------------------	---------------	--------

1.	Ellensburg Downtown Assoc.	Buskers in the Burg	\$2,500
2.	Gallery One	Artists in Action	\$2,500
3.	Valley Musical Theatre	Rising Stars's: Godspell Jr.	\$2,500
4.	Youth Services of Kit Co	Monthly Art Kits & Art in the Park	\$2,500
5.	Valley Musical Theatre	After Dark Production & Workshop	\$2,500
6.	Make Music Ellensburg	Rock Band Class	\$640
7.	CWU Jazz Education Network	Women in Jaz Day	\$2,500
8.	Renee Adams	Bean Bag Botany	\$1,240
9.	Entrust	Exhibition for people with disabilities	\$2,500
10.	Make Music Ellensburg	Ellensburg Strum-Along	\$850
11.	Quilters in the Valley	Quilt of Valor Sew Saturdays	\$800
12.	Gabrielle McNeillie	Ellensburg's International Dance Day	\$2,493
13.	Robin Mayberry	99 Reasons Why	\$1,000
TOTAL			\$24,523

The total amount of recommended award funding is \$24,523.

Financial Impact:

The 2023 grants total of \$24,523 is included in the proposed 2023 Art Acquisition Fund budget.

Attachments:

[2023 Funded Arts Grants](#)

Josephine Camarillo

From: noreply@fs19.formsite.com on behalf of ellensburgarts at ci.ellensburg.wa.us
<noreply@fs19.formsite.com>
Sent: Monday, August 29, 2022 6:56 PM
To: Josephine Camarillo
Subject: [Ext] Call for Artists and Arts Organizations Result #17585556
Attachments: f-2-37-17585556_tMj9zoJc_Buskers_In_The_Burg_Press_Release_8.20.22.docx;
f-2-41-17585556_zk1ES5mN_BuskersFlyer_8.5x11.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.

Date Submitted	2022-08-29
This application is for an:	Organization
First Name	Brenda
Last Name	DeVore
Organization name (if applicable)	Ellensburg Downtown Association We are holding a community wide Volunteer Fair on 2/24 to build our talent pool.
Street Address	109 East 3rd Avenue
Address Line 2	Suite 1
City	Ellensburg
State	Washington
Zip Code	98926
Phone Number	5099626246
Email Address	director@ellensburgdowntown.org
Name/Title of Event/Project:	Buskers In The Burg
Brief description of event/project: (1,500 character limit)	Buskers in the Burg is a music and arts festival taking place during the last weekend in September. This annual tradition is focused on the arts and continues to gain quite a large following. The Ellensburg Downtown Association enjoys bringing this family friendly, FREE, arts focused event to our community and its visitors. Friday night is Busker Preview Night where a handful of buskers are placed in the downtown restaurants and bars from 5-7 pm to promote the next day's festival. This provides the restaurants free live entertainment to promote to their customers, and gives the event extra exposure.

Saturday consists of an arts parade, buskers playing throughout downtown, stage acts, children's activities and crafts, and the Ellensburg Farmers Market. We see roughly 1,500-2,000 people attend this event and we estimate about 10% of those are from out of town. We are, however, taking steps to build the festival and expand our promotion to bring more people in from outside of our county.

Grant funding is used each year to help with the annual Arts Parade featuring giant puppets locally made by local artists at Blue Bear Puppet Lab, collateral and promotion.

Is your event:	One day event
Event/project Start date	September 23rd, 2023
Event/project End date	September 23rd, 2023
Event/project location or venue	Downtown Ellensburg 4th Avenue, Rotary Pavillion
What is the target audience(s) for this event/project? (1,000 character limit)	This is a free community wide event for CWU students, local residents and regional visitors.
Please explain how this event/project will benefit OR IMPACT our community and describe how this will be measured in the project's final report. (1,500 character limit)	This parade is a great way to get the community involved in the event. Brian Kooser, the mastermind behind the puppets, hosts workshops where anyone can come in and make a puppet of their very own. This event provides opportunities for anyone with the desire to create. NO special skills are required which opens this opportunity up to anyone. Brian also works with Central Washington University, local schools, and local groups like dance studios to help build the parade. Local and regional musicians and other talented buskers are invited to perform providing financial opportunities including prize money for the top 3 which are chosen based on public opinion. The impact of the event is measured by how many community partners are involved, how many community members are involved in building puppets and performing. Additionally, we look at attendance and social media reach.
What will Arts Commission funding be used for? (1,000 character limit)	Funding will be used for promotion, cost to provide puppets for the parade (new and refurbished), compensating buskers and other performers.
Will admission be charged?	No
Are revenues anticipated?	No
How do you plan to acknowledge the Arts Commission? (700 character limit)	This is a FREE inclusive, all ages event and the Arts Commission grant is very important and appreciated to continue this Ellensburg tradition. We recognize all partnerships with the Arts Commission in our event press releases, collateral, website, annual meeting and social media.

What is the total budget of this event/project?	\$5,500
Funding amount requested from the Arts Commission?	\$2,500.00
What are the expenses related to this project? The total should equal the Total Budget for this Project listed above. NOTE: Some categories may not be applicable to your project.	
Artist Fees	
Description of Expense	Blue Bear Puppet Lab
Amount	\$1,000
Sources of funds	Grant
Professional Services	
Description of Expense	Busker Performers
Amount	\$500
Sources of funds	Grant
Rental	
Description of Expense	Activities
Amount	\$2,000
Sources of funds	Sponsorship
Promo/Marketing	
Description of Expense	Collateral, Social Media, Print Advertising
Amount	\$500
Sources of funds	Grant
Supplies	
Description of Expense	Art supplies for kids activities
Amount	\$500
Sources of funds	Grant
Other	
Description of Expense	EDA staff time, Prize money
Amount	\$1,000
Sources of funds	EDA

What other sources of funding do you have for the project? (700 character limit)	Additional funding will be raised through corporate sponsorship.
Is this project dependent on funding from the Ellensburg Arts Commission to proceed?	Yes
Describe the impact of the Arts Commission funding to the successful completion of this project. (700 character limit)	This is a FREE community event. The EDA has chosen to not charge for this event to continue to offer inclusive community programming. The EDA has successfully raised \$2,000 in annual sponsorship funding for this event. The remaining funding needs to be supported by grants or other sources.
Please describe (1,000 character limit) your supporting documents and how they relate to the project (examples of art work, publicity materials, resumes, etc). If possible, combine documents into one .pdf file (max 20 MB). Two file upload areas are provided on this form, if needed.	Press Release for 2022 Event Event Collateral
Upload supporting documents	Buskers In The Burg Press Release 8.20.22.docx (65 KB)
Upload supporting documents 2	BuskersFlyer 8.5x11.pdf (3.50 MB)

This email was sent to camarilloj@ci.ellensburg.wa.us as a result of a form being completed.
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Josephine Camarillo

From: noreply@fs19.formsite.com on behalf of ellensburgarts at ci.ellensburg.wa.us
<noreply@fs19.formsite.com>
Sent: Saturday, August 27, 2022 12:17 PM
To: Josephine Camarillo
Subject: [Ext] Call for Artists and Arts Organizations Result #17579720
Attachments: f-2-37-17579720_e5nFXXkz_2023_Exhibits.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.

Date Submitted	2022-08-27
This application is for an:	Organization
First Name	Monica
Last Name	Miller
Organization name (if applicable)	Gallery One
Tax ID Number/EIN (required for organizations)	91-0850195
Street Address	408 N Pearl St
City	Ellensburg
State	Washington
Zip Code	98926
Phone Number	5099252670
Email Address	director@gallery-one.org
Name/Title of Event/Project:	Artists in Action
Brief description of event/project: (1,500 character limit)	Gallery One requests funds to support exhibiting artists for the 2023 calendar through our Artists in Action Program. Artists in Action supports the individual artist by creating equitable and paid opportunities for them to share their work the community at City of Ellensburg Parks, fostering community connections. Funding is requested to pay artists to demonstrate their art form at a park of their choosing. Exhibiting artists in 2023 will be invited to apply for an artist stipend of \$100-\$250. This project supports the following of our strategic priorities: 1. ENSURE OUR PROGRAMS ARE ACCESSIBLE TO ALL BY

CREATING ART EXPERIENCES
BEYOND OUR WALLS
2. BROADEN ARTISTS' PUBLIC AUDIENCE AND EXPOSURE
3. BRING PROFESSIONAL ARTISTS TO OUR COMMUNITY FOR ART MAKING, EXHIBITION, AND COMMUNITY EDUCATION BY ESTABLISHING AN ALL-INCLUSIVE ART RESIDENCY PROGRAM
4. ADDRESS FINANCIAL BARRIERS TO OUR PROGRAMS TO SUPPORT OPPORTUNITIES FOR ALL TO EXPERIENCE OUR EXHIBITS, EVENTS, AND EDUCATION PROGRAMS

Note: This is the second year that we are applying for funding for this use. Given the timing of the application, we have not yet been able to evaluate the impact but will have more information to share by the end of October when our eight demonstrations are complete. Please visit us at Unity Park beginning Sept 10 from 10am-1pm.

Is your event:	Multiple dates over time (e.g. every Saturday in October, once per quarter, etc.)
Event/project Start date	05/01/23
Event/project End date	10/31/23
Event/project location or venue	City of Ellensburg Parks
What is the target audience(s) for this event/project? (1,000 character limit)	We have three target audiences: 1. Those who might not otherwise have access to the arts or be inclined to visit galleries and museums. Specifically we are hoping to offer an intergenerational experiences for all ages and the Latinx population that utilize Irene Rinehart in summer months. 2. Those who seek to have a deeper understanding of the creative process and are already motivated to learn more and connect such as the 1400 Gallery One members and the artist community. 3. Those who are visiting Ellensburg.
Please explain how this event/project will benefit OR IMPACT our community and describe how this will be measured in the project's final report. (1,500 character limit)	Our measurable goals will be to: 1. Increase the artist's audience by placing them outside and giving them a space to make work 2. Increase community access to artists of color, LGBTQIA+, backgrounds and mediums through gathering demographics through the application process. Our exhibiting artists in 2023 will provide ample opportunity. 3. Increase artist's income through offering paid stipends.
What will Arts Commission funding be used for? (1,000 character limit)	Arts Commission funding will be used for: - artist stipend of \$100-\$250 - the purchase of a shade tent for \$200
Will admission be charged?	No

Are revenues anticipated?	No
How do you plan to acknowledge the Arts Commission? (700 character limit)	Acknowledgement on event announcements and during the event.
What is the total budget of this event/project?	\$5500
Funding amount requested from the Arts Commission?	\$2500
What are the expenses related to this project? The total should equal the Total Budget for this Project listed above. NOTE: Some categories may not be applicable to your project.	
Artist Fees	
Description of Expense	artist stipend
Amount	\$2300
Sources of funds	EAC
Professional Services	
Description of Expense	Staff coordination
Amount	\$1500 (est)
Sources of funds	G1
Rental	
Promo/Marketing	
Description of Expense	newsletter
Amount	\$500 (est)
Sources of funds	G1
Supplies	
Description of Expense	Supplies
Amount	\$1000 (\$100 per)
Sources of funds	G1
Other	
Description of Expense	Tent
Amount	\$200
Sources of funds	EAC

What other sources of funding do you have for the project? (700 character limit)	General operating support will support the staff needed to implement and coordinate project and reserve of supplies built up from our arts education program.
Is this project dependent on funding from the Ellensburg Arts Commission to proceed?	Yes
Describe the impact of the Arts Commission funding to the successful completion of this project. (700 character limit)	This program was designed to correspond with the Ellensburg Arts Commission's interest in activating parks and Gallery One's commitment to create community connections through art and our mutual interest in promoting and supporting artists. This is the only source of funding for this program. This year (2022) is the first pilot of this program which will commence on Sept 10 at Unity Park with resident and bilingual artist Jacque Trujillo. Following Jacque we will have seven more artists every week through October culminating in a project with CWU Diversity and Equity Center to make sugar skulls as part of Dia de los Muertos.
Please describe (1,000 character limit) your supporting documents and how they relate to the project (examples of art work, publicity materials, resumes, etc). If possible, combine documents into one .pdf file (max 20 MB). Two file upload areas are provided on this form, if needed.	Attached please find a slide deck of proposed exhibits for 2023 where we will draw from for the Artists in Action.
Upload supporting documents	2023 Exhibits.pdf (2.07 MB)

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Josephine Camarillo

From: noreply@fs19.formsite.com on behalf of ellensburgarts at ci.ellensburg.wa.us
<noreply@fs19.formsite.com>
Sent: Sunday, August 28, 2022 1:25 PM
To: Josephine Camarillo
Subject: [Ext] Call for Artists and Arts Organizations Result #17581338
Attachments: f-2-37-17581338_leE9jeOM_PTJr_Program.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.

Date Submitted	2022-08-28
This application is for an:	Organization
First Name	Jessica
Last Name	Black
Organization name (if applicable)	Laughing Horse Arts Foundation dba Valley Musical Theatre
Tax ID Number/EIN (required for organizations)	91-1211173
Street Address	PO Box 1551
City	Ellensburg
State	Washington
Zip Code	98926`
Phone Number	509-972-6633
Email Address	valleymusicaltheatre@gmail.com
Name/Title of Event/Project:	VMT's 2023 Rising Star's Production: Godspell Jr.
Brief description of event/project: (1,500 character limit)	Valley Musical Theatre (VMT Rising Stars is a project developed by VMT to serve as an expressive and artistic outlet for area middle school youth. VMT gives areas school students the chance to learn communication skills and disciplines and develop the confidence to appear in public within a safe and nurturing environment. The selected play is "Godspell Jr." A combination of biblical parables and 1970s pop hits, Godspell Jr. tells the story of love, friendship, and tolerance through the eyes of children. Utilizing games, physicality, and the magic of theatre, the ensemble cast brings this show together. As the first Rising Stars show back after two years, Godspell Jr. would be able to capitalize on the unique abilities of all

participating members. With solos and lines to spare, each child will be highlighted in a way that they are comfortable with and pushes them to grow as performers and people. The key to success for this show is focusing on the storytelling and messages rather than the religious undertones.

The director is designing this production to be curriculum-based, teaching about both the history and process of theatre creation through in-class games, activities, stage-crafting, and devised workshops.

We anticipate 6 performances to be held for the public and 1 free performance exclusive for middle school students.

Is your event:	Multiple day event (e.g. Thursday thru Saturday)
Event/project Start date	May 5, 2023
Event/project End date	May 13, 2023
Event/project location or venue	Ellensburg High School Little Theatre
What is the target audience(s) for this event/project? (1,000 character limit)	Most cast/crew involved in the production come from Ellensburg and the surrounding Kittitas County. Occasionally we have youth actor involvement from as far away as Selah/Yakima. Ellensburg possesses tremendous talent in its youth, and this is a chance for that talent to be showcased and to entertain the community at the same time. Godspell Jr. is a family production that can be enjoyed by all ages.
Please explain how this event/project will benefit OR IMPACT our community and describe how this will be measured in the project's final report. (1,500 character limit)	This play provides the feel of an ensemble cast (15-20). Our target age group for actors/crew is 6th – 8th grade students. This production provides a healthy outlet to foster their creativity and build an increased appreciation for the arts. The wider community benefits from participating in theatre – whether by attending plays, performing, or working backstage. Local businesses supplying services, catering, or donations in support of the show get advertising and acknowledgement in our show programs and materials. People who attend performing arts events are healthier, have lower anxiety and are less like to suffer from depression (all benefits that are especially important after these pandemic years). One of the chief ways we will be able to determine our reach will be through tracking of our ticket sales (which contain zip code data), and by feedback received by actors/crew and patrons at and post-event.
What will Arts Commission funding be used for? (1,000 character limit)	We will use funding to from the Arts Commission in the following ways: 1. Pay for rehearsal and performance space rental fees

	2.To help defray the cost of royalties (renting the music rights to perform) 3.Provide reduced cost of admission for students/seniors 4.Rental or purchase of materials for running the show (including but not limited to costumes, props, lumber for sets, paint, health supplies) 5.Marketing and printing costs
Will admission be charged?	Yes
If admission is charged, how much?	\$12 general admission, \$8 students & seniors
Are revenues anticipated?	Yes
How do you plan to acknowledge the Arts Commission? (700 character limit)	The Ellensburg Arts Commission will be recognized in the following ways: ●Branding on our publicity materials, including but not limited to the VMT Website, e-newsletter, printed promotions, social media, and radio advertisements. ●Prominent acknowledgement in the show program and sponsor signage ●A front of curtain announcement before the top of every performance
What is the total budget of this event/project?	\$8350.00
Funding amount requested from the Arts Commission?	\$2500.00
What are the expenses related to this project? The total should equal the Total Budget for this Project listed above. NOTE: Some categories may not be applicable to your project.	
Artist Fees	
Description of Expense	Production & Music Contract labor, Design Leads
Amount	2100
Sources of funds	Ticket Revenue, VMT underwriting
Professional Services	
Description of Expense	Royalties
Amount	1600
Sources of funds	Ticket Revenue, EAC Funds
Rental	
Description of Expense	Facility Rental, Lighting/Sound/Video Rental
Amount	1200

Sources of funds	EAC Funds
Promo/Marketing	
Description of Expense	Advertising, Printing
Amount	1000
Sources of funds	Ticket Revenue, Advertisers/sponsors income, EAC Funds
Supplies	
Description of Expense	Props/Sets/Costumes and other production expenses, Concession supplies, Health/PPE supplies
Amount	1450
Sources of funds	EAC Funds, Ticket Revenue,
Other	
Description of Expense	Credit Card Fees, Volunteer Background Checks, Other miscellaneous expenses
Amount	1000
Sources of funds	VMT underwriting, Ticket Revenue
What other sources of funding do you have for the project? (700 character limit)	●We charge a very modest tuition to all youth participants (although it is VMT's policy not to deny participation to anyone based on financial hardship) ●Ticket Admission Fees ●We sell advertising in our programs and accept donations and sponsorships for our shows. ●As a 501(c)(3), VMT underwrites the production, and covers any costs that are not met by ticket sales and tuition and other sources.
Is this project dependent on funding from the Ellensburg Arts Commission to proceed?	No
Describe the impact of the Arts Commission funding to the successful completion of this project. (700 character limit)	EAC Grant funds have a practical effect on our bottom line for this production. Funding support also has an intangible effect in the peace and confidence that it gives our producers and board of directors knowing that there is support for the performing arts in this community. It gives us security to make purchases/rentals for this show that will make the show more successful, knowing that some of these costs will be reimbursable by this grant.
Please describe (1,000 character limit) your supporting documents and how they relate to the project (examples of art work, publicity materials, resumes, etc). If possible, combine documents into one .pdf	Attached is the program from the most recent Rising Stars production of The Phantom Tollbooth TYA, which has our grant acknowledgement for the 2021 grant received from the Ellensburg Arts Commission. This is one sample of the type of acknowledgement we give.

file (max 20 MB). Two file upload areas are provided on this form, if needed.

Upload supporting documents

[PTJr Program.pdf \(1.19 MB\)](#)

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Josephine Camarillo

From: noreply@fs19.formsite.com on behalf of ellensburgarts at ci.ellensburg.wa.us
<noreply@fs19.formsite.com>
Sent: Wednesday, August 31, 2022 3:18 PM
To: Josephine Camarillo
Subject: [Ext] Call for Artists and Arts Organizations Result #17591913
Attachments: f-2-37-17591913_LYzhoGPC_EAC_Grant_Supporting_Documents.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.

Date Submitted	2022-08-31
This application is for an:	Organization
First Name	Deanna
Last Name	Corsilles
Organization name (if applicable)	Youth Services of Kittitas County
Tax ID Number/EIN (required for organizations)	237113222
Street Address	1206 N. Dolarway Rd
Address Line 2	Suite 219
City	Ellensburg
State	Washington
Zip Code	98926
Phone Number	2064127738
Email Address	coordinator@youthserviceskc.org
Name/Title of Event/Project:	Monthly Art Kits & Art in the Park
Brief description of event/project: (1,500 character limit)	This project will be monthly art kits for participants to pick up and a mobile art workshop event once a month. Art in the Park is the workshop event that will be provided each month and will be approximately 2 hours long. These events will be held at parks around Kittitas and the Senior Center Facility if the weather is not suitable. Monthly workshops would allow the community to see the results of positive youth and adult interaction via the artwork created together. Youth Services Mentoring Program envisions a community in which every youth experiences nurturing one-to-one relationships and

community support, which in turn, allows each of them to develop into their full potential, capable of making informed, responsible decisions as involved members of our community. Youth Services Mentor Program's adult volunteers concentrate on the child, letting the friendship find its own impact and letting the child lead the way. Adult friends do not act as parents, teachers, disciplinarians, coaches, therapists or saviors. Instead, they act as friends, providing a listening, encouraging, caring presence that the child can count on over time. This respectful approach opens doors to mutuality in an adult/child relationship that is, sadly, all too rare for children today.

Is your event:	Multiple dates over time (e.g. every Saturday in October, once per quarter, etc.)
Event/project Start date	10/3/22
Event/project End date	10/3/23
Event/project location or venue	Senior Center Facility and Community Parks in Kittitas
What is the target audience(s) for this event/project? (1,000 character limit)	The target audience for this project are the youth and families in the community, particularly underserved youth, who are looking for resources and support in their creative expression. While Art in the Park is open to everyone in the community, the mission for this event is to reach our low-income and marginalized families in the area. Art in the Park ultimately strives to provide the community with accessible resources and leadership to enhance and discover the creative minds of youth in Kittitas County. Monthly youth and adult art workshops through Art in the Park will be hosted by local art teacher Carolyn Johnson on a schedule that mirrors the 1st Friday Art Walk. The intent of the workshops is three-fold, increase the amount of people viewing youth art featured during Art Walk, increase visibility of the mentor program, and offer art process exercises for youth accompanied by their favorite adult to create pieces that have the potential to be on display during coming Art Walks.
Please explain how this event/project will benefit OR IMPACT our community and describe how this will be measured in the project's final report. (1,500 character limit)	The intended impact that this project will have on our community is to provide a space for youth and their families to get out of the house and be in a safe space to express themselves through different mediums of art, while learning new art techniques from professional teachers. This space can allow youth to be in a familiar location in the community, while also deterring them from risky behaviors and/or finding an appreciation for art. Moreover, our impact also involves the diversity of the event's participants. A direct impact is to hopefully connect different youth and families with other members of the community who they may not interact with daily, which can foster new friendships and overall community togetherness. Additional benefits to our youth with adult mentors include strengthening the intellectual functions of youths' minds in the areas of

	problem solving, decision-making, goal setting, planning, predicting, positive experimenting, ordering, and self-evaluation.
What will Arts Commission funding be used for? (1,000 character limit)	Funds will be used for a stipend for Carolyn Johnson's teaching during workshop activities that include: learning to draw what the eye sees (blind contour drawing), color theory, learning different art mediums, color mixing, shadowing, and art science. Funds will also be used for supplies to include such things as: laminate sheets, dry erase boards, colored markers, drawing pencils, paper, oil pastels, art tissue, glue, balloons, art brushes, and other supplies for workshop projects. Funds will also be used for advertising workshops, to include a quality sign thanking the Arts Commission for making the workshops possible. Carolyn Johnson is an artist/art Instructor at Cooke Canyon Studio. Past teacher: Kittitas School District/ CWU. Carolyn studied English, art, philosophy, and psychology at Central Washington University and is a long-time resident in Ellensburg, Washington. Carolyn has been donating her time with Youth Services as the 1st Friday Art Walk coordinator since 2013.
Will admission be charged?	No
Are revenues anticipated?	No
How do you plan to acknowledge the Arts Commission? (700 character limit)	The Arts Commission will be recognized in print via the logo being placed on all workshop advertisements as well as on a quality sign on display with logo and acknowledgment at each workshop. Youth Services will submit a thumbs up in the daily record upon receipt of funding as well as submit an editorial letter thanking the commission for the new opportunity for youth and adults to bond.
What is the total budget of this event/project?	\$3,000
Funding amount requested from the Arts Commission?	\$2,500.00
What are the expenses related to this project? The total should equal the Total Budget for this Project listed above. NOTE: Some categories may not be applicable to your project.	
Artist Fees	
Description of Expense	Stipend for Carolyn Johnson
Amount	\$1,000.00
Sources of funds	Arts Commission
Professional Services	
Rental	
Description of Expense	Facility rentals for Art Workshops

Amount	\$250.00
Sources of funds	Arts Commission
Promo/Marketing	
Description of Expense	Canva App- Annual Subscription fee for promos and marketing
Amount	\$250.00
Sources of funds	United Way
Supplies	
Description of Expense	Arts supplies for Art Kits
Amount	\$1,000.00
Sources of funds	Arts Commission and United Way
Other	
What other sources of funding do you have for the project? (700 character limit)	We currently have the United Way grant that can partially cover art supplies costs, and Youth Services' general funds for any other costs that do not apply to this grant.
Is this project dependent on funding from the Ellensburg Arts Commission to proceed?	Yes
Describe the impact of the Arts Commission funding to the successful completion of this project. (700 character limit)	The impact of the Arts Commission can be seen through the stronger relationships between mentoring matches. These projects have helped to strengthen our community by building relationships of mutual respect as well as promoting healthy relationships, community connectedness, and resiliency among youth. Art fosters active modes of learning, lending itself to understanding the process of collaborative projects. Providing art resources and opportunities builds confidence, creativity, self-esteem, intellectual growth and a sense of success. Displaying youth art also contributes to this sense of success, especially when their art is available to view by their own community members.
Please describe (1,000 character limit) your supporting documents and how they relate to the project (examples of art work, publicity materials, resumes, etc). If possible, combine documents into one .pdf file (max 20 MB). Two file upload areas are provided on this form, if needed.	The supporting documents are examples of past publicity materials distributed through social media. We also have supporting documents of youth who have created artwork with the monthly art kits that were distributed in the past. Additional documents that relate to this are our social media marketing. We have social media posts which showcases youth art after an art activity or workshop that we have hosted. These pictures of projects were received from our coloring activity submission event. Other social media posts are promos for art events for our Open Space Nights that have been going on throughout the year. These events occur twice a month and incorporate art activities and for youth and their mentors to use at no cost. One of the screenshots show the

past registration page for our Art in the Park event held in the beginning of August. This specific event (Art in the Park) is what we intend to enhance and amplify within the community with the help of the Arts Commission grant.

Upload supporting documents

[EAC Grant Supporting Documents.pdf \(9.41 MB\)](#)

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Josephine Camarillo

From: noreply@fs19.formsite.com on behalf of ellensburgarts at ci.ellensburg.wa.us
<noreply@fs19.formsite.com>
Sent: Sunday, August 28, 2022 1:46 PM
To: Josephine Camarillo
Subject: [Ext] Call for Artists and Arts Organizations Result #17581385
Attachments: f-2-37-17581385_Qyxu9AyM_CC-The_BOB_Event-wide_Facebook_Event_Cover.png

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

Date Submitted	2022-08-28
This application is for an:	Organization
First Name	Jessica
Last Name	Black
Organization name (if applicable)	Laughing Horse Arts Foundation dba Valley Musical Theatre
Tax ID Number/EIN (required for organizations)	91-1211173
Street Address	PO Box 1551
City	Ellensburg
State	Washington
Zip Code	98926
Phone Number	509-972-6633
Email Address	valleymusicaltheatre@gmail.com
Name/Title of Event/Project:	VMT After Dark Production & Workshop: The One-Act Play That Goes Wrong
Brief description of event/project: (1,500 character limit)	VMT After Dark was launched in the winter of 2019 with the show "Forbidden Broadway." Shows typically features a smaller cast, may be a regular play or a small musical, and can have more adult humor or themes. We are looking forward to bringing this feature back to Ellensburg in February 2023. Our selection this year is "The One-Act Play That Goes Wrong" by Henry Lewis, Jonathan Sayer, & Henry Shields. This is a hilarious farcical comedy with a play within a play it offers a fresh (non-musical) opportunity to actors. You all know the classic murder mystery story. There has been an untimely death at a country manor, everyone is a suspect, and an inspector is set on the case to find who the culprit is. However, when this play is performed by

the accident-prone thespians of The Cornley Drama Society, everything that can go wrong...does! The actors and crew battle against all odds to make it through to their final curtain call, with hilarious consequences! Over the course of 75 minutes, expect a plethora of disasters from missed lines to falling props.

As part of the show rehearsal process, we are planning to bring in an experienced stage combat choreographer, to not only help with the staging, but in addition, we are working with him to offer a weekend public community workshop in January for stage combat and physical comedy for actors.

Is your event:	Multiple day event (e.g. Thursday thru Saturday)
Event/project Start date	February 3, 2023
Event/project End date	February 11, 2023
Event/project location or venue	Ramsay Center Ballroom (above the Clymer Museum)
What is the target audience(s) for this event/project? (1,000 character limit)	Most cast/crew involved in the production come from Ellensburg and the surrounding Kittitas County. Occasionally we have actor involvement from as far away as Selah/Yakima. We are looking to engage the local theatre community from high school, college, and adult ages who may be interested in learning stage combat techniques. We are exploring options with a Stage Combat professional for hosting two 4-hour workshops, one for more general public, and one with more specific emphasis for actors' needs, including scene work. With a PG-13 rating, this show is geared for older children and adults, and will be a wonderful winter enticement for a date night, promising side-splitting laughter, surprises, and great acting.
Please explain how this event/project will benefit OR IMPACT our community and describe how this will be measured in the project's final report. (1,500 character limit)	The wider community benefits from participating in theatre – whether by attending the play, participating in the workshops, performing, or working backstage. Local businesses supplying services or donations in support of the show get advertising and acknowledgement in our show programs and materials. We are also launching an “Experience Partner” program this fall that encourages local restaurants and hotels to facilitate cross-promotion advertising, with discounts or specials to draw theater-goers in for dining and lodging to expand their theatrical experience. We trialed this approach with Mamma Mia over the summer, and the energy was palpable throughout downtown Ellensburg during the run of the show. One of the chief ways we will be able to determine our reach will be through tracking of our ticket sales (which contain zip code data), and by feedback received by actors/crew and patrons at and post-event.
What will Arts Commission funding be used for? (1,000 character limit)	We will use funding to from the Arts Commission in the following ways: 1. Pay for rehearsal and performance space rental fees

2. Guest Artist and Other Production Contract Fees*

3. Rental or purchase of materials for running the show (including but not limited to costumes, props, lumber for sets, paint, health supplies)

4. Marketing and printing costs

*Including but not limited to fees to hire the stage combat professional as choreographer/assistant director/workshop instructor. This is a necessity for this particular production to make sure that the physical comedy action is done safely.

Will admission be charged?	Yes
If admission is charged, how much?	\$12 General and \$10 Student/Senior
Are revenues anticipated?	Yes
How do you plan to acknowledge the Arts Commission? (700 character limit)	The Ellensburg Arts Commission will be recognized in the following ways: ● Branding on our publicity materials, including but not limited to the VMT Website, e-newsletter, printed promotions, social media, and radio advertisements. ● Prominent acknowledgement in the workshop materials, show program, and sponsor signage ● A front of curtain announcement before the top of every performance
What is the total budget of this event/project?	9365.00
Funding amount requested from the Arts Commission?	2500.00
What are the expenses related to this project? The total should equal the Total Budget for this Project listed above. NOTE: Some categories may not be applicable to your project.	
Artist Fees	
Description of Expense	Production Contract labor, Stage Combat Workshop Instructor, Design Leads
Amount	3450
Sources of funds	Ticket Revenue, EAC Funds, VMT underwriting
Professional Services	
Description of Expense	Royalties
Amount	1200
Sources of funds	Ticket Revenue, EAC Funds
Rental	
Description of Expense	Facility Rental, Lighting/Sound/Video Rental
Amount	1400

Sources of funds	EAC Funds
Promo/Marketing	
Description of Expense	Advertising, Printing
Amount	1200
Sources of funds	Ticket Revenue, Advertisers/sponsors income, EAC Funds
Supplies	
Description of Expense	Props/Sets/Costumes and other production expenses, Concession supplies, Health/PPE supplies
Amount	1640
Sources of funds	EAC Funds, Ticket Revenue,
Other	
Description of Expense	Credit Card Fees, Volunteer Background Checks, Other miscellaneous expenses
Amount	475
Sources of funds	VMT underwriting, Ticket Revenue
What other sources of funding do you have for the project? (700 character limit)	●Ticket Admission Fees ●We sell advertising in our programs and accept donations and sponsorships for our shows. ●Workshop Tuition Fees ●As a 501(c)(3), VMT underwrites the production, and covers any costs that are not met by ticket sales and tuition and other sources.
Is this project dependent on funding from the Ellensburg Arts Commission to proceed?	No
Describe the impact of the Arts Commission funding to the successful completion of this project. (700 character limit)	EAC Grant funds have a practical effect on our bottom line for this production and may make the difference between us breaking even with this particular show. As a community theatre, we by necessity give very modest stipends to our designers and production team that rarely reflect adequate compensation the for the time put in on productions. EAC Funds help us to attract more qualified professional talent from the outside the region to Ellensburg by being able to support them with an appropriate fee for their work. And, it gives us security to make purchases/rentals for this show that will make the show more successful, knowing that some of these costs will be reimbursable by this grant.
Please describe (1,000 character limit) your supporting documents and how they relate to the project (examples of art work, publicity	Attached is the social media announcement graphic from the Cabernet Cabaret: The Books of Broadway, which has our grant acknowledgement for the 2022 grant received from the Ellensburg Arts Commission. This is one sample of the type of acknowledgement we give. (Posters/programs and

materials, resumes, etc). If possible, combine documents into one .pdf file (max 20 MB). Two file upload areas are provided on this form, if needed.

other advertisements are in development at the time of this application)

Resume of Kellan David Connolly – the Fight Choreographer we are working with for the workshop and specialized choreography in the production.
Available online at:
<https://www.safd.org/MemberProfile/Details/34260>

Upload supporting documents

[CC-The BOB Event-wide Facebook Event Cover.png \(665 KB\)](#)



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Josephine Camarillo

From: noreply@fs19.formsite.com on behalf of ellensburgarts at ci.ellensburg.wa.us
<noreply@fs19.formsite.com>
Sent: Monday, August 15, 2022 12:56 PM
To: Josephine Camarillo
Subject: [Ext] Call for Artists and Arts Organizations Result #17541509

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

Date Submitted	2022-08-15
This application is for an:	Organization
First Name	Jan
Last Name	Jaffe
Organization name (if applicable)	Make Music Ellensburg
Tax ID Number/EIN (required for organizations)	86-2855291
Street Address	1201 N Main St.
City	Ellensburg
State	Washington
Zip Code	98926
Phone Number	509-679-1383
Email Address	info@ellensburgmusic.com
Name/Title of Event/Project:	Rock Band Class
Brief description of event/project: (1,500 character limit)	Rock Band will be a new offering for ages 10-17 at Make Music Ellensburg! Guided by an experienced music educator & performer for 1.5 hours/week, students will gain experience & confidence playing/singing modern music in small groups, using professional sound equipment, & performing in front of live, friendly audiences. Sign up with your own group of friends or individually.
Is your event:	Multiple dates over time (e.g. every Saturday in October, once per quarter, etc.)
Event/project Start date	January 2023

Event/project End date	June 2023
Event/project location or venue	Make Music Ellensburg + public performances around town (probably at Old Skool's & our MME recitals)
What is the target audience(s) for this event/project? (1,000 character limit)	Pre-teen & teenage local musicians with some prior experience on their instrument(s).
Please explain how this event/project will benefit OR IMPACT our community and describe how this will be measured in the project's final report. (1,500 character limit)	We hope to reach more teenage musicians & help them build performance skills & confidence. Having a fun & safe place for teens is important in every community & I wish I had had this opportunity at this age! They'll get real experience with sound equipment (essential for gigging) & gain confidence in presenting to an audience, measured by participating in several performance opportunities (including Old Skool's open mics, busking at the Farmers Market, & playing at Make Music Day).
What will Arts Commission funding be used for? (1,000 character limit)	Launching this program & lowering the cost of this program for all students while still supporting our professional musician-teachers.
Will admission be charged?	Yes
If admission is charged, how much?	\$40/month
Are revenues anticipated?	Yes
How do you plan to acknowledge the Arts Commission? (700 character limit)	In all advertising & on our website.
What is the total budget of this event/project?	1675
Funding amount requested from the Arts Commission?	640
What are the expenses related to this project? The total should equal the Total Budget for this Project listed above. NOTE: Some categories may not be applicable to your project.	
Artist Fees	
Description of Expense	One teacher + admin support for 6 months
Amount	1400
Sources of funds	EAC (\$440) & tuition (\$960 predicted)
Professional Services	
Description of Expense	Sound production teacher
Amount	200
Sources of funds	EAC
Rental	

Promo/Marketing

Description of Expense	Flyers
Amount	25
Sources of funds	MME

Supplies

Description of Expense	Instrument accessories (strings, picks, capos)
Amount	50
Sources of funds	MME

Other

What other sources of funding do you have for the project? (700 character limit)	Just our business sense!
Is this project dependent on funding from the Ellensburg Arts Commission to proceed?	No
Describe the impact of the Arts Commission funding to the successful completion of this project. (700 character limit)	Your support would help us provide this opportunity at a lower cost for families.
Please describe (1,000 character limit) your supporting documents and how they relate to the project (examples of art work, publicity materials, resumes, etc). If possible, combine documents into one .pdf file (max 20 MB). Two file upload areas are provided on this form, if needed.	Jan has been a performing singer/songwriter for two decades & has a team of professional musicians at Make Music Ellensburg excited for this class, including Bronson Moreno - a CWU student & fabulous guitarist - & Micah Heflen - a full-time performing musician from Roslyn. Our sound engineer we'd like to hire would be either David Craft ("sound guy" at the Brick) or Whitney Swain ("sound guy" for Ellensburg Music Festival & Valley Musical Theatre). Our website tells more of our story: www.ellensburgmusic.com

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Josephine Camarillo

From: noreply@fs19.formsite.com on behalf of ellensburgarts at ci.ellensburg.wa.us
<noreply@fs19.formsite.com>
Sent: Monday, August 29, 2022 7:53 PM
To: Josephine Camarillo
Subject: [Ext] Call for Artists and Arts Organizations Result #17585611
Attachments: f-2-37-17585611_Z2b5hZXk_WIJD_Schedule_2022_GGHJ.pdf; f-2-41-17585611_96fqDpcX_Food_Near_CWU.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.

Date Submitted	2022-08-29
This application is for an:	Organization
First Name	Corie
Last Name	Williamson
Organization name (if applicable)	CWU Jazz Education Network (JEN)
Tax ID Number/EIN (required for organizations)	916000618
Street Address	400 E University Way
City	Ellensburg
State	Washington
Zip Code	98926
Phone Number	5034055288
Email Address	cwujenclub@gmail.com
Name/Title of Event/Project:	Women in Jazz Day
Brief description of event/project: (1,500 character limit)	Women in Jazz Day is an annual event presented by the Central Washington University chapter of the Jazz Education Network (JEN). The event features performance and educational opportunities for students of all ability levels, as well as current and future educators (of all genders) who want to increase their awareness and address the issues of access, representation, and equity in their own classrooms. Women in Jazz Day aims to address the absence of female

representation in jazz music and to inspire girls and women to continue to pursue playing jazz throughout their educational journeys and beyond.

The purpose of Women in Jazz Day is to uplift the voices of female musicians in the jazz idiom. Historically, the practice and performance of jazz has been limited to men, and women have been ostracized or infantilized by the jazz community. These exclusionary practices were solely based on the perception that women were not capable of playing music as skillfully as men because of their gender. In today's day and age, we know that anyone (regardless of gender) can be a jazz musician, and yet, the effects of exclusion are still seen and experienced by women today. As such, Women in Jazz Day aims to be inclusive for all- it is free for everyone to attend, and we welcome people of all genders, ages, skill levels, and careers.

Is your event:	One day event
Event/project Start date	04/22/2023
Event/project End date	04/22/2023
Event/project location or venue	Jerilyn S. McIntyre Hall; CWU Department of Music
What is the target audience(s) for this event/project? (1,000 character limit)	The mission of Women in Jazz Day is to inspire girls and women to begin (or continue) to play and experience jazz music. As such, a part of our target audience is middle school, high school, and college students who have had limited access to equitable and representative jazz education- which is the case for most, if not all, female students in that age range (about 11-25 years old). Additionally, Women in Jazz Day also aims to inform and involve educators, who are responsible for providing inclusive jazz education to our students. Current and future educators of all genders are welcome at Women in Jazz Day, and their attendance ensures that the mission of Women in Jazz Day can persist and grow in the educational and musical communities for years to come.
Please explain how this event/project will benefit OR IMPACT our community and describe how this will be measured in the project's final report. (1,500 character limit)	Women in Jazz Day is one of the largest events hosted on the Ellensburg campus of Central Washington University every year. At this event, all community members are invited and welcomed to attend this event free of charge. The clinicians at Women in Jazz Day are some of the biggest names in jazz education, and their clinics will be remembered and valued by our attendees for years to come. In addition to the valuable educational opportunities we provide for the community, Women in Jazz Day also features an inspiring final concert to close the event, where our clinicians combine to share the influences of various jazz scenes around the country, including New York, Seattle, Portland, and Los Angeles. This final concert, like the rest of the event, is completely free of charge, and all members of the Ellensburg community are invited to attend this exciting and entertaining concert to experience music they can never see anywhere else. Women in Jazz Day welcomes over 100 attendees and clinicians every year. As part of the experience of the exciting day, most- if not all- of our guests will visit the various restaurants Ellensburg has to offer, as recommended by the welcome flyers we provide in the attendee packet. The additional patronage of local businesses that is produced by Women in Jazz Day attendees will be evaluated and reported using a post-event survey that will be sent to all registered attendees.
What will Arts Commission funding be used	The funding granted by the Ellensburg Arts Commission will be used to compensate our guest clinicians for their time, experience, and expertise. Each of our guest clinicians will be paid a fee of \$600. This fee does not include travel expenses, hospitality (food and beverages), or lodging

**for? (1,000
character limit)**

costs.

Each of our clinicians is highly respected and well-known, and their participation in Women in Jazz Day 2023 will be incredibly empowering and inspiring for our community. This year, we will bringing out seven clinicians:

Shaina Shepherd (voice)
Marina Alberio (piano)
Marina Christopher (bass)
Maria Wulf (drums)
Samantha Boshnack (trumpet)
Jenny Kellogg (trombone)
Idit Shner (saxophone)

These incredible women have generously agreed to share their expertise and experience with our community for only \$600. Combined, the CWU JEN Board needs to raise \$4,200 to cover clinician fees. A \$2,500 award from the Arts Commission would cover 59.5% of the cost of our clinicians.

**Will admission
be charged?**

No

**Are revenues
anticipated?**

No

**How do you plan
to acknowledge
the Arts
Commission?
(700 character
limit)**

At each of the clinics held on Women in Jazz Day, the clinic host gives a brief speech thanking the clinician and acknowledging the sponsors of the event. One example of this speech from Women in Jazz Day 2022 can be found at this link: https://drive.google.com/file/d/1gSCpNA2YqHA2AYoM98jmlfL_2UxH0oHm/view?usp=sharing (4:26). In addition, the Women in Jazz Day website features a Sponsors Page (<https://sites.google.com/view/womeninjazzday/sponsors>) where the supporters of the event are acknowledged and their logos are displayed.

**What is the total
budget of this
event/project?**

\$5,420

**Funding amount
requested from
the Arts
Commission?**

\$2,500

**What are the expenses related to this project? The total should equal the Total Budget for this Project listed above.
NOTE: Some categories may not be applicable to your project.**

Artist Fees

**Description of
Expense**

7 Expert Clinicians (\$600 each)

Amount

\$4,200

**Sources of
funds**

Arts Commission, CWU ICA (Pending)

Professional Services

Description of Expense	Hospitality (Catering for Clinicians)
Amount	\$320
Sources of funds	Jazzy Pizza Fundraising
Rental	
Description of Expense	n/a
Amount	\$0
Sources of funds	n/a
Promo/Marketing	
Description of Expense	Posters and Stickers (Commissioned from CWU student artists), including cost of artwork and printing
Amount	\$200
Sources of funds	CWU S&A (Pending)
Supplies	
Description of Expense	n/a
Sources of funds	n/a
Other	
Description of Expense	Travel Expenses (Gas: \$500, 2 hotel rooms for non-local clinicians: \$200)
Amount	\$700
Sources of funds	CWU S&A, Community Donations (Pending)
What other sources of funding do you have for the project? (700 character limit)	We will be applying for funding from the CWU Inter-Club Association (ICA). The most that a club can request from ICA is \$2,000, which could potentially cover 36.9% of the total event cost. We will also be applying for funding from the Services & Activities (S&A) Committee. Due to pandemic-related budget reallocations, the S&A Committee is only able to provide limited funding for student-organized events- currently, CWU JEN anticipates receiving just \$600 (11% of the total event cost) at the very most from the S&A Committee, which covers one clinician's

fee. The remaining expenses (\$2,823.82, or 52.1%) must be raised throughout the year, with the generous assistance from our community.

Is this project dependent on funding from the Ellensburg Arts Commission to proceed?	Yes
Describe the impact of the Arts Commission funding to the successful completion of this project. (700 character limit)	Should the Arts Commission generously grant \$2,500 (46.1% of the total event cost), the CWU JEN Board would ultimately need to secure \$2,920 (53.9%) more from the aforementioned sources in order to successfully present Women in Jazz Day. The CWU ICA and S&A Committee will potentially grant a total of \$2,600, or about 48% of the total event cost. The remaining expenses, about \$325 (6%) can be covered through other fundraising such as our weekly sale of Jazzy Pizza, which generates about \$300 in revenue per year. Over the past two years, funding from CWU has been extremely difficult to receive (due to COVID), so any external assistance CWU JEN can secure is vital to the success of our event.
Please describe (1,000 character limit) your supporting documents and how they relate to the project (examples of art work, publicity materials, resumes, etc). If possible, combine documents into one .pdf file (max 20 MB). Two file upload areas are provided on this form, if needed.	Attached are two documents that were provided to the attendees of Women in Jazz Day 2022 in their Welcome Packet. The packet contained a detailed schedule of last year's event, as well as a list of local restaurants for attendees to visit and enjoy. These materials are included to provide context and clarification regarding Section 2 of this application. In addition, the links to the official Women in Jazz Day and CWU JEN websites have been included for reference. https://sites.google.com/view/womeninjazzday/home https://sites.google.com/view/cwu-jen/home
Upload supporting documents	WIJD_Schedule_2022_GGHJ.pdf (117 KB)
Upload supporting documents 2	Food_Near_CWU.pdf (64 KB)

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Josephine Camarillo

From: noreply@fs19.formsite.com on behalf of ellensburgarts at ci.ellensburg.wa.us
<noreply@fs19.formsite.com>
Sent: Wednesday, August 31, 2022 8:54 AM
To: Josephine Camarillo
Subject: [Ext] Call for Artists and Arts Organizations Result #17590333
Attachments: f-2-37-17590333_0b6off2O_Renee_Adams_work_samples_2022.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.

Date Submitted	2022-08-31
This application is for an:	Individual
First Name	Renee
Last Name	Adams
Street Address	51 Goodwin Rd
City	Thorp
State	Washington
Zip Code	98946
Phone Number	509-964-2443
Email Address	reneejaneadams@gmail.com
Name/Title of Event/Project:	Bean Bag Botany
Brief description of event/project: (1,500 character limit)	I am requesting funding for the development of new work for an exhibit at Palace Gallery scheduled in April, 2023. Partnering with Lindsey Salmonson and Josh Humphrey, the goal is to educate both youth and adults about our regional forests through art. Lindsey is a potter who works as a field technician for the Forest Inventory and Analysis Program measuring trees and vegetation. Josh Humphrey is a luthier and a musician who teaches wood shop at Morgan Middle School. Lindsey and I will visit Josh's classroom at Morgan Middle School to present two slideshows to the students. One will educate them about forest ecosystems and the other will provide visual inspiration by introducing them to artists who use trees in their art. Josh will then guide them in cutting out wooden leaf shapes and embellish with wood burning and stains to make each one unique. These "ornaments" will be displayed on a steel tree I will fabricate and install at the Palace Gallery.

Also in the gallery will be my mushroom-inspired sculptures, and Lindsey will display handmade ceramic pots with native plants from the region.

As a final component, Lindsey and I will design two original plant-themed beanbag covers and have them fabricated for a “lounge” area within the gallery space where visitors can become “beanbag botanists”, relax and leaf through plant guides and books on forest-related topics.

The exhibit will culminate with a free guided forest walk visitors can sign up for at the gallery.

Is your event:	Multiple dates over time (e.g. every Saturday in October, once per quarter, etc.)
Event/project Start date	April 7, 2023
Event/project End date	April 29, 2023
Event/project location or venue	Palace Gallery
What is the target audience(s) for this event/project? (1,000 character limit)	Our primary audience will be Morgan Middle School students as we engage with them through Josh’s woodshop classroom. Our secondary audiences will be art and plant enthusiasts who will visit the gallery during both the popular first Friday Art Walk, and throughout the month during the gallery’s open hours on Saturdays. We also anticipate families and friends of the school children will come to see their creations.
Please explain how this event/project will benefit OR IMPACT our community and describe how this will be measured in the project's final report. (1,500 character limit)	We will engage the children at Morgan Middle School in a way that opens their minds to the use of wood as a creative medium and give them the experience of showing their creations in a contemporary gallery space. We want to inspire them to visit our local woods and recognize some of the trees and plants that grow in their own backyards. In addition, we hope that gallery visitors will also be inspired to learn more about our regional woodlands and see trees and woods in a new way. All programming will be free of charge to the community.
What will Arts Commission funding be used for? (1,000 character limit)	Funding from EAC will provide an honorarium for the development and presentation of a slideshow to be given to the Morgan Middle School children. Funding will also be used to purchase materials and fabricate a steel sculpture on which to hang the children’s ornaments. Funding will also be used to design and purchase materials for custom beanbags and hire a local professional to sew them.
Will admission be charged?	No
Are revenues anticipated?	No

How do you plan to acknowledge the Arts Commission? (700 character limit)	The EAC will be acknowledged in promotional social media posts by the gallery and myself and in the gallery space for the duration of the show. I also plan to send information to local calendars about the event and a press release to regional newspapers.
What is the total budget of this event/project?	2820
Funding amount requested from the Arts Commission?	2500
What are the expenses related to this project? The total should equal the Total Budget for this Project listed above. NOTE: Some categories may not be applicable to your project.	
Artist Fees	
Description of Expense	1240
Professional Services	
Description of Expense	600
Rental	
Promo/Marketing	
Supplies	
Description of Expense	980
Other	
What other sources of funding do you have for the project? (700 character limit)	I will donate some of my fabrication time to the project to make up the budget deficit.
Is this project dependent on funding from the Ellensburg Arts Commission to proceed?	Yes
Describe the impact of the Arts Commission funding to the successful completion of this project. (700 character limit)	Funding from this project will directly assist in the purchase of materials and professional fees to fabricate both a steel tree and custom forest-themed bean bags for the exhibit, and the creation and presentation of an educational slideshow to be given to Morgan Middle School children. EAC funds will have a direct impact in the feasibility of developing and executing this exhibition. The slideshows, guided forest walk, and the exhibition will help to foster an appreciation and understanding of our regional plants, encourage community dialog and engagement around the arts and fuse science, craft and arts together in a unique way.
Please describe (1,000 character limit) your supporting documents and how they relate to the project (examples of art work, publicity materials, resumes, etc). If	The attached work samples include images of mushroom-themed sculptures I have created in the past. They are representative of some of the new works I will be creating for the Palace Gallery exhibit in April 2023. Also included are images from installations I have created

possible, combine documents into one .pdf file (max 20 MB). Two file upload areas are provided on this form, if needed.

showing how I am able to utilize and design a space with my work. One final work sample shows a public sculpture I fabricated for Gallery One. The tree form I plan to construct for my upcoming Palace Gallery exhibit will be similar in design.

Upload supporting documents

[Renee Adams work samples 2022.pdf \(1.18 MB\)](#)

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Josephine Camarillo

From: noreply@fs19.formsite.com on behalf of ellensburgarts at ci.ellensburg.wa.us
<noreply@fs19.formsite.com>
Sent: Wednesday, August 31, 2022 10:56 PM
To: Josephine Camarillo
Subject: [Ext] Call for Artists and Arts Organizations Result #17592739
Attachments: f-2-37-17592739_MxeaCqOL_examples_of_art.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.

Date Submitted	2022-08-31
This application is for an:	Individual
First Name	Fiona
Last Name	Fualaau
Organization name (if applicable)	Entrust Community Service
Street Address	1102 e helena ave
Address Line 2	apt 12102
City	ellensburg
State	Washington
Zip Code	98926
Phone Number	2068512173
Email Address	fualauf@entrustcs.org
Name/Title of Event/Project:	Exhibition for people with disabilities.
Brief description of event/project: (1,500 character limit)	This event will showcase the art work of people with disabilities within the community. This show will be during the month of March at Gallery One--the hope being that we receive somewhere around 20 pieces of art. We hope to feature all different types of medians such as painting, sketching, drawing, mixed media collage, class collage, and paper mache. We also hope to share poems and short stories written by people with disabilities.
Is your event:	Multiple dates over time (e.g. every Saturday in October, once per quarter, etc.)
Event/project Start date	03/01/2022

Event/project End date	03/31/2022
Event/project location or venue	Gallery One
What is the target audience(s) for this event/project? (1,000 character limit)	The target audience is all of Kittitas county, especially those who are not in the disability community or connected to it.
Please explain how this event/project will benefit OR IMPACT our community and describe how this will be measured in the project's final report. (1,500 character limit)	This event will be centered around accessibility through stories and art. We hope to showcase how capable people with disabilities are. We want to show the world through their eyes. This event should hopefully impact the community into thinking people with disabilities are people first. We would also like to put up some posters that will educate the public on life as a person with disabilities. This event is meant to be equal parts a showcase of art as well as an educational experience.
What will Arts Commission funding be used for? (1,000 character limit)	The Art Commission funding will be used to get supplies such as Canvass, paint, mod podge, chicken wire, paper mache, and so on. The Art Commissions grant will also be used to rent out a space to hold an art classes. If given this grant, these art classes will be free. Participants will be able to select one median and spend six weeks creating it during the class with help of an instructor. Holding this class for free ensures that anyone in the community with a disability will be able to create something that they are proud of without money being a stopping factor. The grant will be providing the supplies and the rental space. The grant will also go towards advertisement (Flyers and Ads).
Will admission be charged?	No
Are revenues anticipated?	No
How do you plan to acknowledge the Arts Commission? (700 character limit)	We plan on acknowledging the grant in all advertisements and programs. This event will only be made possible by this grant so we would be extremely grateful.
What is the total budget of this event/project?	\$3,000
Funding amount requested from the Arts Commission?	\$2,500
What are the expenses related to this project? The total should equal the Total Budget for this Project listed above. NOTE: Some categories may not be applicable to your project.	
Artist Fees	
Description of Expense	NA
Amount	NA
Sources of funds	NA
Professional Services	

Rental	
Description of Expense	\$1000
Promo/Marketing	
Description of Expense	\$200
Supplies	
Description of Expense	\$800
Other	
Description of Expense	\$500
What other sources of funding do you have for the project? (700 character limit)	I will be donating \$500 of my own money towards this project. At this time that is all that I can donate but possible will be able to spend more in the future. I will also be asking for art donations from the community as well as volunteers.
Is this project dependent on funding from the Ellensburg Arts Commission to proceed?	Yes
Describe the impact of the Arts Commission funding to the successful completion of this project. (700 character limit)	Despite funding the Gallery One event for people with disabilities will take place. The impact that this grant is going to be the difference between putting art on display and putting masterpieces on display. This grant will allow people with disabilities a six week class to work on one art piece that they can be proud of. This grant will allow people in the community to see the full capability of people with disabilities. While Ellensburg is a fruitful and wonderful community to be a part of - it has seen everything that people with disabilities can do. This grant will tip the scale in the favor of those with disabilities allowing them a space to create to the fullest of there imagination.
Please describe (1,000 character limit) your supporting documents and how they relate to the project (examples of art work, publicity materials, resumes, etc). If possible, combine documents into one .pdf file (max 20 MB). Two file upload areas are provided on this form, if needed.	This document shows small scale art projects I have recently done with my own clients. These are projects that have taken less than an hour to complete (besides the mixed media collage on page 4). This is an example on how assisted art projects can turn into a masterpiece with only a bit of direction. For the art classes I will be teaching four forms of median. There will be painting, mixed media collage, glass collage, and paper mache. I will also be accepting admissions of poetry and short stories surrounding the topic of accessibility. While I don't plan on dedicating the class to poetry and short stories I plan on assisting in direction, prompts, and editing. While I may not be the most skilled artist I have the patients, passion, and resources to help make this event a reality. This grant will not only allow me to help serve my community, it will also allow me to use my strengths as an artist, event planner, community member, and advocate for people with disabilities.

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Josephine Camarillo

From: noreply@fs19.formsite.com on behalf of ellensburgarts at ci.ellensburg.wa.us
<noreply@fs19.formsite.com>
Sent: Monday, August 15, 2022 10:56 AM
To: Ellensburg Arts Commission
Subject: [Ext] Call for Artists and Arts Organizations Result #17541054

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

Date Submitted	2022-08-15
This application is for an:	Organization
First Name	Jan
Last Name	Jaffe
Organization name (if applicable)	Make Music Ellensburg
Tax ID Number/EIN (required for organizations)	86-2855291
Street Address	1201 N Main St.
City	Ellensburg
State	Washington
Zip Code	98926
Phone Number	509-679-1383
Email Address	info@ellensburgmusic.com
Name/Title of Event/Project:	The Ellensburg Strum-Along
Brief description of event/project: (1,500 character limit)	All musicians are invited to join the great Ellensburg Strum-Along! In a series of gatherings around town, guitar & ukulele players (plus whatever random instruments show up) play & sing fun & familiar songs - oldies, classic rock, seasonal tunes, modern pop - together in a supportive, casual environment. Experienced music teacher Jan Jaffe coordinates the musical selections & materials, invites volunteer guest leaders, & schedules the featured rhythm section (drums & bass). Donations will be accepted on-site, but this will always be a free community series.
Is your event:	Multiple dates over time (e.g. every Saturday in October, once per quarter, etc.)

Event/project Start date	January 2023
Event/project End date	December 2023
Event/project location or venue	various locations - previous locations include: KC Historical Museum, Gallery One, Hal Holmes, the gazebo, Old Skool's, Clymer, Prestige Senior Living...
What is the target audience(s) for this event/project? (1,000 character limit)	Amateur/hobby musicians of all ages & anyone wanting to learn or practice in a social setting.
Please explain how this event/project will benefit OR IMPACT our community and describe how this will be measured in the project's final report. (1,500 character limit)	Music-making activities bring people together. Building community & enriching lives through music is always our primary goal in teaching music. The Strum-Along will patronize a variety of businesses & non-profits in effort to reach more people across age, income, & political boundaries with only casual commitment.
What will Arts Commission funding be used for? (1,000 character limit)	Instructor & featured musician time/talent.
Will admission be charged?	No
If admission is charged, how much?	0
Are revenues anticipated?	No
How do you plan to acknowledge the Arts Commission? (700 character limit)	Logo & "Thank you!" on all advertising/announcements (website, Facebook events, radio announcements, newspaper) as well as inside each music binder.
What is the total budget of this event/project?	850
Funding amount requested from the Arts Commission?	850
What are the expenses related to this project? The total should equal the Total Budget for this Project listed above. NOTE: Some categories may not be applicable to your project.	
Artist Fees	
Description of Expense	Instructor time
Amount	600
Sources of funds	EAC
Professional Services	
Description of Expense	Rhythm section musicians
Amount	200
Sources of funds	EAC

Rental

Promo/Marketing

Description of Expense	Posters & other advertising
Amount	25
Sources of funds	MME

Supplies

Description of Expense	Music binders, as needed
Amount	25
Sources of funds	MME

Other

What other sources of funding do you have for the project? (700 character limit)	We occasionally get a few \$ of donations at the events (when I remember to put a donation can out!). Our venues are gracious enough to offer their space for free.
Is this project dependent on funding from the Ellensburg Arts Commission to proceed?	Yes
Describe the impact of the Arts Commission funding to the successful completion of this project. (700 character limit)	Your financial support means I can offer this series for free as a drop-in event. We greatly appreciate it!
Please describe (1,000 character limit) your supporting documents and how they relate to the project (examples of art work, publicity materials, resumes, etc). If possible, combine documents into one .pdf file (max 20 MB). Two file upload areas are provided on this form, if needed.	Our website should give you a good overview of what we do: www.ellensburgmusic.com/strum-along

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Josephine Camarillo

From: noreply@fs19.formsite.com on behalf of ellensburgarts at ci.ellensburg.wa.us
<noreply@fs19.formsite.com>
Sent: Friday, August 12, 2022 11:32 AM
To: Josephine Camarillo
Subject: [Ext] Call for Artists and Arts Organizations Result #17535271
Attachments: f-2-37-17535271_NY9nN8Bq_Neighbors_of_Ellensburg_QOV_March_2022.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.

Date Submitted	2022-08-12
This application is for an:	Organization
First Name	Kathy
Last Name	Cruse
Organization name (if applicable)	Quilters In The Valley
Tax ID Number/EIN (required for organizations)	47-2073773
Street Address	POB 563
City	Ellensburg
State	Washington
Zip Code	98926
Phone Number	4254667281
Email Address	quiltzonquartz@charter.net
Name/Title of Event/Project:	Quilt of Valor Sew Saturdays
Brief description of event/project: (1,500 character limit)	QITV joined the Quilts of Valor Foundation (QOVF) in 2018. The foundation's Mission Statement is to cover service members and veterans touched by war with comforting and healing Quilts of Valor. Nationally QOVF has awarded over 318,000 quilts since 2003. QITV members have presented over 260 quilts to veterans in greater Kittitas County since 2018.
Is your event:	Multiple dates over time (e.g. every Saturday in October, once per quarter, etc.)
Event/project Start date	10/8, once per quarter
Event/project End date	2023

Event/project location or venue	Calvary Baptist at the Liberty or Windy Stitches and Stash
What is the target audience(s) for this event/project? (1,000 character limit)	QOV Sew Saturdays will be open to the public. We hope to participate in the National QOV Sew Day February 4th 2023. Quilters and those wishing to learn are the audience. We encourage anyone with a desire to support veterans with Quilts of Valor to attend.
Please explain how this event/project will benefit OR IMPACT our community and describe how this will be measured in the project's final report. (1,500 character limit)	Quilting is an art. Our mission statement includes the requirement to teach this art to the community. With our teaching of quilting, we are benefiting those who want to learn. AND providing Quilts of Valor to service members/veterans. A veteran thanked with a quilt will feel our appreciation and may heal from unseen damage.
What will Arts Commission funding be used for? (1,000 character limit)	The Quilts of Valor Foundation has determined the value of materials in each quilt is approximately \$250.00. The hours of creation are "donated" and not calculated for a monetary worth. Quilt sizes vary from 55"x64" to 72"x90". The funding would cover the material costs in making quilts for local veterans. When grant monies are not available to purchase supplies, guild members provide the materials.
Will admission be charged?	No
Are revenues anticipated?	No
How do you plan to acknowledge the Arts Commission? (700 character limit)	We have benefited from grant money provided by the Arts Commission. We have thanked the Commission publicly in print and social media. We would continue the public appreciation.
What is the total budget of this event/project?	unknown
Funding amount requested from the Arts Commission?	1500.00
What are the expenses related to this project? The total should equal the Total Budget for this Project listed above. NOTE: Some categories may not be applicable to your project.	
Artist Fees	
Amount	gratis
Professional Services	
Amount	gratis
Rental	
Amount	gratis
Promo/Marketing	
Amount	minimal
Supplies	

Amount	\$1400.00
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Other	
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Amount	\$100.00
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What other sources of funding do you have for the project? (700 character limit)	2022 2023 Quilt of Valor Sew Saturdays have no other outside funding secured. Our guild budget line may be \$1000.00 for Quilts of Valor. The QOV committee would prefer not to use the guild funds. Guild members will hopefully continue to supply fabrics as needed from home stashes if needed.
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Is this project dependent on funding from the Ellensburg Arts Commission to proceed?	No
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Describe the impact of the Arts Commission funding to the successful completion of this project. (700 character limit)	Fabric costs have risen drastically over the last several years. The cost of the fabrics can be a huge detriment to a quilter. The funding would take away the monetary worry of the quilter.... and encourage the participation in creating QOV for Kittitas County veterans.
---	--

Please describe (1,000 character limit) your supporting documents and how they relate to the project (examples of art work, publicity materials, resumes, etc). If possible, combine documents into one .pdf file (max 20 MB). Two file upload areas are provided on this form, if needed.	Our Quilt of Valor efforts have been featured in the Neighbors of Ellensburg magazine, the Daily Record, the NKC Tribune and the PUD publication. From those public articles, more veterans have been nominated. Creating the desire to continue the program in the guild.
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Upload supporting documents	Neighbors of Ellensburg QOV March 2022.pdf (2.75 MB)
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Josephine Camarillo

From: noreply@fs19.formsite.com on behalf of ellensburgarts at ci.ellensburg.wa.us
<noreply@fs19.formsite.com>
Sent: Wednesday, August 31, 2022 5:00 PM
To: Josephine Camarillo
Subject: [Ext] Call for Artists and Arts Organizations Result #17592354
Attachments: f-2-37-17592354_JtWv8XFC_GMcNeillie_CV_5.2022.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.

Date Submitted	2022-08-31
This application is for an:	Individual
First Name	Gabrielle
Last Name	McNeillie
Street Address	1805 W. Clearview Dr.
City	Ellensburg
State	Washington
Zip Code	98926
Phone Number	5857509272
Email Address	gabrielle.mcneillie@gmail.com
Name/Title of Event/Project:	Ellensburg's International Dance Day
Brief description of event/project: (1,500 character limit)	A celebration of dance in Ellensburg on or around International Dance Day which is set for Saturday, April 29, 2023. There are two goals for this project. 1. To showcase the many different styles of dance that are available to us in Ellensburg. 2. To offer community members the chance to learn how to do a few different styles. I plan to invite dance ensembles and performance groups from Kittitas county to perform and share their work. The celebration would be in the format of a lecture demonstration. Each group will have the opportunity to perform and teach a short dance combination, share some history about their group or style of dance, or hold a Q&A session.
Is your event:	One day event
Event/project Start date	8/31/2022
Event/project End date	4/30/2023

Event/project location or venue	Gazebo Stage on 3rd and Pearl
What is the target audience(s) for this event/project? (1,000 character limit)	Community members of all ages can attend.
Please explain how this event/project will benefit OR IMPACT our community and describe how this will be measured in the project's final report. (1,500 character limit)	To bring together the dance community of Ellensburg.
What will Arts Commission funding be used for? (1,000 character limit)	Funding will be used to rent audio equipment, any performance space fees associated with the event, and a stipend for each performance group.
Will admission be charged?	No
Are revenues anticipated?	No
How do you plan to acknowledge the Arts Commission? (700 character limit)	The Arts Commission will be acknowledged on all advertising which will include; flyers, posters, and social media posts.
What is the total budget of this event/project?	2,492.50
Funding amount requested from the Arts Commission?	2,492.50
What are the expenses related to this project? The total should equal the Total Budget for this Project listed above. NOTE: Some categories may not be applicable to your project.	
Artist Fees	
Description of Expense	Stipend for each performance group, approximately 10 groups
Amount	\$200/group = \$2000
Sources of funds	EAC
Professional Services	
Rental	
Description of Expense	Two subwoofers, small sound console, and handheld wireless microphone rented through the SURC
Amount	\$242.50
Sources of funds	EAC
Promo/Marketing	
Description of Expense	Flyers, posters, and programs
Amount	\$150

Sources of funds	EAC
Supplies	
Other	
Description of Expense	Tables and chairs
Amount	\$100
Sources of funds	EAC
What other sources of funding do you have for the project? (700 character limit)	Any other supplies or expenses will be out of pocket.
Is this project dependent on funding from the Ellensburg Arts Commission to proceed?	Yes
Describe the impact of the Arts Commission funding to the successful completion of this project. (700 character limit)	Having the support of the Arts Commission for this project will assist me in securing the performance groups. While artists will often perform for free in order to advertise their programs and offer performance opportunities for the dancers, it is important to pay artists for their time, even if it is a small stipend.
Please describe (1,000 character limit) your supporting documents and how they relate to the project (examples of art work, publicity materials, resumes, etc). If possible, combine documents into one .pdf file (max 20 MB). Two file upload areas are provided on this form, if needed.	I have included my CV.
Upload supporting documents	GMcNeilie CV 5.2022.pdf (225 KB)

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Josephine Camarillo

From: noreply@fs19.formsite.com on behalf of ellensburgarts at ci.ellensburg.wa.us
<noreply@fs19.formsite.com>
Sent: Saturday, August 13, 2022 8:09 PM
To: Ellensburg Arts Commission
Subject: [Ext] Call for Artists and Arts Organizations Result #17537837
Attachments: f-2-37-17537837_v3myFFuU_Robin_Mayberry__EAC_application.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.

Date Submitted	2022-08-13
This application is for an:	Individual
First Name	Robin
Last Name	Mayberry
Street Address	601 S Pine St
City	Ellensburg
State	Washington
Zip Code	98926
Phone Number	(509) 607-9774
Email Address	robin@robinmayberry.com
Name/Title of Event/Project:	99 Reasons Why
Brief description of event/project: (1,500 character limit)	99 Reasons Why will be a quilt formed out of 100 individual hand-stitched squares, each depicting either text or images that express the many experiences of recovery from substance abuse disorder. I will prepare 100 different quilt squares, number them and distribute them to people who have experienced substance abuse, or who have been affected by people in their lives with this disorder. There will be no depictions of drugs, substances or paraphernalia. The intention of this community-based piece is to bring awareness to the ubiquity of substance abuse disorder, even in a quiet town like ours. This piece will be suitable for display in any setting, but I envision it being exhibited at the Kittitas County Recovery Community Organization on 3rd Avenue. I will ask 99 different people to draw or write in an 8x8" space on paper, and will transfer those images onto cotton fabric for stitching.

	There will be four community stitching sessions to support the creation of this piece. The Palace Gallery has already expressed interest in hosting one of them and KCRCO is likely to also support the project. The 100th square will be the space to thank this project's generous sponsors.
Is your event:	Multiple dates over time (e.g. every Saturday in October, once per quarter, etc.)
Event/project Start date	10/1/22
Event/project End date	5/1/23
Event/project location or venue	Palace Gallery and KCRCO
What is the target audience(s) for this event/project? (1,000 character limit)	This project is designed to recognize those who have personally been affected by substance abuse disorder, or whose lives have been affected by someone else's substance abuse. It is also an opportunity to share awareness that substance abuse is a common issue and that multiple resources are available to help. I will be curating an exhibit at Palace Gallery called Subversive Stitch in May 2023 (tentative date), and plan to exhibit the quilt during that show.
Please explain how this event/project will benefit OR IMPACT our community and describe how this will be measured in the project's final report. (1,500 character limit)	This quilt will involve at least 99 artists and creatives in our local community (and if you're wondering if there are that many, there are). It will provide an opportunity for community members not only to share experiences (anonymously or publicly) but to learn or practice skills in hand-stitching, piecing and quilting. When the quilt is finished I hope to offer a talk about the project and the stories that go into it.
What will Arts Commission funding be used for? (1,000 character limit)	Quilting materials: 6 yards of quilting cotton 2 yards of backing cotton Quilt batting 2 x 25 packs of sewing needles embroidery floss 5 x embroidery scissors Sewing thread Long arm quilting for approx 96" quilt Printing and distributing supplies: 100 manila envelopes

printing 100 pages showing 7x7" working border
 printing 100 pages of description & rules of project

Event space rental for stitch gatherings

Artist fee

Will admission be charged?	No
Are revenues anticipated?	No
How do you plan to acknowledge the Arts Commission? (700 character limit)	Acknowledging sponsorship in the final "thank you" square and adding the EAC logo to all marketing materials.
What is the total budget of this event/project?	\$2130
Funding amount requested from the Arts Commission?	\$1826

What are the expenses related to this project? The total should equal the Total Budget for this Project listed above. NOTE: Some categories may not be applicable to your project.

Artist Fees

Description of Expense	coordinating and supervising the contribution of submitted quilt squares, hand-stitching any squares not completed by a community member during stitch circles, and for piecing and completing the quilt
Amount	1500
Sources of funds	EAC, self

Professional Services

Description of Expense	printing
Amount	40
Sources of funds	EAC, self

Rental

Description of Expense	stitch gathering event rental
Amount	120
Sources of funds	Palace Gallery, KCRCO

Promo/Marketing

Description of Expense	flyers
Amount	20

Sources of funds	EAC
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Supplies	
Description of Expense	quilting cotton, batting, backing cotton, needles, scissors, embroidery floss, sewing thread
Amount	266
Sources of funds	EAC

Other	
Description of Expense	long arm quilting
Amount	184
Sources of funds	Windy Stitches, self
What other sources of funding do you have for the project? (700 character limit)	Myself, and I will request funding for the long arm quilting from Windy Stitches and Stash on Main St.
Is this project dependent on funding from the Ellensburg Arts Commission to proceed?	Yes
Describe the impact of the Arts Commission funding to the successful completion of this project. (700 character limit)	Funding from the Arts Commission will cover the costs of supplies, and will support my time and expertise in the creation of this project.
Please describe (1,000 character limit) your supporting documents and how they relate to the project (examples of art work, publicity materials, resumes, etc). If possible, combine documents into one .pdf file (max 20 MB). Two file upload areas are provided on this form, if needed.	I am attaching at CV of recent exhibitions and publications, as well as images of recent textile work. These documents will show that as a regularly exhibiting artist, I know how to conceive of and complete a complex project. The images will show that I'm a textile artist whose work plays with the limits of fabric. For this particular project the skill set will be more traditional quilting, but I'm a long-term and accomplished quilter and sewist, and am fully capable of seeing this vision through to completion. In addition I will add that I'm a regular instructor at Gallery One, and I know how to coordinate groups of people with different skill sets to achieve a similar goal, and to have fun doing it!

Upload supporting documents	Robin Mayberry EAC application.pdf (3.96 MB)
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CITY COUNCIL AGENDA REPORT

City Council Meeting Date: November 21, 2022

Item Title/Agenda Subject: Arts Commission 2022 End-Year Review and 2023 Spending Plan

Submitted by: Josephine Camarillo Arts Commission

Recommended Action or Motion: Approve the 2023 Arts Commission Spending Plan as presented.

Background/Summary: Per section 1.33.240 of the Ellensburg City Code, the Arts Commission shall provide the Council annually, a spending plan for the following year designating the amount of funding dedicated to each activity or purchase proposal for the year. This report provides Council with an overview of 2022 and a proposed 2023 spending plan.

Previous Council Action: At its June 21, 2022 meeting, Council requested the Arts Commission proposed 2023 spending plan be brought back for consideration during the biennial budget process.

Analysis: **2022 END-YEAR REVIEW**

Revenues

Thirteen venues hosted First Friday Art Walk generating \$762.50 in collected fees.

Expenditures

Total expenditures included:

Art Grants: up to \$30,000 (59%)

- Twenty-five art grant applications were received totaling \$33,668. Out of the twenty-five, twenty-one proposals were awarded totaling \$29,908.
- The Commission named its first City of Ellensburg Poet Laureate, Marie Marchand. The Poet Laureate will be responsible for promoting poetry in the community via school engagement, creation of a city poem, performances and/or projects that are community based. She will serve her term for three years. Her stipend is up

- to \$2500 per year
- The Commission awarded Richard Denner as its 2022 Arts Treasure. The Arts Treasure award is given annually to a local artist who has contributed significant service to the community. The award is presented each year to recognize a Kittitas County resident artist in their discipline with a \$500 stipend.

Capital/Public Art: \$7,000 (14%)

- The Commission maintains and continuously adds to a collection of art works that have been donated, purchased or are otherwise owned by the City of Ellensburg. In order to grow the collection, the Commission makes a purchase from each year's Kittitas County Juried Art Show for inclusion in the permanent collection. Three pieces were selected with a total amount of \$2,003.55. Location of the pieces to be displayed TBD.

Operations: \$13,000 (27%)

- Operations include advertising, professional development, and supplies.

2023 PROPOSED SPENDING PLAN

Revenues

Estimated revenues for 2023 include a portion of construction sales tax with a maximum of \$50,000 annually. Total projected 2023 revenue to be \$800 from First Friday Art Walk site fees. Annual fee per art walk venue site is \$50.

Expenditures

Total proposed planned expenditures for 2023 are \$50,000 broken down into the following areas:

Art Grants: \$25,000 (50%)

- Through its annual grant funding cycle, the Commission distributes monetary support to local artists who can demonstrate the community benefit, artistic merit and achievability of their proposals for projects, activities or performances. Grants are for up to \$2,500 and successful applicants are reimbursed for all related

expenses within the year they are granted. 2023 grant applications opened June 1, 2022, and closed August 31, 2022. Twenty-three applications were received with a total of \$48,552 in 2023 grant funding requests. Each application was reviewed and ranked independently by the Arts Commission members for strength in public benefit, artistic merit, experience of the applicant to execute the project and budget feasibility. All applications, regardless of ranking, were discussed and considered at their regular meeting on October 13, 2022. Commissioners who may receive a direct benefit from or were directly involved in a project, abstained from the ranking and did not vote on that project. Thirteen grant proposals were accepted totaling \$24,523.

- Ellensburg Poet Laureate will continue her duties to promote poetry in the community via school engagement, creation of a city poem, performances and/or projects that are community based.
- 2023 Arts Treasure will be awarded with a stipend of \$500. The Arts Treasure award is given annually to a local artist who has contributed significant service to the community. The award is presented each year to recognize a Kittitas County resident artist in their discipline.

Capital/Public Art: \$3500 (7%)

- The Commission will continue to purchase local art in order to grow the city art collection. In order to grow the collection, the Commission makes a purchase from each year's Kittitas County Juried Art Show for inclusion in the permanent collection.

Operations: \$8500 (17%)

- Operations include advertising, professional development, and supplies.

Staff Support: \$13,000 (26%)

- The City of Ellensburg (Arts Commission) in partnership with CWU, the Kittitas County Chamber of Commerce, the Ellensburg Downtown Association, Laughing Horse Arts Foundation and CenterFuse, is creating an Ellensburg Community Cultural Arts Plan (ECCAP) to

inspire future Cultural Arts Programming over the next ten years. Possible outcomes include expanding programming and funding for the arts and culture, developing resources for creative entrepreneurs, facilities expansion in the arts, and family activities for the arts. In order to successfully foster this initiative, a dedicated staff person is needed. The Arts Commission is able to contribute, within the budget, monies to hire such person. This staff support funding is reflected in the proposed 2023/2024 Biennial Budget which includes a full-time Arts and Economic Development Manager position, with .5 FTE of the position to support the Arts Commission to facilitate the creative district designation and expand Ellensburg's creative sector.

Financial Impact:

The total 2023 spending plan remains within the Arts Commission annual spending authority in the proposed 2023/2024 Biennial Budget.



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: November 21, 2022

Item Title/Agenda Subject: 2023 Legislative Priorities

Submitted by: Heidi Behrends Cerniwey City Manager Department

Recommended Action or Motion: Approve proposed 2023 City legislative priorities.

Background/Summary: The Ellensburg City Council approved a 2023-2028 Strategic Vision by Resolution 2022-17, reflecting a common set of priorities and milestones for the City over the near term. Because state and federal legislation impacts policy and operations at the local level, creating a common legislative agenda aligned with City priorities is an important next step as the State Legislature reconvenes in January 2023.

Previous Council Action: The City Council adopted 2022 Legislative priorities on January 3, 2022.

Analysis: Having a set of adopted legislative priorities assists both staff and elected officials in aligning advocacy efforts around policies that may positively or negatively impact City infrastructure, utilities, and services.

Financial Impact: There is no direct financial impact of adopting these legislative priorities.

Attachments:
[Proposed Ellensburg 2023 Legislative Priorities](#)

Proposed Ellensburg 2023 Legislative Priorities

City Council Meeting 11/21/2022

The City of Ellensburg supports legislation that furthers the goals of the Council's Strategic Vision and protects the City's ability to provide basic municipal services to residents. Prior to the start of a legislative session, the City Council adopts Legislative Priorities. These priorities are developed by City staff and Councilmembers.

Energy Policy Compliance

Allocate \$100,000 for CETA and CCA compliance planning support

Ellensburg is one of two municipal natural gas utilities in Washington State and one of 22 municipal electric utilities. Ellensburg has a long-term commitment to energy conservation and reduced demand. Two comprehensive State mandates, the Climate Commitment Act (CCA) and Clean Energy Transformation Act (CETA) seek collectively to reduce emissions, decarbonize the building sector, invest in clean transportation, and build a clean energy future, with mitigated impacts to vulnerable populations. Both require significant electric and natural gas utility planning, implementation, and reporting. Ellensburg is not in a position to build new electrical generation facilities to meet local demand. Impacts of these policies to small utilities are substantial and require significant specialized skills to implement and meet equity goals.

- City utilities need low carbon alternatives and support from the State to create realistic pathways to meet the milestones in these policies. As we transition away from carbonized energy sources, we need sufficient carbon-free sources as replacement to avoid high-cost energy and blackouts. Ellensburg purchases around 210,000 MWh's per year from BPA; roughly 2,000 MWh's are produced locally from City owned and distributed solar. If natural gas sales are halved by 2030, the City will need an estimated additional 12 MW of electricity or 109,000 MWh's annually. Green hydrogen is not yet available. There is an urgent need for new winter-season electrical generation to implement the State's decarbonization goals.
- With the push to electrify vehicle fleets and convert home/building heating to all electric, the State must work closely with electric generation and distribution systems for the resulting effect of increased demand.
- Policies should be monitored for effectiveness and impacts to ratepayers during these difficult financial times and high inflation.

Homelessness and Affordable Housing

Flexible policies to expand housing, preserve affordability, and address homelessness

Nearly half (48%) of Ellensburg households are cost burdened (paying more than 30% of their income for housing); over one quarter (28%) are severely cost burdened (paying more than 50% of their income on housing). Ellensburg has taken action to address

housing affordability over the past few years. Voters passed the 0.1 percent local sales and use tax (RCW 82.14.530) in 2017, with funds allocated to projects that create new affordable housing. The City also provided three parcels for affordable housing and partnered with Habitat for Humanity and private developers for projects.

Ellensburg has been working with Kittitas County and community providers to identify gaps in services to address local challenges for people experiencing homelessness.

- Ellensburg has no year-round shelter that serves the community's most vulnerable by providing access to services and the ability to enforce public camping laws to manage health and safety. The City and County are working with providers collectively to locate and build an overnight sleep center to provide low-barrier shelter and service connections with a "housing first" model.
- Allow local communities to determine their own needs and financing to support those needs. Homelessness issues that plague larger metropolitan areas requiring resource-intensive solutions do not translate well for use in rural communities.
- Actively defend against preemption of local land use authority through zoning mandates, but support policies that provide flexibility to respond to local housing needs.
- Provide tools to preserve existing affordable units.
- Continue to support organizations dealing with homelessness that have shown success impacting the problem.

Wastewater Treatment Plant Infrastructure Upgrade

Allocate \$3 million to fund plant upgrade for current rate payers

Infrastructure investment is important to Ellensburg's economic vitality. The City's current Wastewater Treatment Plant is nearly 50 years old and needs technology and infrastructure improvements. Design should be complete in 2023 for a General Sewer System Plan and Aeration Upgrade design for the necessary improvements. This project will provide a significant reduction in electrical energy demand as a result of technological advances. And through industrial symbiosis enhancement, methane gas from the wastewater treatment process, which is currently burned as waste, will be recaptured for use as renewable natural gas.

- The total project cost is estimated to be \$21 million. The City adopted policies to phase utility rate increases over the next three years and raised plant investment fees (for new ratepayers by over 200 percent in 2023) to maximize local funding for the project. The City will seek the maximum project funding from federal Bipartisan Infrastructure Law programs administered by the State, but additional funding will be required to make this essential plant investment.

Behavioral Health Resources

Expand behavioral health resources for rural communities

Ellensburg and Kittitas County lack a crisis stabilization facility and sufficient behavioral health resources to serve the need. Kittitas Valley Health Network works closely with local partners (emergency responders, hospital, nonprofits) to maximize service connections from hospital, emergency care, behavioral health, outpatient substance use disorders, housing, etc. A Behavioral Health Court (grant funded for two years) was implemented in 2022 to offer a diversion program in for individuals willing to participate in substance use disorder and/or mental health evaluation and treatment programs. A Navigator program facilitates community outreach, case management, and referrals for people struggling with substance use disorder mental health issues. The County now has 0.1% sales and use tax for behavioral health. Additional needs include:

- Create greater access to community-based behavioral health services.
- Support continued state funding to help communities establish alternative response programs for individuals suffering from behavioral health issues.
- Pass felony drug possession law with an off-ramp for those willing to participate in treatment.
- Extend grants for court-supervised diversion programs beyond two years.

Reserve Police Officers

No mandated 4-month CJTC Training Academy

Police Reserve Officers are trained volunteers that augment the City's Police Department. Ellensburg Police Reserves receive extensive training and operate under the direct supervision a full-time officer. Reserve Officers are currently required to complete all required Criminal Justice Training Center (CJTC) annual training and to maintain the mandatory 24-hour training requirements. Ellensburg Police Reserve Officers assist law enforcement with parade and school sporting event safety/security.

- A proposal to require Reserve Officers to attend a 4-month basic police academy creates barriers to participation in the program and would eliminate the pool of eligible volunteers that facilitate community event safety.

Blake Decision and Transfer of Costs to Cities

Respond to Blake Decision and remedy unfunded mandates

The City supports AWC's position to respond to the Blake Decision and State responsibility for costs recently transferred to municipalities for felony medical care and public defense costs which result in financial burden.

- Provide clarification around the crime of possessing a controlled substance so that individuals, law enforcement, and treatment providers can respond appropriately. Revise the current system of two referrals prior to criminal charges, so it can be more effectively administered across the state.

- Support additional investments to help cities with the costs stemming from the Blake decision on how possession of controlled substances is handled by the criminal justice system. This includes:
 - o Funding to help offset the costs of vacating criminal convictions, repaying legal financial obligations, administering diversion programs, and mitigating municipal court impacts.
 - o Investment in alternative response teams; treatment facilities for adults and juveniles; treatment in jails; and social workers, treatment providers, and system navigators to help direct people to treatment.
- Unfunded mandates should be addressed at the State level:
 - o **Medical Costs for Felony Inmates** - Cities pay for inmate medical costs—including healthcare and medications—when police arrest and book an individual into jail. The State Department of Corrections no longer pays fees associated with pre-conviction incarceration for felony level suspects. Apple Health (the State’s medical provider) will not cover medical costs during jail confinement. Inmate medical costs cause a financial risk and burden to the City.
 - o **Public Defense Office** – In 2021, the Washington Supreme Court adopted requirements for indigent defense counsel which significantly modified existing rules to create greater independence from local governments and judges who have traditionally overseen these contracts while also reducing caseloads counts for indigent defense counsel. As result, many counties and cities have been required to significantly increase their indigent defense budgets for the creation of independent offices of indigent defense or other methods of meeting the state standards. There has been no state funding for these new impacts.



MANAGER'S REPORT

DATE: November 21, 2022

To: Ellensburg City Council

FROM: Heidi Behrends Cerniwey, City Manager

1. Community Thanksgiving on November 23

The annual Community Thanksgiving Dinner will take place on Wednesday, November 23, 2022, from 3-6 p.m. at the Armory at the Kittitas Valley Event Center, 701 E 7th Ave. Multiple volunteer shifts and duties are available. Please contact the Adult Activity Center at 509-962-7242 to sign up or to make monetary or food donations. The seated dinner is free to the public and hosted by the City and Rotary clubs. All are welcome to attend.