

CITY COUNCIL AGENDA

September 3, 2024



Ellensburg City Council meetings are broadcast on Charter/Spectrum Channel 191 and available to livestream on Ellensburg Community Television at ectv2.com or on YouTube at ECTV Ellensburg. Members of the public may attend City Council meetings either in person in the City Council Chambers, 501 N Anderson Street, Ellensburg, WA 98926 or by registering to attend remotely via video conference.

To attend the city council meeting virtually register here:

https://us02web.zoom.us/webinar/register/WN_YVZykjxcTa2BD2Ke2cyzbQ

The 6 p.m. Study Session will take place in the City Council Chambers, 501 N Anderson Street, Ellensburg, WA 98926. No public comment will be accepted. The meeting is available to livestream on YouTube at ECTV Ellensburg.

Closed Captioning is available to Zoom viewers. To enable closed captioning, you will need to click on the "CC" button at the bottom of your Zoom screen and then select either "Show Subtitle" or "View Full Transcript."

AMERICANS WITH DISABILITIES ACT

The City of Ellensburg strives to make our services, programs, and activities readily accessible and usable by individuals with disabilities. Reasonable accommodations will be made upon request. Please furnish the ADA Coordinator with your request in sufficient time for the City to provide a reasonable accommodation by calling the City of Ellensburg ADA Coordinator at (509) 962-7222 or email ADAcordinator@ellensburgwa.gov.

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 “Procedure for Remote Participation During Meeting” below. Once you register, you will be sent a meeting invitation with a phone number for the meeting.

Public comment on Non-Agenda Issues (Item No. 7) is limited to a combined total of thirty (30) minutes unless Council votes to extend the time. 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@ellensburgwa.gov. 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@ellensburgwa.gov. 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. Once registered, you will receive an email with the meeting link and phone number (for those who wish to call into the meeting).***
 - a) Anyone wishing to provide public comment on ***Non-Agenda Issues*** (Item No. 7 on the Agenda) must: 1. Register via the Zoom link by no later than 24 hours prior to the meeting; and 2. Provide a description in the Zoom registration form of the topic upon which they wish to speak with sufficient detail to allow the Mayor to determine whether it pertains to City business or a matter over which Council has control.
 - b) Anyone wishing to speak on ***all other Agenda items*** where it specifically states “Public Comment Opportunity” must register prior to 7 p.m. the day of 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. If you wish to speak on an agenda item, you must:
 - a) Wait to be called upon by the Mayor using your name, e-mail, or phone number used to log in to the teleconference.
 - b) 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.
6. Please state your name, whether you live in the City of Ellensburg, Kittitas County or elsewhere, 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, whether you live in the City of Ellensburg, Kittitas County or elsewhere, and whether you are representing only yourself or others.
- ◆ Each speaker's comments are to be limited to 3 MINUTES.
- ◆ Submit any 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).
4. Speakers providing comments on Item 7, Non-Agenda Issues, may only address the Council on matters which concern the City's business or over which the Council has control, and must announce the topic upon which they wish to speak before making their comments.

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
CITY COUNCIL AGENDA
Council Chambers
501 North Anderson Street
Ellensburg, WA 98926
And remotely via Zoom
Tuesday, September 3, 2024
6:00 PM – Study Session
7:00 PM - Regular Meeting**

Study Session (No Public Comment)

- | | | |
|---|---|----|
| A | 2026 Periodic Update Public Participation Plan | 6 |
| B | Engagement Plan for the 2024 Ellensburg Transportation Safety Action Plan | 73 |

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 August 19, 2024 Regular Meeting | 80 |
| 5.B | Acknowledge Minutes of Boards and Commissions | 84 |
| 5.C | Accept the resignation of Nick Zenter from the Parks & Recreation Commission | 112 |
| 5.D | Agreement for Professional Services between the City of Ellensburg and HopeSource to administer the State Home Electrification and Appliance Rebates (HEAR) Program for low-income single- and multifamily households with household income of 80% or less of Area Median Income | 113 |
| 5.E | Application for the State Home Electrification and Appliance Rebates (HEAR) Program | 132 |
| 5.F | Community Thanksgiving Interagency Agreement between CWU and the City | 141 |

5.G	Energy Resource Plan	151
5.H	Legislative Lobbying Services Agreement with Gordon Thomas Honeywell Government Relations - Amendment 1	154
5.I	Approve September 3, 2024 Voucher Listing	160
6.	Petitions, Protests, and Communications	
6.A	Boards & Commission Reappointment (Public Comment Opportunity)	161
6.B	County Auditor Elliott - Election (Public Comment Opportunity)	167
7.	Citizen Comment on Non-agenda Issues	
8.	Business Requiring Public Hearings	
8.A	Closed record hearing to consider adoption of Resolution 2024-25, approving the Foster North Preliminary Plat (File # P22-059)(Limited Public Testimony)	171
9.	Introduction and Adoption of Ordinances and Resolutions	
10.	Unfinished Business	
11.	New Business	
11.A	Approve Five Year Extension of Waste Management Contract October 1, 2024 - September 30, 2029 (Public Comment Opportunity)	360
12.	Miscellaneous	
12.A	Manager's Report (No Public Comment)	377
12.B	Councilmembers' Reports (No Public Comment)	
13.	Executive Session	
13.A	Per RCW 42.30.110(1)(i), to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency	
14.	Adjournment	



Meeting Date: September 3, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: 2026 Periodic Update Public Participation Plan
Submitted by: Dan Carlson, Community Development Director
Department: Community Development

Suggested Motion/Action:
For discussion purposes only.

Background/Summary:

The Growth Management Act (GMA) refers to a series of statutes first adopted in 1990 that require, among other things, participating jurisdictions to develop and update a Comprehensive Plan to manage growth. The GMA established 15 goals to serve as the foundation for Comprehensive Plans. The Comprehensive Plan serves as the guiding document for decisions and regulations. Through a series of Goals, Objectives, and Policies, the Comprehensive Plan provides a vision in which to structure future actions to achieve a planned result.

Periodic updates are a chance for a jurisdiction to reassess their priorities and goals to ensure the plan remains a current reflection of the community will and circumstances. In addition to this, the Department of Commerce provides a checklist for these updates to implement required State changes and ensure every update reflects the State-wide initiatives and regulations.

Until recently, GMA required participating jurisdictions to update their Comprehensive Plans every eight years. This was recently changed to every 10 years beginning at a jurisdiction's next update. This will mean that following the City 2026 Comprehensive Plan update, the next one will not be due until 2036.

The Comprehensive Plan periodic update is a significant project. It will require revisions to nine existing chapters and the addition of a climate resiliency chapter. Staff will utilize community input, state guidance, the best available data, subject experts, commission and City Council input, to create a product that reflects the community vision and meets the requirements of the Growth Management Act.

Previous Council Action:

City Council adopted Ordinance No. 4785, "Imagine Ellensburg 2037," which was the last periodic update to the Comprehensive Plan on December 18, 2017. Annual amendments to the Comprehensive Plan have been adopted, most recently by Ordinance 4926 on December 18, 2023.

Analysis:

GMA requires that cities establish and broadly disseminate a public participation plan identifying procedures providing for early and continuous public participation in the development and amendment of the Comprehensive Plan and development regulations implementing the plan. The public participation plan must provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments.

Staff has prepared the attached draft public participation plan for the 2026 Comprehensive Plan Periodic Update. This draft is being provided at this study session for Council review and feedback.

Financial Impact:

N/A

Budget Adjustment: No

Attachments:

1. Study Session Powerpoint 2026 Periodic Update
2. 2026-2046 Comprehensive Plan Periodic Update Public Participation Plan - DRAFT
3. Periodic Update Checklist-Fully-Planning Cities 2024

2026 Periodic Update Public Participation Plan



City Council

Study Session September 3, 2024



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What is a Comprehensive Plan?

- **Tool for creating a formal 20-year vision and ensuring consistency with State law.**
- **Created to manage growth.**
- **Mandated for GMA participating jurisdictions**
- **RCW 36.70A outlines the schedule, content, and public participation elements of Comprehensive Plan updates.**



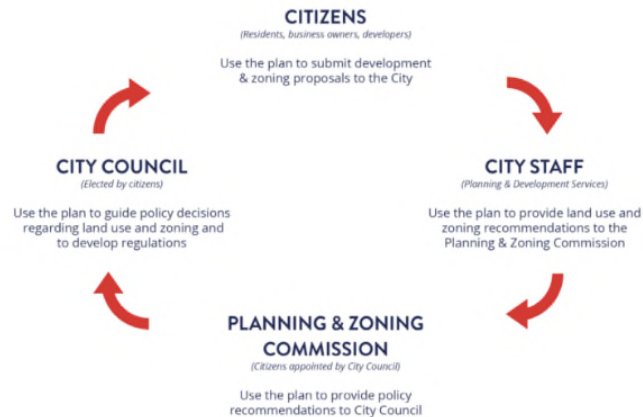
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Benefits of a Comprehensive Plan

- Provides solid grounding for City priorities
- Ensures citizens can participate in establishing a vision of their community.
- Provides predictability and a framework to develop regulations.
- Clearly identifies goals and objectives as well as specific policies to meet these goals and objective.

WHO USES THE COMPREHENSIVE PLAN?



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What is the Periodic Update?

- The Growth Management Act requires participating jurisdictions to periodically update their Comprehensive Plan.
- GMA outlines required chapters and public participation benchmarks.
- The periodic update allows the Comprehensive Plan to evolve to reflect the public vision, address changing conditions, and integrate State requirements.



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What does the periodic update include?

- **Our current plan contains 9 chapters**

- Land Use
- Housing
- Transportation
- Capital Facilities and Utilities
- Parks and Recreation
- Economic Development
- Environment
- Historic Preservation
- Diversity, Equity & Inclusion
- **Climate Resiliency**



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What does the periodic update process look like?

- **The Periodic Update is due June 30, 2026.**

- **General Steps**

- 1) Public Participation Plan
- 2) Community outreach, data gathering, and checklist analysis
- 3) Scope of Work
- 4) Develop Draft
- 5) Planning Commission Recommendation
- 6) City Council Decision



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Public Participation Plan Objectives

- Communicate to the community with timely, engaging, easy to understand, and accurate information.
- Educate the public as to the Growth Management Act, the planning process, and data relevant to the periodic update.
- Involve the community in the identification, refinement, and prioritization of policy updates needed to guide growth and development in Ellensburg over the next 20 years.
- Ensure that community members have an opportunity to provide input on decisions related to the Comprehensive Plan update and understand how their feedback is incorporated into plans and development of regulations.
- Reach a broad and diverse range of community members and use communication strategies designed to encourage engagement of historically underrepresented community members.



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Community Members & Interested Groups

- Elected and Appointed Officials
- Business and Employers
- Community Based Organizations & Service Organizations
- Environmental Advocacy
- Education
- Builders/Developers/Property Owners
- Transportation
- Regulatory Agencies
- Faith-Based Organizations
- Utilities and Contracted Services



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Communication Methods

- **Branding**
- **Print Materials**
 - Mailers
 - Fact Sheets
 - Flyers
 - Post Cards
- **Digital Materials**
 - Project Website
 - Social Media Posts
 - Online Open Houses
 - Informational Videos
- **Media**
- **Comment Forms**
- **Email Communications**
- **Language Translation**
- **Public Notices**



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Engagement Strategies

- **Surveys**
- **Open House**
- **Workshops**
- **Public Meetings**
- **Information Booths**
- **Steering Committee**
- **Tabling at Community Events**
- **Outreach through Community-Based Organizations**
- **Community Interviews**
- **Focus Groups**
- **Listening Sessions**



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Engagement Strategies

INCREASING IMPACT ON THE DECISION

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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Periodic Update Tentative Timeline

Phase 1 October 2024 – January 2025		Phase 2 January 2025 – October 2025		Phase 3 October 2025 – April 2026	
Develop Scope of Work	Inventories, Evaluations, Assessments	Draft Comprehensive Plan Amendments, Policies & Development Regulations		SEPA & Commerce Review	Planning Commission Review City Council Hearings & Adoption

City Council Adoption	Initial Public Outreach	Listen, Involve, Collaborate	Involve, Consult	Consult, Inform
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Public Participation Plan

- **Changes or Questions?**
- **Next Steps**



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City of Ellensburg 2026 – 2046 Comprehensive Plan Periodic Update Public Participation Plan

A. Introduction

The City of Ellensburg is starting a multi-year review of its comprehensive plan, known as the Comprehensive Plan Periodic Update. To be compliant with state law, this update is due for final adoption by June 30, 2026. The periodic update will establish a direction for the City for the next 20 years. Communities planning under the Washington State Growth Management Act (GMA) are required to periodically update their Comprehensive Plan and development regulations to ensure consistency with:

- Changes to State law
- Land use changes
- Population growth projections
- Housing projections

This document describes a proposed plan for public engagement with the community members of the City of Ellensburg during this periodic update.

Ellensburg adopted its first Comprehensive Plan in 1975 and has been updated annually and periodically, with the last periodic update of the City's comprehensive plan completed in 2017. These updates set the stage for City policies surrounding land use, zoning, economic development, public services and utilities, environmental protection, and natural resource management.

The plan guides policies associated with:

- Population growth
- Economic development
- Housing
- Future land use
- Employment growth
- Natural resource protection
- Infrastructure projects
- General development for the next 20 years
- Climate resilience
- Recreation and open space

The update to this plan are expected to continue now through June of 2026, with multiple opportunities for public input and feedback.

B. Objectives

The City of Ellensburg seeks to listen to varied and nuanced voices in the community to determine qualities and vision for the future. In this effort we will provide a variety of methods and opportunities for community members to learn about the plan and participate in shaping the vision as the periodic update to the plan evolves.

Some of the public outreach considerations include:

- Communicate to the community with timely, engaging, easy to understand, and accurate information.
- Educate the public as to the Growth Management Act, the planning process, and data relevant to the periodic update.
- Involve the community in the identification, refinement, and prioritization of policy updates needed to guide growth and development in Ellensburg over the next 20 years.
- Ensure that community members have an opportunity to provide input on decisions related to the Comprehensive Plan update and understand how their feedback is incorporated into plans and development of regulations.
- Reach a broad and diverse range of community members and use communication strategies designed to encourage engagement of historically underrepresented community members.

Capture community perspectives in summary reports following each public engagement exercise and relay these reports to City Council, city boards and commissions, and the public through traditional and digital media.

C. Community Members and Interested Groups

This update will be a city-wide effort that will seek engagement with a broad and inclusive range of residents, community groups, public and private agencies, business and educational groups, and other stakeholders. Public participation is a necessary and important part of the planning process and includes multiple opportunities for community members to meet with city staff and officials to discuss and develop ideas for the future.

Public participation opportunities will begin early in the process and continue throughout development of the plan. The city will utilize multiple strategies for engagement to ensure a variety of values and viewpoints are brought into the decision-making process. The goal is to build trust and mutual understanding between the City and the community by endeavoring to create a plan that is truly reflective of the varied interests and visions found in the City of Ellensburg.

Decisions about land use, environmental resources, transportation, economic development, and other topics addressed in the plan do not impact all people in the same way. In addition to traditional outreach methods and channels, staff/consultant will make an effort to seek out those voices that are historically underrepresented in the planning process. The hope is that this effort will result in a plan that is in tune with a wider range of knowledge and experiences than has historically been achieved.

Interest Area/Organization Type	Organization Name
Elected and Appointed Officials	• City Council • Planning Commission • Affordable Housing Commission • Arts Commission • Diversity, Equity, Inclusion Commission • Environmental Commission • Landmarks and Design Commission • Parks and Recreation Commission • Public Transit Advisory Committee • Utility Advisory Committee
Business and Employers	• Centerfuse • Kittitas County Chamber of Commerce/Centerfuse • Ellensburg Downtown Association
Community Based Organizations & Service Organizations	• HopeSource • Kittitas Valley Health Network • Goodwill • Kittitas Valley Healthcare (KVH) • Court Advocates for Children of Kittitas County (CASA)
Environmental Advocacy	• Kittitas Environmental Education Network • Mid-Columbia Fisheries • Kittitas County Conservation District • Yakama Nation • Kittitas Conservation Trust • Kittitas Reclamation District (KRD) • Cascade Irrigation District • Ellensburg Water Company • West Side Irrigation Company
Education	• Central Washington University • Ellensburg School District ○ Ellensburg Highschool ○ Morgan Middle School ○ Ida Nason Aronica Elementary ○ Lincoln Elementary ○ Mount Stuart Elementary ○ Valley View Elementary ○ Early Learning Center
Builders/Developers/Property Owners	• Local Builders and Developers • Central Washington Homebuilders • Habitat for Humanity • Kittitas County Association of Realtors • Homeowner Associations • Property Owners
Transportation	• Ellensburg Central Transit • Washington State Department of Transportation

Regulatory Agencies	• Washington State Department of Health • Washington State Department of Commerce • Washington State Department of Ecology • Washington State Department of Fish & Wildlife • Washington State Department of Natural Resources • Kittitas County
Faith-Based Organizations	• Kittitas Valley Ministerial Association
Utilities and Contracted Services	• Kittitas Valley Fire and Rescue • Kittitas PUD • Puget Sound Energy • KITTCOMM

D. Communication Methods

Community Development will initiate a community-wide survey to kick off the periodic update, and the survey will be used to collect insight regarding community members' preferred communication methods. Engagement strategies will employ multiple communication methods to broadly reach members of the community, including:

Project Branding – Ellensburg 2046

Development of a Comprehensive Plan update brand for the city aims to create an inviting and authentic identity that captures the community's attention and encourages active engagement. The goal is to design a brand that reflects both the City's current character and its future vision. This project brand will signal to Ellensburg residents an opportunity to envision the future of Ellensburg while fostering engagement and emphasizing a commitment to staying rooted in the community. The package will include a project logo, name, and typography as an easy way to identify the project's communication while ensuring it is accessible and flexible. This project brand will be complementary to the current City of Ellensburg branding and is only intended to be utilized for the 2026 – 2046 Comprehensive Plan Update.

Print Materials

Printed materials such as mailers, factsheets, flyers, and postcards will be used to share project information, timelines, and announcements about engagement activities and public events related to the comprehensive planning process. The materials will utilize the project brand and will be written in plain language to be easy to digest and understand. Initial materials will include a 2026 – 2046 Comprehensive Plan Update flyer that describes the process, timeline, and ways to connect with project staff, and provide comments or questions. Topic specific materials may be created to further explore middle housing, climate, or other technical aspects. Printed materials will be distributed through in-person engagement activities or postal mail channels. They can also be linked as digital copies on the project website or social media sites.

Digital Materials

Digital materials encompass information shared via digital channels, such as the project website, social media posts, online open houses, and informational videos. Digital materials will be used in addition to print materials to ensure we are reaching the broadest possible range of the community. A project webpage will be created to host information specific to the 2026 – 2046 Comprehensive Plan Update as part of the City’s website. Existing City social media channels include Facebook, X, Instagram, and YouTube.

Digital materials will be linked in email distributions, on the City’s social media accounts, or through the website and can be made accessible through screen readers and translated via online translation services. Digital content may also include paid advertising boosts that are targeted to specific online communities or groups.

A key component of the digital outreach includes video creation to explain the purpose of a Comprehensive Plan, why it matters to the Ellensburg community and how to get involved. There will be a longer-form video (no more than three minutes) produced as well as short-form videos to be utilized throughout the planning process on social media channels and the project website.

Media

The City will utilize media releases and outreach to announce the project milestones and to advertise key opportunities for public participation. Communication channels may include The Daily Record, KXLE Radio, Ellensburg Community Radio, City newsletters, City utility bills, and other local publications.

Comment Forms

The public will be able to submit comments and questions specific to the 2026 – 2046 Comprehensive Plan Update via an online comment form on the 2026 – 2046 Comprehensive Plan Update webpage. Comments will also be accepted via written formats such as emails or hand-written letters. Printed comment forms will be available at engagement events. Comments and summaries of engagement events will be tracked in a communication database and summarized as part of the community engagement summary and distributed to decision makers at key milestones in the process.

Email Communication

Email distribution lists maintained by the City in addition to a contact list developed as part the engagement program for the 2026 – 2046 Comprehensive Plan update will be used to distribute periodic emails with project updates, or to announce upcoming engagement opportunities.

Language Translation

Printed materials will be available in translated languages upon request. Translators and ASL interpreters will be available upon request at in-person meetings or events. Information for how to request translated materials or an interpreter will be included on printed mailers and flyers.

Public Noticing Requirements

Public notices for all engagement activities associated with the Comprehensive Plan Update will conform to existing public noticing requirements for the City of Ellensburg.

E. Public Involvement Opportunities

Steering Committee

Community Development will establish a steering committee to assist in the development of the comprehensive plan update. This committee will be made up of representatives of city commissions, community leaders, and other stakeholders. The steering committee will meet regularly and utilize their experience and the information gathered through various community outreach efforts to frame the update to reflect the vision of the community.

Digital and Social Media

Community Development will utilize the city web presence to advertise the various public input opportunities described below. Through the city website and social media accounts, the public will be informed of participation opportunities as well as the status of the update as it evolves. Community Development will utilize the existing Comprehensive Plan web page to keep the public informed about the process and benchmarks.

Focus Groups

Community Development will utilize small, diverse groups of people to discuss particular topics and issues. Staff/consultants will guide the discussions, asking questions and encouraging interaction amongst the participants. The goal of focus groups is to gather a range of opinions, attitudes, and perceptions about the topic to provide insight into the collective input of the community.

Listening Sessions

Community Development will also utilize listening sessions, which are similar to focus groups but tend to be more open-ended and informal. These sessions will be designed to create a space where participants can share their thoughts, experiences, and concerns on a particular topic, in their own words and at their own pace. The focus will be on understanding the participants' experiences and perspectives rather than guiding the discussion.

Surveys

Community Development will solicit input from the public through a community survey. This survey will be distributed through various methods to reach as many residents as possible. The goal will be to identify issues and determine the priorities of the community through the next 20 years. Additional surveys may be used for issue-specific subjects.

Community Workshops and Open Houses

Community Development will seek input from community groups, stakeholders, and residents through presentations of draft material throughout the process. These workshops will be advertised through various methods to encourage a broad range of participants. The workshops and open houses will include both In-person and virtual options. The presentations will address a variety of topics and will be designed to elicit feedback and inspire a sense of plan ownership among community members.

Written Comments

Written comments will be accepted by interested parties throughout the update process. Staff will accept public comments at any time prior to recommendation and adoption hearings, in addition to the formal comment periods associated with the recommendation and adoption hearings.

Planning Commission Meetings

The City will utilize regularly scheduled Planning Commission meetings to serve as study sessions throughout the update process. The public will be encouraged to attend and offer input during these regular meetings.

The Planning Commission is a seven-member advisory group that meets the second Thursday of each month. When necessary, the Planning Commission will hold additional meetings on the fourth Thursday of each month. All Planning Commission meetings begin at 5:45pm and can be attended in-person in the Council Chambers at 501 N. Anderson or attended virtually via an agenda link provided on the city website.

City Boards and Commission Meetings

The city maintains a variety of commissions representing various city interests that meet on a regular basis. These commissions are made up of community members who have exhibited an interest in the subjects they represent. Some of these commissions include:

- Environmental Commission
- Diversity, Equity & Inclusion Commission
- Landmarks & Design Commission
- Affordable Housing Commission
- Parks & Recreation Commission

Community Development will work with these commissions to draw on their expertise to inform our update. Additionally, Community Development will utilize the comment opportunities for each of these commissions to receive community feedback from attendees.

F. Engagement Strategies

The following table describes the public engagement strategies that will be implemented throughout Ellensburg's Comprehensive Plan update process. The table includes identification of the intended audience, and level of involvement the activity will achieve, using the International Association's Public Participation (IAP2) engagement spectrum.

The IAP2 Spectrum is an internationally recognized model developed to help clarify the role of the public in planning and decision making, and how much influence the community has over planning or decision-making processes. The model identifies five levels of community engagement, ordered as follows by increasing impact on the decision making: (1) Inform; (2) Consult; (3) Involve; (4) Collaborate; and (5) Empower.

Strategy	IAP2 Level	Description
Open House	Inform/Consult	• Periodic Update Kickoff ○ What is a Comprehensive Plan update? ○ Visioning for the next 20 years ○ How the public can get involved

		• Open Houses to share analysis, draft policies, and plan development
Workshops	Consult/Involve	• Workshops designed around particular topics such as: ○ Climate Change and Resiliency ○ Parks and Recreation Planning ○ Envisioning the future of Ellensburg
Public Meetings	Consult	• Public Hearings • Adoption of 2026 Comprehensive Plan Periodic Update
Information Booth	Inform/Consult	• Community Events (to be determined) ○ Ellensburg Farmer's Market ○ Kittitas County Fair and Rodeo ○ Bite of the 'Burg ○ First Friday Art Walks ○ Ellensburg Holiday Market
Online Survey	Consult	• Visioning Survey • Specific Topic-Focused Survey, i.e., Housing
Canvassing	Inform	• Target specific neighborhoods and businesses to inform about engagement opportunities
Steering Committee	Involve/Collaborate	• Community leaders, commission representatives, other stakeholders ○ Meet several times during update process. ○ Host community events/information sessions
Outreach through Community-based organizations	Involve/Collaborate	• Utilize existing relationships and partnerships to share project information and gather feedback from specific groups and communities
Community Interviews	Consult/Involve	• Issue-specific interviews with industry and technical experts. Topics could include: ○ Climate ○ Housing ○ Other
Focus Groups	Involve/Collaborate	• Small, diverse groups of people to discuss particular topics and issues. Gather a range of opinions, attitudes, and perceptions about the topic to provide insight into the collective input of the community.
Listening Sessions	Involve/Collaborate	• Open-ended sessions where participants can share their thoughts, experiences, and concerns on a particular topic, in order to understanding the participants' experiences and perspectives.

G. Project Timeline

Phase 1 – Scoping

Community Development will begin the process by gathering and analyzing information to create a conceptual framework for the update. This will involve an analysis of current conditions and Growth Management Act requirements to establish a baseline in which to move forward. The scoping effort will include written comment opportunities provided through the city web site and social media accounts. It will also include a community survey, distributed through a variety of methods, to capture perceptions and priorities of the community.

Objectives

- Build early project awareness.
- Gather community ideas, priorities, and concerns.
- Establish baseline information associated with development patterns and population forecasts.
- Review and inventory Growth Management requirements and necessary legislative updates.

Timeframe

October 2024 – January 2025

Public Participation Opportunities/Strategies

- Community survey
- Open house and workshops
- Outreach to Community Based Organizations
- Information booths at community events
- Steering committee formation

Phase 2 – Draft Policies and Plan

Phase 2 will involve drafting Comprehensive Plan chapters to be created and presented to the public through engagement opportunities to solicit feedback and ensure that the community's priorities are included in the draft plan. As chapters are developed, Community Development will attend various city commission meetings to introduce the chapters and request feedback.

Objectives

- Share analysis findings.
- Seek input on proposed goals, policies, regulations, and plan strategies.
- Develop draft chapters of the Comprehensive Plan.
- Regularly inform the community about the development of plans and policies and timelines for decisions.

Timeframe

January 2025 – October 2025

Public Participation Opportunities/Strategies

- Steering Committee meetings
- Public meetings
- Open house or workshops
- Mailers
- Interviews
- Focus groups
- Listening sessions
- Outreach to Community Based Organizations

Phase 3 – Final Review and Adoption

Phase 3 will involve multiple Planning Commission study sessions to perform final review and revisions to the draft plans. This phase will include an Open House to present the proposed final product to the

public before it is brought to the City Council. The Planning Commission will review each chapter and provide public comment opportunities. The Planning Commission will make a recommendation on the Comprehensive Plan update to City Council during a duly noticed public hearing. The Planning Commission recommendation will be brought before the City Council for plan adoption. Community Development will initiate the required 60-day notice to Commerce and the State Environmental Policy Act (SEPA) review.

Objectives

- Review draft plans and policies.
- Continue building periodic update understanding and buy-in.
- City Council adoption of the 2026 – 2046 City of Ellensburg periodic update to the Comprehensive Plan and development regulations.

Timeframe

October 2025 – April 2026

Public Participation Opportunities

- Public Meetings
- Steering Committee



Periodic Update Checklist for Fully-Planning Cities

Notice: This checklist has been updated with the new 2024 GMA legislation. Rows that include new 2023 and 2024 legislative changes or updated Commerce guidance are shown in light orange , and all statutory changes adopted since 2015 are emphasized in **highlighted** text to help identify new GMA requirements that may not have been addressed during the last periodic update or through other amendments outside of the required periodic update process. Additionally, amendments to the GMA are summarized in [this document](#) on Commerce's [GMA Laws and Rules webpage](#).

City

Staff contact, phone + email

Overview: This checklist is intended to help cities that are fully planning under the Growth Management Act (GMA) conduct the “periodic review and update” of **comprehensive plans** and **development regulations** required under [RCW 36.70A.130 \(5\)](#). This checklist identifies components of comprehensive plans and development regulations that may need updating to reflect the latest local conditions or to comply with GMA changes since the last periodic update cycle (2015-2018).

Local governments should review local comprehensive plan policies, countywide planning policies and multicounty planning policies (where applicable) to be consistent with the new requirements.

Checklist Instructions

Please use the most recent versions of your comprehensive plan and development regulations to fill out each item in the checklist and answer the following questions:

Is this item addressed in your current plan or development regulations? If YES, fill in the form with citation(s) to where in the plan or regulation the item is addressed. Where possible, we recommend citing policy or goal numbers by element rather than page numbers, since these can change. If you have questions about the requirement, follow the hyperlinks to the relevant statutory provision or rules. If you still have questions, visit the Commerce [Periodic Update webpage](#) or contact the [Commerce planner assigned to your region](#).

Is amendment needed to meet current statute? Check YES to indicate a change to your plan will be needed. Check NO to indicate that the GMA requirement has already been met. Local updates may not be needed if the statute hasn't changed since your previous update, if your jurisdiction has kept current with required inventories, or if there haven't been many changes in local circumstances.

Use the "Notes" column to add additional information to note where your city may elect to work on or amend sections of your plan or development regulations, to call out sections that are not strictly required the GMA, or to indicate if the item is not applicable to your jurisdiction.

Submit your checklist! This will be the first deliverable under your [periodic update grant](#).

PlanView system and instructions: Completed checklists can be submitted through Commerce's PlanView portal. The PlanView system allows cities and counties to submit and track amendments to comprehensive plans or development regulations online, with or without a user account. You can also submit via email: reviewteam@commerce.wa.gov Fill out and attach a [cover sheet](#), a copy of your submittal and this checklist. *Please be advised that Commerce is no longer accepting paper submittals.*

For further information about the submittal process, please visit Commerce's [Growth Management Act Laws and Rules webpage](#).

Need help?

Please visit Commerce's [periodic update webpage](#) for additional resources.

Or contact:

Suzanne Austin, AICP
Senior Planner
Growth Management Services
WA Department of Commerce
509.407.7955
Suzanne.Austin@commerce.wa.gov

Or, [your assigned regional planner](#)

by

Checklist Navigation

Section I: Comprehensive Plan	Section II: Development Regulations	Appendices
LAND USE	CRITICAL AREAS	APPENDIX A: HOUSING UNIT MINIMUMS PER POPULATION
HOUSING	ZONING CODE	APPENDIX B: ELEMENT UPDATES UNDER HB 1181
CAPITAL FACILITIES	SHORELINE MASTER PROGRAM	
UTILITIES	RESOURCE LANDS	
TRANSPORTATION	ESSENTIAL PUBLIC FACILITIES	
SHORELINE	SUBDIVISION CODE	
ESSENTIAL PUBLIC FACILITIES	STORMWATER	
TRIBAL PLANNING	ORGANIC MATERIALS MANAGEMENT	
CLIMATE CHANGE & RESILIENCY	IMPACT FEES	
ECONOMIC DEVELOPMENT	CONCURRENCY & TDM	
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OPTIONAL ELEMENTS	REGULATIONS FOR OPTIONAL ELEMENTS	
CONSISTENCY	PROJECT REVIEW PROCEDURES	
PUBLIC PARTICIPATION	PLAN & REGULATION AMENDMENTS	

Section I: Comprehensive Plan

Land Use Element

Consistent with countywide planning policies (CWPPs) and [RCW 36.70A.070\(1\)](#), amended in 2023

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
Notice: 2021-2022 legislation ESSB 5593 includes changes to RCW 36.70A.130 regarding UGA size, patterns of development, suitability and infrastructure. Coordinate these efforts with your county.				Completed: ☐ Date:
a. The element integrates relevant county-wide planning policies into the local planning process, and ensures local goals and policies are consistent. For jurisdictions in the central Puget Sound region, the plan is consistent with applicable multicounty planning policies. RCW 36.70A.210 WAC 365-196-305 Coordinate these efforts with your county.				Completed: ☐ Date:
b. A future land use map showing city limits and UGA boundaries. RCW 36.70A.070(1) amended in 2023 and RCW 36.70A.110(6) , WAC 365-196-400(2)(d) , WAC 365-196-405(2)(i)(ii)				Completed: ☐ Date:
c. Consideration of urban planning approaches that increase physical activity and reduce per capita vehicle miles traveled within the jurisdiction, but without increasing greenhouse gas emissions elsewhere in the state. RCW 36.70A.070(1) (amended in 2023) and WAC 365-196-405(2)(j) . Additional resources: Commerce's Climate guidance , Transportation Efficient Communities' guidance , and the WA Department of Health Washington State Plan for Healthy Communities and Active Community Environment Toolkit				Completed: ☐ Date:

Section I: Comprehensive Plan

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
d. A consistent population projection throughout the plan which should be consistent with the jurisdiction's allocation of countywide population and housing needs. RCW 36.70A.115 , RCW 43.62.035 and WAC 365-196-405(f)				Completed: ☐ Date:
e. Estimates of population densities and building intensities based on future land uses and housing needs. RCW 36.70A.070(1) (amended in 2023), WAC 365-196-405(2)(i) For cities required to plan under the Buildable Lands Program, RCW 36.70A.215 amended in 2017, some jurisdictions may need to identify reasonable measures to reconcile inconsistencies. See Commerce's Buildable Lands Program page.				Completed: ☐ Date:
f. Provisions for protection of the quality and quantity of groundwater used for public water supplies. RCW 36.70A.070(1) (amended in 2023), WAC 365-196-405(1)(c) ; WAC 365-196-485(1)(d)				Completed: ☐ Date:
g. Identification of lands useful for public purposes such as utility corridors, transportation corridors, landfills, sewage treatment facilities, storm water management facilities, recreation, schools and other public uses. RCW 36.70A.150 and WAC 365-196-340				Completed: ☐ Date:

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
h. Identification of open space corridors and green spaces within and between urban growth areas, including lands useful for recreation, wildlife habitat, trails and connection of critical areas, and urban and community forests within the UGA. RCW 36.70A.070(1) amended in 2023, RCW 36.70A.160 and WAC 365-196-335				Completed: ☐ Date:
i. If there is an airport within or adjacent to the city: policies, land use designations (and zoning) to discourage the siting of incompatible uses adjacent to general aviation airports. RCW 36.70A.510 , RCW 36.70.547 Note: The plan (and associated regulations) must be filed with the Aviation Division of WSDOT . WAC 365-196-455				Completed: ☐ Date:
j. Where applicable, a review of drainage, flooding and stormwater run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state. RCW 36.70A.070(1) (amended in 2023) and WAC 365-196-405(2)(e) Note: RCW 90.56.010(27) defines waters of the state. Additional resources: Commerce's climate guidance , Protect Puget Sound Watersheds , Building Cities in the Rain , Ecology Stormwater Manuals , Puget Sound Partnership Action Agenda				Completed: ☐ Date:

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
k. Policies to designate and protect critical areas including wetlands, fish and wildlife habitat protection areas, frequently flooded areas, critical aquifer recharge areas and geologically hazardous areas. In developing these policies, the city must have included the best available science (BAS) to protect the functions and values of critical areas, and give “special consideration” to conservation or protection measures necessary to preserve or enhance anadromous fisheries. RCW 36.70A.030(6) , RCW 36.70A.172 , WAC 365-190-080 . Best Available Science: see WAC 365-195-900 through -925				Completed: ☐ Date:
l. If forest or agricultural lands of long-term commercial significance are designated inside a city: a program authorizing Transfer (or Purchase) of Development Rights. RCW 36.70A.060(4) , RCW 36.70A.170				Completed: ☐ Date:
m. If there is a Military Base within or adjacent to the jurisdiction employing 100 or more personnel: policies, land use designations, (and consistent zoning) to discourage the siting of incompatible uses adjacent to military bases. RCW 36.70A.530(3) , WAC 365-196-475				Completed: ☐ Date:
n. New section RCW 36.70A.142 (2022), HB 1799: Development regulations newly developed, updated, or amended <i>after January 1, 2025</i> allow for the siting of organic materials (OM) management facilities as identified in local solid waste management plans (SWMP) to meet OM reduction and diversion goals. Siting must meet criteria described in RCW 70A.205.040(3) . See also RCW 36.70.330 . For applicability, see RCW 70A.205.540 .				Completed: ☐ Date:

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
o. Give special consideration to achieving environmental justice in goals and policies, including efforts to avoid creating or worsening environmental health disparities. RCW 36.70A.070(1) amended in 2023.				Completed: ☐ Date:
p. The land use element must reduce and mitigate the risk to lives and property posed by wildfires by using land use planning tools and through wildfire preparedness and fire adaptation measures. RCW 36.70A.070(1) amended in 2023. See also: International Wildland-Urban Interface Code				Completed: ☐ Date:

Housing Element

New legislation substantially amended the housing-related provisions of the Growth Management Act (GMA), [RCW 36.70A.070 \(2\)](#). Local governments should review local comprehensive plan policies and countywide planning policies to be consistent with the updated requirements. Please refer to [Commerce's housing webpage](#) for further information. See also [Appendix A](#) of this checklist for the new 2023 minimum housing unit requirements per city population.

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
Notice: For more information about what these housing element requirements involve and what Commerce staff will be reviewing for, please see the Expanded Housing Checklist located on the Updating GMA Housing Elements webpage .				
a. Goals, policies and objectives for: - the preservation, improvement and development of housing RCW 36.70A.070(2)(b); - moderate density housing options including, but not limited to, duplexes, triplexes, and townhomes, within an urban growth area boundary, RCW 36.70A.070(2)(b) and WAC 365-196-410(2)(a); and - Consideration of housing locations in relation to employment locations and the role of ADUs. RCW 36.70A.070(2)(d) new in 2021 Notice: These items were separately listed in the previous version of the checklist. No content was changed.				Completed: ☐ Date:
b. An inventory and analysis of existing and projected housing needs over the planning period, by income band, consistent with the jurisdiction's share of countywide housing need, as provided by Commerce. RCW 36.70A.070(2)(a) amended in 2021, WAC 365-196-410(2)(b) and (c)				Completed: ☐ Date:

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
c. Identification of capacity of land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters and permanent supportive housing. RCW 36.70A.070(2)(c) amended in 2021, WAC 365-196-410(e) and (f)				Completed: ☐ Date:
d. Adequate provisions for existing and projected housing needs for all economic segments of the community, including documenting barriers and actions needed to achieve housing availability. RCW 36.70A.070(2)(d) amended in 2021, WAC 365-196-010(g)(ii) , WAC 365-196-300(f) , WAC 365-196-410 and see Commerce's Housing Action Plan (HAP) guidance: Guidance for Developing a Housing Action Plan .				Completed: ☐ Date:
e. Identify local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including: • Zoning that may have a discriminatory effect; • Disinvestment; and • Infrastructure availability RCW 36.70A.070 (2)(e) new in 2021				Completed: ☐ Date:
f. Establish policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions. RCW 36.70A.070(2)(f) new in 2021				Completed: ☐ Date:

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
g. Identification of areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments. RCW 36.70A.070(2)(g) new in 2021 Establish anti-displacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing. RCW 36.70A.070(2)(h) new in 2021 See also: Support Materials for Racially Disparate Impacts, Exclusion and Displacement Work				Completed: ☐ Date:

Capital Facilities Plan (CFP) Element

To serve as a check on the practicality of achieving other elements of the plan, covering all capital facilities planned, provided and paid for by public entities including local government and special districts, etc. including water systems, sanitary sewer systems, storm water facilities, schools, parks and recreational facilities, police and fire protection facilities. Capital expenditures from park and recreation elements, if separate, should be included in the CFP Element. The CFP Element must be consistent with CWPPs, and [RCW 36.70A.070\(3\)](#) amended in 2023. Changes made to this element through [HB 1181](#) (climate change and resiliency) are not required, although jurisdictions should make a good faith effort to incorporate these items to be consistent with the new legislation.

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
a. Policies or procedures to ensure capital budget decisions are in conformity with the comprehensive plan. RCW 36.70A.120				Completed: ☐ Date:
b. An inventory of existing capital facilities owned by public entities, including green infrastructure. RCW 36.70A.070(3)(a) amended in 2023 and WAC 365-196-415(1)(a)				Completed: ☐ Date:
c. A forecast of needed capital facilities. RCW 36.70A.070(3)(b) and WAC 365-196-415(1)(b) Note: The forecast of future need should be based on projected population and adopted levels of service (LOS) over the planning period.				Completed: ☐ Date:
d. Proposed locations and capacities of expanded or new capital facilities. RCW 36.70A.070(3)(c) and WAC 365-196-415 (1)(c) and (3)(c) Infrastructure investments should consider equity and plan for any potential displacement impacts.				Completed: ☐ Date:
e. A six-year plan (at minimum) that will finance such capital facilities within projected funding capacities and identify sources of public money to finance planned capital facilities. RCW 36.70A.070(3)(d) , RCW 36.70A.120 , WAC 365-196-415(1)(d)				Completed: ☐ Date:

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
f. A policy or procedure to reassess the land use element if probable funding falls short of meeting existing needs. RCW 36.70A.070(3)(e) , WAC 365-196-415(2)(d) Note: park and recreation facilities shall be included in the capital facilities plan element.				Completed: ☐ Date:
g. If impact fees are collected: identification of public facilities on which money is to be spent. RCW 82.02.050(5) and WAC 365-196-850(3)				Completed: ☐ Date:
h. Identify and include information about all public entities, including special purpose districts that own capital facilities. RCW 36.70A.070 (3) amended in 2023				Completed: ☐ Date:

Utilities Element

Consistent with relevant CWPPs and [RCW 36.70A.070 \(4\)](#) amended in 2023. Utilities include, but are not limited to: sanitary sewer systems, water lines, fire suppression, electrical lines, telecommunication lines, and natural gas lines. Changes made to this element through [HB 1181](#) (climate change and resiliency) are not required, although jurisdictions should make a good faith effort to incorporate these items to be consistent with the new legislation.

a. The general location, proposed location and capacity of all existing and proposed utilities, to include telecommunications. RCW 36.70A.070(4)(a) amended in 2023 and WAC 365-196-420				Completed: ☐ Date:
b. Identify and include information and contact information about all public entities, including special purpose districts that own utility systems. RCW 36.70A.070 (4)(b) new in 2023				Completed: ☐ Date:

Transportation Element

Consistent with relevant CWPPs and [RCW 36.70A.070 \(6\)](#) amended in 2023 by HB 1181. See also the new [climate element](#) below for jurisdictional requirements.

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
a. An inventory of air, water and ground transportation facilities and services, including transit alignments, active transportation facilities, state-owned transportation facilities and general aviation airports. RCW 36.70A.070(6)(a)(iii)(A) amended in 2023 and WAC 365-196-430(2)(c)				Completed: ☐ Date:
b. Adopted multimodal levels of service standards for all locally owned arterials, locally and regionally operated transit routes that serve UGAs, state-owned or operated transit routes that serve urban areas if the department of transportation has prepared such standards, and active transportation facilities to serve as a gauge to judge performance of the system and success in helping to achieve environmental justice. RCW 36.70A.070(6)(a)(iii)(B) and (C) amended in 2023 , WAC 365-196-430				Completed: ☐ Date:
c. Identification of specific actions to bring transportation facilities and services to established multimodal LOS. RCW 36.70A.070(6)(a)(iii)(D) amended in 2023 , WAC 365-196-430				Completed: ☐ Date:
d. A forecast of multimodal transportation for a minimum of 10 years including land use assumptions used in estimating travel. RCW 36.70A.070(6)(a)(i) , RCW 36.70A.070 (6)(a)(iii)(E) amended in 2023 , WAC 365-196-430(2)(f)				Completed: ☐ Date:

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
e. A projection of state and local system needs to equitably meet current and future demand and equitably implement the multimodal network. RCW 36.70A.070(6)(a)(iii)(F) amended in 2023, WAC 365-196-430(1)(c)(vi) and RCW 47.06				Completed: ☐ Date:
f. A transition plan for transportation as required in Title II of ADA . Perform self-evaluations of current facilities and develop a program access plan to address deficiencies and achieve the identification of physical obstacles, establish methods, perform modifications and identify leadership roles. RCW 36.70A.070(6)(a)(iii)(G) new in 2023.				Completed: ☐ Date:
g. An active transportation component to include collaborative efforts to identify and designate planned improvements for active transportation facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles. RCW 36.70A.070(6)(a)(vii) amended in 2023, WAC 365-196-430(2)(j)				Completed: ☐ Date:
h. A description of any existing and planned transportation demand management (TDM) strategies, such as HOV lanes or subsidy programs, parking policies, etc. RCW 36.70A.070(6)(a)(vi) and WAC 365-196-430(2)(i)(i)				Completed: ☐ Date:
i. An analysis of future funding capability to judge needs against probable funding resources. RCW 36.70A.070(6)(a)(iv)(A) , WAC 365.196-430(2)(k)(iv)				Completed: ☐ Date:

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
j. A multi-year financing plan based on needs identified in the comprehensive plan, the appropriate parts of which serve as the basis for the 6-year street, road or transit program. RCW 36.70A.070(6)(a)(iv)(B) and RCW 35.77.010 , WAC 365-196-430(2)(k)(ii)				Completed: ☐ Date:
k. If probable funding falls short of meeting identified needs of the transportation system, including state transportation facilities, a discussion of how additional funds will be raised, or how land use assumptions will be reassessed to ensure that LOS standards will be met. RCW 36.70A.070(6)(a)(iv)(C) amended in 2023 , WAC 365-196-430(2)(l)(iii)				Completed: ☐ Date:
l. A description of intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions and how it is consistent with the regional transportation plan. RCW 36.70A.070(6)(a)(v) ; WAC 365-196-430(1)(e) and 430(2)(a)(iii)				Completed: ☐ Date:

Shoreline

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 the Growth Management Act (GMA) as set forth in [RCW 36.70A.480](#). The goals and policies of a shoreline master program for a county or city approved under [RCW 90.58](#) shall be considered an element of the county or city's comprehensive plan.

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
a. The policies, goals, and provisions of RCW 90.58 and applicable guidelines shall be the sole basis for determining compliance of a shoreline master program with this chapter except as the shoreline master program is required to comply with the internal consistency provisions of RCW 36.70A.070 , 36.70A.040(4) , 35.63.125 , 35A.63.105 , 36.70A.480				Completed: ☐ Date:
b. Shoreline master programs shall provide a level of protection to critical areas located within shorelines of the state that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources as defined by department of ecology guidelines adopted pursuant to RCW 90.58.060 . See Ecology's Shoreline planners' toolbox for the SMP Checklist and other resources.				Completed: ☐ Date:
c. Shorelines of the state shall not be considered critical areas under this chapter except to the extent that specific areas located within shorelines of the state qualify for critical area designation based on the definition of critical areas provided by RCW 36.70A.030(5) and have been designated as such by a local government pursuant to RCW 36.70A.060(2)				Completed: ☐ Date:

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
d. If a local jurisdiction's master program does not include land necessary for buffers for critical areas that occur within shorelines of the state, as authorized by RCW 90.58.030(2)(f) , then the local jurisdiction shall continue to regulate those critical areas and their required buffers pursuant to RCW 36.70A.060(2) .				Completed: ☐ Date:

Provisions for siting essential public facilities (EPFs)

Consistent with CWPPs and [RCW 36.70A.200](#), amended in 2021. This section can be included in the Capital Facilities Element, Land Use Element or in its own element. Sometimes the identification and siting process for EPFs is part of the CWPPs.

a. A process or criteria for identifying and siting essential public facilities (EPFs). RCW 36.70A.200 and WAC 365-196-550(1) Notes: RCW 36.70A.200, amended 2021 regarding reentry and rehabilitation facilities. EPFs are defined in RCW 36.70A.200 . Regional transit authority facilities are included in the list of essential public facilities.				Completed: ☐ Date:
b. Policies or procedures that ensure the comprehensive plan does not preclude the siting of EPFs. RCW 36.70A.200(5) Note: If the EPF siting process is in the CWPPs, this policy may be contained in the comprehensive plan as well. WAC 365-196-550(3)				Completed: ☐ Date:

Tribal Participation in Planning new in 2022 (see [HB 1717](#))

A federally recognized Indian tribe may voluntarily choose (opt-in) to participate in the local and regional planning processes. See Commerce's new [Tribal Planning Coordination for GMA](#) webpage for guidance and staff contacts.

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
a. Mutually agreeable memorandum of agreement between local governments and tribes in regard to collaboration and participation in the planning process unless otherwise agreed at the end of a mediation period. RCW 36.70A.040(8)(a) new in 2022, RCW 36.70A.190 new in 2022				Completed: ☐ Date:
b. <i>Port elements</i> , if adopted, are developed collaboratively between the city, the applicable port and the applicable tribe(s), which shall comply with RCW 36.70A.040(8) . RCW 36.70A.085 amended in 2022				Completed: ☐ Date:
c. <i>Urban Growth Areas</i> : counties and cities coordinate planning efforts for any areas planned for urban growth with applicable tribe(s). RCW 36.70A.110(1) amended 2022, RCW 36.70A.040(8)				Completed: ☐ Date:

Climate Change and Resiliency

New in 2023, see [HB 1181](#). WAC updates are forthcoming.

A new required element for comprehensive plans and new goal of the GMA. Designed to reduce greenhouse gas (GHG) emissions, plan for resilience and support environmental justice. Climate elements must maximize economic, environmental and social co-benefits and prioritize environmental justice in order to avoid worsening environmental health disparities. A climate element can take the form of a single comprehensive plan chapter or be integrated into several chapters/elements such as housing, transportation and land use. Visit [Commerce's Climate Program](#) webpage for further guidance, grants, tools and staff contacts. Per HB 1181, GHG reduction goals, policies, and programs not specifically identified in the [guidelines](#) must be based on scientifically credible projections and scenarios likely to result in equivalent harm avoidance, GHG emission reductions and/or per capita vehicle miles traveled (VMT) reductions.

All fully planning jurisdictions must have a resilience sub-element as part of their broader climate element. The following counties and their cities with a population greater than 6,000 as of April 1, 2021 must also have a greenhouse gas emissions reduction sub-element. Please also review the [Appendix](#) for requirements due in the upcoming periodic update.

- December 31, 2025 Deadline: Clark, Skagit, Thurston, Whatcom
- June 30, 2026 Deadline: Benton, Franklin, Spokane
- June 30, 2029 Deadline: These jurisdictions are only required to update two elements this cycle – the transportation and climate elements.

Jurisdictions may submit their greenhouse gas emissions reduction sub-element to Commerce for approval per [RCW 36.70A.096](#). Please contact Commerce for submittal requirements if you think your jurisdiction will request approval.

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
Resiliency sub-element: items a through d are required for all fully planning jurisdictions				
a. Specific goals, policies and programs that identify, protect and enhance natural areas to foster resiliency to climate impacts, as well as areas of vital habitat for safe passage and species migration. RCW 36.70A.070(9) new in 2023				Completed: ☐ Date:
b. Specific goals, policies and programs that identify, protect and enhance community resiliency to climate change impacts, including social, economic and built environment factors that support adaptation to climate impacts consistent with environmental justice. RCW 36.70A.070(9) new in 2023				Completed: ☐ Date:

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
c. Specific goals, policies and programs that address natural hazards created or aggravated by climate change, including sea level rise, landslides, flooding, drought, heat, smoke, wildfire and other effects of changes to temperature and precipitation patterns. RCW 36.70A.070(9) new in 2023 Note: include a goal and supportive policy for each climate-exacerbated hazard that is relevant to your jurisdiction.				Completed: ☐ Date:
d. Prioritize actions (pursuant to a-c) that benefit overburdened communities that will disproportionately suffer from compounding environmental impacts and will be most impacted by natural hazards due to climate change. RCW 36.70A.070(9) new in 2023				Completed: ☐ Date:
Greenhouse Gas (GHG) Emissions Reduction sub-element: items e through i are only required for jurisdictions identified above				
e. Greenhouse gas emissions reduction sub-elements must include goals and policies to reduce emissions and per capita vehicle miles traveled. RCW 36.70A.070(9) new in 2023 Note: Commerce recommends that jurisdictions use 2022 as a baseline year for their GHG inventories and set incremental targets that lead to achieving Washington’s economy-wide target of net zero emissions in 2050 set forth in RCW 70A.45.020(1). Commerce also recommends that jurisdictions should, at a minimum, include goals and policies within the following sectors: Transportation; Buildings & Energy; and, Zoning & Development. The rulemaking process is underway.				Completed: ☐ Date:

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
f. Identified actions that the jurisdiction will take during the planning cycle that will result in reductions in overall GHG emissions generated by transportation within the jurisdiction. <u>RCW 36.70A.070(9)</u> new in 2023				Completed: ☐ Date:
g. Identified actions that the jurisdiction will take during the planning cycle that will result in reductions in overall GHG emissions generated by land use within the jurisdiction. <u>RCW 36.70A.070(9)</u> new in 2023				Completed: ☐ Date:
h. Identified actions that the jurisdiction will take during the planning cycle that will result in reductions in per capita vehicle miles traveled (VMT) within the jurisdiction. <u>RCW 36.70A.070(9)</u> new in 2023				Completed: ☐ Date:
i. Prioritize GHG and VMT reductions that benefit overburdened communities in order to maximize the co-benefits of reduced air pollution and environmental justice. <u>RCW 36.70A.070(9)</u> new in 2023				Completed: ☐ Date:

Future required elements: pending state funding

As of 2022, these elements have not received state funding to aid local jurisdictions in implementation. Therefore, these elements are not required to be added to comprehensive plans at this time. Commerce encourages jurisdictions to begin planning for these elements, pending the future mandate.

	In Current Plan? Yes/No If yes, cite section	Notes	
Economic Development Although included in RCW 36.70A.070 “mandatory elements” an economic development element is not currently required because funding was not provided to assist in developing local elements when this element was added to the GMA. However, provisions for economic growth, vitality, and a high quality of life are important, and supporting strategies should be integrated with the land use, housing, utilities, and transportation elements. RCW 36.70A.070(7) amended in 2017			Completed: ☐ Date:
Parks and Recreation Implements and is consistent with the capital facilities plan. Include a ten-year demand estimate, evaluation of service and facilities needs and evaluation of tree canopy coverage within UGAs. RCW 36.70A.070(8) amended in 2023 Although included in RCW 36.70A.070 “mandatory elements” a parks and recreation element is not currently required because the state did not provide funding to assist in developing local elements when this provision was added to the GMA. However, parks, recreation and open space planning are GMA goals, and it is important to plan for and fund these facilities.			Completed: ☐ Date:

Optional Elements

Pursuant to [RCW 36.70A.080](#), a comprehensive plan may include additional elements, items, or studies dealing with other subjects relating to the physical development within its jurisdiction, including, but not limited to:

	In Current Plan? Yes/No If yes, cite section	Notes	
Sub-Area Plans			Completed: ☐ Date:
Conservation			Completed: ☐ Date:
Recreation			Completed: ☐ Date:
Solar Energy			Completed: ☐ Date:

Consistency is required by the GMA

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
a. All plan elements must be consistent with relevant county-wide planning policies (CWPPs) and, where applicable, multi-county planning policies (MPPs), and the GMA. RCW 36.70A.100 and 210 , WAC 365-196-305 ; 400(2)(c) ; 510 and 520				Completed: ☐ Date:
b. All plan elements must be consistent with each other. RCW 36.70A.070 (preamble) and WAC 365-197-040				Completed: ☐ Date:
c. The plan must be coordinated with the plans of adjacent jurisdictions. RCW 36.70A.100 and WAC 365-196-520				Completed: ☐ Date:

Public Participation

a. Plan ensures public participation in the comprehensive planning process. RCW 36.70A.020(11) , .035 , and .140 , WAC 365-196-600(3) provide possible public participation choices.				Completed: ☐ Date:
b. If the process for making amendments is included in the comprehensive plan: • The plan provides that amendments are to be considered no more often than once a year, not including the exceptions described in RCW 36.70A.130(2), WAC365-196-640 • The plan sets out a procedure for adopting emergency amendments and defines emergency. RCW 36.70A.130(2)(b) and RCW 36.70A.390 new in 2021, (HB 1220 sections 3-5), WAC 365-196-650(4)				Completed: ☐ Date:

Consistency is required by the GMA

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
c. Plan or program for monitoring how well comprehensive plan policies, development regulations, and other implementation techniques are achieving the comp plan's goals and the goals of the GMA. WAC 365-196-660 discusses a potential review of growth management implementation on a systematic basis. New 2021-2022 legislation HB 1241 provides that those jurisdictions with a periodic update due in 2024 have until December 31, 2024 to submit. This legislation also changed the update cycle to every ten years after the 2024-2027 cycle. Jurisdictions that meet the new criteria described in RCW 36.70A.130(9) will be required to submit an implementation progress report five years after the review and revision of their comprehensive plan.				Completed: ☐ Date:
d. Considerations for preserving property rights. Local governments must evaluate proposed regulatory or administrative actions to assure that such actions do not result in an unconstitutional taking of private property. RCW 36.70A.370 . For further guidance see the 2018 Advisory Memo on the Unconstitutional Taking of Private Property				Completed: ☐ Date:
e. Encourage the involvement of citizens in the planning process, <i>including the participation of vulnerable populations and overburdened communities</i> , and ensure coordination between communities and jurisdictions to reconcile conflicts. HB 1181 (2023) revised RCW 36.70A.020 Planning Goals for inclusion of				Completed: ☐ Date:

Consistency is required by the GMA

vulnerable populations and overburdened communities. RCW 36.70A.035 <i>Public Participation</i> was not amended under HB 1181.				
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Section II: Development Regulations

Must be consistent with and implement the comprehensive plan. [RCW 36.70A.040](#), [WAC 365-196-800](#) and [810](#)

Critical Areas

Regulations protecting critical areas are required by [RCW 36.70A.060\(2\)](#), [RCW 36.70A.172\(1\)](#), [WAC 365-190-080](#) and [WAC 365-195-900](#) through 925.

Please visit Commerce's [Critical Areas webpage](#) for resources and to complete the [Critical Areas Checklist](#). Critical areas regulations must be reviewed and updated, as necessary, to incorporate legislative changes and best available science. Jurisdictions using periodic update grant funds to update critical areas regulations must submit the critical areas checklist as a first deliverable, in addition to this periodic update checklist.

Zoning Code

Note: Please review the new 2023 housing laws in the [Washington State Housing Laws of 2019 through 2023](#) guidance, on Commerce's [Planning for Housing webpage](#) and [Appendix A](#) of this checklist.

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
Notice: For more information about housing regulatory changes regarding supportive housing types, see Supportive Housing Types Review Checklist on the Updating GMA Housing Elements webpage . And for additional information on middle housing and ADU regulations, see the Middle Housing webpage .				
a. Zoning designations are consistent and implement land use designations that accommodate future housing needs by income bracket as allocated through the countywide planning process. (RCW 36.70A.070(2)(c) - amended in 2021 (HB 1220)) Note: Zoning must reflect sufficient land capacity for all income housing needs, including emergency housing and permanent supportive housing.				Completed: ☐ Date:

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
b. Permanent supportive housing or transitional housing must be allowed where residences and hotels are allowed. RCW 35A.21.430 amended in 2021, RCW 35.21.683, amended in 2021, (HB 1220 sections 3-5) “permanent supportive housing” is defined in RCW 36.70A.030; “transitional housing” is defined in RCW 84.36.043(2)(c)				Completed: ☐ Date:
c. Indoor emergency shelters and indoor emergency housing must be allowed in any zones in which hotels are allowed, except in cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within one-mile of transit. Indoor emergency housing must be allowed in areas with hotels. RCW 35A.21.430 amended in 2021, RCW 35.21.683, amended in 2021, (HB 1220 sections 3-5) Any limitations on emergency housing and emergency shelter must be connected to public health and safety and allow the siting of a sufficient number of units and beds necessary to meet projected needs (see Housing Element Book 2, pages 41-48), new in 2023 “emergency housing” is defined in RCW 36.70A.030				Completed: ☐ Date:
d. The number of unrelated persons that occupy a household or dwelling unit except as provided in state law, for short-term rentals, or occupant load per square foot shall not be regulated or limited by cities. (HB 5235), RCW 35.21.682 new in 2021, RCW 35A.21.314 new in 2022, RCW 36.01.227 new in 2021				Completed: ☐ Date:

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
e. Limitations on the amount of parking local governments can require for low-income, senior, disabled and market-rate housing units located near high-quality transit service. RCW 36.70A.620 amended in 2020 and RCW 36.70A.600 amended in 2019				Completed: ☐ Date:
f. Parking requirements must allow tandem, gravel or grass pavers, and new spaces must be at least 8 by 20 feet in size. Existing and non-conforming parking must be allowed to meet parking requirements for up to six spaces. SB 6015 , new in 2024, must be addressed with the periodic update. Note: guidance coming fall 2024				Completed: ☐ Date:
g. Family day care providers are allowed in all residential dwellings located in areas zoned for residential or commercial RCW 36.70A.450 . Review RCW 43.216.010 for definition of family day care provider and WAC 365-196-865 for more information.				Completed: ☐ Date:
h. Manufactured housing is regulated the same as site built housing. RCW 35.21.684 amended in 2019, RCW 35.63.160 , RCW 35A.21.312 amended in 2019 and RCW 36.01.225 amended in 2019. A local government may require that manufactured homes: (1) are new, (2) are set on a permanent foundation, and (3) comply with local design standards applicable to other homes in the neighborhood, but may not discriminate against consumer choice in housing. See: National Manufactured Housing Construction and Safety Standards Act of 1974				Completed: ☐ Date:

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
i. Accessory dwelling units (ADUs): cities (and counties) must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations and other official controls. RCW 36.70A.680 amended in 2023, RCW 36.70A.681 amended in 2023, RCW 36.70A.696 amended in 2023, RCW 36.70A.697 amended in 2020, RCW 36.70A.698 amended in 2020, RCW 36.70A.699 amended in 2020 Must be adopted by 6 months after the periodic update deadline, or be superseded by state law. Note: see new Commerce ADU guidance and ADU checklist.				Completed: ☐ Date:
j. Middle housing: if your jurisdiction is one of the 77 cities subject to middle housing, regulations must allow the appropriate amount of middle housing units on a lot by 6 months after the periodic update deadline, or be superseded by state law. RCW 36.70A.635 See Commerce’s model ordinances and user guide on the middle housing web page.				Completed: ☐ Date:
k. Co-living must be allowed as a permitted use on any lot located within an urban growth area that allows at least six multifamily residential units, including on a lot zoned for mixed use development. HB 1998, new in 2024, contains specific standards for size, density calculations, connection fees and parking. Must be adopted by December 31, 2025 Note: guidance will be available fall of 2024				Completed: ☐ Date:

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
I. Residential structures occupied by persons with handicaps, and group care for children that meets the definition of “familial status” are regulated the same as a similar residential structure occupied by a family or other unrelated individuals. No city or county planning under the GMA may enact or maintain ordinances, development regulations, or administrative practices which treat a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family or other unrelated individuals. RCW 36.70A.410 , RCW 70.128.140 and 150 , RCW 49.60.222-225 and WAC 365-196-860				Completed: ☐ Date:
m. Affordable housing programs enacted or expanded under RCW 36.70A.540 amended in 2022 comply with the requirements of this section. Examples of such programs may include: density bonuses within urban growth areas, height and bulk bonuses, fee waivers or exemptions, parking reductions, expedited permitting conditioned on provision of low-income housing units, or mixed-use projects. WAC 365-196-300 See also RCW 36.70A.545 and WAC 365-196-410(2)(e)(i) “affordable housing” is defined in RCW 84.14.010 new in 2024 (ESSB 6175) Review RCW 36.70A.620 amended in 2020, for minimum residential parking requirements.				Completed: ☐ Date:
n. Limitations on regulating: outdoor encampments, safe parking efforts, indoor overnight shelters and temporary small houses on property owned or controlled by a religious organization. RCW 35.21.915 , amended in 2020				Completed: ☐ Date:

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
o. Allow an increased density bonus consistent with local needs for any affordable housing development of any single-family or multi-family residence located on real property owned or controlled by a religious organization. RCW 36.70A.545 , amended in 2019 (HB 1377).				Completed: ☐ Date:
p. Reduce restrictions for additional housing units within existing commercial, mixed-use and multi-family buildings by exempting the added units from density limits, parking and other regulatory requirements. RCW 35A.21.440 , new in 2023 and RCW 35.21.990 , new in 2023, (HB 1042) Note: These requirements must be in effect within six months after the periodic update due date.				Completed: ☐ Date:
q. Must not adopt, impose, or enforce requirements on an affordable housing development that are different than the requirements imposed on housing developments generally. RCW 36.130.020 (2008) Note: This applies to cities, counties, other local government entities and agencies.				Completed: ☐ Date:
r. Regulations discourage incompatible uses around general aviation airports. RCW 36.70.547 and WAC 365-196-455 . Incompatible uses include: high population intensity uses such as schools, community centers, tall structures, and hazardous wildlife attractants such as solid waste disposal sites, wastewater or stormwater treatment facilities, or stockyards. For more guidance, see WSDOT's Aviation Land Use Compatibility Program .				Completed: ☐ Date:

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
s. If a U.S. Department of Defense (DoD) military base employing 100 or more personnel is within or adjacent to the jurisdiction, zoning should discourage the siting of incompatible uses adjacent to military base. RCW 36.70A.530(3) and WAC 365-196-475 . Visit Military One Source to locate any bases in your area and help make determination of applicability. If applicable, inform the commander of the base regarding amendments to the comprehensive plan and development regulations on lands adjacent to the base.				Completed: ☐ Date:
t. Electric vehicle infrastructure (jurisdiction specified: adjacent to Interstates 5, 90, 405 or state route 520 and other criteria) must be allowed as a use in all areas except those zoned for residential, resource use or critical areas. RCW 36.70A.695				Completed: ☐ Date:
Shoreline Master Program Consistent with RCW 90.58 Shoreline Management Act of 1971				
a. Zoning designations are consistent with Shoreline Master Program (SMP) environmental designations. RCW 36.70A.480				Completed: ☐ Date:
b. If updated to meet RCW 36.70A.480 (2010), SMP regulations provide protection to critical areas in shorelines that is at least equal to the protection provided to critical areas by the critical areas ordinance. RCW 36.70A.480(4) and RCW 90.58.090(4) See Ecology's shoreline planners' toolbox for the SMP Checklist and other resources and Ecology's Shoreline Master Programs Handbook webpage				Completed: ☐ Date:

Resource Lands

Defined in [RCW 36.70A.030\(3\)](#), (12) and (17) and consistent with [RCW 36.70A.060](#) and [RCW 36.70A.170](#)

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
a. Zoning is consistent with natural resource lands designations in the comprehensive plan and conserves natural resource lands. RCW 36.70A.060(3) , WAC 365-196-815 and WAC 365-190-020(6) . Consider innovative zoning techniques to conserve agricultural lands of long-term significance RCW 36.70A.177(2) . See also WAC 365-196-815(3) for examples of innovative zoning techniques.				Completed: ☐ Date:
b. Regulations to assure that use of lands adjacent to natural resource lands does not interfere with natural resource production. RCW 36.70A.060(1)(a) and WAC 365-190-040 Regulations require notice on all development permits and plats within 500 feet of designated natural resource lands that the property is within or near a designated natural resource land on which a variety of commercial activities may occur that are regulations to implement comprehensive plan				Completed: ☐ Date:
c. For designated agricultural land, regulations encourage nonagricultural uses to be limited to lands with poor soils or otherwise not suitable for agricultural purposes. Accessory uses should be located, designed and operated to support the continuation of agricultural uses. RCW 36.70A.177(3)(b)				Completed: ☐ Date:
d. Designate mineral lands and associated regulations as required by RCW 36.70A.131 and WAC 365-190-040(5) . For more information review the WA State Dept. of Natural Resources (DNR)'s Geology Division site				Completed: ☐ Date:

Siting Essential Public Facilities

Regulations for siting essential public facilities should be consistent with [RCW 36.70A.200](#) and consider [WAC 365-196-550](#). Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities, state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities. Regulations may be specific to a local jurisdiction, but may be part of county-wide planning policies (CWPPs).

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
Regulations for CWPPs include a process for siting EPFs and ensure EPFs are not precluded. RCW 36.70A.200 amended in 2023, WAC 365-196-550(6) lists process for siting EPFs. WAC 365-196-550(3) details preclusions. EPFs should be located outside of known hazardous areas. Visit Commerce's Behavioral Health Facilities Program page for information on establishing or expanding new capacity for behavioral health EPFs. Note: RCW 36.70A.200 amended by SB 5536 to include EPFs for opioid treatment programs				Completed: ☐ Date:

Subdivision Code

a. Subdivision regulations are consistent with and implement comprehensive plan policies. RCW 36.70A.030(8) , RCW 36.70A.040(4)				Completed: ☐ Date:
b. Written findings to approve subdivisions establish adequacy of public facilities. RCW 58.17.110 amended in 2018 - Streets or roads, sidewalks, alleys, other public ways, transit stops, and other features that assure safe walking conditions for students. - Potable water supplies, sanitary wastes, and drainage ways. RCW 36.70A.590 amended 2018 - Open spaces, parks and recreation, and playgrounds - Schools and school grounds				Completed: ☐ Date:

Other items related to the public health, safety and general welfare, WAC 365-196-820(1) .				
	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
c. Preliminary subdivision approvals under RCW 58.17.140 and RCW 58.17.170 are valid for a period of five or seven years (previously five years). Note: preliminary plat approval is valid for: seven years if the date of preliminary plat approval is on or before December 31, 2014; five years if the preliminary plat approval is issued on or after January 1, 2015; and ten years if the project is located within city limits, not subject to the shoreline management act, and the preliminary plat is approved on or before December 31, 2007.				Completed: ☐ Date:
d. Include in short plat regulations procedures for unit lot subdivisions allowing division of a parent lot into separately owned unit lots. RCW 58.17.060 (3) new in 2023 by SB 5258 - section 11				Completed: ☐ Date:

Stormwater

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
a. Regulations protect water quality and implement actions to mitigate or cleanse drainage, flooding, and storm water run-off that pollute waters of the state, including Puget Sound or waters entering Puget Sound. RCW 36.70A.070(1) Regulations may include: adoption of a stormwater manual consistent with Ecology's latest manual for Eastern or Western Washington, adoption of a clearing and grading ordinance –See Commerce's 2005 Technical Guidance Document for Clearing and Grading in Western Washington. Adoption of a low impact development ordinance. See Puget Sound Partnership's 2012 Low Impact Development guidance and Ecology's 2013 Eastern Washington Low Impact Development guidance. Additional Resources: Federal Grants to Protect Puget Sound Watersheds, Building Cities in the Rain, Ecology Stormwater Manuals, Puget Sound Partnership Action Agenda				Completed: ☐ Date:
b. Provisions for corrective action for failing septic systems that pollute waters of the state. RCW 36.70A.070(1). See also: DOH Wastewater Management, Ecology On-Site Sewage System Projects & Funding				Completed: ☐ Date:

Organic Materials Management Facilities

New in 2022, [HB 1799](#) added a section to the GMA aimed at reducing the volumes of organic materials collected in conjunction with other solid waste and delivered to landfills, supporting productive uses of organic material waste and reduction of methane gas (a greenhouse gas).

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
New section RCW 36.70A.142; new in 2022 legislation HB 1799: Development regulations newly developed, updated, or amended <i>after January 1, 2025</i> allow for the siting of organic materials (OM) management facilities as identified in local solid waste management plans (SWMP) to meet OM reduction and diversion goals. Siting to meet criteria described in RCW 70A.205.040(3). See also RCW 36.70.330. For applicability, see RCW 70A.205.540				Completed: ☐ Date:

Impact Fees

May impose impact fees on development activity as part of the financing for public facilities, provided that the financing for system improvements to serve new development must provide for a balance between impact fees and other sources of public funds; cannot rely solely on impact fees.

a. If adopted, impact fees are applied consistent with RCW 82.02.050 amended in 2015, RCW 82.02.060 amended in 2023 by SB 5258, .070, .080, .090 amended in 2018 and .100. WAC 365-196-850 provides guidance on how impact fees should be implemented and spent.				Completed: ☐ Date:
b. Jurisdictions collecting impact fees must adopt and maintain a system for the deferred collection of impact fees for single-family detached and attached residential construction, consistent with RCW 82.02.050(3) amended in 2016				Completed: ☐ Date:
c. If adopted, limitations on impact fees for early learning facilities. RCW 82.02.060 amended in 2021				Completed: ☐ Date:

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
d. If adopted, exemption of impact fees for low-income and emergency housing development. RCW 82.02.060 amended in 2023. See also definition change in RCW 82.02.090(1)(b) amended in 2018				Completed: ☐ Date:
e. Ensure impact fees are not assessed on the construction of accessory dwelling units that are greater than 50 percent (50%) of the impact fees that would be imposed on the principal unit. RCW 36.70A.681 new in 2023 by HB 1337				Completed: ☐ Date:
f. The schedule of impact fees reflects the proportionate impact of new housing units, including multifamily and condominium units, based on the square footage, number of bedrooms, or trips generated, in the housing unit in order to produce a proportionally lower impact fee for smaller housing units. RCW 82.02.060 amended in 2023 by SB 5258				Completed: ☐ Date:

Concurrency and Transportation Demand Management (TDM)

Ensures consistency in land use approval and the development of adequate public facilities as plans are implemented, maximizes the efficiency of existing transportation systems, limits the impacts of traffic and reduces pollution.

a. The transportation concurrency requirement includes specific language that prohibits development when level of service standards for transportation facilities cannot be met. RCW 36.70A.070(6)(b) amended in 2023, WAC 365-196-840 . Note: Concurrency is required for transportation, but may also be applied to park facilities, etc.				Completed: ☐ Date:
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	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
b. Measures exist to bring into compliance locally owned, or locally or regionally operated, transportation facilities or services that are below the levels of service established in the comprehensive plan. RCW 36.70A.070(6)(a)(iii)(B) and (D), RCW 36.70A.070(6)(b) amended in 2023 Levels of service can be established for automobiles, pedestrians and bicycles. See WAC 365-196-840(3) on establishing an appropriate level of service.				Completed: ☐ Date:
c. Highways of statewide significance (HSS) are exempt from the concurrency ordinance. RCW 36.70A.070(6)(a)(iii)(C)				Completed: ☐ Date:
d. Traffic demand management (TDM) requirements are consistent with the comprehensive plan. RCW 36.70A.070(6)(a)(vi) Examples may include requiring new development to be oriented towards transit streets, pedestrian-oriented site and building design, and requiring bicycle and pedestrian connections to street and trail networks. WAC 365-196-840(4) recommends adopting methodologies that analyze the transportation system from a comprehensive, multimodal perspective.				Completed: ☐ Date:
e. If required by RCW 82.70, a commute trip reduction (CTR) ordinance to achieve reductions in the proportion of single-occupant vehicle commute trips has been adopted. The ordinance should be consistent with comprehensive plan policies for CTR and Department of Transportation rules.				Completed: ☐ Date:

Tribal Participation in Planning new in 2022 (see HB 1717)

A federally recognized Indian tribe may voluntarily choose to participate in the county or regional planning process. See Commerce's new [Tribal Planning Coordination for GMA](#) webpage for guidance and staff contacts.

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
a. Mutually agreeable memorandum of agreement between local governments and tribes in regard to collaboration and participation in the planning process unless otherwise agreed at the end of a mediation period. RCW 36.70A.040(8)(a) new in 2022.				Completed: ☐ Date:
b. Policies consistent with countywide planning policies that address the protection of tribal cultural resources in collaboration with federally recognized Indian tribes that are invited, provided that a tribe, or more than one tribe, chooses to participate in the process. RCW 36.70A.210(3)(i) new in 2022.				Completed: ☐ Date:

Regulations to Implement Optional Elements

a. New fully contained communities are consistent with comprehensive plan policies, RCW 36.70A.350 and WAC 365-196-345				Completed: ☐ Date:
b. If applicable, master planned resorts are consistent with comprehensive plan policies, RCW 36.70A.360 , RCW 36.70A.362 and WAC 365-196-460				Completed: ☐ Date:
c. If applicable, major industrial developments and master planned locations outside of UGAs are consistent with comprehensive plan policies, RCW 36.70A.365 , RCW 36.70A.367 and WAC 365-196-465				Completed: ☐ Date:
d. Regulations include procedures to identify, preserve, and/or monitor historical or archaeological resources. RCW 36.70A.020(13) , WAC 365-196-450				Completed: ☐ Date:

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
e. Other development regulations needed to implement comprehensive plan policies such as energy, sustainability or design are adopted. WAC 365-196-445				Completed: ☐ Date:
f. Design guidelines for new development are clear and easy to understand; administration procedures are clear and defensible				Completed: ☐ Date:
g. Local design review includes one or more ascertainable guideline, standard or criterion by which an applicant can determine whether a given building design is permissible under that development regulation. May not result in a reduction in density, height, bulk or scale below the generally applicable development regulations for a development proposal in the applicable zone. RCW 36.70A.630 new in 2023 by HB 1293				Completed: ☐ Date:

Project Review Procedures

In 2023, [SB 5290](#) substantially amended local permit review processes. Codification and additional resources from Commerce are forthcoming.

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
Project review processes integrate permit and environmental review. RCW 36.70A.470, RCW 36.70B and RCW 43.21C. Also: WAC 365-196-845, WAC 197-11 (SEPA Rules), WAC 365-197 (Project Consistency Rule, Commerce, 2001) and Ecology SEPA Handbook. Integrated permit and environmental review procedures for: • Notice of application • Notice of complete application • One open-record public hearing • Combining public hearings & decisions for multiple permits • Notice of decision • One closed-record appeal Note: new in 2023, see Commerce's new guidance for Local Project Review and SB 5290				Completed: ☐ Date:

Plan & Regulation Amendments

If procedures governing comprehensive plan amendments are part of the code, then assure the following are true:

a. Regulations limit amendments to the comprehensive plan to once a year (with statutory exceptions). RCW 36.70A.130(2) and WAC 365-196-640(3)				Completed: ☐ Date:
b. Regulations define <i>emergency</i> for an emergency plan amendment. RCW 36.70A.130(2)(b) and WAC 365-196-640(4)				Completed: ☐ Date:

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
c. Regulations include a docketing process for requesting and considering plan amendments. RCW 36.70A.130(2), RCW 36.70A.470, and WAC 365-196-640(6)				Completed: ☐ Date:
d. A process has been established for early and continuous public notification and participation in the planning process. RCW 36.70A.020(11), RCW 36.70A.035 and RCW 36.70A.140. See WAC 365-196-600 regarding public participation and WAC 365-196-610(2) listing recommendations for meeting requirements.				Completed: ☐ Date:
e. A process exists to assure that proposed regulatory or administrative actions do not result in an unconstitutional taking of private property RCW 36.70A.370. See the 2018 Advisory Memo on the Unconstitutional Taking of Private Property				Completed: ☐ Date:
f. Provisions ensure adequate enforcement of regulations, such as zoning and critical area ordinances (civil or criminal penalties). See implementation strategy in WAC 365-196-650(1).				Completed: ☐ Date:

Appendix A: Housing unit minimums per population

See Commerce's [Middle Housing webpage](#) for more information and the [Middle Housing Fact Sheet](#) for the list of cities that must comply with the following requirements.

Cities with a population less than 25,000 but within the Contiguous UGA with the largest city in a county with a population greater than 275,000				
	In Current zoning? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
Zoning and development regulations allow at least two residential units per lot on all lots zoned predominantly for residential use, unless the lot is smaller than 1,000 square feet. RCW 36.70A.635 (1) and (6) HB 1110				Completed: ☐ Date:

Cities with a population between 25,000 and 75,000				
	In Current zoning? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
a. Zoning and development regulations allow at least: - two residential units on each lot, - four residential units on each lot if at least one unit is affordable, unless the lot is smaller than 1,000 square feet.				Completed: ☐ Date:
b. Zoning and development regulations allow at least four residential units on each lot, within ¼ mile walking distance of a major transit stop.				Completed: ☐ Date:

Cities with a population greater than 75,000				
	In Current zoning? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
a. Zoning and development regulations allow at least: • four residential units on each lot, • six residential units on each lot if at least two units are affordable, unless the lot is smaller than 1,000 square feet.				Completed: ☐ Date:
b. Zoning and development regulations allow at least six residential units on each lot, within ¼ mile walking distance of a major transit stop.				Completed: ☐ Date:

Appendix B: Element updates per HB 1181 – Climate Change and Resiliency

GMA Periodic Update Due Dates	Required Updates to GMA Elements per HB 1181						
	Greenhouse Gas Reduction Sub-element	Climate Resilience Sub-element	Transportation Element	Land Use Element	Capital Facilities Element*	Utilities Element*	Parks & Recreation Element*
For jurisdictions with a 2024 deadline and subject to GHG Emissions Reduction [Sec. 15 (10)]	Due 2029	Due 2029	Due 2029	Due in 2034			
For jurisdictions with a 2025 & 2026 deadline and subject to GHG Emissions Reduction [Sec. 4 (1) and (2)]	X	X	X	X	X*	X*	X*
Jurisdictions <u>not</u> subject to GHG Emissions Reduction (all years) [Sec. 4 (3) and 9(e)(i)]	Optional	X See RCW 36.70A.070(9)(e)	**	Only counties over 20k pop.	X*	X*	X*

Table notes: "X" indicates a GMA update requirement. One asterisk (*) indicates jurisdictions should make a good faith effort to update their elements to be consistent; refer to HB 1181 (Chapter 228, Laws of 2023) for specifics. Two asterisks (**) indicates 22 cities that need to update their transportation element based on population, not whether or not their county is among those that must develop a GHG emissions element.



Meeting Date: September 3, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Engagement Plan for the 2024 Ellensburg Transportation Safety Action Plan

Submitted by: Josh Mattson, Assistant City Engineer

Department: Public Works & Utilities

Suggested Motion/Action:
For information only

Background/Summary:
The City of Ellensburg is completing a 2024 Transportation Safety Action Plan (TSAP). The City has received funding through the Safe Streets and Roads for All (SS4A) program, administered by the Federal Highway Administration (FHWA), to develop the TSAP for the City and surrounding Urban Growth Area (UGA).

The City has retained KPG Psomas for provision of professional services to prepare the TSAP. KPG Psomas has prepared a public Engagement Plan for public inclusion in the development of the TSAP. Staff is asking Council to provide feedback on the plan.

- Previous Council Action:**
- August 7, 2023 - Council authorized the Mayor and staff to execute the SS4A Grant Agreement with FHWA and all other necessary paperwork associated with this plan.
 - July 1, 2024 – Council authorized the City Manager’s signature on the Transportation Safety Action Plan Professional Services Consultant Agreement between the City of Ellensburg and KPG Psomas.

Analysis:
The City hired KPG Psomas to help develop a TSAP for streets and roads within city limits and in the surrounding UGA. The tasks for this plan will include establishment of a Vision Zero Task Force, data collection and analysis, public engagement and collaboration, establishment of Action Plan Vision, Goals, and Objectives, project prioritization, and development of a TSAP document. The City was awarded \$160,000 in SS4A funds for creation of the plan with an estimated total cost of \$200,000.

In the development of the TSAP, the City will engage with local, public and private stakeholders that interact with the community in a variety of methods. Both Central Washington University (CWU) and Central Transit (CT) have expressed support for transportation safety improvements within the City of Ellensburg and throughout its UGA. Both have agreed to participate in a Vision Zero Task Force.

It is anticipated that other local organizations such as Kittitas County, People for People, HopeSource, and the Ellensburg School District (ESD) would also participate on the task force. This collaborative effort will achieve two goals: implementation strategies and projects reaching outside the City limits into the UGA and all community members can effectively engage with the planning process.

KPG Psomas has prepared a draft Engagement Plan for the TSAP public involvement. Staff is currently seeking feedback on the Engagement Plan prior to starting planned outreach.

Financial Impact:

None at this time

Budget Adjustment: No

Attachments:

1. TSAP Engagement Plan
2. TSAP - Engagement Rosters



Transportation Safety Action Plan (TSAP) Engagement Plan Recommendation

PURPOSE	To gather input from the community to inform the development of a Transportation Safety Action Plan for the City of Ellensburg which includes the identification of projects for 2025 Safe Streets and Roads for All (SS4A) program proposal requests and future funding.
TARGET AUDIENCES	City Staff & Commissions (<i>support engagement</i>) County Agencies intersecting with Transportation Safety Community-Based Organizations – Countywide (<i>a more detailed list provided below</i>) Central Washington University Students, Faculty & Visitors Ellensburg School District – Staff & Families Community Members • Residents (Urban & Rural) • Youth • Seniors • Cyclists • Pedestrians • Public Transportation Users
EQUITY CONSIDERATION	<i>Actively apply Comp Plan Goal DE1- Policy B - Promote and encourage community engagement and outreach to all by dedicating additional time and resources to underserved and traditionally underrepresented communities through the Trusted Advocate approach described in Step 3.</i>

ENGAGEMENT APPROACH RECOMMENDATION

The City of Ellensburg has invested significant resources to gather community input regarding transportation access and safety concerns through its 2020 Active Transportation Plan (ATP) and 2023 Comprehensive Plan update. These efforts have resulted in a list of potential priority projects and locations (*refer to Comp Plan Tier 1 & 2 Project Lists pages 195 – 200 & ATP Prioritized Project Lists pages 50-57*).

To reduce the potential for fatigue and token engagement by going back to the community with similar questions and information requests, the Project Team recommends an approach that aims to build on the projects previously identified via the above-mentioned efforts. Through this process, the City will foster community trust by demonstrating that it has heard and acted on requests by sharing any progress made since this past engagement took place. In addition, we will engage two teams composed of community representatives to review these already identified projects and develop a short list of recommendations for broader community engagement. *See below for team definitions.*

APPROACH DESCRIPTIONS

STEP 1 Task Force Engagement	TASK FORCE MEMBER DEFINITION Representatives from local public agencies and organizations that serve the community and represent a various disciplines and demographics, such as county agencies, relevant City Commission representatives, non-profits, schools, business organizations, and
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Transportation Safety Action Plan (TSAP) Engagement Plan Recommendation

<i>(Potential Roster of Task Force Members attached)</i>	faith-based organizations. Task Force members are individuals with prior knowledge and/or experience engaging in city processes. <i>A more detailed description including roles, time commitment, and responsibilities to be included in the participant invitation document.</i> APPROACH Invite a robust group of stakeholders (no more than 10) representing the above-listed target audiences who will form a Task Force and engage in a series of meetings to: • Review project lists identified via the ATP and Comprehensive Plan’s public engagement efforts, • Learn which projects the City has already implemented and/or are currently underway to reduce duplication, • Vet relevancy of remaining projects from these lists and produce a short list of relevant priority projects, • Review safety analysis findings and recommended strategies and projects to inform the development of a final prioritized project list, to be used for potential funding requests in 2025 and into the future, • Collaborate with Trusted Advocates to inform priority project recommendations for broader community engagement. NOTE: The project team will perform additional safety analysis of the transportation system and identify potential strategies and projects to make improvements. This approach will ask Task Force Members to begin with the existing project lists and then move to new projects identified through this analysis resulting in a prioritized project list that incorporates both.
STEP 2 Trusted Advocate Identification & Education <i>(Potential Roster of Trusted Advocates attached)</i>	TRUSTED ADVOCATES MEMBER DEFINITION Community members who have traditionally not participated in past City project identification efforts and processes. These individuals should be able to provide perspective and connections to underserved and diverse populations residing in a diversity of locations near project implementation areas. Trusted advocates will receive compensation for their time. <i>A more detailed description including roles, time commitment, and responsibilities to be included in the participant invitation document.</i> APPROACH Since Task Force Members will include individuals from traditional institutions and organizations with previous experience engaging in City processes and decision-making, Task Force members may not necessarily capture the City’s most diverse and often overlooked demographics. For this reason, we propose working with these institutions to identify a small team (no more than 5) of community members with trusted relationships to engage in a parallel track to the Task Force. Trusted Advocates will provide feedback on the Task Force’s preliminary project list and support broader engagement efforts to ensure a diversity of voices is incorporated in the final list of project selections for funding requests. Trusted Advocates will: • Receive compensation for participation in education sessions and engagement activities, • Participate in a minimum of three project vetting sessions to understand the process and weigh in on the preliminary project lists as identified by the Task Force, • Work with the project team to review and ensure the accessibility of engagement materials, • Support dissemination of broader engagement information and conduct targeted activities with their respective communities.

Transportation Safety Action Plan (TSAP) Engagement Plan Recommendation

STEP 3 Broader Community Engagement (<i>Potential Community Partner outreach list attached</i>)	Upon completion of Steps 1 & 2, we will engage in a public information and engagement campaign to share the preliminary list of project recommendations, report back on projects already conducted or currently underway and gather input to inform the final project recommendations.
ENGAGEMENT TOOLS & ACTIVITIES	Information tools • Background, other engagement efforts, fact sheets, posters, flyers • Website information • Media releases • Social media posts • Public displays • Online surveys • Public comment/written submissions Activities • City of Ellensburg Town Hall / Open House - interactive • Targeted Focus groups • Partner-hosted and community events • Surveys • Trusted advocate – surveys, 1x1 and small group gatherings • Local businesses (Fred Meyer, Safeway, etc.) • High traffic locations (Library, pool, etc.)



Transportation Safety Action Plan (TSAP) Task Force Members, Trusted Advocates & Community Partner Rosters

August 22, 2024

Potential Roster of Task Force Members (10 – 12 people max., plus PT)

	Last Name	First Name	Organization
PT	Mattson	Josh	City of Ellensburg Public Works & Utilities
PT	Brackin	Jessica	Fehr & Peers
PT	Villegas	Alma	AV Consulting
PT	Witthuhn	Karissa	KPG Psomas
1			Kittitas Co. Public Health/Comm. Development/Public Works
2			Central WA University
3			Ellensburg School District – a representative from one school
4			City DEI Commission
5			APOYO
6			Kittitas Co. Recovery Community Organization
7			People for People
8			City Environmental Commission – Bike Group
9			Kittitas Valley Ministerial Assoc.

PT = Project Team

Potential Roster of Trusted Advocates (10 people max.)

	Last Name	First Name	Organization/Community/Group
1			Food delivery service (Uber Eats or NOMMS)
2			Retirement community
3			Ellensburg Running Club
4			Recycle shop – look for bike/group ride advocate
5			Black Horse Development
6			Bright Beginnings
7			Mill Pond community
8			Native group
9			Central Washington Disability Resources



Transportation Safety Action Plan (TSAP) Task Force Members, Trusted Advocates & Community Partner Rosters

August 22, 2024

Potential Roster for Broader Engagement

In addition to the institutions and partners listed above, the PT will engage the below city departments, public agencies, and community partners in its broader engagement efforts.

- Centerfuse/Kittitas Co. Chamber of Commerce
- Central Transit & PTAC
- City Community Development Dept.
- City Library Commission
- City Parks & Rec Commission
- City Planning Commission
- Ellensburg Downtown Assoc.
- Entrust (disability services)
- Fire Department/other first responders
- FISH foodbank
- Hope Source
- Ellensburg Police Department
- WSDOT



CITY OF ELLENSBURG

Minutes of City Council, Regular Meeting

Date of Meeting

August 19, 2024

Time of Meeting

7:00 PM

Place of Meeting

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

Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Elliott

1. Call to Order and Roll Call

Roll Call Present: Sarah Beauchamp, Rich Elliott, Nancy Lillquist, David Miller, Delano Palmer, Joshua Thompson

Absent: Nancy Goodloe, excused

Others present in person: City Manager Behrends Cerniwey, City Clerk Leader, Public Works & Utilities Director Lyyski, Finance Director Pascoe, EPD Chief Wade, Energy Resources Manager Stanavich, Stormwater Manager Morrow and approximately ten members of the public

Others present remotely via Zoom: one member of the public

2. Proclamations

- 2.A International Overdose Awareness Day
Pam Tuggle Miles read the proclamation.

3. Awards and Recognitions

- 3.A Eagle Scout Project Report: Oliver Taft, Troop 493
Jon Morrow, Stormwater Manager, presented information concerning the project. Oliver Taft, Eagle Scout with Troop 493, presented information concerning his project with the City. Council thanked Mr. Taft for his work on the project.

4. Approval of Agenda

Councilmember Lillquist moved to approve the amended Agenda by adding item 11C.

Motion Approved 6-0

5. Consent Agenda

- 5.A Approve Minutes of August 5, 2024 Regular Meeting

-
- 5.B Approve Minutes of August 5, 2024 Study Session
 - 5.C Acknowledge Minutes of Boards & Commissions
 - 5.D Approve University Way Banner Request from CWU - Sept. 16-27, 2024
 - 5.E Award Bid Call 2024-19 - Seattle Avenue Utility Extension - 400' East of Willow Street to Magnolia Street
 - 5.F 2023 City of Ellensburg WA Annual Financial Statement Report
 - 5.G Resolution 2024-22 Approving Jason Dormady's Street Tree Removal Request at 409 S Pine Street
 - 5.H Resolution 2024-23 Approving Blewett Blue Properties' Street Tree Removal Request at 401 W 12th Avenue
 - 5.I Consideration of Approving the Service of Alcohol at the Hoedown in the Downtown Event at Unity Park
 - 5.J Approve August 19, 2024 Voucher Listing

Councilmember Lillquist moved to approve the Consent Agenda as presented. **Motion Approved 6-0**

6. Petitions, Protests, and Communications

- 6.A 2023 Annual Police Report (Public Comment Opportunity)
Ken Wade, EPD Chief, reviewed information in a presentation to Council. Council asked questions of staff.

Jack Cassidy, member of the public, asked what the most common crime is in Ellensburg.

- 6.B 2023 Crime Report (Public Comment Opportunity)
Ken Wade, EPD Chief, reviewed information in a presentation to Council. Council asked questions of staff.

- 6.C Washington Families Clean Energy Credits Program (Public Comment Opportunity)
Buddy Stanavich, Energy Resources Manager, presented information in the staff report. Council asked questions of staff.

7. Citizen Comment on Non-agenda Issues

- Dorothy Stanley, City resident, speaking for herself, spoke regarding historic district signs

8. Business Requiring Public Hearings

9. Introduction and Adoption of Ordinances and Resolutions

- 9.A Resolution 2024-24 to Authorize Interfund Loan from the Shop and Warehouse Fund to Arterial Street Fund (Public Comment Opportunity)
Ryan Lyyski, Public Works & Utilities Director, presented information in the staff report.

Councilmember Miller moved to authorize approval of Resolution 2024-24 and make necessary budget adjustments. **Motion Approved 6-0**

10. Unfinished Business

11. New Business

- 11.A Second Quarter 2024 Financial Status and Investment Reports (Public Comment Opportunity)
Jerica Pascoe, Finance Director, presented information in the reports. Council asked questions of staff.

Councilmember Lillquist moved to accept the Second Quarter 2024 Financial Status and Investment Reports as presented. **Motion Approved 6-0**

- 11.B Flock License Plate Reader System Purchase (Public Comment Opportunity)
Jim Weed, EPD Operations Captain, presented information in the staff report. Council asked questions of staff.

Councilmember Palmer moved to authorize the City Manager to sign the Master Services Agreement and Order Form as attached or in substantially similar format with Flock Safety, and approve the necessary budget adjustments. **Motion Approved 6-0**

- 11.C Stan Bassett Youth Center Roof Project Budget Carryforward
Heidi Behrends Cerniwey, City Manager, presented information in the staff report.

Councilmember Palmer moved to approve budget carryforward from 2023 to 2024 for the Stan Bassett Youth Center reproofing project. **Motion Approved 6-0**

12. Miscellaneous

- 12.A Manager's Report (No Public Comment)
The City Manager presented the report. She also requested approval of the Mayor's signature on a letter of support for CWU.

Councilmember Miller moved to authorize the Mayor's signature on the letter of support for the CWU CoGen plant. **Motion Approved 5-0 (Palmer abstained)**

- 12.B Councilmembers' Reports (No Public Comment)
- Councilmember Beauchamp attended the Developmental Disabilities meeting, KITTCOM Board meeting, National Night Out & Cop on Top

events

- Councilmember Lillquist attended the Yakima Basin Fish & Wildlife Annual Event, reported on CWU sustainability Council, attended the LEOFF 1 Disability Board meeting, County Airport Advisory Committee, Utility Advisory Committee meeting, and asked if the Landmarks & Design Commission has considered the historic signs recommendation
- Councilmember Miller attended Finance Committee, Arts Commission and Planning Commission meetings
- Councilmember Palmer attended Affordable Housing Commission, Kittitas County Solid Waste meetings
- Councilmember Thompson attended Finance Committee and Landmarks & Design Commission meetings
- Mayor Elliott reported on Parks & Recreation Commission, attended the EMS Council and EBDA/CenterFuse meetings, and requested another councilmember attend the KCCOG meeting on Wednesday and requested an excused absence for the September 16, 2024 regular meeting

Councilmember Miller moved to approve an excused absence for Mayor Elliott at the September 16, 2024 regular meeting. **Motion Approved 6-0**

13. Executive Session

14. Adjournment

Meeting adjourned at 9:22 pm

Mayor

ATTEST:

City Clerk



CITY OF ELLENSBURG

Minutes of Arts Commission, Regular Meeting

Date of Meeting

June 13, 2024

Time of Meeting

4:00 PM

Place of Meeting

Council Conference Room, City Hall

1. Call to Order and Roll Call of Members

Start time:

- 1.A Chair Eyre, Commissioner Marchand, Commissioner Dougherty, Commissioner Oostra, Commissioner Snedeker. Welcome any guests.

Guest: No guest

Absent: Commissioner Scheffer, Brian Kooser, Council Liaison, David Miller

2. Approval of Agenda as amended

Motion to approve June 13, 2024, Arts Commission meeting agenda.

By: Commissioner Snedeker

Seconded: Commissioner Dougherty

In Favor: All in favor

Opposed: None

Motion Carries

3.

3.A Approval of Minutes

Motion to approve May 9, 2024, Arts Commission meeting minutes as presented.

By: Commissioner Marchand

Seconded: Commissioner Oostra

In Favor: All

Opposed: None

Motion Carries

3.B Approval of the May 22nd Special Meeting

By: Chair Eyre

Seconded: Commissioner Dougherty

In Favor: All

Opposed: None

Abstained: Commissioner Snedeker

Motion Carries:

4. Budget/Financial Report

- 4.A No budget report for June 2024 Arts Commission Spending Plan/Budget
- 4.B 2025-2027 Spending Plan Subcommittee Discussion
Subcommittee: Chair Eyre, Commissioner Marchand, and Staff liaison.
Subcommittee will meet in July and present draft of 2025-2026 Spending Plan at August meeting.

5. New Business

5.A Review Grant Application for 2025 Grant Cycle.

Discussion: Broad discussion regarding funding projects for 2025

Suggestion: Adopt a business rule in place, current serving commissioners are not eligible to apply for project grant for the first year of service and then only every other year after that. This rule would apply to all organizations that they serve on the board as well. This rule does not apply to any family members seeking a grant, provided the Commissioner and/or Staff liaison are not involved in the planning or fulfillment of the project grant.

This rule would apply to EAC staff liaison as well.

Would need to add language to the application under who is eligible on that application.

Motion: To amend the 2025 Project Grant Application to reflect the following:

The Ellensburg Arts Commission acknowledges that commissioners are often active artists. Current Ellensburg Arts Commission members and organizations of which they serve as board members or principals may apply for grant funding under the following conditions:

- They may not apply during their first year of service
- They may only apply every other year while in service

By: Chair Eyre

Seconded: Commissioner Oostra

In Favor: All

Opposed: None

Abstain: None

Motion Carries

5.B Arts Commission Retreat:

There was discussion about the importance of the retreat in helping identify projects and programming review for upcoming years. The date/time of September 12, 2024 5:00 to 8:00 pm was selected and agreed upon.

Staff: Update public meeting to reflect the expanded time of the September meeting. Location TBD.

6. Unfinished Business

- 6.A Update Unity Park Call for Artist—Reserve Funding Utilization. Updated Commission on Council vote based on City Council meeting.
- 6.B Update on Art Treasure Award/Art Advocate Award
- 6.C Update on FF Art Walk Map: Commissioner Oostra reviewed map edits and commissioners added their edits. Printing options still undetermined.

7. Subcommittee Business

Several Commissioners and staff attended the Inspire Washington meeting held at Gallery One. [Home - Inspire Washington](#)

7.A

- 1. Ellensburg Arts & Cultural Alliance: Alex/Jeff/Staff
- 2. Funding: Jerry/Jill
- 3. Public Art: Alex/Jerry
- 4. Advocacy/Public Relations: Brian/Jeff
- 5. Art Walk: Jill/Erin

8. Citizen Comment

There was no citizen comment at this time.

9. Staff Updates/Discussion Items

- 9.A See Staff Report in the Agenda Packet

10. Council Representative Update

No Council Representative Update at this time.

11. Adjournment

Time: 4:58 pm

CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of Diversity, Equity & Inclusion

Commission Meeting

July 9, 2024

3:00 PM

Council Conference Room & Zoom

1. Call to Order and Roll Call

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

Roll Call Present: Nancy Goodloe, Phil Backlund, Tylene Carnell, Kandee Cleary, Teresa Divine, M. Eliatamby-O'Brien, Amber Hoefer, and Alex Mandujano.

Also present: Nicole Klauss, DEI Commission staff member; ESD liaison Rhonda Schmidt; applicant Claudia Wright; applicant Serena Turney via Zoom; and 2 members of the public online.

2. Approval of the Agenda

Commissioner Phil Backlund moved to approve the agenda. Commissioner Amber Hoefer seconded the motion. There was no discussion. **Motion approved 6-0.** (Commissioner Cleary had to step out of the room).

3. Approval of Minutes from June 11, 2024, Meeting

Commissioner Tylene Carnell moved to approve the minutes from the June 11, 2024, DEI Commission Meeting. Commissioner Phil Backlund seconded the motion. There was no discussion. **Motion approved 6-0.** (Commissioner Cleary had to step out of the room).

4. New Business

A. Klauss reported receiving a resume and retreat proposal from Sigrid Davidson. The proposal was outside of the Commission's budget, so the session topics needed to be cut down.

The Commission decided to ask the facilitator to lead a session on these topics.

- How we can better engage with the community using new tools
- How the commission works together within its own identities and how it can advise the Council accordingly; disrupting systems of harm

Klauss will connect with the facilitator to see what can be accomplished with \$1,400 (7 hours of work total including prep time). The retreat budget is \$1,600 total and \$200 will be reserved for refreshments and supplies. Staff will facilitate the updating goals session at the retreat.

B. Unity Park Grand Opening

The Unity Park grand opening planning committee has met twice so far. They want to build a schedule with performers on the stage and things happening around different areas of the park.

Commissioner Carnell said the Ida Nason Aronica Elementary School previously had a cultural fair and she is reaching out to the organizers of that events for contacts. Commission members provided ideas. There was a suggestion to reach out the Central Washington University Diversity and Equity Center for student involvement. Commissioner Divine has a list of organizations that had booths at CWU's Day of Action. Commissioners should send contacts or additional ideas to Carnell.

Klauss said the DEI Commission has \$1,500 in their budget for the event that could be used toward performers.

5. Previous Meeting Motions and 90-Day To-Do List Review:

Goodloe reported:

- The Juneteenth event was a success and a good start. The planning committee met to evaluate the event and talk about next year. There is a commitment to do it again.
- World Café: The City Manager is going to set up meeting with the new school superintendent. The goal is to hold a World Cafe at the Ellensburg School District and target students and parents, sometime in late October or early November.
- Goodloe is having lunch with Carolyn Thurston and will see if the opportunity is still there to partner with the Dispute Resolution Center.

6. Liaison Reports

Rhonda Schmidt, Ellensburg School District liaison, reported:

- ESD is still waiting on the Department of Justice report to come back. It will be reported on in the future
- ESD is updating its procedures around bullying, intimidation, harassment, how it deals with incidents when they occur, and what it is doing to prevent incidents.
- ESD is updating it strategic plan next year.
- ESD has some research about diversity in schools, which could be available for a future presentation to the commission.
- The staff training sessions this year will be about supporting LGBTQIA students, mindfulness in schools, substance abuse in students and dialectical behavioral therapy skills.

Commissioner Carnell brought up youth homelessness and the need to somehow talk about this.

Commissioner Hoefer asked about data availability on representation/identities of teachers. Schmidt said it is self-reported through the Office of Superintendent of Public Instruction with their certificates.

7. Subcommittee Reports

Goodloe reported:

- The Listening Tour Subcommittee lost some members. Carnell is joining the group.
- The goal with the listening tours is to go to where the groups are, and the subcommittee may consider looking at new questions for collecting better data.
- Goodloe wants to meet with the subcommittee to get started on the planning piece for the rest of the year.

Commissioner Mandujano and Backlund went to CWU and made some important connections with groups on campus for listening tours. There may be opportunities to connect with students in the fall. Commissioner Cleary suggested connecting with the CWU BIPOC staff group and the leadership group.

Commissioner Eliatamby-O'Brien is willing to be a part of the conversation about refining language use.

Commissioner Carnell said there is a one pager which outlines the process and questions, so the subcommittee could build on that. Carnell suggested adding a question asking if anyone has participated in a listening session before.

8. Commission Member Reports

Commissioner Carnell reported she stepped down from Helen House and will be coming in with a different lens. She is still with Central Washington Justice For Our Neighbors.

9. Staff Report

Klauss mentioned the agenda packet included correspondence from KEEN regarding the grant.

10. Public Comment

Theresa Plue provided public comment.

Preview Next Meeting August 13, 2024

The meeting will stay on the schedule for now, but if there is no business, the chair will cancel it.

Meeting adjourned.

Nicole Klauss

Drafted: 7/16/24

Approved: 8/13/24



Ellensburg Business Development Authority dba CenterFuse

BOARD OF DIRECTORS MEETING MINUTES

Wednesday, May 8, 2024

4:00 - 5:30 PM

Members in Attendance: Garrett Poshusta, Chair, Dawn Alford, Vice Chair; Grant Clark, Treasurer; Jennifer Lubanski, Board Member, James Jankowski, Board Member and John Perrie, Board Member.

Members not in Attendance: Jared Vallejo, Board Member.

Others present: Rich Elliot, Ellensburg City Mayor and Liaison; Kelle Vandenberg, City of Ellensburg Arts & Economic Development Manager; Amy McGuffin Kittitas County Chamber of Commerce CEO, David Chamberlin Kittitas County Chamber of Commerce board member, Johnny Graff and Phil Backlund moderators for the City of Ellensburg economic development task force, Kristine Miller, CenterFuse Executive Director.

1. Opening

1.1 Call to Order

The Chair called the meeting to order at 4:01 PM

1.2 Approval of Agenda

Motion to approve the agenda made by Grant Clark, second by John Perrie. Motion approved by unanimous vote.

1.3 Approval of Minutes

Motion to approve the April 10, 2024 regular meeting minutes made by Grant Clark, second by Dawn Alford. Motion approved by unanimous vote.

1.4 Approval of Voucher

Motion to approve the April 2024 voucher made by Grant Clark, second by John Perrie. Motion approved by unanimous vote.

1.5 Public Comment

No comments.

The meeting began with the introduction of meeting attendees to include David Chamberlin with the Kittitas County Chamber of Commerce and Johnny Graff and Phil Backlund moderators for the City of Ellensburg's economic development task force.



2. Executive Update & Election of New Secretary

2.1 Overview of Current Status and Major Developments

The executive director shared some key moments from the last 30 days: the Lean 101 class held in partnership with Impact Washington sold out and was a success, Jeanette with Impact Washington already following up with some attendees, executive director continues to meet with and make progress with the economic development task force partners, had a successful visit with a client who came to Ellensburg and met with CWU, local business, and toured the Wildcat Farm.

2.2 Election of New Secretary

Discussion was held regarding Jennifer Lubanski being nominated for the role of secretary due to board member and board secretary Del Bankson's recent departure from the board.

Garrett Poshusta made a motion to elect Jennifer Lubanski to the role of CenterFuse board secretary. Dawn Alford seconded. Motion approved by unanimous vote.

3. Update on Asset Discussions with the City of Ellensburg

3.1 Presentation of outcomes from the May 2nd meeting with the City of Ellensburg regarding the airport building and other assets and 3.2 Board discussion of implications for CenterFuse.

Garrett Poshusta presented a brief overview of key points from the recent meeting between the City of Ellensburg and CenterFuse, noting the meeting was to lay the groundwork for the period when CenterFuse would be dissolved and winding down the PDA. Garrett Poshusta noted that he would like the assets to follow CenterFuse into whatever new entity it evolves into and an agreement to have a plan for the assets in place. CenterFuse may need to have a special meeting to discuss this.

Jennifer Lubanski stated that she would like to share her thoughts, noting that she felt the PDA dissolving is a tragedy, the loss of entity with bonding authority is a concern, and that our asset has long term income. Garrett Poshusta noted that change can be scary, but that there are issues broader than the city. Jennifer Lubanski responded that she wondered if CenterFuse merged if board members would stay on. John Perrie mentioned having a path to have board and work continuity. Garrett Poshusta stated that it is important to raise issues and concerns and have an opportunity to have those discussions.

John Perrie shared his concern that he has been wondering who we (CenterFuse) are and stated that we have to know who we are. James Jankowski asked if a PDA was still on the table and the board discussed this possibility. Further discussion was had regarding a date and whether it was a hard date, with John Perrie wondering if a date can be more flexible if we can show we are making progress and Garrett Poshusta noting that the city has said it is not a hard date. Jennifer Lubanski further noted the important things that a PDA brings to the table.

Additional discussion was had on dissolution of PDA, with James Jankowski asking if we can reel it back, Garrett Poshusta discussing interest of continuing to example a PDA in its own right, and John Perrie

mentioning that he would like time to explore this. Garrett Poshusta shared his thoughts on roles and redundancies and noted that one benefit of potential integration is that these redundancies go away.

James Jankowski noted it would be beneficial to develop a pros/cons list. John Perrie stated that it would be beneficial to know what we can and cannot do in an executive session and that we can have a subcommittee to discuss. John Perrie asked if the 501c3 can have a board that is not Chamber members and it was noted that individuals who are not Chamber members can be on the board.

4. Strategic Review of Discussions with the Chamber of Commerce

4.1 Summary of ongoing negotiations and strategic alignment, 4.2 Input from the Chamber CEO (if they wish to speak) and 4.3 Board discussion.

Garrett Poshusta prompted board members to review the MOU with the Chamber of Commerce, noting that this involves a 501c3 that is already in existence, but not fully operational. The CenterFuse board would be invited to sit on that board.

Amy McGuffin noted that the MOU was provided because the Chamber thought they were at the point of integration (with CenterFuse) and the MOU is designed to outline “here is where we are going”. CenterFuse would be a brand under the Chamber’s 501c3 and as such the Chamber took the role of parent organization, with CenterFuse coming in as a house brand. Pros and cons of this were briefly discussed between the Amy McGuffin and the CenterFuse board.

Amy McGuffin stated that the Chamber is doing this in good faith, from a business perspective it may not be the best but there is an economic development gap that could benefit the Chamber and she (Amy) would rather have an entity come in given the learning curve of having a new employee fill the role. The executive director of CenterFuse already knows people, how to run meetings, take notes, etc.

John Perrie referenced the prior partnership with the Chamber, Jennifer Lubanski expressed concern that the city loses something if they lose the PDA, bonding and buildout. Garrett Poshusta noted the potential for synergy and his hope would be that the assets would be dealt with prior to merging. Rich Elliot spoke to wanting to see CenterFuse succeed, that everyone would be taken care of when combining entities, CenterFuse has a role to play, and that he will advocate for equitable treatment for everyone. Rich Elliot further noted that a PDA under the city is not a good fit, some level of disconnect from the city and that (we) will help you figure out where to go and how to get there.

Garrett Poshusta further noted that the PDA is a legacy structure, with Dawn Alford asking if the board still needed to discuss structures. Johnny Graff then took the opportunity to speak to the task force process, how the task force was working to help CenterFuse become a county wide entity, and that the task force was working under the pretext that (CenterFuse) want to be county-wide. John Perrie mentioned not wanting to lose contacts and continuity we had, board needs to be up to date and does not want to lose what we had. Kelle Vandenberg spoke about how Kristine and Amy work together and the opportunities for CenterFuse.

Phil Backlund further noted that the move is an opportunity for CenterFuse and spoke about how the (taskforce) process began in January. Rich Elliot further noted that we support this and trust the process,

Amy McGuffin added that we have good faith that we will figure it out together, we are inviting the executive director to come continue what CenterFuse is good at. Amy McGuffin then spoke to the MOU, the current conversation, and noted that CenterFuse would become a house brand and not a stand-alone entity. James Jankowski noted experience working for a chamber of commerce and asked if CenterFuse would be pressured into promoting membership. Amy McGuffin responded no, we support all businesses per our agreement with the city, Chamber offers some member only things, and noted their structure is unusual in the Chamber world.

Phil Backlund asked the board if they would be able to have an answer to the MOU and Kelle Vandenberg reminded the board of the larger discussion on a county wide strategy.

5. Countywide PDA Discussion

5.1 Update on interactions with county commissioners and 5.2 Board discussion.

Executive director Kristine Miler spoke to the options available (to CenterFuse) and why some may not work, noting the decision matrices shared previously, and asked board how they would like her to ensure consistent communication (during this process) – weekly, as needed? The board directed the executive director to continue what she was doing.

6. Task Force Mediators Input and Update

6.1 Introduction and insights from the task force moderators (if they wish to speak) and 6.2 Board discussion.

Note: Johnny Graff and Phil Backlund from the taskforce spoke as needed above (see meeting notes under item four above) and did not speak further at this point.

7. Open Floor for Strategic Discussion

7.1 Board member discussion and deliberation on the path forward, considering all stakeholder input and documents/information provided by the executive director and 7.2 Board determination of next steps.

Board discussion about a special meeting was had, to include what needs to be discussed at a special meeting. The board further discussed integration, the role that assets play in a merger, and signing the MOU. James Jankowski asked the board if they were comfortable signing the MOU and then working through the details. Garrett Poshusta asked if the board would sign the MOU as stated or have a subcommittee with Grant Clark noting that they did not necessarily need to and could sign the MOU as is. James Jankowski noted he was comfortable signing as is and continuing discussion. John Perrie discussed the Chamber may want CenterFuse to fulfill economic development (role) and Garret Poshusta noted this is a way for them (Chamber) to do the work, we have experience in this with Dawn Alford noting that we have relationship capital too.

8. Resolution and Voting

8.1 Presentation and discussion of proposed Resolution 2024-03 RE approval to negotiate a merger with Kittitas County Chamber of Commerce and 8.2 Voting on Resolution 2024-03.

Motion to approve Resolution 2024-03 made by James Jankowski, second by Grant Clark. Motion approved by unanimous vote.

The board discussed whether a resolution was needed for the executive director to sign the MOU with the Chamber. The executive director noted she would feel more comfortable having the board vote to approve her to sign the MOU.

Motion to authorize the executive director to sign the MOU with the Chamber made by Garret Poshusta, second by Dawn Alford. Motion approved by unanimous vote.

9. Closing

9.1 For the good of the order

None

9.2 Adjournment

Adjournment – time 5:45 PM Motion to adjourn by Garret Poshusta.

Drafted: 5/13/2024

Approved: *Jennifer Lubanski*

Submitted by: Kristine Miller



**Ellensburg Business Development Authority dba CenterFuse
BOARD OF DIRECTORS SPECIAL MEETING MINUTES**

Friday, May 31, 2024

11:30 AM – 1:00 PM

Members in Attendance: Garrett Poshusta, Chair; Grant Clark, Treasurer; Jennifer Lubanski, Board Member; James Jankowski, Board Member; John Perrie, Board Member, and Jared Vallejo, Board Member.

Members not in Attendance: Dawn Alford, Vice Chair.

Others present: Kristine Miller, CenterFuse Executive Director.

1. Opening

1.1 Call to Order

The Chair called the meeting to order at 11:33 AM

1.2 Approval of Agenda

Motion to approve the agenda made by Grant Clark, second by Jennifer Lubanski. Motion approved by unanimous vote.

1.3 Public Comment

No comments.

2. Board Discussion of Current Situation (25 minutes)

The CenterFuse executive director provided an update to the board on the status of the economic development task force work and discussions with the Chamber regarding a potential merger. Jared Vallejo and Garrett Poshusta both provided an overview of the Chamber's approach to the merger and would the CenterFuse board retain practical control. Discussion was had regarding changes to the CenterFuse executive director's role and the CenterFuse executive director shared her thoughts.

Jennier Lubanski asked if the merger solves the problem and Garett noted that CenterFuse does not have a path forward as is, negotiate and look at other options (we can) and is there any option to discuss some changes to the current (merger) terms? The Board discussed having one more chat with the Chamber, including the Chamber Chair and Co-Chair.

Discussion was had as to other opportunities explored and funding sources. Question was raised "What organizational structure best allows CenterFuse to do our work"?

The chair adjourned the meeting to Executive Session at 12:00 pm.



3. Executive Session

At 12:00 PM the board entered Executive Session to discuss potential litigation with counsel per RCW 42.30.110(1)(i)

To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

The Executive Session concluded at 12:58 PM.

4. Closing

4.1 For the good of the order

The board discussed next steps. James Jankowski (who arrived after the start of the meeting) asked for an update on Chamber merger, which was provided.

The board discussed whether we should discuss any concerns regarding a merger before or after signing the MOU with the Chamber. It was agreed that CenterFuse should meet with Charlie, David, and Amy from the Chamber before signing the MOU to discuss what a CenterFuse home in the Chamber looks like.

4.2 Adjournment

1:27 PM Motion to adjourn by Garret Poshusta.

Drafted: 6/6/2024

Approved: *Jennifer Lubanski*

Submitted by: Kristine Miller



Ellensburg Business Development Authority dba CenterFuse
BOARD OF DIRECTORS MEETING MINUTES
Wednesday, June 12, 2024
4:00 - 5:30 PM

Members in Attendance: Garrett Poshusta, Chair, Dawn Alford, Vice Chair; Grant Clark, Treasurer; Jennifer Lubanski, Secretary; John Perrie, Board Member and Jared Vallejo, Board Member

Members not in Attendance: James Jankowski, Board Member

Others present: Kelle Vandenberg, City of Ellensburg Arts & Economic Development Manager; Amy McGuffin Kittitas County Chamber of Commerce CEO and Kristine Miller, CenterFuse Executive Director.

1. Opening

1.1 Call to Order

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

1.2 Approval of Agenda

Motion to approve the agenda made by Grant Clark, second by Jared Vallejo. Motion approved by unanimous vote.

1.3 Approval of Minutes

Motion to approve the May 8, 2024 regular meeting minutes made by John Perrie, second by Grant Clark. Motion approved by unanimous vote.

1.4 Approval of Voucher

Motion to approve the April 2024 voucher made by Dawn Alford, second by Jared Vallejo. Motion approved by unanimous vote.

1.5 Public Comment

Kelle Vandenberg passed along regret from city manager Heidi Behrends Cerniwey and mayor Rich Elliott that they were unable to meet with CenterFuse earlier in the afternoon.

2. Executive Update

The executive director updated the board on client assistance that has been provided in the last month as well as the progress being made with the Bowers Field taskforce advisory group (TAG). She noted that it was good to have a seat at the table and she is encouraged by the work being done and the possibilities for the site.

The executive director also noted that this was an opportunity for her to provide feedback on barriers businesses looking to come to, or expand in, Ellensburg were facing. Board member Jared Vallejo asked if we need data/proof of a lack of product and Kelle Vandenberg noted that data would help. Discussion was had about Theresa, Amy, and Kristine gathering and sharing data in a coordinated way and the



board discussed how data was tracked in the past. The executive director noted she will move forward (with data sharing coordination efforts), and discussion continued around barriers such as cost, zoning, need for incentives and cost of incentives vs. cost of not having incentives in place (loss of taxes, jobs).

3. Update on Chamber Merger and Task Force Work

Board chair Garrett Poshusta have an update on Chamber merger discussions noting that the MOU had been signed, there were still some areas to address moving forward, touching on the board's role, the executive director's role, and that there are points we need to discuss. Grant Clark mentioned that he felt more comfortable that the Chamber was willing to discuss and noted the importance of keeping separate entities. John Perrie shared his thoughts and Jared Vallejo noted his thoughts following the meeting.

The executive director spoke to the structure and roles of the structure with Garrett Poshusta discussing how much autonomy the board would have under the merger. Jennifer Lubanski expanded on what we gain and what we lose if we are an individual entity versus merging with the Chamber and discussion was held on funding under the merger versus as a non-profit. Kelle Vandenberg mentioned that an entity must be a non-profit for at least three years before it can apply for state/federal funding.

John Perrie raised concern that we might disappear, and Jared Vallejo shared that some concerns need to be talked through. John Perrie discussed what CenterFuse going away looks like. Garrett Poshusta noted what CenterFuse does moving forward. Discussion was had about the value of CenterFuse, we have a reputation and credibility, how do we ensure how we move forward is amenable to the board. John Perrie noted that we have not always been good at promoting our good work/the work that we have done.

4. Update on Kittitas County Economic Development Strategic Plan & Strategic Discussion (30 minutes)

The executive director gave an update on the work on the Kittitas County Economic Development Strategic Plan and the recent meetings with the University of Northern Iowa (UNI) and the (local) economic development folks. Kelle Vandenberg shared that UNI would help guide roles and Kristine asked for board guidance on how they would like (CenterFuse's role and the value CenterFuse adds) communicated at these meetings.

Garrett Poshusta discussed CenterFuse identifying barriers to economic development and having boots on the ground knowledge. Jared Vallejo shared that a bigger piece is knowing your customer and being able to position accordingly. John Perrie noted that (the Chamber) is a membership organization and that some businesses do not want competition. Dawn Alford discussed key markets and how we can succeed as a county and city and that we are nimble. John Perrie added that he would like to work with, not for (the Chamber). Jared Vallejo discussed (role of CenterFuse in) making things happen, bringing things together. Dawn Alford noted (CenterFuse's) understanding of history, legacy of the community. Jennifer Lubanski added her thoughts to the discussion. Working with, not for was once again mentioned. Garrett Poshusta asked how do we plug into the broader regional plan and areas of work, mentioning that the Chamber has identified (a plan).

The executive director briefly touched on the ICAP program and asked the board to begin considering if CenterFuse should continue to focus on cyber security or other technologies such as agricultural technology.

5. Review of Transitional Period Work Plan

The executive director noted that she had been working on a full strategic plan that was almost done but given the current period of transition and the current situation a work plan was advised by counsel.

The board discussed the amount of work currently required and asked if the executive director needed additional help. The executive director noted she had only considered that this is what needs to be done and that she would begin moving forward and update the board if additional help/support is needed.

Motion to approve CenterFuse Six Month Work Plan made by Jennifer Lubanski, second by Dawn Alford. Motion approved by unanimous vote.

6. Closing

6.1 For the Good of the Order

John Perrie discussed Robert's Rules of Order, noting the board can all go to the same place, but cannot discuss business. Kelle Vandenberg mentioned Terry can conduct Robert's Rule training.

6.2 Adjournment

5:20 PM Motion to adjourn by Garret Poshusta.

Drafted: 6/25/2024

Approved: *Jennifer Lubanski*

Submitted by: Kristine Miller



**Ellensburg Business Development Authority dba CenterFuse
BOARD OF DIRECTORS MEETING MINUTES**

Wednesday, July 10, 2024
4:00 - 5:30 PM

Members in Attendance: Dawn Alford, Vice Chair; Grant Clark, Treasurer; Jennifer Lubanski, Secretary; Jared Vallejo, Board Member.

Members not in Attendance: Garrett Poshusta, Chair; James Jankowski, Board Member; John Perrie, Board Member.

Others present: Heidi Behrends Cerniwey, City of Ellensburg City Manager; Rich Elliott, City of Ellensburg Mayor; Phil Backlund; Amy McGuffin, Kittitas County Chamber of Commerce CEO/President; Kristine Miller, CenterFuse Executive Director.

1. Opening

1.1 Call to Order

The Vice Chair called the meeting to order at 4:19 PM

1.2 Approval of Agenda

Motion to approve the agenda made by Jennifer Lubanski, second by Grant Clark. Motion approved by unanimous vote.

1.3 Approval of Minutes from May Special Meeting

Motion to approve the May 31, 2024 special meeting minutes made by Jennifer Lubanski, second by Grant Clark. Motion approved by unanimous vote.

1.4 Approval of Minutes from June Board Meeting

Motion to approve the June 12, 2024 regular meeting minutes made by made by Jennifer Lubanski, second by Grant Clark. Motion approved by unanimous vote.

1.5 Approval of Voucher

Motion to approve the June 2024 voucher made by Jennifer Lubanski, second by Dawn Alford. Motion approved by unanimous vote.

1.6 Public Comment

None.



2. Executive Update

The executive director updated the board on client assistance that has been provided in the last month, the heat training class being planned with the Kittitas County Chamber of the Commerce and the University of Georgia and funded by an OSHA grant, and the status of the USDA Rural Development Grant, which was awarded to the EBDA dba CenterFuse. The executive director also provided a brief update on the status of the DOR leasehold tax audit, noting that the audit documents will be submitted by the end of the week and Daily Record records request, still in progress.

3. Update on Chamber Merger and Task Force Work

The executive director and the Kittitas County Chamber of Commerce (Chamber) CEO updated the board on recent discussions on the EBDA (dba CenterFuse) merger with the Chamber. It was noted by the executive director that per recent discussions CenterFuse is no longer coming up under the Chamber's 501(c)(3), which changes a bit from what was previously discussed. Internal (Chamber) processes necessitate CenterFuse being under the Chamber 501(c)(6). A house brand is what CenterFuse will be. Organizational structure will not change. There are six Chamber seats open for CenterFuse board members and the same board can close one meeting and open another meeting (to discuss CenterFuse brand).

The executive director asked the Chamber CEO about the budget and the Chamber CEO spoke to how budgeting works at the Chamber, noting that a 300 class is the budget for economic development. The (current EBDA dba executive director) and Chamber CEO would set the budget. Would have a budget class and the Chamber CEO and the economic development director would report to the board. The Chamber CEO would approve checks and budget would be reported.

The board was invited to attend a joint EBDA dba CenterFuse and Chamber board meeting on July 23, 2024 at 9 am at the Chamber of Commerce board room.

4. Update on Asset Discussion with city of Ellensburg

The executive director spoke to the EBDA dba CenterFuse assets, noting Kittitas County would like the airport building, cash would go to the City of Ellensburg and put in an economic development fund, and CenterFuse would retain the brand and websites.

Mayor Elliott noted that the building helps support CWU goals for the flight program, cash could be used to support economic development. The city could support economic development with the cash assets, contract/purchase for services. Intent is to expand services and funding for services and to invest in economic development in a way that is less siloed.

Discussion followed regarding the language that will be used to (inform) the public, vendors, clients (about the merger). Dawn Alford noted the need for a communication plan and that we (EBDA dba CenterFuse) need to ensure that we are speaking from a board point of view. Talked about plan for public (communication). Dawn Alford noted press release was pending, should not communicate until it is released. Discussion continued regarding communications, with the Chamber CEO noting that the executive director will be out of country and the Chamber being the point of contact. Dawn Alford mentioned the EBDA dba CenterFuse chair being the CenterFuse point of contact too so there is a

CenterFuse voice. Jared Vallejo noted Monday was a good meeting. Dawn noted may want to meet via special session. Executive director shared that she would be happy to meet one on one with board members that had missed the board meeting. Chamber CEO expressed concerning about needing to be available to clarify questions.

5. Closing

5.1 For the Good of the Order

Heidi Behrends Cerniwey mentioned she is excited about the future of economic development and looks forward to helping.

5.2 Adjournment

5:04 PM Motion to adjourn by Dawn Alford.

Drafted: 7/28/2024

Approved: *Jennifer Lubanski*

Submitted by: Kristine Miller



**Ellensburg Business Development Authority dba CenterFuse
BOARD OF DIRECTORS SPECIAL MEETING MINUTES**

Tuesday, July 23, 2024

9:00 – 10:00 AM

Members in Attendance: Garrett Poshusta, Chair; Dawn Alford, Vice Chair; Grant Clark, Treasurer; James Jankowski, Board Member; John Perrie, Board Member and Jared Vallejo, Board Member.

Members not in Attendance: Jennifer Lubanski, Secretary.

Others present: From the Kittitas County Chamber of Commerce: CEO/President Amy McGuffin; President, Charlie Smith; Vice President, David Chamberlin; Treasurer, Steve Townsend; Nicole Ahola; Dania Cochran; Jacob Mauer; Jamee Smith; Danielle Bricker and Matt Stalder. Phil Backlund; Kristine Miller, CenterFuse Executive Director.

1. Opening

1.1 Call to Order

The Chair called the meeting to order at 9:04 AM

1.2 Approval of Agenda

Motion to approve the agenda made by John Perrie, second by Dawn Alford. Motion approved by unanimous vote.

1.3 Public Comment

None.

2. Ellensburg Business Development Authority Board Meeting with Kittitas County Chamber of Commerce Board

The CenterFuse chair noted this is the start of something great, and encouraged the group to roll into introductions.

All in attendance introduced themselves, sharing a brief introduction, in the following order: Garrett Poshusta, Jared Vallejo, Grant Clark, John Perrie, Kristine Miller, Dawn Alford, James Jankowski, Steve Townsend, Nicole Ahola, Matt Stalder, Danielle Bricker, Phil Backlund, Jacob Mauer, David Chamberlin, Charlie Smith, Dania Cochran, Jamee Smith, and Amy McGuffin.

After introductions the group proceeded to discuss the merger. John Perrie noted that this was his second time around, one thing he is seeing this time that he did not see last time is we (CenterFuse) did not meet the board (of the Chamber) last time, adding that he sees a lot of positives here.

John Perrie then shared that CenterFuse had existed under several different names and that a few years back it took off, then went back down again, then came back stronger. John Perrie expressed that he sees the larger/extended Chamber board as a negative, further noting that for the people we had (on



the CenterFuse board) all we wanted to see was success, he spoke to considering how you are going to express the group's viewpoint, and then discussed the CenterFuse board member appointment process, adding that if (we are) going accomplish anything it has to be together.

Chamber president Charlie Smith thanked John Perrie for his comments and for sharing his thoughts, that he was glad John was there, and noted the importance of keeping us (Chamber board) honest.

CenterFuse chair Garrett Poshusta brought up the next item on the agenda, to discuss a shared vision and mission for the merger. The Chamber CEO Amy McGuffin noted the vision is to see the dissolution through and that the entities have a similar mission: growth, prosperity, supporting business. The Chamber CEO discussed keeping CenterFuse as a recruitment brand, opening the county for business, and CenterFuse as a recruitment arm having the ultimate responsibility. The Chamber CEO then mentioned that a subcommittee of the Chamber could be created to have an overview of what we are going to be doing and to give guidance to Amy and Kristine.

The Chamber CEO discussed reporting efforts as ADO to commissioners and a road show to all city councils to give them an update on economic development. The Chamber CEO shared that the Chamber had been built really well by the board and that there would be three employees to assist Kristine and that Kristine could offload smaller clients to focus on site placement and recruitment.

The Chamber CEO went on to discuss the upcoming August 8 University of Northern Iowa (UNI) meeting and the UNI report. Brief discussion was had and Charlie Smith noted that there will be some apprehension and there needs to be trust on all sides, that we are all here because we love the community and want to do something.

Discussion was then had regarding members and Chamber structure. Jared Vallejo spoke to the CenterFuse branding and the meaning of the name CenterFuse, noting that broader thinking of how we approach economic development is one of the bigger challenges. The Chamber CEO shared how Chamber membership works. Discussion followed regarding grants and the current CenterFuse value-added wood products project. The CenterFuse executive director spoke projects and the recently awarded USDA grant before expanding on the value-added wood products project with the Chamber CEO sharing news about a technology campus coming soon.

October 1 was shared as the date being looked at for the partnership (to begin) and the Chamber CEO and CenterFuse executive director spoke to tasks left to complete. The CenterFuse chair spoke to the potential, CenterFuse coming together and continuing that work, and that there are lots of opportunities ahead. John Perrie added that there will be some bumps in the road, there have to be processes in place to work through them. The Chamber president shared that whatever comes up (the Chamber is) willing to listen and do the best they can. Phil Backlund spoke to the process, that both organizations did the work, came together, and congratulated the organizations. Brief general discussion regarding excitement and concerns followed.

2.3 Other Business

3. Ellensburg Business Development Authority Business: Resolution 2024-04 to Board Resolution Granting Authority to Executive Director for PDA Dissolution and Chamber Merger

Motion to approve Resolution 2024-04 made by Grant Clark, second by Dawn Alford. Motion approved by unanimous vote.

4. Closing

10:00 AM Motion to adjourn by Garrett Poshusta.

Drafted: 7/29/2024

Approved: *Garrett Poshusta*

Submitted by: Kristine Miller



**Ellensburg Business Development Authority dba CenterFuse
BOARD OF DIRECTORS SPECIAL MEETING MINUTES**

Thursday, July 25, 2024

4:00 – 4:30 PM

Members in Attendance: Garrett Poshusta, Chair; Dawn Alford, Vice Chair; Grant Clark, Treasurer; Jared Vallejo, Board Member.

Members not in Attendance: Jennifer Lubanski, Secretary; James Jankowski, Board Member; John Perrie, Board Member.

Others present: Kelle Vandenberg, City of Ellensburg Arts & Economic Development Manager; Phil Backlund; Kristine Miller, CenterFuse Executive Director.

1. Opening

1.1 Call to Order

The Chair called the meeting to order at 4:13 PM

1.2 Approval of Agenda

Motion to approve the agenda made by Jared Vallejo, second by Grant Clark. Motion approved by unanimous vote.

1.3 Public Comment

None.

2. Executive Session

The board entered Executive Session at 4:14 PM to discuss employee performance and benefits per RCW 42.30.110(1)(g): *To review the performance of a public employee, including discussions of potential severance and other benefits, when public knowledge regarding the discussion is likely to result in an adverse impact on the employee's privacy rights or on the agency's ability to negotiate effectively.*

The board exited Executive Session at 4:54 PM.

3. Closing (5 minutes)

3.1 For the good of the order

Nothing brought forward.

3.2 Adjournment

Meeting adjourned at 4:57 PM.

Drafted: 7/29/2024

Approved: *Garrett Poshusta*

Submitted by: Kristine Miller





CITY OF ELLENSBURG

Minutes of LEOFF 1 Disability Board, Regular Meeting

Date of Meeting

May 22, 2024

Time of Meeting

8:00 AM

Place of Meeting

Kittitas County Courthouse
Commissioner's Conference Room
205 W 5th Ave.
Ellensburg, WA 98926

1. Call To Order

The meeting was called to order at 8:10 am

Board members present: Nancy Lillquist, Wyman Renfrow and Joshua Thompson

Board members absent: Larry Loveless and Daryl Berge (excused)

Others present: Beth Leader, Board Clerk

Approval of Agenda

Wyman Renfrow moved to approve the Agenda with removal of Item 5.A.
Motion Approved 3-0

2. Approval of Minutes

2.A Minutes of April 24, 2024 Meeting

Joshua Thompson moved to approve the minutes as presented. **Motion Approved 3-0**

4. Unfinished Business

4.A Review of Information from WA State LEOFF Education Association Conference

Beth reviewed information with Board Members. There was discussion regarding how other jurisdictions' Boards handle claims with HIPAA laws. Members agreed to follow the same standards and redact information on submitted claims for review.

It was also suggested that board members recuse themselves during votes on their own claims.

5. New Business

5.A City Attorney Review of Roberts Rules of Order. Removed

5.B. Claims from two retirees

Two additional claims were received for Board review.

Wyman Renfrow moved to approve three claims as submitted. **Motion**

Approved 3-0

Nancy Lillquist moved to approve one separate claim contingent on review by staff. **Motion Approved 2-0** (*Renfrow abstained*)

6. Miscellaneous

Beth announced that Daryl Berge resigned from the board. Letters will be sent out to retirees and spouses to determine interest.

7. Adjournment

Meeting Adjourned at 8:35 am

Approved 8-14-2024



CITY OF ELLENSBURG

Minutes of Utility Advisory Committee, Regular Meeting

Date of Meeting

May 16, 2024

Time of Meeting

3:30 PM

Place of Meeting

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

1. Call to Order and Roll Call of Members

Chairperson Bousson called the meeting to order at 3:30 pm.

Members present: Nancy Lillquist, City Council; Nancy Goodloe, City Council; Grant Craig, Utility Customer (Zoom); Bryan Clark, KITTCOM (Zoom). Jeff Bousson, CWU; Audrey Huerta, Utility Customer.

Also present: Darin Yusi, Gas Engineer (Zoom); Kim Bowie, Operations Analyst; Buddy Stanavich, Energy Resource Manager; Nicole Baker, Sustainability & Energy Coordinator (Zoom); Jon Morrow, Stormwater Manager; Derek Mayo, Engineering Services Manager; Ryan Lyyski, Public Works & Utilities Director.

Three members of the public present remotely via Zoom.

2. Approval of Agenda

Committee member Goodloe moved to approve the agenda as presented. **Motion approved. 5-0**

3. Approval of Minutes

3.A April 18, 2024 regular meeting minutes

Committee member Huerta moved to approve the regular meeting minutes.

Motion approved. 5-0

4. Approval of Consent Agenda

No consent items.

5. Correspondence and Citizen Comments on Non-Agenda Items

No public comment

6. Telecommunications Utility Discussion Items

No updates or discussion items.

7. Electric, Natural Gas, Water, Wastewater, Stormwater Utility Discussion Items

7.A Water System Plan Update Final Draft

RH2 Engineering gave a presentation on the Water System Plan.

Committee member Goodloe move the Committee provide a favorable recommendation to City Council to approve the City of Ellensburg's Water System Plan update. **Motion approved. 5-0**

Committee member Huerta moved to amend the motion to include looking at alternative ways to reduce water demand in the future, including more efficient landscaping and non-potable water sources. **Motion approved. 5-0**

8. Staff Informational Items

- 8.A Public Works and Utilities Updates
Staff shared departmental updates.

9. Commission Representative Update

No updates.

10. Adjournment

Meeting adjourned at 4:49 pm.



Date: September 3, 2024

To: City Council

From: Brad Case, Parks & Recreation Commission

Subject: Commission Resignation

On August 8, 2024 Parks & Recreation Commission member Nick Zenter, notified the Parks & Recreation Department office that he was stepping down from the Parks & Recreation Commission effective immediately. Mr. Zenter's term was set to expire May 31, 2025.



Meeting Date: September 3, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Agreement for Professional Services between the City of Ellensburg and HopeSource to administer the State Home Electrification and Appliance Rebates (HEAR) Program for low-income single- and multifamily households with household income of 80% or less of Area Median Income.

Submitted by: Nichole Baker, Sustainability & Energy Coordinator

Department: Public Works & Utilities

Suggested Motion/Action:
Authorize the City Manager to sign the Interagency Agreement for Professional Services between the City of Ellensburg and HopeSource to administer the State Home Electrification and Appliance Rebates (HEAR) Program for low-income single- and multifamily households with household income of 80% or less of Area Median Income.

Background/Summary:
The State Home Electrification and Appliance Rebates (HEAR) Program Grant program will provide rebates and incentives for heat pumps, heat pump water heaters, induction stoves, heat pump clothes dryers, and electric service upgrades for new high-efficiency equipment for low- to moderate-income households and small businesses. The City of Ellensburg Public Works and Utilities Department applied for the State Home Electrification and Appliance Rebates (HEAR) Program grant on March 29, 2024. On May 2, 2024, the City of Ellensburg was notified by the Washington State Department of Commerce (Commerce) of preliminary funding in the amount of \$4,167,455, later adjusted by Commerce to \$4,160,788 on May 13, 2024. The City notified Commerce of the acceptance of the preliminary funding award on May 7, 2024, after Council approval on May 6, 2024.

In compliance with GEO 21-02, Tribal consultation was initiated on June 27, 2024, via the distribution of project letters, and Washington State Department of Archeology and Historic Preservation (DAHP) consultations will be initiated by Plateau CRM. A Cultural Resources Management Plan was completed by Plateau CRM on August 22, 2024.

The City's final Work Plan for the State Home Electrification and Appliance Rebates (HEAR) Program was submitted to the Washington State Department of Commerce on July 9, 2024. The final Contract was then received by the City on July 12, 2024, from Commerce. The City Attorney has reviewed the Contract. Council authorized the City Manager to sign the Interagency Agreement for the State Home Electrification and Appliance Rebates (HEAR) Program, Contract Number 24-92701-004 and approved the necessary budget adjustments on August 5, 2024. The contract was executed on August 16, 2024.

A Request for Qualification (RFQ) for the State Home Electrification and Appliance Rebates

(HEAR) Program for low-income single- and multifamily households with household income of 80% or less of Area Median Income was published on July 19th, July 20th, July 26th, and July 27th, 2024. This was published to identify qualified agencies, through a competitive process, to subcontract the HEAR grant low-income household program. Staff evaluated and concluded HopeSource meets the qualifications to act as the subcontractor for the low-income program. As per the State Home Electrification and Appliance Rebates (HEAR) Program Contract 24-92701-004, the Washington State Department of Commerce requires written approval for subcontracting. The City of Ellensburg requested written approval from Commerce to subcontract with HopeSource for the HEAR grant low-income household program on August 1, 2024. Written approval of the qualified subcontractor, HopeSource, was received from Commerce on August 5, 2024.

Previous Council Action:

City Council approved the acceptance of the preliminary funding award for the State Home Electrification and Appliance Rebates (HEAR) Program Grant on May 6, 2024. Council authorized the City Manager to sign the Interagency Agreement for the State Home Electrification and Appliance Rebates (HEAR) Program, Contract Number 24-92701-004 and approved the necessary budget adjustments on August 5, 2024.

Analysis:

Total available grant funds are \$4,160,788 which includes up to 15% allowed administrative costs and outreach and education costs. The low-income program will be subcontracted to HopeSource, using \$1,500,000 of the available grant funds. HopeSource will be paid for the installation cost of eligible installed equipment, administrative fees, and outreach and education, the total not to exceed \$1,500,000. Administrative fees shall not exceed \$225,000, 15% of the agreement total. Outreach and education shall not exceed \$75,000, 5% of the agreement total.

Financial Impact:

The \$1,500,000 is grant funded from the Washington State Department of Commerce total available grant funds of \$4,160,788 for the State Home Electrification and Appliance Rebates (HEAR) Program Grant program. A budget adjustment was approved at the Council meeting on August 5, 2024 to include the program's \$4,160,788 in grant funds, including up to 15% allowed administrative costs. There is no match required by this program. Washington State Department of Commerce will withhold 2% of the total reimbursable amount until the City of Ellensburg provides the official report/ledger from their general ledger for all expenses claimed for Commerce funding from the program.

Budget Adjustment: No

Attachments:

1. HopeSource HEAR Grant AGREEMENT FOR PROFESSIONAL SERVICES

**AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN THE CITY OF ELLENSBURG
AND
HopeSource**

RELATING TO: State Home Electrification and Appliance Rebates (HEAR) Program for low-income single- and multifamily households with household income of 80% or less of Area Median Income.

THIS COST PLUS FIXED FEE AGREEMENT is made and entered into this day of August, 2024 ("Effective Date"), by and between THE CITY OF ELLENSBURG, a non-charter code city of the State of Washington (hereinafter called the "CITY") and HopeSource, a Community Action Partnership Agency authorized to do business in the state of Washington (hereinafter called the AGENCY).

1. RECITALS.

1.1. The CITY desires to obtain professional services for work related to the HEAR Grant Low-Income Program.

1.2. The CITY has solicited for such professional services as required by law, including RCW Chapter 39.80 if applicable.

1.3. AGENCY represents that it is available and able to provide qualified personnel and facilities necessary for the work and services contemplated herein, and can accomplish the work and services within the required time period and in accordance with CITY's specifications, WSDOT Standard Specifications (as applicable), and professional standards.

1.4. AGENCY agrees to perform the work and services specified herein in accordance with the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the above representations and the terms, conditions, covenants, and agreements set forth below, the parties hereto agree as follows:

2. SCOPE OF WORK.

2.1. The scope of professional services to be performed and the results to be achieved by the AGENCY shall be as detailed in the attached Exhibits A and B shall include all services and material necessary to accomplish the work ("Services").

2.2. The AGENCY agrees that all services performed under this Agreement shall be in accordance with the standards of the profession and in compliance with

applicable federal, state and local laws.

2.3. The Scope of Work may be amended upon written approval of both parties.

3. TIME OF PERFORMANCE. The AGENCY may begin work upon the Effective Date of this Agreement by both parties, or the CITY's issuance of a Notice to Proceed, whichever is applicable, and the duration of the Agreement shall extend through June 30, 2025. The work shall be completed in accordance with the schedule set forth in the attached Exhibits A and B.

4. PAYMENT. The CITY shall pay the AGENCY as set forth in this section of the Agreement. Such payment shall be full compensation for the performance of all things necessary for or incidental to the performance of work under this Agreement as set forth in the Exhibit A, Scope of Work.

4.1. Payment shall be on the basis of the AGENCY'S administrative costs, outreach and education costs, and the costs for the performance of all things necessary for or incidental to the performance of work under this agreement as set forth in the Exhibit A, Scope of Work. The AGENCY will be paid for the installation cost of eligible installed equipment, administrative fees, and outreach and education, the total not to exceed \$1,500,000. Administrative fees shall not exceed \$225,000, 15% of the agreement total. Outreach and education shall not exceed \$75,000, 5% of the agreement total.

4.2. The AGENCY shall submit monthly invoices to the CITY as set forth in attached Exhibits A, Task 3.

4.3. The CITY shall review the invoices and make payment for the portion of the project or tasks that have been completed less the amounts previously paid.

4.4. The AGENCY invoices are due and payable within 30 days of receipt. In the event of a disputed billing, only the disputed portion will be withheld from payment.

4.5. Final payment for the balance due to the AGENCY will be made after the completion of the work and acceptance by the CITY.

5. MAXIMUM COMPENSATION.

5.1. The AGENCY's total compensation and reimbursement under this Agreement, including labor, direct non-salary reimbursable costs and outside services, the installation cost of eligible installed equipment, administrative fees, and outreach and education shall not exceed \$1,500,000. Administrative fees shall not exceed \$225,000, 15% of the agreement total. Outreach and education shall not exceed \$75,000, 5% of the agreement total. This amount is the maximum amount to be paid

under this Agreement and shall not be exceeded without prior written authorization from CITY in the form of a negotiated and executed amendment of this Agreement.

5.2. The budget for each task is as set forth in the attached Exhibit C. Budgets for task(s) may be modified upon mutual agreement between the two parties, but in any event, the total payment to AGENCY shall not exceed the maximum amount per Section 5.1 above.

6. RELATIONSHIP OF PARTIES.

6.1. The relationship created by this Agreement is that of owner-independent contractor. Neither the AGENCY nor AGENCY's employees are employees of the CITY and are not entitled to the benefits provided by the CITY to its employees. The AGENCY, as an independent contractor, has the authority to control and direct the performance of the details of the services to be provided. No employee, agent, representative or subcontractor of AGENCY shall be or shall be deemed to be the employee, agent representative or subcontractor of the CITY. The AGENCY shall assume full responsibility for all wages, along with any Federal, State, and local taxes or contributions imposed or required, including, but not limited to, unemployment insurance, Social Security, and income tax, payable as a result of work performed under this Agreement.

6.2. Employees of the AGENCY, while engaged in the performance of any work or services under this Agreement, shall be considered employees of the AGENCY only and not of the CITY, and claims that may arise under the Workman's Compensation Act on behalf of said employees while so engaged, and any and all claims made by a third party as a consequence of any negligent act or omission on the part of the AGENCY'S employees while so engaged, on any of the work or services provided to be rendered herein, shall be the sole obligation and responsibility of the AGENCY. On or before the Effective Date, AGENCY shall file, maintain and/or open all necessary records with the Internal Revenue Service and the State of Washington, and as may be required by RCW 51.08.195, to establish AGENCY's status as an independent contractor.

7. WORK PRODUCT AND DOCUMENTS.

7.1. The work product and all documents produced under this Agreement shall be furnished by the AGENCY to the CITY, and upon completion of the work shall become the property of the CITY, for use without restriction and without representation as to suitability for reuse by any other party unless specifically verified or adapted by the AGENCY, except that the AGENCY may retain one copy of the work product and documents for its records. The AGENCY will be responsible for the accuracy of the work, even though the work has been accepted by the CITY.

7.2. In the event that the AGENCY shall default on this Agreement or in the event that this Agreement shall be terminated prior to its completion as herein provided,

all work product of the AGENCY, along with a summary of work as of the date of default or termination, shall become the property of the CITY. Upon request, the AGENCY shall tender the work product and summary to the CITY. Tender of said work product shall be a prerequisite to final payment under this Agreement. The summary of work done shall be prepared at no additional cost to the CITY.

7.3. AGENCY will not be held liable for reuse of documents produced under this Agreement or modifications thereof for any purpose other than those authorized under this Agreement without the written authorization of AGENCY.

8. RECORDS. As a public agency, the CITY is subject to the Public Records Act, Chapter 42.56 RCW (the "Act"). To the extent that AGENCY keeps records that are deemed public records and are needed for the CITY to respond to a request under the Act, as determined by the CITY, AGENCY agrees to make them promptly available to the CITY. Pursuant to Chapter 40.14 RCW, AGENCY shall retain records associated with this Agreement in accordance with the applicable retention schedule. AGENCY also agrees to indemnify and hold the CITY harmless from any claims or losses caused by AGENCY'S failure to make records available to the CITY as provided in this Agreement.

9. NONDISCRIMINATION. The AGENCY shall conduct its business in a manner, which assures fair, equal and non-discriminatory treatment of all persons, in particular:

9.1. The AGENCY shall maintain open hiring and employment practices and will welcome applications for employment in all positions, from qualified individuals who are members of minorities protected by federal equal opportunity/affirmative action requirements; and,

9.2. The AGENCY shall comply with all requirements of applicable federal, state or local laws or regulations issued pursuant thereto, relating to the establishment of non-discriminatory requirements in hiring and employment practices and assuring the service of all persons without discrimination as to any person's race, creed, color, religion, national origin, status as a military veteran, marital status, gender, sexual orientation, disability or other legally protected classification.

10. SUBCONTRACTING.

10.1. The AGENCY shall not sublet or assign any of the work covered by this Agreement without the written consent of the CITY.

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

10.3. In all solicitation either by competitive bidding or negotiation made by the AGENCY for work to be performed pursuant to a subcontractor, including procurement

of materials and equipment, each potential subcontractor or supplier shall be notified by the AGENCY of AGENCY's obligations under this Agreement, including the nondiscrimination requirements.

10.4. In performing this Agreement, the AGENCY shall not subcontract with or employ any CITY employee without the CITY's written consent.

11. SUPERVISION, INSPECTION AND PERFORMANCE.

11.1. Even though AGENCY is an independent contractor with the authority to control and direct the performance and details of the Services, the Services must meet the approval of CITY and shall be subject to CITY's general right of inspection and supervision to secure the satisfactory completion of this Agreement.

11.2. AGENCY represents that it has or will obtain all personnel necessary to perform the Services and that such personnel shall be qualified, experienced, and licensed as may be necessary or required by applicable laws and regulations to perform the Services. All Services shall be performed by AGENCY, its employees, or by subcontractors whose selection has been authorized by CITY; provided that CITY's authorization shall not relieve AGENCY or its subcontractors from any duties or obligations under this Agreement, or at law, to perform the Services in a satisfactory and competent manner. AGENCY shall ensure that all contractual duties, requirements and obligations that AGENCY owes to CITY shall also be owed to CITY by AGENCY's subcontractors retained to perform the Services.

11.3. AGENCY shall be responsible for the professional quality, technical adequacy, accuracy, timely completion, and coordination of the Services and all plans, designs, drawings, specifications, reports, and other work performed pursuant to this Agreement. AGENCY shall perform the Services in accordance with the standard of care of its profession in the same or similar localities at the time services are performed. AGENCY shall be responsible for the professional standards, performance, and actions of all persons and firms performing the Services under this Agreement. AGENCY shall, without additional compensation, correct any specific breach of a contractual obligation in the Services and revise any errors or omissions in any plans, designs, drawings, specifications, reports, and other products prepared under this Agreement.

12. CHANGES IN WORK. Other than changes directed by the CITY as set forth in Section 1 above, either party may request changes in the scope of work. Such changes shall not become part of this Agreement unless and until mutually agreed upon and incorporated herein by written amendments to this Agreement executed by both parties.

13. TERMINATION.

13.1. The CITY may terminate this Agreement in whole or in part whenever the CITY determines, in its sole discretion that such termination is in the best interests of

the CITY, upon not less than ten (10) days' written notice to the AGENCY. Written notice will be by certified mail sent to the AGENCY's designated representative at the address provided by the AGENCY. If this Agreement is terminated in its entirety by the CITY for its convenience, the CITY shall pay the AGENCY for satisfactory services performed through the date of termination, but no amount shall be allowed for anticipated profit on unperformed Services or other work.

13.2. The CITY may terminate this Agreement, in whole or in part and at any time, in writing if AGENCY substantially fails to fulfill any or all of its material obligations through no fault of CITY. If CITY terminates all or part of this Agreement for default, CITY shall determine the amount of Services satisfactorily performed to the date of termination and the amount owing to AGENCY using the criteria set forth below; provided that (a) no amount shall be allowed for anticipated profit on unperformed Services or other work, and (b) any payment due to AGENCY at the time of termination may be adjusted to the extent of any additional costs CITY incurs or will incur because of AGENCY's default. In such event, CITY shall consider the actual costs incurred by AGENCY in performing the Services to the date of termination, the amount of Services originally required which was satisfactorily completed to the date of termination, whether the Services or deliverables were in a form or of a type which is usable and suitable to CITY at the date of termination, the cost to CITY of either completing the Services itself or employing another firm to complete the Services in addition to the inconvenience and time which may be required to do so, and other factors which affect the value to CITY of the Services performed to the date of termination. Under no circumstances shall payments made under this provision exceed the Schedule of Charges. This provision shall not preclude CITY from filing claims and/or commencing litigation to secure compensation for damages incurred beyond that covered by withheld payments.

13.3. In the event this Agreement is terminated prior to the completion of the work, a final payment shall be made to the AGENCY, which, when added to any payments previously made, shall compensate the AGENCY for the portion of work completed. Whenever the Agreement is terminated in accordance with this Section 14, the AGENCY shall be entitled to payment for actual work performed up to the termination date. Upon such termination, whether for convenience or default, an equitable adjustment in the contract price will be made by the CITY for partially completed items of work, but such adjustment shall not include provision for loss of anticipated profit on deleted or uncompleted work. Termination under this Section 14 shall not constitute a breach of the Agreement by the CITY.

14. INDEMNIFICATION/HOLD HARMLESS.

14.1. AGENCY shall defend, indemnify and hold the CITY, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the AGENCY in performance of this Agreement, except for injuries and damages caused by the sole negligence of the CITY.

However, should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the AGENCY and the CITY, its officers, officials, employees, and volunteers, the AGENCY's liability, including the duty and cost to defend, hereunder shall be only to the extent of the AGENCY's negligence.

14.2. It is further specifically and expressly understood that the indemnification provided herein constitutes the AGENCY's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties.

14.3. The provisions of this section shall survive the expiration or termination of this Agreement. Further, the indemnity obligations shall extend to claims that are not reduced to a suit and to any claims that may be compromised prior to the culmination of any litigation or the institution of any litigation. Inspection, acceptance or payment by CITY of or for any Services performed by AGENCY shall not be grounds for avoidance of any Indemnity Obligations.

15. INSURANCE.

15.1. The AGENCY shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the AGENCY, its agents, representatives, employees or subcontractors.

15.2. AGENCY'S maintenance of insurance as required by the Agreement shall not be construed to limit the liability of the AGENCY to the coverage provided by such insurance, or otherwise limit the CITY'S recourse to any remedy available at law or in equity.

15.3. Minimum Scope of Insurance. AGENCY shall obtain insurance of the types described below:

15.3.1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contract liability coverage; and,

15.3.2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors, and personal injury and advertising injury. The CITY shall be named or added as an additional insured under the AGENCY's Commercial General Liability insurance policy using ISO endorsement form CG 20 26, or coverage at least as broad; and,

15.3.3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington; and

15.3.4. Professional Liability insurance appropriate to the AGENCY's profession.

15.4. Minimum Amounts of Insurance. AGENCY shall maintain the following insurance limits:

15.4.1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.

15.4.2. Commercial General Liability insurance shall be written with limits no less than \$2,000,000 each occurrence, \$2,000,000 general aggregate.

15.4.3. Professional Liability insurance shall be written with limits no less than \$2,000,000 per claim and \$2,000,000 policy aggregate limit.

15.5. Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability and Commercial General Liability insurance:

15.5.1. The AGENCY's insurance coverage shall be primary insurance with respect to the CITY. Any insurance, self-insurance, or insurance pool coverage maintained by the CITY shall be excess of the AGENCY's insurance and shall not contribute with it.

15.5.2. Any payment of deductible or self-insured retention shall be the sole responsibility of the AGENCY.

15.5.3. The AGENCY'S insurance shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respects to the limits of the insurer's liability.

15.6. Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

15.7. Verification of Coverage. AGENCY 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 AGENCY before commencement of the work.

15.8. Cancellation. AGENCY will provide notice to the CITY of any cancellation of coverage by no later than three (3) days after AGENCY is notified by its insurer that coverage will or has been canceled, whichever occurs earliest.

15.9. **CITY Full Availability of AGENCY Limits.** If the AGENCY maintains higher insurance limits than the minimum amounts shown above, the CITY shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the AGENCY, irrespective of whether such limits maintained by the AGENCY are greater than those required by this Agreement or whether any certificate of insurance furnished to the CITY evidences limits of liability lower than those maintained by the AGENCY.

16. APPLICABLE LAW/VENUE. This Agreement shall be construed and interpreted in accordance with the laws of the State of Washington, and in the event of dispute the venue of any litigation brought hereunder shall be Kittitas County.

17. ENTIRE AGREEMENT. The written terms and provisions of this Agreement, together with all referenced Exhibits, supersede all prior verbal statements of any officer or other representative of CITY, and such statements shall not be effective or be construed as entering into or forming a part of, or altering in any manner whatsoever, this Agreement. The entire agreement between the parties with respect to the subject matter hereunder is contained in this Agreement and the referenced Exhibits.

18. PRIORITY OF DOCUMENTS. In the event that the language and provisions of this Agreement are contrary to or conflict with any language or provisions set forth in any exhibit to this Agreement, the language and provisions of this Agreement shall control, and the contrary or conflicting language or provisions of the exhibit(s) shall be disregarded and shall be considered void.

19. MODIFICATION. No waiver, alteration, or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of CITY and AGENCY.

20. ASSIGNMENT. Any assignment of this Agreement by AGENCY without the prior written consent of CITY shall be void.

21. WAIVER. A waiver of any breach by either party shall not constitute a waiver of any subsequent breach.

22. THIRD-PARTY BENEFICIARIES. There are no third-party beneficiaries to this Agreement.

23. EXHIBITS AND SIGNATURES. This Agreement, including its exhibits, constitutes the entire Agreement, supersedes all prior written or oral understandings, and may only be changed by a written amendment executed by both parties. The following exhibits are hereby made a part of this Agreement:

Exhibit A – Scope of Work

Exhibit B – HopeSource Work Plan

Exhibit C – Budget for HEAR Grant Program

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

AGENCY: HopeSource

THE CITY OF ELLENSBURG:

By: _____

By: _____

Printed
Name: _____

Printed
Name: _____

Title: _____

Title: _____

Tax ID#: _____

ATTEST: _____
Clerk

Approved as to Form:

City Attorney

Exhibit A: Scope of Work

Purpose

Engrossed Substitute Senate Bill 5200 Section 1008 Subsection 1 states:

Home Electrification and Appliance Rebates (HEAR) Program

For the department (Commerce) to administer grants to eligible third-party administrators for heat pump and other high-efficiency electric equipment rebates, with a focus on low/moderate income households and small businesses. State incentives and rebates for installation of high efficiency electric equipment, including electrical panel upgrades, provide a benefit to the public consistent with the state's energy strategy and climate mandates by reducing greenhouse gas emissions from the built environment.

- (a) \$75,000,000 of the climate commitment account-state appropriation is provided solely for the department to administer ESSB 5200.PL grants to low/moderate income households and small businesses.

Commerce shall implement a statewide high efficiency electric equipment program consistent with the following:

- (a) Aid the transition of residential and commercial buildings away from fossil fuels by providing education and outreach resources for the installation of high efficiency electric heat pumps and other high efficiency electric equipment;
- (b) Provide grants, coordination, and technical assistance to eligible third-party administrators to promote the adoption of high efficiency electric heat pump equipment for space and water heating; and
- (c) Develop strategies to ensure that the program serves low income households, vulnerable populations, and overburdened communities, including dedicating a portion of the program funding for this purpose.

Tasks and Deliverables

Task 1: Funding Priorities

1. **Provide rebates and incentives that serve the following populations:**
 - a. Low-income single- and multifamily households with household income of 80% or less of Area Median Income.
2. Rebates and incentives must be for the purchase or installation of high-efficiency electric equipment, including, but not limited to:

Table 1: Eligible High-Efficiency Electric Equipment

Upgrade Type	Eligible Equipment
Appliance	Electric Heat Pump Water Heater

	Electric Air-source or Ground source Heat Pump for Space Conditioning
	Residential Induction Kitchen Equipment
	Electric Heat Pump Clothes Dryer
	Electrical Service and Panel Upgrade
Electric Service necessary for the installation of high-efficiency electric equipment	Electric Wiring

(a) All equipment must meet the following requirements:

- Remove all fossil fuel equipment where technically and economically feasible.
- All air-source heat pumps must be listed on the Northeast Energy Efficiency Partnership's (NEEP) Cold Climate Air Source Heat Pump (ccASHP) Product List, or meet the most recent ENERGY STAR Cold Climate product criteria.
- All equipment must be ENERGY STAR Certified or CEE North Region Certified.
- All equipment that uses refrigerants must follow the statutory global warming potential (GWP) limits from the Washington State Department of Ecology and the U.S. Environmental Protection Agency (EPA), and where technically and economically feasible, must use low GWP refrigerants listed by the EPA's Significant New Alternatives Policy (SNAP) Program, or the California Air Resources Board (CARB).

(b) Mechanical, electrical, and plumbing (MEP) equipment may be eligible if necessary for the installation of eligible high-efficiency electric equipment listed in Table 1.

(c) Education and outreach resources to promote the adoption of high-efficiency electric equipment and build workforce capacity.

(d) Program administration costs not to exceed 15 percent of grant funds.

Task 2: Program Work Plan and Outcomes

Agency must provide a work plan to the City of Ellensburg. Work plans must address the following:

1. High-level description of the program, including goals and outcomes.
2. Must be within the designated jurisdiction.
3. Costs for outreach and education, if applicable.
4. Administrative costs to not exceed 15%.
5. Agency must ensure that their program only provides rebates and incentives to the eligible rebate recipients listed in Task 1.
 - a. How will the program qualify eligible households and small businesses to receive rebates or incentives? Possible methods for verifying eligibility of households may include participation in other income-qualified benefits

programs (LIHEAP, SNAP, etc), tenancy in income-qualified housing units, or other methods, which verify income against the thresholds described in Task 1.

6. Describe how the agency will provide outreach and education about the program, and resources for the installation of high efficiency electric equipment.
 - a. What strategies will this program use to reach low-income households, vulnerable populations, and overburdened communities?
7. Describe the process for distributing rebates and incentives, including any application process that rebate recipients or contractors must follow.

Task 3: Expenditure Reporting

1. The agency is required to submit Project and Expenditure Reports
 - a. The agency must provide City of Ellensburg staff monthly reports with an official expenditure report/ledger from their general ledger for all expenses claimed for Washington State Department of Commerce funding from the program and any backup invoice documentation requested from Washington State Department of Commerce. The expenditure report/ledger must include:
 - i. Number of households that were provided rebates and incentives to purchase or install high-efficiency electric equipment and appliances
 - ii. Site information for households that received rebates and incentives:
 1. Address, city, and zip code
 2. Date rebate or incentive claimed or issued
 3. Household income verification
 4. Pre-rebate fuel type of the household
 5. Technical specifications of the equipment and appliances purchased or installed through the program, including, but not limited to the equipment brand, certifications, efficiency (SEER/HSPF/EER/COP), and cost
 6. Amount of the rebate or incentive claimed or issued
 7. Applicable building and electrical permit numbers
2. The agency must provide the City of Ellensburg an official final/close out expenditure report/ledger from their general ledger for all expenses claimed for Washington State Department of Commerce funding from the program.
3. The agency shall also provide information for any subawards, contracts, transfers, and direct payments made using funding from the program.
4. Washington State Department of Commerce will withhold 2% of the total reimbursable amount until the agency provides the official report/ledger from their general ledger for all expenses claimed for Washington State Department of Commerce funding from the program.

Task 4: Acknowledgment of Climate Commitment Act Funding

If this Agreement is funded in whole or in part by the Climate Commitment Act, AGENCY agrees that any website, announcement, press release, and/or publication (written, visual, or sound) used for media-related activities, publicity, and public outreach issued by or on behalf of AGENCY which reference programs or projects funded in whole or in part with Washington's Climate Commitment Act (CCA) funds under this Grant, shall contain the following statement:

"The Home Electrification and Appliance Rebates Program is supported with funding from Washington's Climate Commitment Act. The CCA supports Washington's climate action efforts by putting cap-and-invest dollars to work reducing climate pollution, creating jobs, and improving public health. Information about the CCA is available at www.climate.wa.gov."

The AGENCY agrees to ensure coordinated Climate Commitment Act branding on work completed by or on behalf of the AGENCY. The CCA logo must be used in the following circumstances, consistent with the branding guidelines posted at [CCA brand toolkit](#), including:

- A. Any project related website or webpage that includes logos from other funding partners;
- B. Any publication materials that include logos from other funding partners;
- C. Any on-site signage including pre-during Construction signage and permanent signage at completed project sites; and
- D. Any equipment purchased with CAA funding through a generally visible decal.

Task 5: Program Eligibility

Low-income and vulnerable populations will be reached by, but not limited to, direct (phone, mail, email, in person) outreach. Working with a qualified subcontractor will allow for their experienced staff to contact eligible low-income and vulnerable populations to include, but not limited to, those in need of past and present services, households with high energy burdens/costs, and participation in other low-income programs. Working with community organizations for vulnerable populations will help to identify additional eligible households.

Task 6: Education and Outreach

Identify and market eligible households within the jurisdiction of Ellensburg City of Ellensburg City Limits, Urban Growth Area, and Gas Utility Area. Examples could include, but are not limited to, direct use social media, networking, and advertising to increase awareness of the program throughout the service area.

Exhibit B HopeSource Work Plan

Project Activity and Task	Activity/Task Description	Party Responsible	Activity Period Allocated for Completion
Marketing/Outreach			
Market program in the community	Use social media, informal networking, and paid advertising to increase awareness of the program throughout Kittitas County	HopeSource Marketing Manager	Sept 2024, ongoing as needed
Targeted outreach to low-income households	Direct (phone, mail, email, in person) outreach to low-income in need of HEAR services (current/previous clients, clients with high energy burdens/costs, etc.)	HopeSource Weatherization Staff	Sept 2024, ongoing as needed
Internal marketing	Educate all HopeSource program staff about the HEAR program to facilitate awareness and appropriate referrals to the program	HopeSource Weatherization Staff	Sept 2024, ongoing as needed
Outreach to community partners	Educate local utilities and community partners that work with low-income households to facilitate awareness and appropriate referrals to the program	HopeSource Weatherization Staff	Sept 2024, ongoing as needed
Program Eligibility			
Implementation application process	Create standard HEAR application and workflow for reviewing/approving applications	HopeSource Weatherization Staff	Sept 2024
Qualify applicants	Complete program income and household equipment qualification tasks and approve households to receive HEAR services	HopeSource Weatherization Staff	Ongoing
Project Scope of Work Approval			
Create scope of work	Determine eligible measures to be installed in the home	HopeSource Weatherization Staff	Ongoing
Complete DAHP	Complete DAHP process for every project/home older than 45 years old or ground disturbance	HopeSource Weatherization Staff	Ongoing
Solicit project quotes	Procure individual quotes from approved contractors for project	HopeSource Weatherization Staff	Ongoing
Approve project	Secure project approval for scope/costs internally, and with homeowner and/or tenant. Ensure equipment to be installed meets program requirements.	Weatherization Program Director/staff	Ongoing
Equipment Installation, Inspection, Education			
Release jobs to contractors	Release approved jobs to contractors for work to be scheduled/completed	HopeSource Weatherization Staff	Ongoing
Coordinate contractor work	Coordinate activities of all contractors included in the project scope of work	HopeSource Weatherization Staff	Ongoing

Verify/Inspect equipment installation	Verify equipment installation. Ensure equipment installed meets program requirements.	HopeSource Weatherization Staff	Ongoing
Equipment/Client Education	Educate client on use of equipment, conservation behavior, and health and safety	HopeSource Weatherization Staff	Ongoing
Payment of Services			
Verify and approve contractor invoices	Ensure contractor has met program requirements and invoice matches services/equipment installed	Weatherization Program Director	Ongoing
Pay contractors	Process payment to contractors for services	HopeSource Fiscal Staff	Ongoing
Invoicing/Reporting			
Invoice for Expenditures	Monthly invoice to City of Ellensburg for expenditures. Provide breakdown of expenditures	HopeSource Fiscal Staff	Ongoing
Provide quarterly reports	Quarterly, submit reports to the City of Ellensburg	HopeSource Weatherization Staff	Ongoing

Exhibit C Budget for low-income HEAR Grant Program

Funding total for low-income HEAR Grant: Anticipated budget for eligible high-efficiency electric equipment and appliances low-income program.

Low-Income single-family and multifamily HEAR Program			
Client	Rebates	Administrative Costs	Outreach and Education
Single-family and Multifamily	Task 1 Scope of Work Guidelines	15%	5%
Eligible Households	\$1,200,000	\$225,000	\$75,000



Meeting Date: September 3, 2024

**City of Ellensburg
City Council Agenda Report**

Agenda Subject: Application for the State Home Electrification and Appliance Rebates (HEAR) Program

Submitted by: Nichole Baker, Sustainability & Energy Coordinator

Department: Public Works & Utilities

Suggested Motion/Action:

Approve the application for the State Home Electrification and Appliance Rebates (HEAR) Program

Background/Summary:

The State Home Electrification and Appliance Rebates (HEAR) Program interagency Contract Number 24-92701-004 between the Washington State Department of Commerce and the City of Ellensburg was executed on August 16, 2024. The grant will provide rebates and incentives for heat pumps, heat pump water heaters, induction stoves, heat pump clothes dryers, and electric service upgrades for new high-efficiency equipment for low- to moderate-income households and small businesses.

Program implementation requires an application that clearly defines the program criteria and restrictions for eligible households and small businesses. Equitable dispersal of grant funds is desired, the application defines rebate availability for income eligible households and small businesses.

Applications processed through the City will have a maximum rebate amount of \$30,000 per household or small business, one per customer. Low-income household rebates will pay 100% of project cost, not to exceed \$30,000. Moderate income and small business rebates will pay up to 90% of project cost, not to exceed \$30,000. Eligible multifamily rebates are limited to 5 units, and the rebate will pay up to 90% of project cost, not to exceed \$30,000 per unit, \$150,000 total.

Previous Council Action:

City Council approved the acceptance of the preliminary funding award for the State Home Electrification and Appliance Rebates (HEAR) Program Grant on May 6, 2024. Council authorized the City Manager to sign the Interagency Agreement for the State Home Electrification and Appliance Rebates (HEAR) Program, Contract Number 24-92701-004 and approved the necessary budget adjustments on August 5, 2024.

Analysis:

The State Home Electrification and Appliance Rebates (HEAR) Program Grant closing date is June 30, 2025. It will provide rebates and incentives for heat pumps, heat pump water

heaters, induction stoves, heat pump clothes dryers, and electric service upgrades for new high-efficiency equipment for low- to moderate-income households and small businesses.

Financial Impact:

A budget adjustment was approved at the Council meeting on August 5, 2024 to include the program's \$4,160,788 in grant funds, including up to 15% allowed administrative costs. There is no match required by this program. Washington State Department of Commerce will withhold 2% of the total reimbursable amount until the City of Ellensburg provides the official report/ledger from their general ledger for all expenses claimed for Commerce funding from the program.

Budget Adjustment: No

Attachments:

1. HEAR Grant Application Ver1

 FUNDED BY WASHINGTON'S CLIMATE COMMITMENT ACT The Home Electrification and Appliance Rebates Program is supported with funding from Washington's Climate Commitment Act. The CCA supports Washington's climate action efforts by putting cap-and-invest dollars to work reducing climate pollution, creating jobs, and improving public health. Information about the CCA is available at www.climate.wa.gov.	State Home Electrification and Appliance Rebates (HEAR) Program Application & Agreement Form	
	APPLICANT INFORMATION (PLEASE PRINT OR TYPE)	
	Applicant Name:	
	Contact Phone Number:	
	Address: (installation site): Ellensburg, WA 98926	
	Existing Home Type: ☐ Single Family Home ☐ Multifamily Home	
	Service Area: ☐ City Limits ☐ Urban Growth Area ☐ Gas Territory Service area map is located at https://www.ellensburgwa.gov/HEAR	
	Utility Account Number:	
	Mailing Address (if different):	
	Email Address:	
Age of Building/Structure:		
Will there be ground disturbance: Yes ☐ No ☐		

TO QUALIFY FOR A HEAR GRANT REBATE, APPLICATIONS MUST BE PRE-APPROVED, ALL REQUIRED DOCUMENTATION MUST BE SUBMITTED, AND ALL EQUIPMENT MUST MEET ENERGY EFFICIENCY REQUIREMENTS. REBATE EFFECTIVE THROUGH MAY 30, 2025, DEPENDENT ON FUNDING AVAILABILITY.

Self-Attestation Eligibility Criteria (check one)

A household or business may qualify for the HEAR rebate if it meets one of the following criteria listed in the table below. Provide proof of income or eligibility by signing a self-attestation that your household or business meets the criteria. Gross income includes all wages, tips, rental income, public assistance, social security or pensions, income from self-employment, alimony, interest, or any other sources of income defined by the IRS income tax return.

☐ Low-Income Household Applications will be processed through HopeSource	Annual gross household income of \$79,200 or less Low-income single- and multifamily households with household income of 80% or less of Area Median Income
☐ Moderate-Income Household Applications will be processed through City of Ellensburg	Annual gross household income of \$79,201 - \$149,700 Moderate-income single- and multifamily households with household income between 80% and 150% of Area Median Income
☐ Small Business RCW 39.26.010(22) Applications will be processed through City of Ellensburg Business license number: 	"Small business" means an in-state business, including a sole proprietorship, corporation, partnership, or other legal entity, that: • Certifies, under penalty of perjury, that it is owned and operated independently from all other businesses and has either: (<i>check what applies</i>) ☐ Fifty or fewer employees; or ☐ A gross revenue of less than \$7,000,000 annually as reported on its federal income tax return or its return filed with the

	department of revenue over the previous three consecutive years; or ☐ Is certified with the office of women and minority business enterprises under chapter 39.19 RCW.																		
I am the ☐ owner or ☐ tenant (check one) of the household to receive the HEAR rebate. I certify that the information presented is true and accurate. I further understand false, misleading, or incomplete information may render me (the Applicant) ineligible to receive my HEAR Grant rebate. If the City of Ellensburg finds that any information provided in connection with this application is false, then the City of Ellensburg reserves the right to require reimbursement of any incentives provided to which I am not entitled. The City of Ellensburg reserves the right to request additional documentation or proof of income to verify income qualification and to verify benefits. Applicant Signature My signature below certifies I am eligible for this HEAR rebate income-qualified program. <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td colspan="4" style="height: 40px;"></td> </tr> <tr> <td style="width: 15%; vertical-align: top;">Print Name</td> <td style="width: 45%;"></td> <td style="width: 15%; vertical-align: top;">Date</td> <td style="width: 25%;"></td> </tr> </table> I am the owner or of the small business to receive the HEAR rebate. I certify under penalty of perjury that the information presented is true and accurate. I further understand false, misleading, or incomplete information may render me (the Applicant) ineligible to receive my HEAR Grant rebate. If the City of Ellensburg finds that any information provided in connection with this application is false, then the City of Ellensburg reserves the right to require reimbursement of any incentives provided to which I am not entitled. The City of Ellensburg reserves the right to request additional documentation or proof to verify qualification and to verify benefits. Applicant Signature My signature below certifies under penalty of perjury I am eligible for this HEAR rebate small business program. <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td colspan="4" style="height: 40px;"></td> </tr> <tr> <td style="width: 15%; vertical-align: top;">Print Name</td> <td style="width: 45%;"></td> <td style="width: 15%; vertical-align: top;">Date</td> <td style="width: 25%;"></td> </tr> </table>								Print Name		Date						Print Name		Date	
Print Name		Date																	
Print Name		Date																	

Eligible High-Efficiency Electric Equipment (check what applies)

Rebates must be for the purchase and installation of high-efficiency electric equipment. **For pre-approval, include all required documentation and complete all applicable fields in the table below.**

ELIGIBLE EQUIPMENT	INCLUDE REQUIRED DOCUMENTATION
☐ Electric Heat Pump Water Heater Brand: _____ Model Number: _____ AHRI Number: _____	1) Quote for equipment and installation 2) ☐ ENERGY STAR Certification OR ☐ AHRI CEE North Region Certification 3) UEF: _____
☐ Electric Air-source or Ground-source Heat Pump for Space Conditioning	1) Quote for equipment and installation 2) ☐ ENERGY STAR Certification OR ☐ AHRI CEE North Region Certification

Brand: _____ Model Number: _____ AHRI Number: _____ Brand: _____ Model Number: _____ AHRI Number: _____	3) ☐ ccASHP product list or criteria OR ☐ ENERGY STAR Cold Climate criteria OR ☐ Split System Cold Climate criteria documentation: ≥ 8.5 HSPF2/ ≥15.2 SEER2 - non-ducted ≥ 8.1 HSPF2/ ≥15.2 SEER2 - ducted SEER2: _____ EER2: _____ HSPF2: _____ OR ☐ Ground-source heat pump 4) Refrigerant GWP documentation ≤ 750 GWP: _____
☐ Commercial or Residential Induction Kitchen Equipment Brand: _____ Model Number: _____	1) Quote for equipment and installation 2) ENERGY STAR Certification 3) kWh/Year: _____
☐ Electric Heat Pump Clothes Dryer Brand: _____ Model Number: _____	1) Quote for equipment and installation 2) ENERGY STAR Certification 3) CEF: _____
☐ Electrical Service and Panel Upgrade	☐ Yes, necessary for the installation of high-efficiency electric equipment.
☐ Electric Wiring	☐ Yes, necessary for the installation of high-efficiency electric equipment.

Existing Equipment

Include what information you know about the existing appliances.

Existing (pre-rebate) Fuel Type: ☐ Gas ☐ Electric ☐ Other _____			
EQUIPMENT	BRAND	YEAR	MODEL OR AHRI NUMBER(S)

Permits

Include applicable building or electrical permit number(s).

ELIGIBLE EQUIPMENT	PERMIT NUMBER

Rebate Restrictions

The following project cost restrictions apply for applications processed through the City of Ellensburg.

Low-Income Household	\$30,000 max	1 rebate per customer	Rebate will pay 100% of project cost, not to exceed \$30,000.
Moderate-Income Household or Small Business	\$30,000 max	1 rebate per customer	Rebate will pay up to 90% of project cost, not to exceed \$30,000.
Multifamily, 5 units or less	\$30,000/unit	1 rebate/unit, up to 5 units	Rebate will pay up to 90% of project cost, not to exceed \$30,000 per unit, \$150,000 total.

Application Submittal

Sign and submit this completed application and agreement form. Include all required documentation. Signed forms can be submitted in the following ways:

By Email: To electric@ellensburgwa.gov
In Person: City Hall 2nd Floor Public Works and Utilities Department (501 N Anderson St, Ellensburg)
By Mail: City of Ellensburg Conservation Division, 501 N Anderson St, Ellensburg, WA 98926

Required Documentation, Approval and Payment of the Rebate

Applicant must meet the requirements for qualification and submit a copy of receipt of purchase along with the required documentation. Photos or physical inspection may be required. Include with your submission all that apply: ☐ Paid invoice consistent with pre-approved quote ☐ Associated costs listed separate from equipment costs ☐ Model number(s) included on invoice ☐ AHRI number included on invoice ☐ Picture of CCA sticker on installed appliance(s) ☐ Supporting documents ☐ Certification(s) ☐ All efficiency standards criteria that apply
Once all requirements are met and approved, staff will submit for rebate payment to the applicant.
The rebate payment should be received by mail within 6-8 weeks.

Terms of Agreement

The City of Ellensburg (COE) and the Applicant (Owner) agree as follows:

1. Premises: The Owner agrees to install new eligible equipment at the applied for location in accordance with application and agreement requirements.
2. Separate Contract: The installation of the eligible equipment is to be provided under a separate contract between the Owner and the contractor. COE shall not be, and shall not be deemed to be, a party to such contract. All obligations to the contractor shall be the Owner's and not COE's responsibility. The Owner expressly acknowledges that COE's involvement with respect to the project, including but not limited to any energy cost analysis or inspection by COE of the premises or the project, is solely undertaken in connection with furnishing the rebate.
3. Completed Documentation: The Owner understands only a completed application and agreement can be processed for rebates. Failure to submit a completed application and agreement, including all required documentation, may result in delay or rejection of a rebate request.
4. City of Ellensburg Inspection: The Owner will allow, if requested, a representative from the City Energy Conservation Division reasonable access to their property to verify the installed product before a rebate is credited. The Owner understands a rebate will not be credited if they refuse to participate in any required verification that is scheduled within 30 days of COE contact/request.
5. Term of Funding Commitment: COE's funding commitment ends on June 30, 2025.
6. Disclaimer: The Owner acknowledges that, due to the variability of energy use, it is not possible to accurately predict energy savings and that by providing information in good faith concerning the benefits of energy saving strategies and by entering into this agreement, the COE does not warrant energy savings.
7. Hold Harmless: Owner hereby agrees to hold harmless, indemnify and defend, COE and their officials, employees, agents, and assigns, from and against any and all actions, causes of action, claims, damages and costs arising out of, or in any connected with, the provision of design and financial assistance for the residence identified above.
8. Installation Specifications & Environmental Requirements: Owner agrees to comply with the Washington State Department of Commerce's requirements and specifications.
9. Codes and Permits: Owner agrees to secure permits and comply with all applicable federal, state and local codes and requirements in the installation of all projects. Where permits are required, appropriate building officials must approve installation. Owner agrees to maintain compliance documents in their files and have them available for review if requested.
10. Loss of Reimbursement: Failure to meet all of the COE's specifications may result in a reduction or elimination of the rebate.
11. Disclaimer of Warranties: Selection of qualifying equipment, manufacturer, dealer, supplier and/or installer and purchase, installation and ownership/maintenance of the qualifying equipment referenced in the rebate form are the responsibility of the Owner. COE does not endorse any specific manufacturer, dealer or contractor and makes no representations regarding specific manufacturer, dealer or contractor or their workmanship. COE makes no representation or warranty, and assumes no liability with respect to quality, safety, performance, or other aspect of any design, system or appliance installed pursuant to this agreement, and expressly disclaims any such representation, warranty or liability. By

applying, the Owner agrees to indemnify the COE, its officers, employees, elected officials and agents, from/against all loss, damage, expense, fees, costs and liability arising from any products installed.

I hereby certify that all information is accurate, including claims of customer and equipment information. My signature below indicates I have read, understand, and agree to all terms and conditions on this application and agreement and acknowledge the City of Ellensburg may verify all the information provided.

Property Owner or Legally Authorized Representative: _____

Signature: _____ Date: _____

City of Ellensburg Signature: _____ Date: _____

DO NOT WRITE IN THIS BOX City of Ellensburg Use Only		
City of Ellensburg Pre-Approval:		
Application Date Received:	Received By:	
Pre-Approval Date:	Pre-Approved By:	
Invoice Received:	Invoice Received By:	
Washington State Department of Commerce Data:		
DHAP Required?	DHAP Request Date:	DHAP Approval Date:
Rebate Approval By:		Purchase/Install Date:
Approved Installation Associated Cost:		Total Rebate Amount:
CCA Sticker Picture Included:		Received By:
Rebate Issue Date:		Rebate Delivery:

Notes:



Meeting Date: September 3, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Community Thanksgiving Interagency Agreement between CWU and the City
Submitted by: Brad Case, Parks & Recreation Director
Department: Parks & Recreation

Suggested Motion/Action:

Authorize the City Manager to sign the interagency agreement between Central Washington University and the City for the Community Thanksgiving Dinner event, November 27, 2024.

Background/Summary:

For over 25 years, the Adult Activity Center has hosted the 'Community Thanksgiving Dinner', a free event for the entire community. The event is held at the Kittitas Valley Event Center the Wednesday before Thanksgiving. Typically, over 300 community members enjoy a free meal. Over the years, the City has partnered with a variety of local agencies, such as the Ellensburg Rotary Club to provide this program.

For the second year, the Central Washington University Dining & Catering Services, in their continued efforts to support the CWU vision and mission to "foster high impact practices, sustainability, and community partnerships that are grounded in meaningful relationships while also partnering with community efforts", has agreed to partner and support the Adult Activity Center with the 2024 Community Thanksgiving Dinner.

Previous Council Action:

NA

Analysis:

This agreement establishes the responsibilities associated with securing/purchasing the food, meal preparation, and delivery of the 2024 Community Thanksgiving Dinner.

Financial Impact:

The majority of funding for this event comes from donations through the Ellensburg Rotary and local businesses. The balance of expenses is absorbed into the Adult Activity Center operating budget.

Budget Adjustment: No

Attachments:

1. Docusign_CWU__City_of_Ellensburg

**INTERAGENCY AGREEMENT
BETWEEN
CENTRAL WASHINGTON UNIVERSITY
AND
THE CITY OF ELLENSBURG**

16959

THIS AGREEMENT is made and entered into by and between Central Washington University, hereinafter referred to as "CWU" and the City of Ellensburg, hereinafter referred to as the "City", under RCW Chapter 39.34, Interlocal Cooperation Act.

THE PURPOSE OF THIS AGREEMENT IS for CWU to support the City's Community Thanksgiving Event ("Event"), for the City to recognize CWU for the support provided, and for CWU to provide dining staff to prepare menu items for the Event to be held at the Kittitas Valley Event Center Armory ("Facility") on Wednesday, November 27, 2024 from 3:00 PM to 6:00 PM PST. The Event aligns with CWU Dining & Catering Services continued efforts to support the CWU vision and Mission to "foster high impact practices, sustainability, and community partnerships that are grounded in meaningful relationships while also partnering with community efforts.

The Event has been sponsored by the City of Ellensburg, Ellensburg Rotary, and a variety of other partners for over 25 years. Over 300 people, community members of all ages, are expected to enjoy this free sit-down Thanksgiving holiday meal alongside friends and family.

THEREFORE, IT IS MUTUALLY AGREED THAT:

STATEMENT OF WORK

The parties shall furnish, at no cost to the other party, the necessary personnel, equipment, materials, and/or service(s) and otherwise do all things necessary for or incidental to the performance of the work set forth in Attachment "A", Statement of Work, attached hereto and incorporated herein.

PERIOD OF PERFORMANCE

Subject to its other provisions, the period of performance of this Agreement shall commence on November 27, 2024 and shall terminate upon the full performance of their mutual obligations hereunder.

INDEMNIFICATION

Each party to this Agreement shall be responsible for the acts or omissions of its own employees, officers, volunteers, or agents in the performance of this Agreement. Neither party will be considered the agent of the other nor does neither party assume any responsibility to the other party for the consequences of any act or omission of any person, firm, or corporation not a party to this Agreement.

INDEPENDENT CAPACITY

The employees or agents of each party who are engaged in the performance of this Agreement shall continue to be employees or agents of that party and shall not be considered for any purpose to be employees or agents of the other party.

AGREEMENT CHANGES, MODIFICATIONS AND AMENDMENTS

This Agreement may be changed, modified, or amended only by written agreement executed by both parties.

TERMINATION

Either party may terminate this Agreement upon 30 days' prior written notification to the other party. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

TERMINATION FOR CAUSE

If for any cause, either party does not fulfill in a timely and proper manner its obligations under this Agreement, or if either party violates any of these terms and conditions, the aggrieved party will give the other party written notice of such failure or violation. The responsible party will be given the opportunity to correct the violation or failure within 15 working days. If failure or violation is not corrected, this Agreement may be terminated immediately by written notice of the aggrieved party to the other.

FORCE MAJEURE

Notwithstanding any other provision of this Agreement, either party may cancel this Agreement without obligation or liability to the other party in the event that it becomes impossible or impracticable for that party to perform its obligations hereunder by reason of force majeure beyond that party's reasonable control, including but not limited to fire, flood, earthquake, pandemic, or other acts of God, war, invasion, hostilities, rebellion, insurrection, or prohibitory or injunctive orders of any competent judicial or other governmental authority, civil or military. In the event of such cancellation, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of cancelation.

DISPUTES

In the event that a dispute arises under this Agreement, it shall be determined by a Dispute Board in the following manner: Each party to this Agreement shall appoint one member to the Dispute Board. The members so appointed shall jointly appoint an additional member to the Dispute Board. The Dispute Board shall review the facts, Agreement terms and applicable statutes and rules and make a determination of the dispute. The determination of the Dispute Board shall be final and binding on the parties hereto. As an alternative to this process, either of

the parties may request intervention by the Governor, as provided by RCW 43.17.330, in which event the Governor's process will control.

GOVERNANCE

This Agreement is entered into pursuant to and under the authority granted by the laws of the state of Washington and any applicable federal laws. The provisions of this Agreement shall be construed to conform to those laws.

In the event of an inconsistency in the terms of this Agreement, or between its terms and any applicable statute or rule, the inconsistency shall be resolved by giving precedence in the following order:

- a. Applicable state and federal statutes and rules;
- b. Statement of work; and
- c. Any other provisions of the Agreement, including materials incorporated by reference.

ASSIGNMENT

The work to be provided under this Agreement, and any claim arising thereunder, is not assignable or delegable by either party in whole or in part, without the express prior written consent of the other party, which consent shall not be unreasonably withheld.

WAIVER

A failure by either party to exercise its rights under this Agreement shall not preclude that party from subsequent exercise of such rights and shall not constitute a waiver of any other rights under this Agreement unless stated to be such in a writing signed by an authorized representative of the party and attached to the original Agreement.

SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this Agreement, and to this end the provisions of this Agreement are declared to be severable.

CONTRACT MANAGEMENT

The contact for each of the parties shall be responsible for all communications regarding the performance of this Agreement.

The contact for Central Washington University: Dean Masuccio, Director, Dining & Catering, Central Washington University, 400 E University Way, Ellensburg WA 98926, 509-963-1332 (Office), 206-380-5167 (Cell), Dean.Masuccio@cwu.edu .

The contact for the City of Ellensburg: Katelyn Clavette, the Coordinator of the City of Ellensburg Adult Activity Center, and Community Thanksgiving Dinner, 509-962-7242, clavettek@ci.ellensburg.wa.us.

ALL WRITINGS CONTAINED HEREIN

This Agreement contains all the terms and conditions agreed upon by the parties. No previous communications between the parties, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or bind any of the parties hereto.

Attachment A -Statement of Work

IN WITNESS WHEREOF, the parties have executed this Agreement on the date(s) set forth below.

CENTRAL WASHINGTON UNIVERSITY

CITY OF ELLENSBURG

Signature
Date

Signature
Date

Joe1 Klucking
Printed Name

Heidi Behrends Cerniwey

Printed Name

Title

City Manager

Title

ATTACHMENT A

Statement of Work

City of Ellensburg - Community Thanksgiving Event

The Parties Agree to the following:

- ***Mutual Obligations:***

- Ensure necessary items are sourced and made available to CWU for preparation.
- Coordinate food quantities to support meal preparation for all menu items necessary to serve over 300 people.
- CWU will not be required to purchase any product they are preparing, rather will receive directly from City of Ellensburg through their donation outreach.
- Ensure that all Washington State and Kittitas County Public Health Food Sanitation laws, rules, and regulations are met and followed and will obtain any permits and/or licenses required by the City and/or County.

- ***CWU obligations:***

- Partner with the City to coordinate the Event.
- Provide Dining/Catering staff to prepare menu items within CWU Dining kitchen space/s.
- Transport the prepared food to the Facility, set-up, and support guest services as a typical catering function, except CWU will not be required to purchase any goods, including but not limited to, ingredients, menu items, and/or utensils for the attendees to use in support of the Event. CWU Dining/Catering staff will prepare all food and will be present onsite to ensure portioning/plating of food is following all food safety requirements.
- Provide the kitchen equipment to keep hot prepared food at the proper temperature and the service wear for CWU Dining/Catering staff to use in the kitchen space(s) and on the buffet/service line at the Facility.
- Breakdown equipment and clean-up service line.
- Ensure that all CWU staff have valid Washington state food handlers' cards permitting their participation. CWU will not be providing volunteers for this event.
- CWU, an agency of the State of Washington, warrants that it is self-insured against liability claims in accordance with the risk management and tort claims statutes, including chapter 4.92 RCW and RCW 43.19.760 et seq. The tort claims procedure, RCW 4.92.100 et seq., provides the fundamental remedy for all tort liability claims against CWU and its officers, employees, and agents acting as such, and all such claims must be filed and processed as provided therein.

- ***City of Ellensburg obligations:***

- Provide CWU Dining with all of the necessary food and supplies in support of menu offered.

- Deliver all food and supplies to CWU, at minimum 1 week in advance of event and ensure transportation of product meets all food safety requirements. Delivery location will be mutually agreed upon by both parties.
- Ensure that food is held at the correct and safe temperature in appropriate hot or cold holding equipment during the Event.
- Provide volunteers to support the Event.
- Ensure that all City staff and any volunteers have valid Washington state food handlers' cards permitting their participation. Should any such staff members/volunteers not have valid food handlers' cards, a City staff member with a valid food handlers card will supervise the staff members/volunteers and will ensure that they are following required protocols, including but not limited to, not handling ready to eat food with bare hands, ensure proper usage of gloves, and proper hand washing, etc.
- Ensure that all food donations will be required to come from food providers approved by the City and CWU (i.e., grocery and/or industrial food production facilities).
- Ensure that no personal and/or household donated products would be permitted.
- Ensure the sourcing of food is restricted and meets food safety requirements when received by CWU.
- Ensure necessary tables, power, access to kitchen, supplies, utensils for attendees to eat at the Facility, kitchenware not provided by CWU and the like, etc. are made available onsite at the event held at the Kittitas Valley Event Center Armory, with permitted access to CWU.
- Provide CWU with advance preparation time to support the preparation of donated food items received, which will take place within CWU Dining kitchen space/s.
- Ensure that CWU has access to the Kittitas Valley Event Center Armory, including day of, and prior to date of event, and as needed for CWU Dining to set-up in advance and prepare for the event.
- Agrees to recognize CWU in all marketing/advertising materials as an event supporter.
- Agrees to obtain, at their own expense, and keep in force the following insurance coverage until completion of this Agreement. The coverage and limits of insurance shall not be less than follows: Commercial General Liability with coverage for foodborne illness of not less than: \$1,000,000 per occurrence and \$2,000,000 aggregate. The aforementioned insurance requirements of the City shall be fulfilled by the City's membership and coverage in WCIA, a self-insured municipal insurance pool, with evidence of such membership provided to the CWU Contracts Office, 400 E. University Way, Ellensburg, WA, 98926-7480 or faxed to 509-963-1623.

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, Central Washington University (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact Central Washington University:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: Virginia.Tomlinson@cwu.edu

To advise Central Washington University of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at Virginia.Tomlinson@cwu.edu and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from Central Washington University

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to Virginia.Tomlinson@cwu.edu and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Central Washington University

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to Virginia.Tomlinson@cwu.edu and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify Central Washington University as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Central Washington University during the course of your relationship with Central Washington University.



Meeting Date: September 3, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Energy Resource Plan
Submitted by: Buddy Stanavich , Energy Resources Manager
Department: Public Works & Utilities

Suggested Motion/Action:

Approve the attached Resource Plan.

Background/Summary:

The electric utility resource plans law, Chapter 19.280 RCW, requires all state electric utilities to develop and update Resource Plans (RP) or Integrated Resource Plans (IRP). They must make them available to the public every two years. Utilities must also provide Commerce with a summary of estimated future resource needs ten years forward so that Commerce can report aggregated load and resource estimates to the legislature each reporting year.

Previous Council Action:

None

Analysis:

There are two types of resource plans: 1) a Resource Plan and 2) an Integrated Resource Plan (IRP).

1) A **Resource Plan** should be completed by full requirements customers/ 100% BPA utility customer (unless BPA completes the resource plan on the utility's behalf) and utilities with less than 25,000 customers. The City of Ellensburg is required to submit a Resource Plan.

2) An **Integrated Resource Plan (IRP)** should be completed by all utilities with more than 25,000 customers that are **not** full requirements/100% BPA utility customers and utilities with less than 25,000 customers that follow their own electric loads.

The only major difference between the resource plan and the integrated resource plan is that the integrated resource plan (IRP) template asks for reporting for summer and winter peak one-hour demand. An integrated resource plan is produced by larger utilities for meeting peak energy needs while holding some resource margin in reserve. These plans consist of forecasts of future load, identification of probable resource options to meet loads and details of power costs and resource management.

The City of Ellensburg is a full-requirements utility and negotiates contracts with BPA that include plans to meet peak power needs and reserve margin. BPA allocates and manages the specific fuel sources that will be distributed. Full requirements utility resource plans require less detail.

Financial Impact:

None

Budget Adjustment: No

Attachments:

1. 2024_Energy-Resource-Plan-Cover-Sheet_Ellensburg - Final

Resource Plan Cover Sheet

Legend

Enter your information into these shaded fields

Utility Information

Report Year

2024

Utility

Ellensburg, City of

Prepared by

Buddy Stanavich

Email

stanavichm@ci.ellensburg.wa.us

Date of Board/Commission Approval

9/3/2024

Notes: Explain resource choices other than conservation/use of renewable energy credits

Washington State Utility Resource Plan Year 2024				
	Estimate Interval	Base Year	5-year Forecast	10-year Forecast
	Estimate Period	2023	2028	2033
	Season	Annual	Annual	Annual
	Units	aMW	aMW	aMW
Loads		25.14	27.23	27.60
Exports				
Resources:				
Energy Conservation Measures			0.12	0.12
BTM Solar				
Demand Response			0.07	0.07
BPA Tier 1 or Base		23.43	24.00	24.00
BPA Tier 2		1.71	3.03	3.41
Cogeneration				
Hydro				
Wind				
Utility-scale Solar				
FTM Distributed Solar				
Biomass				
Biogas				
Landfill Gas				
Geothermal				
Nuclear				
Other Distributed Renewables				
Thermal Natural Gas				
Thermal Coal				
Market Purchases				
Other				
Imports				
Undecided				
Total Resources		25.14	27.22	27.60
Load Resource Balance		0.00	0.00	0.00



Meeting Date: September 3, 2024

**City of Ellensburg
City Council Agenda Report**

Agenda Subject: Legislative Lobbying Services Agreement with Gordon Thomas Honeywell Government Relations - Amendment 1

Submitted by: Heidi Behrends Cerniwey, City Manager

Department: City Manager

Suggested Motion/Action:

Move to approve Amendment 1 to Legislative Lobbying Services Agreement with Gordon Thomas Honeywell Government Relations.

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. At the May 20, 2024 Ellensburg City Council meeting, the Council adopted a new resolution that included the refined strategic priorities and milestones for 2024-2029. Because state and federal legislation impacts policy and operations at the local level, developing a common legislative agenda aligned with City priorities and creating the capacity to advocate effectively is the purpose of this Legislative Lobbying Services Agreement.

Previous Council Action:

At the meeting on August 7, 2023, the City Council approved funding for legislative advocacy services. Josh Weiss of Gordon Thomas Honeywell (GTH) was selected as the lead to assist in preparing for the 2024 Washington State Legislative Session and to represent the City's interests during that session. Following a successful effort which resulted in state policy change (SB 6047), \$750,000 allocated to the City for decarbonization activities, and \$72,000 for the Fieldhouse project, the City Council approved funding to extend the Agreement with GTH through 2024 to continue planning and preparation for the 2025 State Legislative Session.

Analysis:

Having a set of adopted legislative priorities assists staff, elected officials, and lobbyists in aligning advocacy efforts around policies that may positively or negatively impact City infrastructure, utilities, and services. Since 2022, the City has prepared a legislative agenda which is approved by the City Council. Research, preparation, and early advocacy is important for successful policy and funding advocacy initiatives. Given results achieved during the 2024 session, extending the current agreement through the next two years ensures ongoing advocacy services to build on those successes. The City Manager and staff are working with GTH consultants to build awareness and relationships in service to the City's near and long-term interests, including creating a the 2025 Legislative Agenda for City Council to review and approve later this year.

Financial Impact:

Funding for the baseline Agreement with Gordon Thomas Honeywell for legislative advocacy services was first approved at the August 7, 2023, meeting. The Agreement provided for up to \$36,000 in services, ending September 30, 2024. At the meeting on April 15, 2024, Council conducted second reading of Ordinance 4940, approving supplemental budget, including an additional \$21,000 to extend funding for the Agreement with GTH for legislative advocacy services through December 2024 to prepare for the 2025 legislative session. Additional budget will be allocated during the 2025-2026 Biennial Budget for continued services, including a three percent annual increase in 2025 and 2026.

Budget Adjustment: Yes

Attachments:

1. Gordon Thomas Honeywell Government Relations Amendment 1



AMENDMENT 1 TO THE AGREEMENT FOR LEGISLATIVE LOBBYING SERVICES

THIS AGREEMENT is made and entered into this ____ day of _____, 2024 ("Effective Date"), by and between The City of Ellensburg, a municipal corporation, (hereinafter called the "City") and Gordon Thomas Honeywell Government Relations, referred to herein as the "Consultant(s)", for Legislative Lobbying Services.

WHEREAS, the City entered into an agreement with the Consultant on October 16, 2023; and

WHEREAS, the City and the Consultant desire to extend the time of the performance of the agreement, pursuant to Section 3 of the agreement from October 16, 2023 to December 31, 2026; and

WHEREAS, the City and the Consultant desire to extend the maximum compensation of the agreement, pursuant to Section 5 of the agreement from Thirty-six Thousand Dollars and No Cents (\$36,000) to One Hundred Thirty-nine Thousand, Eight Hundred Seventeen Dollars and Eighty Cents (\$139,817.80), which includes an annual inflationary factor of three percent (3%) per year for 2025 and 2026,

NOW, THEREFORE, in consideration of the above representations and the terms, conditions, covenants, and agreements set forth below, the parties hereto agree to amendment of Section 2, Section 3, and Section 5 of the agreement as follows:

2. Scope of Work. The scope of professional services to be performed and the results to be achieved by the CONSULTANT shall be as detailed in the attached Exhibit A - Amendment 1 and shall include all services and material necessary to accomplish the work ("Services").

3. Time of Performance. Work on the Project shall begin as soon as practicable after the Effective Date of this Agreement and shall be completed by no later than December 31, 2026.

5. Maximum Compensation. Total compensation and reimbursement under this Amendment 1, including labor, direct non-salary reimbursable travel costs and outside services shall not exceed the limits for "Compensation" each year as set forth in Exhibit 1 nor the maximum sum of One Hundred Thirty-nine Thousand, Eight Hundred Seventeen Dollars and Eighty Cents (\$139,817.80) for the term of the agreement, as herein amended.

Except as modified herein, all terms and conditions of the original agreement shall remain in effect.

IN WITNESS WHEREOF, the parties hereto have executed Amendment 1 to the Agreement as of the date and year first written above.

CITY OF ELLENSBURG

Heidi Behrends Cerniwey, City Manager

Josh Weiss, J.D., Vice President, Gordon Thomas Honeywell Government Relations

EXHIBIT "A" - AMENDMENT 1

SCOPE OF WORK

The following generally outlines the scope of work to be performed by the Consultant in association with the Professional Services Agreement of which this is an Exhibit. Specific work plans shall be the responsibility of the Consultant and developed in consultation with the City.

Legislative Lobbying:

1. The Consultant shall act as the City's principal state lobbyist and develop and maintain on-going relationships with appropriate state elected and appointed officials and staff;
2. In consultation with the City, the Consultant shall develop a state legislative agenda for the time period covered under the terms of this agreement;
3. The Consultant shall develop and maintain on-going relationships with representatives of the Association of Washington Cities, Kittitas County, and Central Washington University, as well as other lobbyists and interest groups whose interests and advocacy align with the interests of the City;
4. The Consultant shall attend meetings and conferences as mutually agreed upon by the Consultant and the City Manager;
5. The Consultant shall provide both written and oral reports to the City and other project partners as mutually agreed upon by the Consultant and the City Manager; and
6. Provide other governmental relations support to the City as mutually agreed upon by Consultant and City Manager.

COMPENSATION

The City shall pay Consultant for completed work and for services rendered under this agreement in monthly installments of \$3,500.00 per month for each month, through December 31, 2024.

On January 1, 2025, monthly installment will increase by three percent (3%) to \$3,605.00 per month for services through December 31, 2025, with an annual maximum compensation of \$43,260.00 per year.

On January 1, 2026, monthly installment will increase by three percent (3%) to \$3,713.15 per month for services through December 31, 2026, with an annual maximum compensation of \$44,557.80 per year.

The City shall reimburse the Consultant up to \$3,000 during the duration of this agreement for work related travel expenses including: mileage, meals, and lodging.

Invoices for expenses or additional work performed as described herein shall be presented to the City by the Consultant following completion of duties herein. The City shall make payment to the Consultant within thirty (30) days of receipt of invoices.

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

8-26-24
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 **3RD DAY OF SEPTEMBER 2024**. 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	167075	TO	167196	\$ 350,893.01
EFT #'s	7003	TO	7016	\$ 255,972.15
Treasure Cash				Total Amounts
EFT #'S	703	TO	723	\$ 364,816.68
Check #'s	34168	TO	34173	\$ 1,884.76
Payroll Fund				Total Amounts
Check #'s	86285	TO	96290	\$ 22,512.62
Direct Deposits	81066	TO	81332	\$ 554,216.52

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

ATTEST: _____
CITY CLERK



Date: September 3, 2024

To: City Council

From: Parks & Recreation Commission

Subject: Recommendation of Appointment

Frana Milan and Nikki Pollock submitted applications for reappointment to the Parks & Recreation Commission.

Ms. Milan was interviewed by Commission member Jackie Adams and Parks & Recreation Director Brad Case on July 24, 2024. Ms. Pollock was interviewed by Commission member Adams on August 26, 2024. Both individuals have been serving as valuable members on the Commission; Ms. Pollock as the Commission Chair and Ms. Milan as Commission Vice Chair.

The Parks & Recreation Commission currently has four vacancies. The recommendation is for City Council to reappoint Frana Milan and Nikki Pollock.

Boards and Commissions	Affordable Housing Commission	Arts Commission	Civil Service Commission	Diversity, Equity & Inclusion Commission	Ellensburg Business Development Authority Board	Environmental Commission	Landmarks and Design Commission	LEOFF Board	Library Board	Lodging Tax Advisory Committee	Parks and Recreation Commission	Planning Commission	Public Transit Advisory Committee	Utility Advisory Committee
MEMBERS	7	7	3	9	7	7	7	5	7	7	7	7	7	7
Residency Requirements	Y	N	Y	Y	N	Y	Y	Y	Y	N	Y	Y	N	Y
Current Members within City Limits	6	5	3	9	4	6	6	2	6	3	4	6	5	5
Current Members Outside City Limits	1	2	0	0	3	0	1	1	0	4	0	0	0	1
Current Members Outside but in UGA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VACANCIES	0	0	0	0	0	1 1-EHS	0	2	1	0	4	1	2	1 (Tele)
APPLICANTS:														
Frana Milan											Re-appt			
Nikki Pollock											Re-appt			

From:
To:
Subject: [Ext] Online Form Submittal: Application for Reappointment
Date: Thursday, June 13, 2024 9:22:29 AM

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

Application for Reappointment

Application for Reappointment

For volunteering to serve on a Board or Commission

Name of Board or Commission Parks and Recreation Commission

Current Term Expires May 31 of current year

First Name of Member Nikki

Last Name of Member Pollock

Address 1

Address 2

City Ellensburg

State WA

Zip 98926

Phone Number

Email Address

I am requesting to be considered for reappointment for another ____ year term. 3

Why are you seeking reappointment?

I am strongly believe in public access to spaces that encourage physical activity and provide a venue for the people to gather in community. I am committed to helping sustain, enhance, and expand the park system in Ellensburg to meet the diverse needs

of our citizens and give them opportunities to recreate throughout the city in numerous ways.

Type your name as
your electronic
signature

Nikki Pollock

Date

6/13/2024

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

From:
To:
Subject: [Ext] Online Form Submittal: Application for Reappointment
Date: Friday, April 19, 2024 10:42:20 AM

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

Application for Reappointment

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

Name of Board or Commission Parks and Recreation Commission

Current Term Expires May 31 of current year

First Name of Member Frana

Last Name of Member Milan

Address 1

Address 2

City Ellensburg

State WA

Zip 98926

Phone Number

Email Address

I am requesting to be considered for reappointment for another ____ year term. 3

Why are you seeking reappointment?

I am seeking reappointment on the Parks & Recreation Commission so that I may continue my service to the community. I would like to continue to be a bridge for community members to connect with the City, as well as support the City as it takes on several upcoming significant park improvement projects. Serving on the commission is personally fulfilling, as it combines my

passion for parks and public spaces with my professional skill set and experiences.

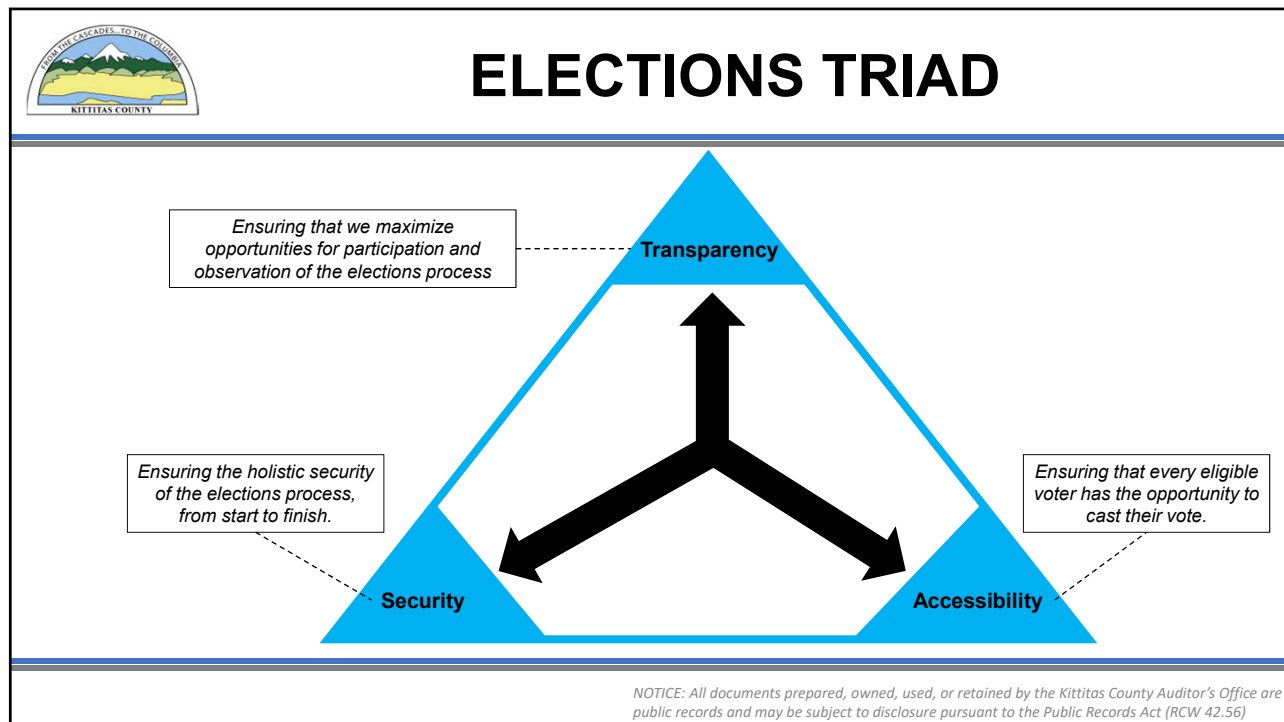
Type your name as
your electronic
signature

Frana Milan

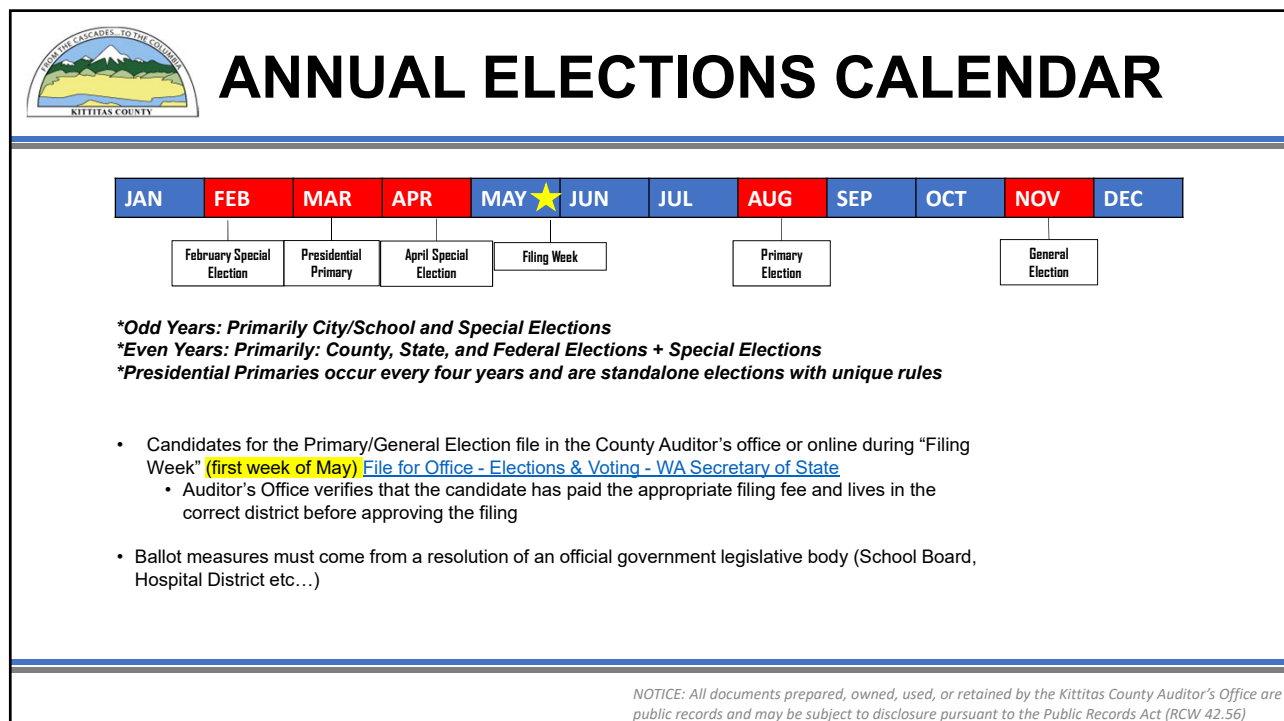
Date

4/19/2024

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



1



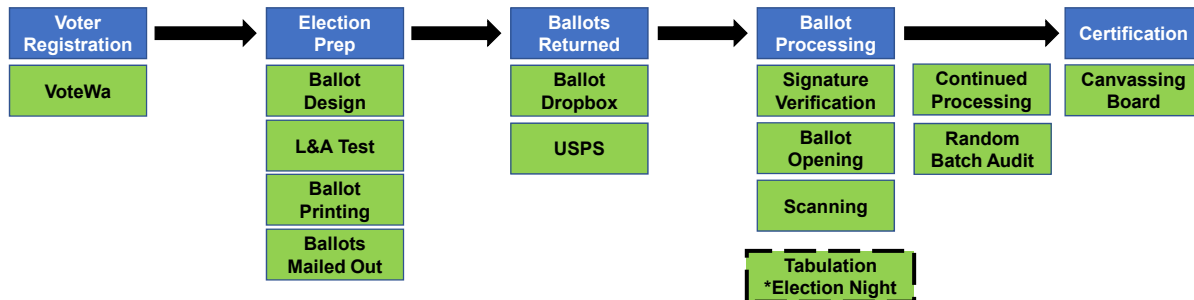
2



ELECTIONS PROCESS OVERVIEW

*Washington is an all vote by mail state (RCW 29A.40.10)

Each active registered voter of the state, overseas voter, and service voter shall automatically be issued a mail ballot for each general election, special election, or primary. Overseas voters and service voters are authorized to cast the same ballots, including those for special elections, as a registered voter of the state would receive under this chapter. Each active registered voter shall continue to receive a ballot by mail until the death or disqualification of the voter, cancellation of the voter's registration, or placing the voter on inactive status.



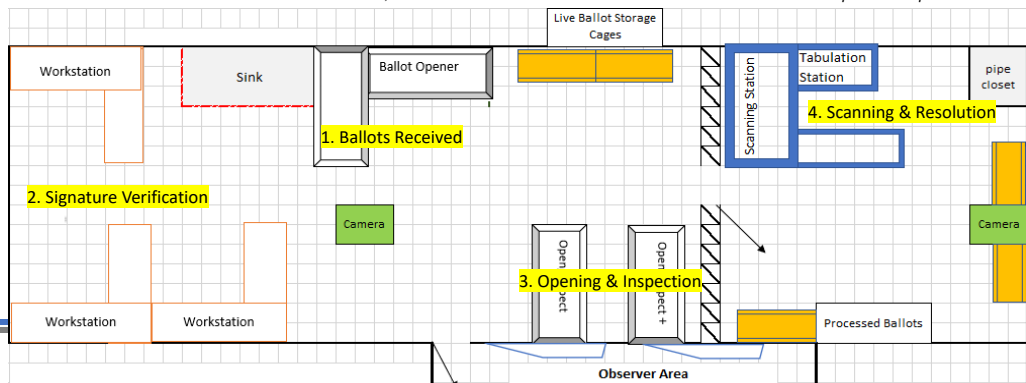
NOTICE: All documents prepared, owned, used, or retained by the Kittitas County Auditor's Office are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56)

3



BALLOT PROCESSING

1. **Ballots Received** are returned to the Elections Center, counted and sorted into batches based on when and how they were received. Batches help our staff manage and reconcile the large volume of ballots received during an election to ensure every legally cast ballot is counted.
2. **Signature verification** is performed by trained staff, conducting a comparison of the return ballot envelope to the voters' registration record. If a discrepancy exists, the voters' ballot return status is marked accordingly and a letter is sent to the voter, enabling the voter to make necessary corrections.
3. **Opening & Inspection** occurs daily, usually beginning 2 weeks prior to the election. Envelopes are opened and secrecy sleeves are separated from return envelopes. Ballots are then separated from secrecy sleeves, unfolded and placed into a stack. Each ballot is reviewed for stray marks that might not be read properly by the scanner, or other issues that need to be addressed. The review process is verified by another staff member. Ballots are then placed back into a lock-box and sealed until scanning.
4. **Scanning & Resolution** usually begins the week prior to the election, based on volume. Ballots are scanned into the system with images saved to a USB. Ballot resolution occurs when there are overvotes, or other issues that the scanner is unable to read. The Resolution process requires dual review.



4

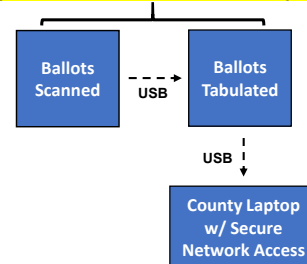


BALLOT TABULATION

Election Day Activities

- Staff continues processing incoming ballots until 8PM on Election Day
- At 8:00pm ballot drop boxes in the county are secured by designees of the Auditor's Office, vote centers cease issuing and collecting ballots (however, anyone in line may still be issued a ballot/or registered and issued a ballot)
- The images from all ballots scanned up to this point are then transferred via 'V-Drive'(USB) to a separate Tabulation system.
- **The system tabulates the scanned data from the USB and produces results that are then transferred via the USB to a separate county laptop for upload to VoteWa. Results are typically available to the public, by 8:30pm.**

***The Scanner and Tabulator are NOT physically or digitally connected to each other or the county laptop**



NOTICE: All documents prepared, owned, used, or retained by the Kittitas County Auditor's Office are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56)

5



CERTIFICATION

Final Processing/Tabulation

- Remaining ballots are received in the mail and picked up from Ballot dropboxes. Only Ballots that were postmarked on or before election day or dropped into a box prior to 8PM on Election Day will be counted.
- Remaining ballots are processed, scanned and tabulated (*reference ballot processing*)

Ballot Audit (RBA)

- Post Election Audit conducted within 48 hours of the Election
- Multiple batches of Ballots are hand counted and then scanned/tabulated.
- Results of the hand count are verified against the tabulation system to ensure accuracy of the scanning/tabulation equipment.

Canvassing Board

- The Canvassing Board consists of the County Auditor, the Chair of the Board of County Commissioners, and the Prosecutor (or their delegates)
- The Board meets to review rejected ballots (signatures, unreadable postmark, not signed, etc...) They may choose to count or not count ballots based on a majority vote.

Canvassing Board Meetings are held downstairs in the basement of the courthouse (Elections Center) where members of the public may observe all proceedings.

Certification

- Canvassing Board reviews final results and minutes from previous meetings.
- Board members sign documents certifying the results of the election.

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6



RESOURCES

Washington State Constitution: [WAConstitution.pdf](#)

Washington State Elections RCWs: [Title 29A RCW: ELECTIONS \(wa.gov\)](#)

WAC concerning the Secretary of State's Office: [Title 434 WAC:](#)

Washington Office of Secretary of State: [Elections & Voting - WA Secretary of State](#)

Kittitas County Auditor's Office: [Kittitas County Auditor | Elections](#)



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Meeting Date: September 3, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Closed record hearing to consider adoption of Resolution 2024-25, approving the Foster North Preliminary Plat (File # P22-059) (Limited Public Testimony)

Submitted by: Jeremy Johnston, Planning Manager

Department: Community Development

Suggested Motion/Action:

Move to adopt Resolution 2024-25 approving the Foster North Preliminary Plat and incorporating the Hearing Examiner's July 31, 2024 Recommended Findings of Fact, Conclusions of Law, Decision, and Conditions of Approval, with an amendment to recommended Condition 1 and adding Condition #13 as provided by staff.

Background/Summary:

The purpose of this closed record quasi-judicial hearing is for City Council to consider the application for a proposed preliminary plat subdivision, known as "Foster North Plat," submitted by Whipple Consulting Engineers, agent for St James Group, LLC, property owner. This hearing is being held pursuant to the requirements of Chapter 15.260, Subdivision Procedures, of the Ellensburg City Code. A SEPA Mitigated Determination of Non-Significance (MDNS) was issued for this project on March 28, 2024.

The Hearing Examiner's July 31, 2024 Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval is attached to this report as Exhibit 1 (Hearing Examiner Recommendation with Complete Record) and includes 25 bookmarked exhibits, Exhibits 1.1 thru 1.25, including the July 22, 2024, Staff Agenda Report submitted to the Hearing Examiner record as Exhibit 1.20.

The applicant appeared at the hearing and testified in favor of the project and agreed with the staff proposed conditions of approval as outlined in Exhibit 1.20. Public Testimony was provided by Paul McBride, Gabrielle Stryker, and Jim Ellinger at the hearing as indicated in the Hearings Examiner report. Paul McBride and Gabrielle Stryker also submitted written comments for the hearing (Exhibit 1.22)

This proposed preliminary plat is located on Kittitas County Assessor's Parcel ID#'s 14599, 14600, 14602, 851033, north of Dry Creek Road, east of Reecer Creek Road, and on both sides of the Palouse to Cascades Trail, in the City of Ellensburg, WA.

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

The subject property is approximately 80.34 acres in size and is currently zoned Residential

Suburban Density (R-S). Property zoned as Residential Suburban (R-S) allows for detached single-family dwellings as the predominate land use, with a base maximum density of 6 dwelling units/acre. The applicant's proposal would create 265 separate residential lots, which is well within the allowable maximum density. The proposed lots are intended for single-family homes and would range in size from 4,002 square feet to 21,355 square feet.

The southern street frontage known as West Dry Creek Road is an existing minor arterial road and is further defined as a landscaped street. The proposed interior roads will be new local access/landscaped streets. This particular plat is located within the required one-mile radius for the nearest elementary school, which includes both Mount Stuart Elementary, and Ida Nason Aronica Elementary. This means that the school district expects children in this area to walk to school; therefore, shoulder widening, and frontage improvements will be required on the north side of Dry Creek Road for those frontage areas controlled by the applicant. Additionally, the Palouse to Cascade trail will serve as an alternative school access route. This will be required in order to provide a safe pedestrian route, and for concurrence with the City's non-motorized transportation plan. The Land Development Code requires these sidewalks to be separated from the curb. Existing power poles may need to be relocated to accommodate these frontage improvements. The extension and construction of the street frontage improvements as discussed above, would begin to provide neighborhood connectivity, and to achieve goals and policies within the land use, housing, and transportation chapters of the Ellensburg Comprehensive Plan.

Site Characteristics

North: The land to the north is vacant land with the Urban Growth Area which lies along the City Limit Boundary

South: The land to the south is residential land with existing residences on large lots.

East: Land to the east is the location of the original Foster Plat Subdivision currently under construction.

West: The land to the west is residential land with a few existing residences on large lots

Previous Council Action:

None

Analysis:

The Review Procedures and Criteria for the Preliminary Plat process are outlined in Chapter 15.260 of the Land Development Code. Pursuant to ECC 15.260.060(D), a public hearing was held before Hearing Examiner Andrew Kottkamp on July 22, 2024. The Hearing Examiner's July 31, 2024 Recommended Findings of Fact, Conclusion of Law, and Decision and Conditions of Approval have been included within this report as Exhibit 1. The Hearing Examiner recommended that the Foster North Preliminary Plat be approved with the 12 conditions as depicted in Exhibit 1. Condition 1 of the recommendation requires that the applicant meet Public Works requirements discussed in memorandums dated August 15, 2022 and June 27, 2023, "including the widening and installation of curb and gutter and sidewalks on the north side of Dry Creek Road from the project site to the original Foster Plat sidewalks to the west which are in the development stage for connection to the existing sidewalks on 15th Avenue." Following the issuance of the Hearing Examiner's recommendation, staff determined that the requirement for frontage improvements along Dry Creek Road included properties not controlled by the applicant. Additionally, these

improvements may be eligible for deferral until the full improvements can be constructed. Therefore, staff is recommending that this condition be amended to reference the Public Works memorandums, to remove the language about improvements to Dry Creek Road, and to include language about possible deferral. The applicant would remain responsible for frontage improvements to the north side of Dry Creek Road that border property associated with this plat and are controlled by the applicant. Additionally, staff have included a 13th condition which restricts issuance of certificates of occupancy prior to completion of required public improvements.

Pursuant to ECC 15.260.060(E)(1), the City Council shall, at the conclusion of the hearing, make its own decision supported by written findings of fact and conclusions of law and approve, approve with conditions, or disapprove the preliminary subdivision application.

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

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

1. The preliminary subdivision conforms to all applicable zoning standards of the city as set forth in the LDC, including the form and intensity standards in Chapter 15.320 ECC, the streetscape design standards in Chapter 15.410 ECC, the subdivision design standards in Chapter 15.420 ECC, the project design standards in Division V, and the public works development standards;
2. All lots within the preliminary subdivision are provided with satisfactory access established consistent with the requirements of the public works development standards, ECC Title 4, public works construction, the streetscape design standards and subdivision design and block standards in Division IV, and the project design standards in Division V;
3. All lots within the preliminary subdivision are provided with adequate provisions for water supplies, sanitary wastewater facilities, and storm drainage and surface water facilities consistent with the requirements of the public works development standards and ECC Title 9, Utilities;
4. All lots within the preliminary subdivision are provided with adequate provisions for electric service, and for natural gas service if applicable, consistent with the requirements of the city's energy services department design standards and with ECC Title 9, Utilities;
5. The preliminary subdivision conforms to all applicable critical areas standards set forth in Division VI; and
6. The preliminary subdivision makes appropriate provisions for the public health, safety

and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, natural gas mains and services, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.

Staff agrees with the Hearing Examiner's conclusion that the proposed preliminary plat application meets the above requirements. Staff is recommending that City Council approve the preliminary plat as presented in the Hearings Examiner's recommendation except for the staff recommended amendment to condition #1, relieving the applicant of the responsibility for frontage improvements along Dry Creek on property not associated with this plat and the addition of condition #13 requiring completion of public improvements prior to issuance of any certificate of occupancy.

Financial Impact:

Potential tax revenue for 265 single family residential lots.

Budget Adjustment: No

Attachments:

1. Exhibit 1 - Hearing Examiner Recommendation with Complete Record
2. Exhibit 2 - Legal Notice CC Closed Record Hearing
3. Exhibit 3 - Affidavit of Posting
4. Resolution 2024-25

**CITY OF ELLENSBURG
LAND USE HEARING EXAMINER**

IN THE MATTER OF

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

P 22-059

Foster North Subdivision Preliminary Plat

THIS MATTER having come on for hearing in front of the City of Ellensburg Hearing Examiner on July 22, 2024, The Hearing Examiner having taken evidence hereby submits the following Recommended Findings of Fact, Conclusions of Law, and Decision as follows:

I. FINDINGS OF FACT

1. An open record public hearing was held on July, 22, 2024, to consider the proposed preliminary plat subdivision and any public or agency comments received by the City regarding the proposed Foster North Subdivision. The hearing was held pursuant to the requirement of Chapter 15.260, Subdivision Procedures, of the Ellensburg City Code (ECC). The application was processed as a Type IV application in accordance with ECC 15.210.040(B) with all legal notices and mailings completed as indicated in the exhibits.
2. Citizen and agency comments on this proposed preliminary plat were due no later than 5:00 pm Friday, June 30, 2023. Notice was further given that all persons interested could appear and be heard at the public hearing.
3. This proposed preliminary plat is located on Kittitas County Assessor's Parcel ID#'s 14599, 14600, 14602, 851033. The proposed subdivision is located North of Dry Creek Rd, East of Reece Creek Road, south of the Palouse to Cascade Trail, and adjacent to the original Foster Subdivision plat - (P21-039), in the City of Ellensburg, WA. A vicinity map and reduced scale preliminary drawing showing the location of the lots and other plat features are included as Exhibits 1 & 2.
4. The subject property is approximately 80.34 acres in size and is currently zoned Residential Suburban Density (R-S). Property zoned as Residential Suburban (R-S) allows for detached single-family dwellings as the predominate land use, with a base maximum density of 6 dwelling units/acre. The applicant's proposal would create 265 separate residential lots, which is well within the allowable maximum density. The project will be developed as residential lots ranging in size from approximately 4,002 square feet to 21,355 square feet. In addition to the single-family lots, there will be thirteen tracts used for stormwater and critical area preservation. The project site has several wetlands and wetland buffers, as well as 100-year floodplain on the northwestern portion of the proposed development, and Whiskey Creek runs north-south along the western project boundary.
5. The lots will have frontage onto public roadway which will need to be improved as part of this project. West Dry Creek Road, as well as all internal roads will be constructed by the applicant to meet the Land Development Code and Public Works Standards. Main access is proposed off W. Dry Creek Rd, with plans to connect to Helena Ave and cross the Palouse to Cascade Trail in one location at Buckaroo Ave with a roundabout located within the development.

P22-059

Foster North Subdivision

Page 1 of 7

6. The Public Works Department works with the Ellensburg School District at the time of civil construction review of the plat to ensure that the goals of their “Guide for Planning and improving School Walk and Bike Routes” are implemented on projects within one mile of schools.
7. This particular plat is located within the required 1 mile radius for the nearest elementary school, which includes both Mount Stuart Elementary, and Ida Nason Aronica Elementary. This means that the school district expects children in this area to walk to school. Therefore, shoulder widening and frontage improvements are required on the north side of Dry Creek Road from the project site to the original Foster Subdivision sidewalks currently being developed to connect to the existing sidewalks on 15th Avenue. This will be required in order to provide a safe pedestrian route, and for concurrence with the City’s non-motorized transportation plan. The Land Development Code requires these sidewalks to be separated from the curb. Existing power poles may need to be relocated to accommodate these frontage improvements. The extension and construction of the street frontage improvements as discussed above, will begin to provide neighborhood connectivity, and to achieve goals and policies within the land use, housing, and transportation chapters of the Ellensburg Comprehensive Plan.
8. Specific to meeting open space and parks needs that will result from the new development, the applicant will be required to pay a park impact fee for each single-family lot or structure, which will in turn be used to enhance the City of Ellensburg Parks system.
9. Site Characteristics
 - 9.1. North: The land to the north is vacant land with the Urban Growth Area which lies along the City Limit Boundary
 - 9.2. South: The land to the south is residential land with existing residences on large lots.
 - 9.3. East: Land to the east is the location of the original Foster Plat Subdivision currently under construction.
 - 9.4. West: The land to the west is residential land with a few existing residences on large lots
10. SEPA Review
 - 10.1. A SEPA checklist was submitted as a requirement of the preliminary plat process, and a SEPA Mitigated Determination of Non-Significance (MDNS) was issued on March 28, 2024 (Exhibit 15). No appeals were filed.
11. Preliminary Plat Review
 - 11.1. During the concurrent Subdivision and associated SEPA environmental review, public notice and distribution of the full preliminary plat application was undertaken. As a result of that effort, revised project application materials were submitted and departmental comments for the application have been received from the following: the Ellensburg Fire Department, Ellensburg Public Works Department; and the Ellensburg Utility Services Gas and Light Departments (Exhibits 3-6).
 - 11.2. Those comments received mirrored their previous SEPA environmental points regarding final design and construction of required facilities and referred to the previous comments submitted for SEPA and/or the Pre-Application Reviews.
 - 11.3. Several public comments were received during the multiple combined SEPA/Subdivision comment periods. The comments focus mainly on concerns with irrigation, storm water and traffic. See Exhibits 7-14.

12. The requirements pertaining to preliminary plat approval are found within ECC Sections 15.260.060 through 15.260.090. Specifically, the decision criteria are found in ECC 15.260.060(F), which states the following:
 - 12.1. (F) Decision Criteria. The city may approve, approve with conditions, or deny a preliminary subdivision application based on conformance with the following decision criteria:
 - 12.1.1. The preliminary subdivision conforms to all applicable zoning standards of the city as set forth in the LDC, including the form and intensity standards in Chapter 15.320 ECC, the streetscape design standards in Chapter 15.410 ECC, the subdivision design standards in Chapter 15.420 ECC, the project design standards in Division V, and the public works development standards;
 - 12.1.2. All lots within the preliminary subdivision are provided with satisfactory access established consistent with the requirements of the public works development standards, ECC Title 4, public works construction, the streetscape design standards and subdivision design and block standards in Division IV, and the project design standards in Division V;
 - 12.1.3. All lots within the preliminary subdivision are provided with adequate provisions for water supplies, sanitary wastewater facilities, and storm drainage and surface water facilities consistent with the requirements of the public works development standards and ECC Title 9, Utilities;
 - 12.1.4. All lots within the preliminary subdivision are provided with adequate provisions for electric service, and for natural gas service if applicable, consistent with the requirements of the city's energy services department design standards and with ECC Title 9, Utilities;
 - 12.1.5. The preliminary subdivision conforms to all applicable critical areas standards set forth in Division VI; and
 - 12.1.6. The preliminary subdivision makes appropriate provisions for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, natural gas mains and services, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.
 - 12.2. The public agency comments relate to normal plat design and construction requirements that are routinely part of the final plat design and approval process. It is the full intention of the City to enforce and follow those final plat requirements.
 - 12.3. Prior to final plat approval, the applicant will need to add signature blocks on the face of the final plat for the following: City Engineer, Community Development Director, Public Works & Utilities Director, Cascade Irrigation District, County Treasurer, County Auditor; & the Mayor of Ellensburg.
 - 12.4. Construction of the subdivision and single-family units will be required to comply with all applicable standards outlined in the Ellensburg City Code design standards and guidelines.
13. An open record public hearing after due legal notice was held January 23, 2024, via Zoom video conference.

14. The following exhibits were admitted into the record:

- 14.1. Ex. 1 Vicinity Location Map
 - 14.2. Ex. 2 Preliminary Plat of Foster North Subdivision Plat
 - 14.3. Ex. 3 November 4, 2021 memo from City of Ellensburg Energy Services Light Department
 - 14.4. Ex. 4 October 29, 2021 memo from City of Ellensburg Energy Services Gas Department
 - 14.5. Ex. 5 August 15, 2022 & June 27, 2023 memos from City of Ellensburg Public Works Department
 - 14.6. Ex. 6 June 13, 2022 and August 11, 2022 memos from City of Ellensburg Fire Marshall
 - 14.7. Ex. 7 June 29, 2023 Jim Ellinger Comment Letter
 - 14.8. Ex. 8 June 29, 2023 Kathy Williams Comment Letter
 - 14.9. Ex. 9 June 29, 2023 Jim Denison Comment Letter
 - 14.10. Ex. 10 August 9, 2022 & June 30, 2023 Jonathan & Nancy Suttles Comment Letters
 - 14.11. Ex. 11 August 9, 2022 & June 26, 2023 Nick Majsterek Comment Letters
 - 14.12. Ex. 12 August 1, 2022 and June 27, 2023 Paul McBride & Gabrielle Stryker Comment Letters
 - 14.13. Ex. 13 June 29, 2023 Roxy Desoer Comment Letter
 - 14.14. Ex. 14 June 29, 2023 Dakota Hamlin Comment Letter
 - 14.15. Ex. 15 March 28, 2024 SEPA MDNS Determination
 - 14.16. Ex. 16 Legal Notice of Public Hearing
 - 14.17. Ex. 17 Area of Notification Map with 300-Foot Buffer Notification List
 - 14.18. Ex. 18 Affidavit of posting
 - 14.19. Ex. 19 July 18, 2024 Letter from Shannon Johnson to Reed Waite with Attachments
 - 14.20. Ex. 20 Staff Report
 - 14.21. Ex. 21 Remainder of Planning Staff File
 - 14.22. Ex. 22 2024 Comments from Paul McBride and Gabrielle Styker
 - 14.23. Ex. 23 Staff PowerPoint
 - 14.24. Ex. 24 Applicant PowerPoint
 - 14.25. Ex. 25 Applicant's Memorandum to the Hearing Examiner.
15. Appearing and testifying on behalf of the applicant was Todd Whipple. Mr. Whipple testified that he is the agent of the property owner and applicant. Mr. Whipple stated that he agreed with the representations set forth within the Staff Report and had no objection to any of the proposed Conditions of Approval. Mr. Whipple further described the project. His testimony was consistent with the application materials and memorandum prepared by Mr. Whipple for the Hearing Examiner (see Exhibit 25). He indicated that a Cultural Resource Survey had been performed in

2022 and no resources were found. They also did a second Cultural Resource Survey just for the Palouse to Cascades Trail and again no resources were found. He indicated that irrigation would not be interrupted. He described the four phases for this project, Phase I, Phase II, Phase IIIA, and Phase IIIB. He indicated that all storm water would be retained on site. He mentioned that a traffic study had been performed for the prior proposal of two hundred and ninety six lots. It was not codified after the lot number was reduced to two hundred and sixty five. This was not necessary because there are fewer lots and therefore less traffic.

16. No rock crushing is a part of this project. The Applicant is seeking flood plain modification. The Applicant is providing a small parking area for access to the Palouse to Cascade Trail. He stated that the storm water ponds are required to drain within seventy-two hours, mitigating any potential impacts of mosquitos.
17. Testifying from the public were the following individuals:
 - 17.1. Paul McBride: Mr. McBride testified that they had submitted three comment letters. He testified that the weeds on the Applicant's property adjacent to their property is unsafe. He also had concerns about his open irrigation ditch and whether or not it would be located underground. He was opposed to having his irrigation ditch underground.
 - 17.2. Gabrielle Stryker: Ms. Stryker testified that nothing has been done about the weeds on the property adjacent to their property. They constitute a nuisance to them. If the weeds catch on fire, the fire would easily pass to their property.
 - 17.3. Jim Ellinger: Mr. Ellinger testified about his concerns regarding irrigation water and whether there would be any interruption to irrigation service.
18. At the conclusion of the hearing, the Applicant requested that the record remain open until July 26, 2024 at 5:00pm for the Applicant to submit any rebuttal comment to the comments submitted by Paul McBride and Gabrielle Stryker on July 22, 2024. The Hearing Examiner left the record open until 5:00pm July 26, 2024 for this specific purpose.
19. On July 26, 2024, the Applicant's agent, Todd Whipple submitted an additional written comment. This was admitted into the record as Exhibit 26.
20. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted authority to render this Recommended Decision.
2. As conditioned, this project is consistent with the Ellensburg Comprehensive Plan and Ellensburg Municipal Code.
3. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. RECOMMENDED DECISION

Based on the above Findings of Fact and Conclusions of Law, the Hearing Examiner Recommends application for P22-059 be **APPROVED** subject to the following recommended Conditions of Approval.

P22-059
Foster North Subdivision
Page 5 of 7

IV. CONDITIONS OF APPROVAL

1. The applicant will meet the requirements of the Public Works Department discussed in its memorandums dated August 15, 2022 and June 27, 2023 including the widening and installation of curb gutter and sidewalks on the north side of Dry Creek Road from the project site to the original Foster Plat sidewalks to the west which are in the development stage for connection to the existing sidewalks on 15th Avenue.
2. The applicant will meet the requirements of the Energy Services - Light Department discussed in its memorandum dated November 4, 2021.
3. The applicant will meet the requirements of the Energy Services – Gas Department discussed in its memorandum dated October 29, 2021.
4. The applicant will meet the requirements of the Fire Department for hydrants and access as per Fire Marshal's memorandums dated June 13, 2022 and August 11, 2022.
5. The applicant will meet the requirements of the SEPA Official's issuance of Mitigated Determination of Non-Significance (MDNS) (File # P22-057) dated March 28, 2024.
6. The applicant may be required to obtain an NPDES Construction Storm Water General Permit from the Washington State Department of Ecology, as well as all other permits (site grading permit, SWPPP, etc.) that may be required as a result of plat development. Subdivision and land development activities shall follow the requirements of the Ellensburg City Code, including the Design Standards.
7. Prior to commencing any ground disturbing activities on the subject property, the owner shall secure State Parks' formal approval for the location and design of the Project access across the Palouse to Cascade Trail, as generally depicted on page 1 of the "Foster 2 Subdivision" Preliminary Plat (referred to here as the "Crossing"). This preliminary plat condition shall be deemed satisfied once the owner transmits final signed and/or recorded documentation demonstrating its rights to improve and use the Crossing in connection with the Project, as well as securing all required road access and utility easements on behalf of the City. In the event that State Parks does not approve the Crossing, then the owner shall be required to apply for and receive approval of a plat alteration per Ellensburg City Code Section 15.260.110(C) as a condition of final plat approval.
8. The City will support, if applicant applies for, a deferral of curb, gutter, sidewalk, storm drainage, illumination, and other related street improvements for that portion of the property as described hereinabove fronting on Old Reecer Creek Rd. as indicated on the "Foster 2 Subdivision" preliminary plat map, to such time as the road is formally vacated, a general street improvement project on Old Reecer Creek Rd. takes place or is ordered by the City Council. Deferral applications are made through the Public Works and Utilities Department.
9. Prior to commencing any ground disturbing activities on the subject property, the owner shall obtain any and all necessary approvals and permissions from the Bonneville Power Administration (BPA) to utilize property within the BPA easement to develop the proposed roadway and associated infrastructure as generally depicted on the "Foster 2 Subdivision" Preliminary Plat. In the event that BPA refuses to issue any needed approval for the proposed improvements, then the owner shall be required to apply for and receive approval of a plat alteration per Ellensburg City Code Section 15.260.110(C) as a condition of final plat approval.

10. All requirements of utility providers, City departments, and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents.
11. The Applicant shall perform weed remediation on all lots covered by this Preliminary Plat within thirty (30) days of this Preliminary Plat Approval should that occur.
12. Additionally, all weeds and other noxious vegetation on the subject property shall be controlled on a timely basis until development occurs on the property and lots are sold. Regarding the open space tracts or storm water tracts, weed control shall be routinely performed by the property owner or home owner's association, whichever applies.

Dated this 31 day of July, 2024.

CITY OF ELLENSBURG HEARING EXAMINER



ANDREW L. KOTTKAMP

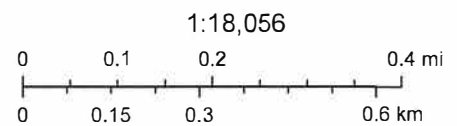
ANYONE AGGRIEVED BY THIS DECISION MAY FILE AN APPEAL WITH THE ELLENSBURG CITY COUNCIL AS PROVIDED FOR IN THE ELLENSBURG CITY CODE.

P22-059 Vicinity Location Map



7/11/2024, 12:33:19 PM

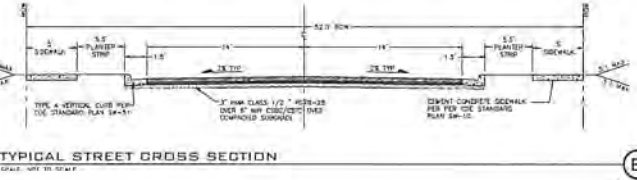
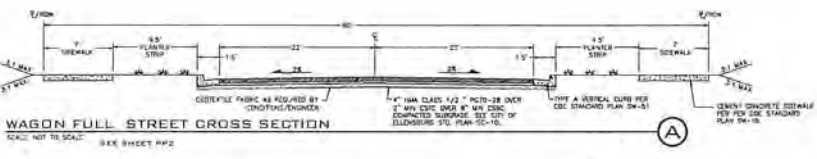
- County Parcels
- City Parcels
- Major Arterial



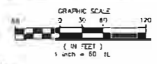
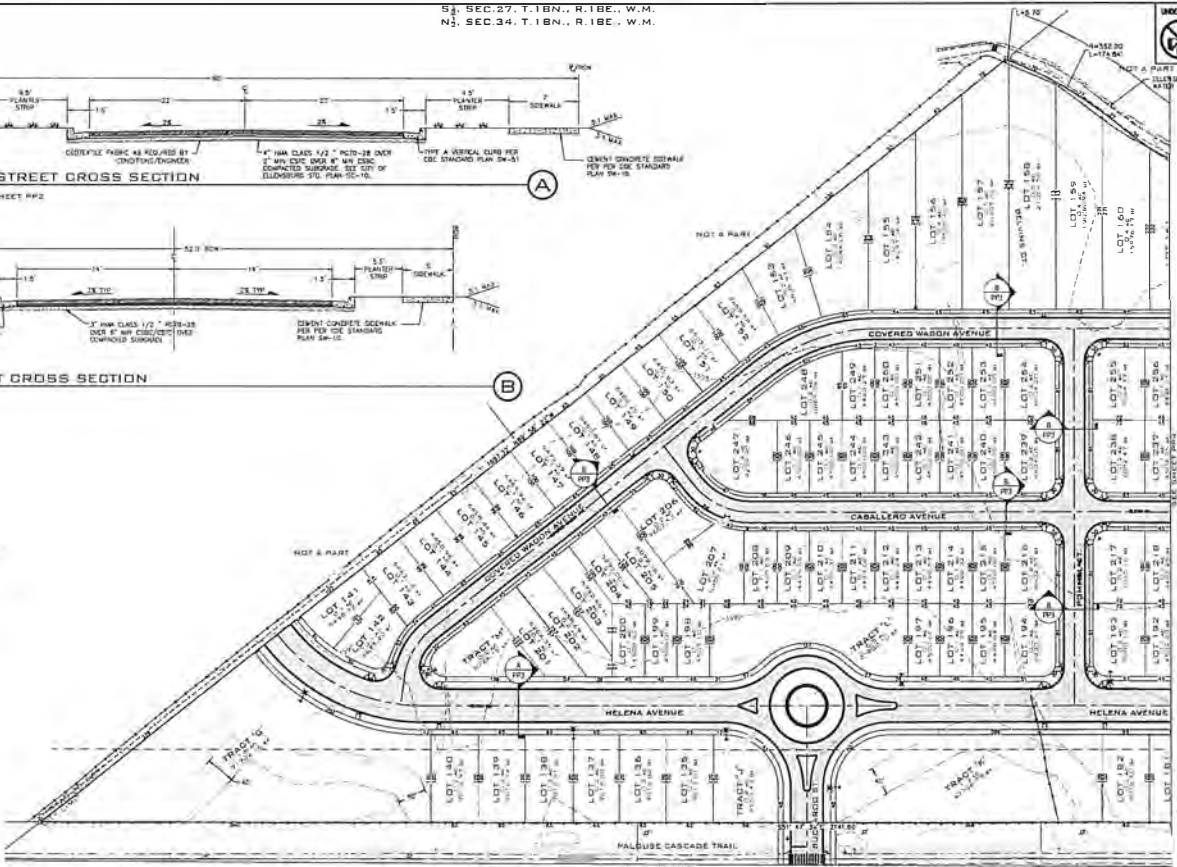
COE GIS, Google Maps

S4, SEC.27, T.18N., R.18E., W.M.
N3, SEC.34, T.18N., R.18E., W.M.

UNDERGROUND SERVICE ALERT
ONE-CALL NUMBER
811
ALL THE ABOVE LOTS
ARE TO BE



- HATCH LEGEND**
- WETLAND ENHANCEMENT
 - WETLAND BUFFER ENHANCEMENT
 - TEMP PLANT PLANT



1. 10-00-01 TFW	WASHINGTON STATE PARK TRAIL ACCESS REDEVELOPMENT	SCALE:	PROJ. #:	21-0000
2. 10-00-02 TFW	WASHINGTON STATE PARK TRAIL ACCESS REDEVELOPMENT	HORIZONTAL:	DATE:	07/11/04
3. 10-00-03 TFW	WASHINGTON STATE PARK TRAIL ACCESS REDEVELOPMENT	VERTICAL:	DRAWN:	SL
4. 10-00-04 TFW	WASHINGTON STATE PARK TRAIL ACCESS REDEVELOPMENT	REVIEWED:	TRW	

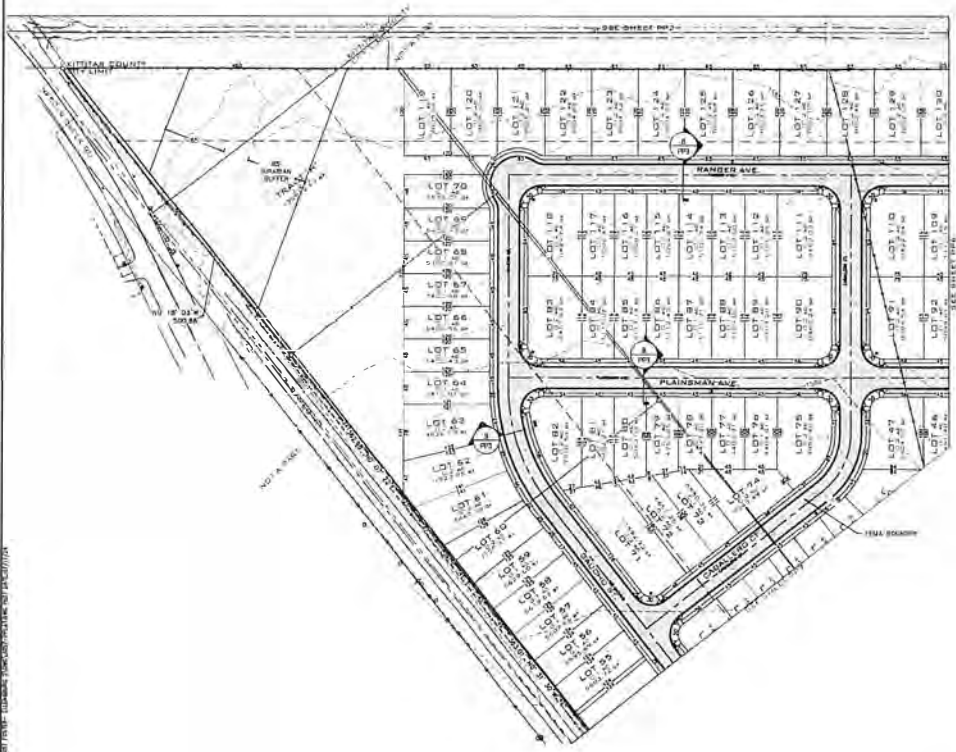


**FOSTER-ELLENSBURG 2
LOT LAYOUT DETAIL
DRY CREEK AND REECER CREEK RD
ELLENSBURG, WA**

**SHEET
PP3
JOB NUMBER
21-3057**

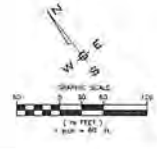
S1, SEC. 27, T. 18 N., R. 1 E., W. 4;
N1, SEC. 24, T. 18 N., R. 1 E., W. 4

UNDERGROUND SERVICE ALERT
ONE-CALL NUMBER
811
CALL 24 HOURS AHEAD
BEFORE YOU DIG



HATCH LEGEND

- WETLAND DISCONTINUITY
- WETLAND BUFFER DISCONTINUITY
- TEMP FLOOD PLAIN



NAVD - 88
The State of WA is not responsible for the accuracy or completeness of the information provided on this map. The user assumes all responsibility for the use of the information provided on this map.

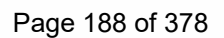
SCALE:		PROJECT NO. 21-0000	DATE 07/1/2024
HORIZONTAL:		DRAWN: JLS	REVIEWED: DSW
VERTICAL:			

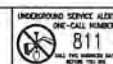


**FOSTER-ELLENSBURG 2
LOT LAYOUT DETAIL
DRY CREEK AND REEGER CREEK RD
ELLENSBURG, WA**

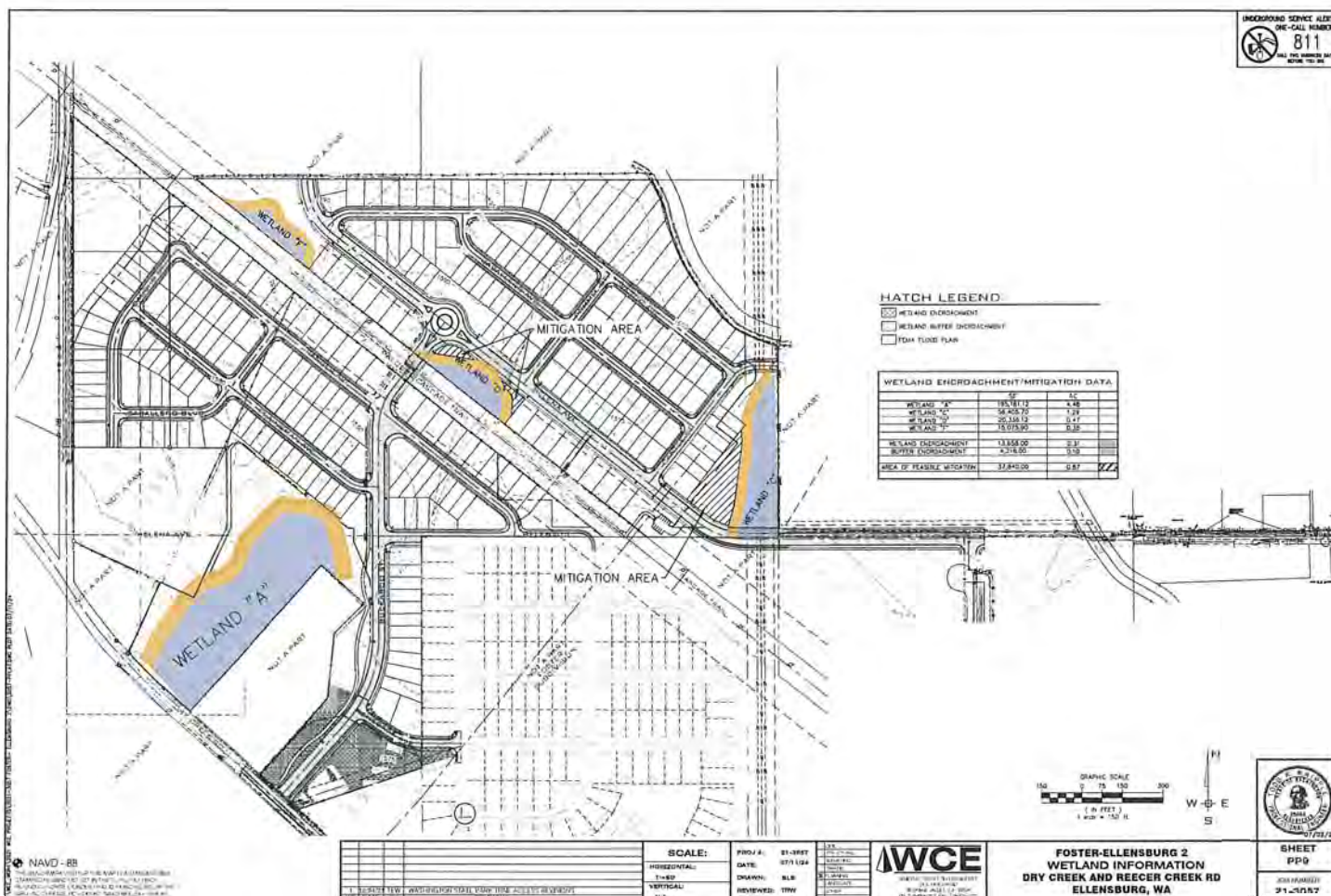
**SHEET
PP5**

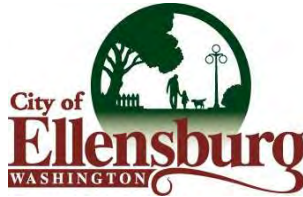
21-0000
07/1/2024





UNDERGROUND SERVICE ALERT
811
CALL BEFORE YOU DIG
WASH. STATE





CITY OF ELLENSBURG

City Light Department

501 North Anderson Street; Ellensburg, WA 98926

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

www.ci.ellensburg.wa.us

Memorandum

Date: November 4th, 2021

To: Shannon Johnson, Office of Community Development

From: Tyler Goeden, Project Engineer

Re: P21-129 Foster Plat Phase 2 Pre-Application

The following are the City of Ellensburg Electric Utility (City Light) comments for the P21-129 Foster Plat Phase 2 Pre-Application, located on the north side of Dry Creek Road, in between Cora St. & Reecer Creek Road.

Electric:

The following comments made by City Light are contingent on Phase 1 of this plat, as previously discussed on permit P20-130, being completed. Phase 1 was bringing power up Dry Creek Road and to the extents of that projects development.

City Light would have a newly installed single phase & three phase duct & vault system installed to the southern edges of this proposed plat, and these single phase & three phase duct & vault systems would need to be extended throughout this new plat, and to all of the extents of this new plat.

City Light facilities would also need to be able to extend to the property to the north, and possibly a road would need to extend to the property to the north as well. The best option for this would probably be where the road stops at the proposed lots 24 & 25.

The City Electric Utility must adhere to the different regulations of the National Electric Code (NEC), National Electric Safety Code (NESC), Washington Administrative Code (WAC), among others. These regulations include minimum clearances from our transformers to any combustible structure (10 feet), and clearances from our transformers to any non-combustible structure (3 feet). The City Electric Utility must have 24/7 full access to our electrical system for proper maintenance & operations from a street or alley. There are also minimum clearances we must maintain between our electrical facilities to other utilities, such as water, sewer, gas, & communications.

Locations for transformers and junction boxes will need to be determined where they are protected from vehicle traffic and where they will be in a utility easement, typically a 10 foot

utility easement along the frontage of each lot throughout the plat. Communications generally install with the electric utility and may have similar considerations for space.

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

Street lights are not shown on the drawing and since these are public streets, they will need to be part of the civil plans submitted to Public Works and we will come up with a design to serve them as part of this plat. New street lighting will also be required at the frontage of the plat, along Reecer Creek Road, depending on what the final plan is for developing frontage along Reecer Creek Road. There is already street lighting being installed along the frontage of Dry Creek Road where Phase 1 was proposing to install a road that intersects Dry Creek Road.

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

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

Puget Sound Energy currently has a 3 phase high-voltage power pole line going north-south down the old Reecer Creek Road that this plat is extending to. If any alterations to the PSE pole line is required, the applicant must contact PSE directly for further instructions. The applicant is recommended to contact Cable TV & Telephone for more information on the source of their facilities to be extended throughout the plat.

It appears that the applicant intends on staying outside of the 100' existing BPA power easement along the east side of their plat. If the applicant intends on performing any work in the BPA power easement, whether that be for staging equipment, or breaking ground in any way, the applicant is advised to contact BPA beforehand for approval of land-use. This process often takes a full calendar year (12 months).

All work previously mentioned in this comment letter would be at applicants expense.



Public Works & Utilities Department

Natural Gas Division

501 North Anderson Street; Ellensburg, WA 98926

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

www.ci.ellensburg.wa.us

Memorandum

Date: October 29, 2021

To: Shannon Johnson, Community Development

From: Darin Yusi, Gas Engineer 

Re: W Dry Creek Subdivision – P21-129

The following are the Gas Division's comments on the proposed Foster Subdivision 2 off Dry Creek Road.

Natural Gas:

There is a 4-inch main along the south side of Dry Creek Road where the plat is being proposed. The proposed development would be required to tie into the 4-inch main at two locations, cross Dry Creek Road and extend the gas main throughout the development and provide service stubs to each lot. The locations for tie-in would be across from the unnamed road at the southwest end of the development and also at the southeast end of the development. This will provide a necessary looped feed for the development and the natural gas system. It is preferred that the main line be shown on the civil plans to help in planning (no details needed, just shown where it would go) and if home layouts are known it is also helpful to have the proposed service stub locations shown on the civil plans as well. A natural gas utility map is included with these comments.

In addition to the road crossings for tie-in, the main line installation and service stubs, the developer would also need to extend the gas main to the extents of the property in areas of future connection. There is two areas this will be required and both areas will need to be within a minimum 10' access and utility easement. One location will be at the east side of the development where lots 131 and 132 are. The main line will need to be extended all the way to the east extent of the property for future looping and tie-in to our Cora Street main line. The other location will be on the north end of the development between lots 24 and 25 for tie-in to future development.

A Public Works Right-of-Way permit will be required for the Dry Creek Road crossings. Please contact the Public Works Department for more information regarding the permit and requirements at 509-962-7230.

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

The applicant is not required to serve the homes with natural gas, but if the applicant is interested in serving the proposed lots with gas, please call the City Gas Division at 962-7124 for an application for service.

For any further questions or clarifications regarding these comments or the proposed project, please call the City Gas Division at 509-962-7124.

Remember to always call 811 (the One-Call Underground Utility Notification Center) prior to any excavation on private property or in the right-of-way.





CITY OF ELLENSBURG
NATURAL GAS DIVISION
UTILITY MAP REQUEST INFORMATION

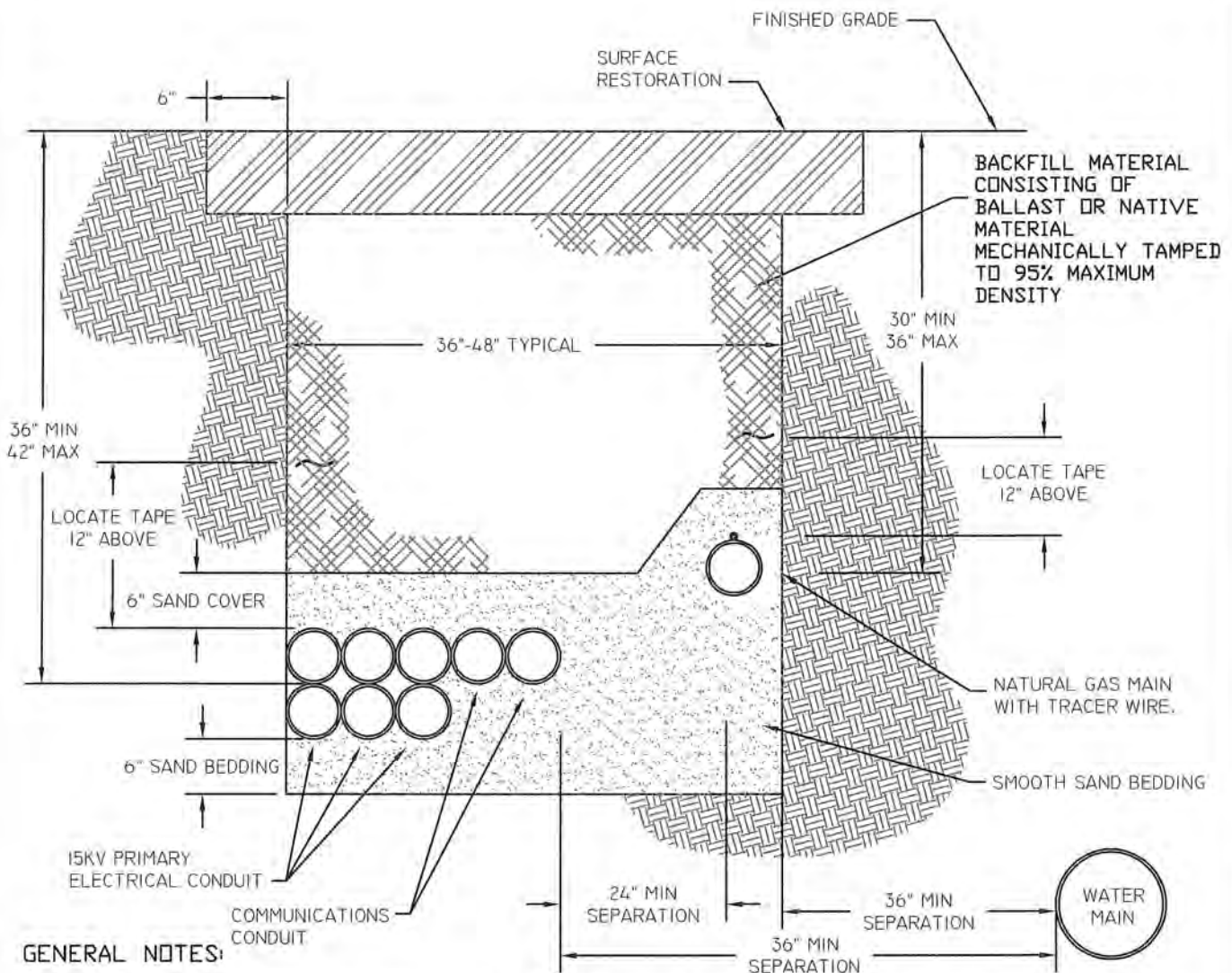


QUESTIONS: DARIN YUSI 509-962-7229

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



Know what's below.
Call before you dig.



GENERAL NOTES:

1) THE MINIMUM TRENCH DEPTH REQUIRED FOR 15KV PRIMARY ELECTRICAL CONDUIT IS 36", MAXIMUM OF 42". THE MINIMUM TRENCH DEPTH REQUIRED FOR GAS MAINS IS 30", MAXIMUM OF 36". TRENCH DEPTH MIN / MAX CAN CHANGE WITH PRIOR APPROVAL FROM ENERGY SERVICES

2) BACKFILL SHOULD NOT BE USED IF IT CONTAINS LARGE ROCK, PAVING MATERIALS, CINDERS, LARGE OR SHARPLY ANGULAR SUBSTANCE OR CORROSIVE MATERIALS WHICH CAN DAMAGE CONDUITS, CABLES, GAS PIPES OR OTHER SUBSTRUCTURES OR PREVENT ADEQUATE COMPACTION OF FILL OR CONTRIBUTE TO CORROSION OF CONDUITS, CABLES OR OTHER SUBSTRUCTURES.

3) ELECTRICAL CONDUIT AND GAS MAIN MAY BE IN JOINT TRENCH WITH WATER MAIN PROVIDED A MINIMUM SEPARATION OF 36" IS MAINTAINED. THE UTILITY MAY REQUIRE STAKING PRIOR TO BACKFILL TO MAINTAIN REQUIRED SEPARATION. NO UTILITY WILL BE JOINT TRENCH WITH SEWER OR PLACED OVER THE TOP OF THE GAS MAIN OR SERVICE LINE.

4) SMOOTH SAND BEDDING IS REQUIRED FOR GAS MAINS AND PRIMARY ELECTRICAL CONDUITS, 6-INCHES BELOW AND 6-INCHES ABOVE. MAINTENANCE SAND MAY NOT BE USED AS SAND BEDDING.

REVISED 11-25-15



CITY OF ELLENSBURG
STANDARD PLANS & DETAILS

DISTRIBUTION
TRENCH REQUIREMENTS

PLAN NO.

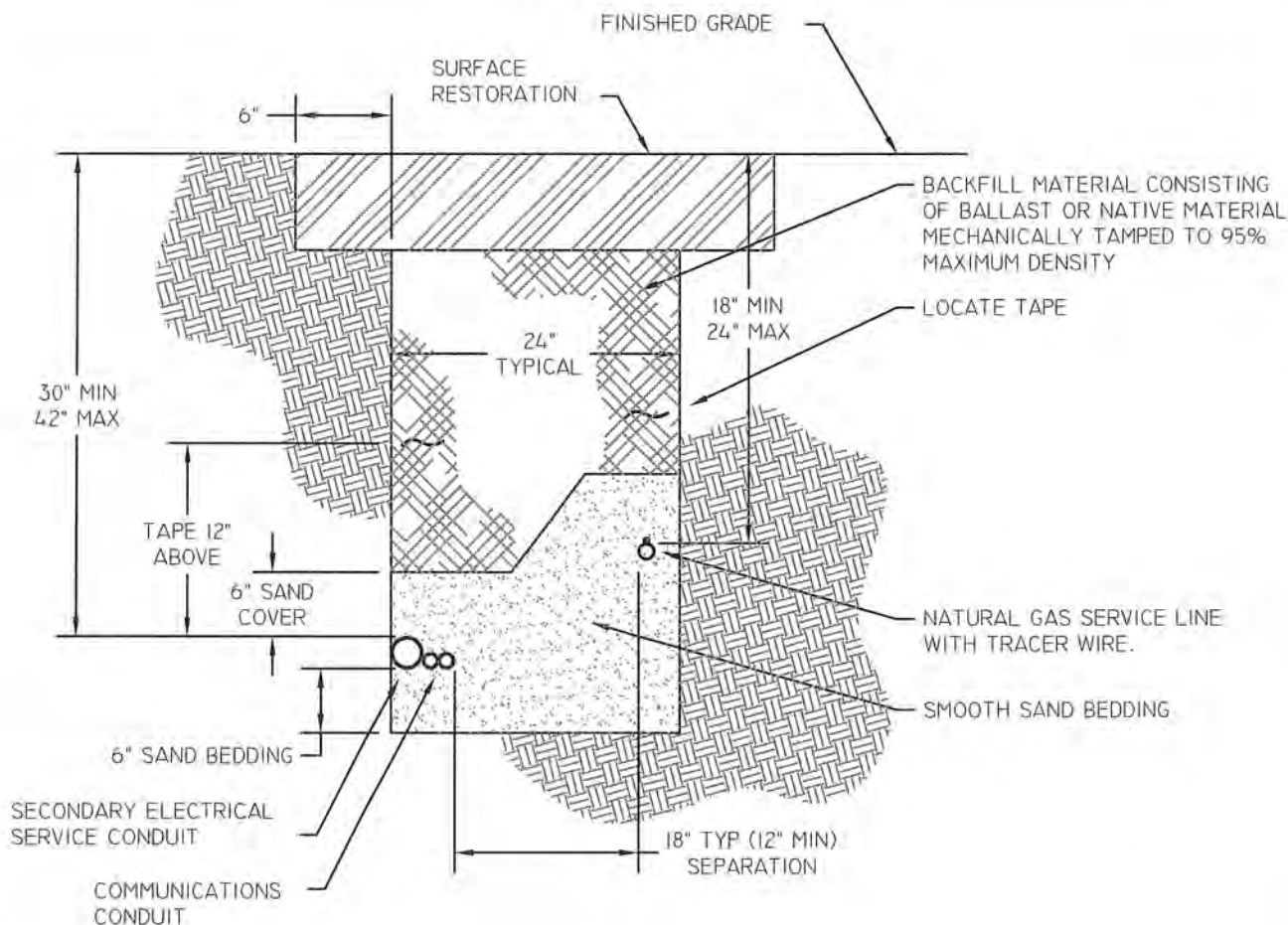
G-12

DRAWN BY: MIB

DATE: 07-19-01

UPDATED BY: JC

SCALE: NONE



GENERAL NOTES:

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

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

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

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

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

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

REVISED 08-06-13



CITY OF ELLENSBURG
STANDARD PLANS & DETAILS

SERVICE LINE
TRENCH REQUIREMENTS

PLAN NO.

G-13

DRAWN BY: SP

DATE: 07-19-01

UPDATED BY: HF

SCALE: NONE



CITY OF ELLENSBURG

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

Memorandum

Date: August 15, 2022

To: Shannon Johnson, Senior Planner
 Stacey Henderson, Senior Planner

From: Craig Jones, Development Coordinator *CJ*

Through: Derek Mayo, City Engineer *DKM*

Re: Dry Creek Rd - Foster Plat 2 – Preliminary Plat P22-059 and SEPA P22-057

The following are the Public Works Preliminary Plat and SEPA comments for the proposed Foster Plat 2 on the north side of Dry Creek Rd in the 1300 blk.

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

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

Water:

The water mains available to serve this development is a 24" Concrete main that runs in Dry Creek Road and a 16" Ductile Iron main at the end of Cora St where Helena Ave will tie in. Foster Plat 1 will also have 8" Ductile Iron mains available for connection when that plat is completed. The developer will need to build an 8" water main on all the proposed interior roads. Each lot will need a separate water service. The maximum number of lots that can be served by one water connection is 40 lots, with anything over requiring a loop of the water system. See attached utility map.

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

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

Sewer:

There is no sewer nearby to serve this project. The nearest sewer mains are in University Way, south of the site, and east of the site at 15th Ave and Cora St. The developer is encouraged to contact property owners between the project and University Way to explore the options of a gravity system. Otherwise, a sewer lift station will need to be designed along Dry Creek Rd. Foster Plat One has an approved lift station plan along Dry Creek Rd that has included extra lots

for this proposed development. The two projects will need to work together to verify the lift station has capacity for these two projects and future development. The developer will need to install 8" sewer mains on the interior roads and side sewer stubs to each lot. See attached utility map.

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

Roadway and access:

This project will trigger the requirement for half street improvements along the Dry Creek Road, the unnamed north/south road frontage on the west side of the development and all the interior roads will need full street improvements. The future extension of Helena Ave will need to be continued across the property per the city's comp plan to the western extents of the proposed development (w. of Buckaroo St). The proposed Helena Ave placement conflicts with multiple properties at the connection to Dry Creek Rd and a different connection location to Dry Creek Rd may need to be considered. Helena Ave is classified as a collector street and will be a 64' right of way at full build out. Street improvements include concrete curb/gutter, sidewalks, street lighting, permanent signage, asphalt, asphalt markings, gravel base, storm drainage, and other items associated with minimum public improvements consistent with Public Works Development Standards. Dry Creek Road is on the Active Transportation route and will need to include additional width to accommodate the future bike lane. Under the Land Development Code the sidewalks will need to be separated from the curb. Existing power poles may need to be relocated to accommodate these frontage improvements. The developer will need to contact State Parks and get them involved to permit and approve the proposed trail crossings of the Palouse to Cascade (PTC) Trail. As Helena Ave crosses the PTC Trail a Retro Reflective Flashing Beacon shall be required. The TIA should weigh in on the appropriate trail crossing treatment at Caballero crossing with approval from State Parks. Foster Plat One is proposing a different road configuration at Dry Creek Rd. Construction has started and any alterations need to be coordinated between the two projects. One of the proposed interior roads may encroach with existing BPA easements. BPA will need to confirm they approve this encroachment.

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

Storm water:

There is no storm system available for a direct discharge. The existing road side ditch will need to be conveyed across the frontage of the property. All storm facilities will need to be designed so they will not be inundated with ground water. Your engineer will need to verify groundwater during peak irrigation season to confirm the project will not be effected by it.

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

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

The following comments are from the City Stormwater Department;

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

Here is a link for additional information from Ecology;

<https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-general-permits/Construction-stormwater-permit/eCoverage-packet>

Other issues:

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

Due to the size of the project a complete Traffic Impact Analysis (TIA) will need to be completed. A trip generation and distribution letter has been submitted by the developers engineer. This document needs to be updated to reflect recent changes in road construction in the adjacent area. The TIA will need to reflect the extension of Helena Ave to Dry Creek Rd and will also need to address the connection and/or timing of the connection to Helena Ave on the east side of the project. The TIA also needs to address Helena Ave construction and when the connection needs to take place. Contact the Public Works Department to discuss the limits of the TIA scope. Please reference the City of Ellensburg's Traffic Impact Fee Guidelines for more information. The city has established transportation impact fees. This project may be required to pay impact fees. You can view the traffic impact fees online at <http://www.codepublishing.com/wa/ellensburg/>.

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

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

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

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

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

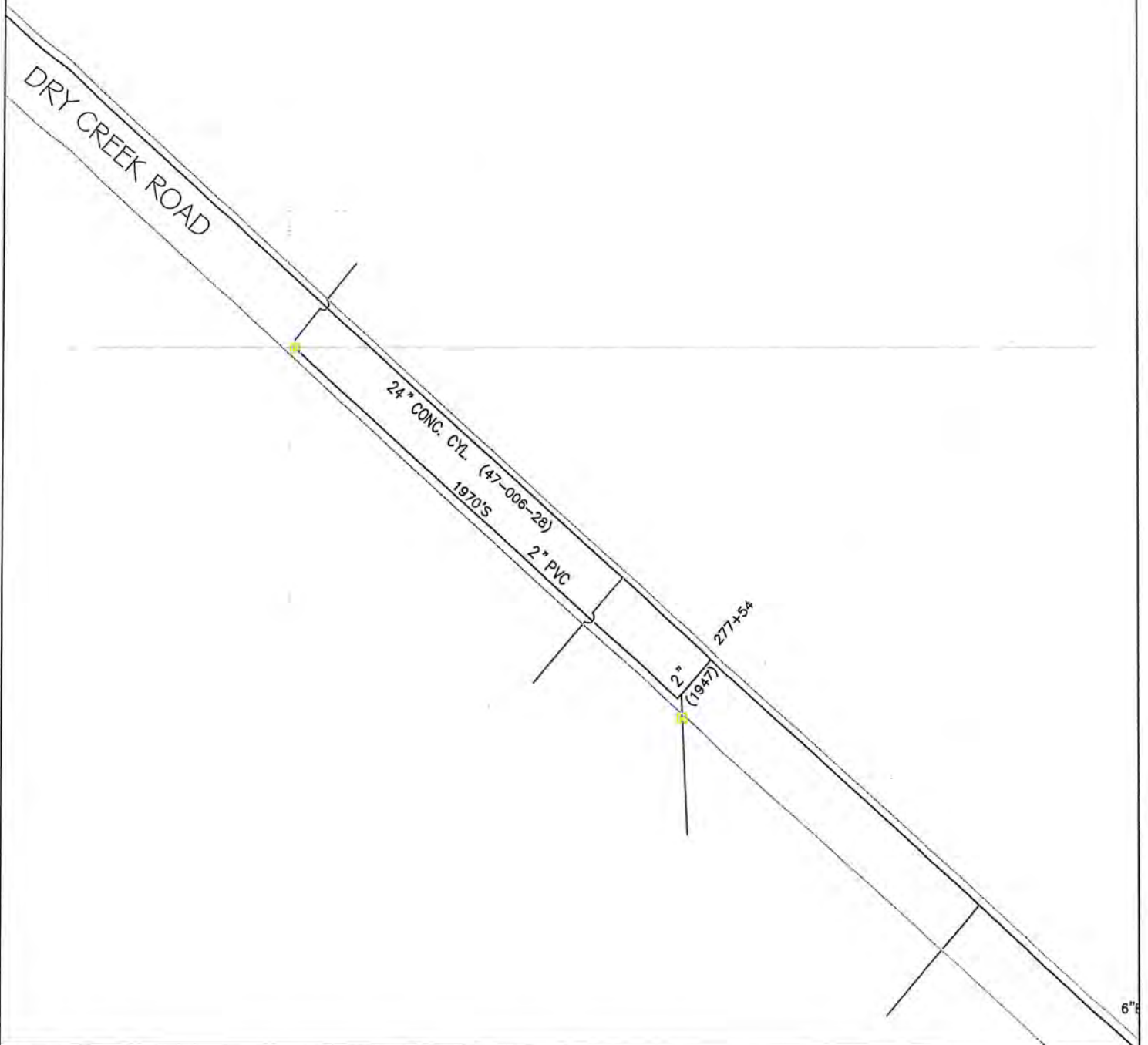
Road names will need to comply with the City's road name ordinance and will also go through a review process.

Cc File 20-126



CITY OF ELLENSBURG
PUBLIC WORKS DEPARTMENT
UTILITY MAP REQUEST INFORMATION

W
A
T
E
R



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UTILITY MAP REQUEST INFORMATION

SEWER



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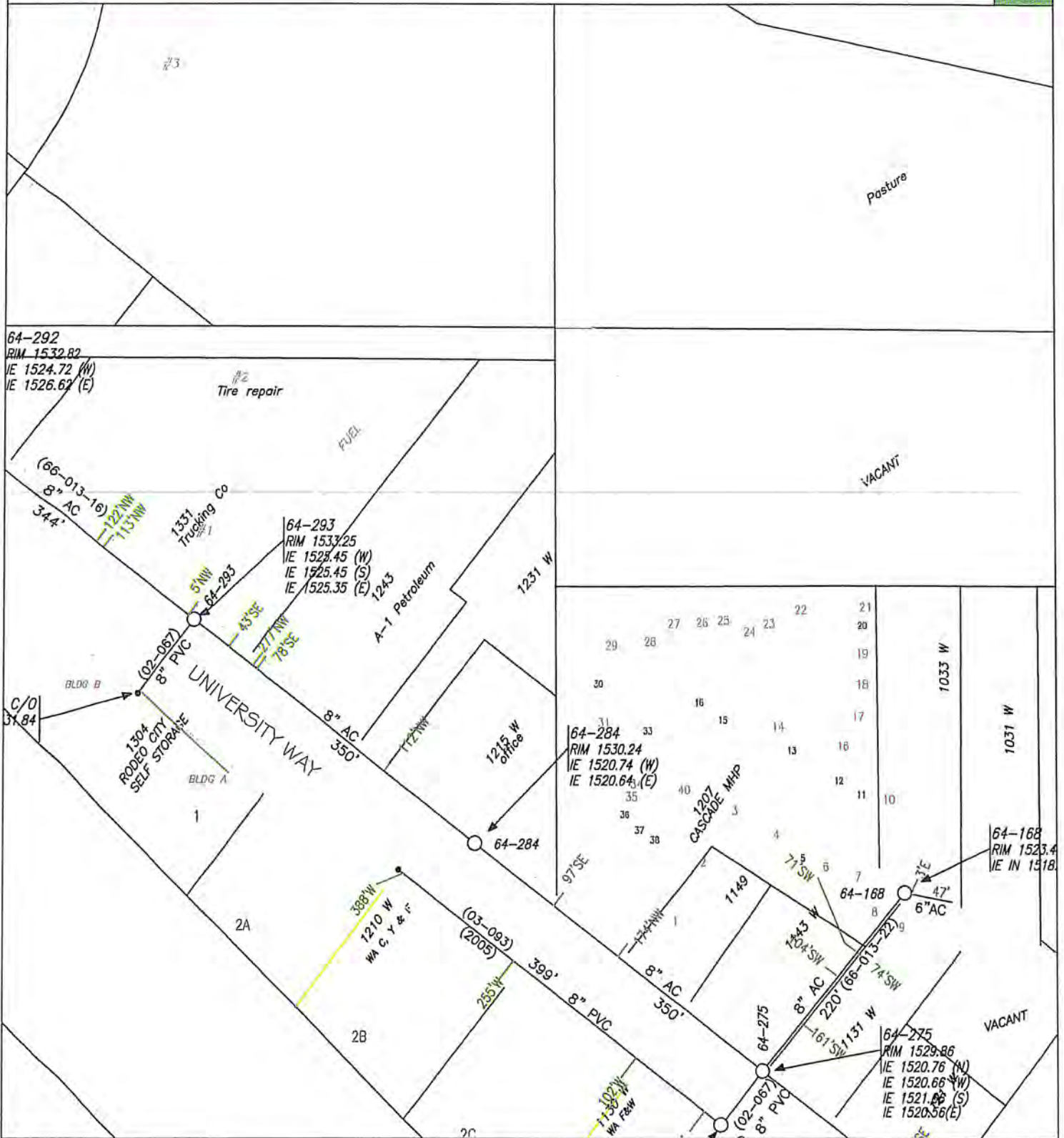


Know what's **below**.
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CITY OF ELLENSBURG
PUBLIC WORKS DEPARTMENT
UTILITY MAP REQUEST INFORMATION

UTILITY MAP



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CITY OF ELLENSBURG

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

Memorandum

Date: June 27, 2023
To: Stacey Henderson, Senior Planner
From: Craig Jones, Development Coordinator
Through: Derek Mayo, City Engineer
Re: Dry Creek Rd - Foster Plat 2 – SEPA P22-057

Public Works SEPA comments dated 6/24/2022 are still valid with no changes. Additional comments are regarding Helena Ave. State Parks will need to approve the proposed road crossings of the Cascade to Palouse trail. If any of the proposed road crossings are altered the Traffic Impact Analysis and other associated items will need to be rereviewed.

Cc File 20-126





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

Fire Marshal SEPA Comments

Project: Foster North Subdivision-West Dry Creek
Permit#: P22-057
Occupancy Type: R
Date: 06/13/2022

Comments:

- 1) Must meet current IFC and City of Ellensburg Code requirements at the time of construction for the occupancy classification and construction type. Will be required to meet current IFC and City of Ellensburg Code anytime there is a change in occupancy classification or use.
- 2) Standard Addressing per City Code requirements to include ADU units if applicable.
- 3) Fire dept. access and turnarounds per 2018 IFC and Appendix D (Appears to be met). Fire department access roads shall be a minimum of 20' wide, access roads shall be a minimum of 26' wide in the vicinity of fire hydrants or meet the City Street Standard if greater. It may be required to post "No Parking Signs" on one or both sides of the fire access road, depending on width. Fire dept. access roads cannot exceed 150' in length without an approved turnaround per IFC Appendix D (Appears to be met). Road surfaces must be rated for a minimum of 75,000 lbs. or City of Ellensburg street standard if it requires a higher rating.
- 4) Per IFC Appendix D107.1 two access roads are required based on the number of lots. D107.2 Remoteness, requires that the two access roads be a minimum of half of the maximum diagonal of the overall project area when measured in a straight line between

the two access roads. Preliminary review indicates that both of these requirements are met by the plans that were submitted at Pre-app.

- 5) Fire Hydrants quantities are based on proposed sq. ft. of buildings and per requirements of IFC Section 5, Appendix B and C. As currently designed the site would require additional hydrants. Hydrants are required to be spaced every 400-600' on an approved route of travel.
- 6) Fire flow requirements are 1500 gpm based on current square footage of buildings as drawn. The fire flow requirement can be reduced if the buildings are sprinklered.
- 7) Any phasing of the project would be required to meet IFC requirements for Fire Dept. access, turnarounds, and water supply.

Thank you,

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

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



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

Fire Marshal Plat Comments

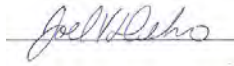
Project: Foster North Subdivision-West Dry Creek
Permit#: P22-059
Occupancy Type: R
Date: 08/11/2022

Comments:

- 1) Must meet current IFC and City of Ellensburg Code requirements at the time of construction for the occupancy classification and construction type. Will be required to meet current IFC and City of Ellensburg Code anytime there is a change in occupancy classification or use.
- 2) Standard Addressing per City Code requirements to include ADU units if applicable.
- 3) Fire dept. access and turnarounds per 2018 IFC and Appendix D. Fire department access roads shall be a minimum of 20' wide, access roads shall be a minimum of 26' wide in the vicinity of fire hydrants or meet the City Street Standard if greater. It may be required to post "No Parking Signs" on one or both sides of the fire access road, depending on width. Fire dept. access roads cannot exceed 150' in length without an approved turnaround per IFC Appendix D. Road surfaces must be rated for a minimum of 75,000 lbs. or City of Ellensburg street standard if it requires a higher rating.
- 4) Per IFC Appendix D107.1 two access roads are required based on the number of lots. D107.2 Remoteness, requires that the two access roads be a minimum of half of the maximum diagonal of the overall project area when measured in a straight line between the two access roads.

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- 7) Any phasing of the project would be required to meet IFC requirements for Fire Dept. access, turnarounds, and water supply.

Thank you,



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

To whom it may concern,

My name is Jim Ellinger and I am the owner of the 1209 W Dry Creek property that is neighboring your project case #P22-059 and #P22-057. I am writing regarding some concerns I have after reviewing your Notice of Revised Application. Below is my list of concerns and questions.

#1. Since when has the city of Ellensburg allowed rock crushing inside the city limits? Will a mining permit be required for this rock crushing operation? The need for crushing rock does not exist, there is plenty of crushed rock and gravel available within a short distance of this project site. Will there be set hours of operation due to noise and dust control? Is there a plan in place for dust control? As I have yet to see any proper control for this in Ellensburg.

#2. There are neighbors with artesian wells down grade from these plats. What protection do they get?

#3. The needs and rights of irrigation shareholders need to be addressed and litigated before these projects begin. State law requires their needs to be met.

#4 Factual, current and projected traffic data needs to be considered for the Northwest corner of Ellensburg. Not just the proposed project but the accumulative traffic of Black Horse and all of the development West of Dry Creek Road. Let's not let the city residents' foot the bill after the developments is done.

I appreciate you taking the time to review and think over my questions and concerns. I look forward to hearing answers on these matters soon.

Sincerely,

Jim Ellinger

407 E 4th apt #3 Ellensburg WA 98926

(509) 859-3113

Review Case # P22-057
Request Case # P22-059

RECEIVED

JUN 29 2023

COMMUNITY DEVELOPMENT

June 27

Community Development,

I will start off by saying that I live right next door to the first phase of the development and it has not gone well!

Before any permits or work starts on any land projects, the irrigation rights need to be addressed!

Four property owners have water rights that run through the first phase that have not been met.

We have had nothing but problems getting our water and getting satisfactory delivery for the future. (still not done)

The RCW laws need to be addressed before any work starts on the land. Our valley has irrigation needs that developers know nothing about! The developer needs to be educated of our water rights and before they start moving dirt around!

I have had to deal with water being pumped onto my property

from phase one, this is
against the law!

We have lived on this
property for over 50 years, we
need to be heard and have
our rights protected!

Kathy Williams
1013 Blue Creek

The wetlands have been cause
for many problems — so much
water and no place to put it —
that's why it was being pumped on
to our property — I'm sure this
will be an ongoing problem, this
land never should have been
approved for building homes.



JAMES T. DENISON, JR.
Email: JTDENISON@BPELAW.com

ATTORNEYS AT LAW
700 EAST MOUNTAIN VIEW AVENUE SUITE 508
ELLENSBURG, WA 98926
PHONE: 509-245-0400 / FAX: 877-864-2385
WEBSITE: WWW.BPELAW.COM

June 30, 2023

Shannon Johnson
Stacey Henderson
City of Ellensburg
Community Development
Ellensburg, WA 98926

SENT VIA EMAIL ONLY

Re: P22-057 and P22-059

Ms. Johnson and Ms. Henderson:

Thank you for the opportunity to comment on the SEPA Checklist submitted by Todd R. Whipple for the Foster North Subdivision. Our office represents Ellensburg Cement Products which as you likely know has been operating in Ellensburg and Kittitas County for decades.

We would like to comment on a certain provision of the SEPA Checklist submitted by Mr. Whipple. The areas of concern surround the rock-crushing activities the applicant wishes to conduct on site.

Section A(11) of the Checklist states, "Rock crushing may take place onsite. The hours of operation for crushing will follow the city municipal standard for construction equipment. Approximately 60,000 tons of rock crushing is proposed to occur throughout the project, any aggregate generated may be utilized for erosion control, onsite concrete batching or onsite fill."

Section B(7)(b) states: "In the short term, noises from construction equipment for both land disturbing, rock crushing and building construction. Rock crushing will occur during standard construction hours as required by the City of Ellensburg."

In the past 40-50 years, to the best of my client's knowledge, rock crushing activities have never been allowed in the City of Ellensburg. The area at issue in this SEPA Checklist is zoned R-S. While I have been unable to locate the specific classification of "rock crushing" in the City Code, I was able to locate concrete plants in ECC 15.310, specifically Table 15.310.040. Concrete plants are included in the definition of "heavy industry" which is defined as "construction, mining, manufacturing, transportation, and public utilities due to the land use intensity impacts typically associated with large industrial uses, their accessory outdoor storage uses, and large building areas. This use category includes, but is not limited to, food processing, wrecking yards, building material manufacturing, chemical plants, concrete and asphalt plants,

freight facilities, and livestock feeding lots.” Heavy industry is a conditional use in the I-H zone only. It is not a permitted or a conditional use in the R-S zone. No rock crushing activities should be allowed anywhere in the R-S Zone or on the project.

The argument for allowing this activity for this project and in this zone is this: since the rock crushing is not a permanent activity to be conducted on the property and is simply there temporarily for construction purposes and not commercial purposes, there is nothing preventing the crushing of rock on the site. This argument is faulty.

First, crushing rock is not a construction activity. It is a manufacturing activity. The rock crushing process is the manufacturing of material to be USED in a construction activity. If one looks at the definition of “heavy industry” the terms “building material manufacturing” and “concrete plants” are two different things. Taking crushed rock and turning it into cement is a manufacturing process to create a product – cement. Cement plants are not allowed in the R-S Zone specifically. Similarly taking un-crushed rock and then crushing it to use in some future building activity (manufacture of cement, landscaping, etc.) is a manufacturing activity. Manufacturing activities such as this are only allowed in the I-H Zone and only with a CUP. They are not allowed in an R-S Zone.

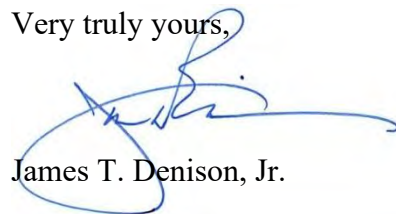
Second, the temporary and non-commercial nature of this unauthorized use is irrelevant at this point. Nothing in the code allows an activity such as this so long as it is temporary or so long as it is only done to finish the project and not for commercial purposes. “Building material manufacturing” is ONLY allowed in the I-H Zone and then ONLY if a conditional use permit is obtained. If the applicant would like to set up a rock crushing operation in this residential neighborhood, there are other avenues they can pursue, but it is not allowed at this time.

Lastly, this type of activity is not allowed in any other zone for specific reasons set forth in the code: “due to the land use intensity impacts typically associated with large industrial uses, their accessory outdoor storage uses, and large building areas.” The City has specifically put in the code why these type of uses are limited to one specific zone. Those reasons should not now be ignored simply because the applicant says it is temporary and not for commercial purposes.

My client and I urge you to not allow any rock crushing activities on the site of this development. If the applicant follows the correct procedure and applies for a temporary use permit in the future, neighbors and affected parties will no doubt weigh in on this decision.

I thank you in advance for your consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to read "James T. Denison, Jr.", with a stylized flourish at the end.

James T. Denison, Jr.

JTD/hs
cc: client

Stacey Henderson

From: Jonathan Suttles <suttles@fairpoint.net>
Sent: Tuesday, August 9, 2022 12:56 PM
To: Stacey Henderson
Subject: [Ext] Comments regarding File# P22-057

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

Jonathan and Nancy Suttles
 1509 Dry Creek Rd
 Ellensburg WA 98926

Dear Stacey,

Thank you for the opportunity to provide comments and express our concerns regarding the proposed subdivision project - P22-057 - planned near our property at 1509 Dry Creek Rd. Below are our specific thoughts, comments and concerns listed in order of importance to us but in general, while we are resigned to the fact that the land around us is going to be developed, we strongly believe that a high-density subdivision of 292 housing units is not in our best interests nor that of the surrounding community. A subdivision of 225-250 houses would have a less negative impact with regard to the water issues, traffic, noise, pollution, general aesthetics and wildlife.

1. Access to our irrigation water

Our property has senior water rights through the Ellensburg Water Company. Presently our water is delivered through an open ditch that runs north to south from the Ellensburg Water Co. canal. It is our expectation that we will continue to have access to our irrigation water **without obstruction**, as it is our legal right (RCW 90.03.420), before, during and after the completion of the proposed project. As such we have several questions/request:

- a) What is the new landowner's plan to maintain the irrigation ditch that travels through their property on the way to our property prior to the start of the proposed project? Per Ellensburg Water Co. it is the property owner's responsibility to maintain the ditch/water delivery system so that, again, we have access to our water **without obstruction**.
- b) What is the landowner's/developer's plan so that we will have access to our irrigation water **without obstruction** during the construction phase of this project?
- c) Finally, in the schematic below the pink line is where our irrigation ditch is presently located. Should the proposed buried irrigation pipe that will carry our water to us follow this same pathway & the proposed plat plan be implemented, the pipe will traverse through 9 different properties of the Foster 2 subdivision. It will become impossible to maintain and troubleshoot the line should it become clogged resulting in the inability to receive our water **without obstruction**. Our proposal and, frankly, our expectation is that the buried irrigation pipe be located, byway of a dedicated easement, along the proposed Caballero Blvd as noted by the yellow line on the schematic with manhole covers at each intersection, as noted by the green dots, for access to the buried pipe for maintenance and troubleshooting purposes. Also, we request in writing how the City of Ellensburg plans to maintain and/or clean out the irrigation line since at the completion of the project this will become City property and, as noted above, it is the property owner's responsibility to maintain the water delivery systems so that we receive our irrigation water **without obstruction**.



2. Stormwater Control/Water Management

We have lived at this property since 1995. Since then our property has flooded three times when the section of Whiskey Creek, located at the northwest section of the proposed development, overflowed its banks. We have concerns with how future flood waters will be managed since most of the proposed housing located to the north between Whiskey Creek and our property will be built in the FEMA designated floodplain, 35-40% of which will become impervious coverage. We find the answers submitted by Whipple Consulting to questions about how storm water will be managed in the SEPA Environmental Checklist to be vague and incomplete, especially regarding water management within the floodplain. Comments in the Checklist that include “not anticipated,” “not expected” and “currently unknown” do not give us much confidence that the site engineers/developers have done their due diligence to ensure that stormwater, ground water and the potential for flood waters will be managed so as to not negatively impact our property and that of our neighbors. We note that there are proposed “catchments or pond areas” but they appear to be to the east of the floodplain. Our experience after living 27 years near the proposed land site is that water runs primarily south and west so when a high-water event/flooding occurs those waters have a high potential of flowing toward our property as opposed to the proposed “catchment/pond areas”. What are the plans to minimize/alleviate this potential? What plans are there should ground water sub-up on the development site? Should the catchment ponds fail or become stagnant pools of water, then what? There have been water issues at The Black Horse and Palamino housing developments and at Ida Nason Aronica Elementary school, all of which are **uphill** from this project site; we believe it is naive to think that similar issues will not occur on this proposed site. Given that as stated above, the water on & under this land tends to flow south and west, and our property is located downhill and southwest of this proposed project, we are quite concerned that stormwaters and other water issues on site be managed effectively.

3. Transportation/TGDL

With all due respect, we ask that the TGDL generated by Whipple Consulting be closely reviewed and the City of Ellensburg consider further traffic analysis. We believe the traffic coming and going into this new development will have a significant impact on the transportation system not only in front of and surrounding our property but also in the surrounding community.

First, while we understand that a TGDL must be generated for each proposed development, in this case the TGDL cannot be viewed as an isolated, insular project given that the Foster 1 project is being built right next door with connecting roads into the proposed site. The increased traffic in and out of Foster 1 & North subdivisions, **both** of which will be accessed via Dry Creek Rd and Helena Ave, must be considered. The TGDL states on page 3 “the proposed project is anticipated to generate 2,705 average daily trips to/from the project” but this must be added to the anticipated average daily trips generated from Foster 1 as well. While we were unable to easily find the TGDL for Foster 1 on the City of Ellensburg website, we suspect that between the two projects there will be at least **5,000** average daily trips to/from these subdivisions that are using the same

roads - Dry Creek Rd and Helena Ave. How could an increase in 5,000 trips onto two roadways not have significant impact on the current transportation system? We believe further analysis is necessary.

Next, the TGD L does not address the in/out traffic from the west end of the proposed Caballero Blvd onto "Un-named Road" which then ends at Dry Creek Rd. at the southwest edge of our property. Why was this not addressed? "Un-named Road" has been abandoned since 1996 so if there are plans for traffic to be traveling on this road what are the plans for improvements and what will be the impact on the property owners along this road? Have the easements along "Un-named Road" been considered? We believe this is a significant oversight and must be addressed in the review of this project.

Finally, we believe the anticipated traffic distribution as outlined on page 7 of the TGD L is very misleading. While this information may be what Whipple Consulting is anticipating when ALL development is completed, the ability for traffic to disburse as written will not occur for several years given that the proposed project is to happen over 3 phases and the extension of Helena Ave westward from Buckaroo Drive to Dry Creek Rd. and eastward from Cora St. to Water St. is not even part of this project and slated as "future by others" and "potential private/public project", respectively. As a result, until if or when the Helena Ave extensions occur, all traffic from this project as well as the Foster 1 subdivision will travel on Dry Creek Rd and/or ultimately down Cora St since Helena Ave will dead end into Cora St. We suspect that the City is aware of the congestion on Cora St and at the 4-way stop at Cora St & 15th Ave during the school year before and at dismissal of the school day since both Mt. Stuart and Ida Nason Aronica Elementary schools are located on Cora St. Adding substantial traffic from both Foster 1 & North subdivisions to the mix will have an impact on the transportation system as well as the safety of the children and their families who walk and bike along this same route. Traffic traveling along Dry Creek Rd will either travel through the aforementioned 4-way stop (already a congested area) or travel through the currently busy intersection of Dry Creek Rd and Reecer Creek Rd. All traffic going west, an anticipated increase of 800-1500 trips/day, will go past our property which will increase noise, pollution and create safety issues!!!!!! Again, we believe there will be impacts to the transportation system which must be reviewed and analyzed to a greater degree.

4. Plants

Land within this proposed project lies along the east boundary of our property. There will be no housing units built next to our property due to Wetland A and the required buffer. Presently this strip of land next to our property is full of high grass and weeds. According to the SEPA Checklist under 4d "non-impervious public areas of the site will be landscaped... A landscape plan will be provided for this project. Where is the landscape plan? Is this land next to ours considered a "public area of the site?" If not, what is the plan for keeping the weeds controlled and the grass cut not only at the completion of the project but also before and during construction?

5. Environmental Health

Again we understand a housing subdivision of some sort will be developed on the land surrounding our property. As a result there will be increased noise (traffic, construction, residential) and pollution (dust, vehicle emissions, litter, run-off from the streets) both during the construction phase and after completion of the project. By decreasing the number of housing units from 292 to less than 250, these negative impacts will in turn be decreased. We strongly urge the City of Ellensburg to consider this request.

6. Aesthetics

With regard to Light and Glare, we request that low-level lighting be used on street lamps and porch lights to minimize such impacts.

Thank you for your earnest consideration of our comments, concerns and requests.

With kind regards & respectfully submitted,

Jonathan and Nancy Suttles

Stacey Henderson

From: Jonathan Suttles <suttles@fairpoint.net>
Sent: Friday, June 30, 2023 4:43 PM
To: Stacey Henderson
Subject: [Ext] Comments regarding Notice of Revised Application: SEPA Environmental Review - Case #P22-057 & subdivision request - Case #P22-059

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June 30, 2023

Dear Stacey,

While the Notice we received from the Community Development Department seemed to imply that the primary reason for the Revised SEPA Environmental Checklist had to do with the expanded scope of work to now include rock crushing at the project site, we noted several revisions between the original SEPA Checklist from July 2022 and the Revised SEPA Checklist submitted 6/2/23 which cause us concern; below are our thoughts and comments that address each of these concerns. As with our last submission of comments from 8/9/22, we believe that by reducing the number of lots in the proposed plan to 200, the negative impacts of the project would be diminished.

A. Background

#11. Brief description of project - Originally the proposal was for 292 lots, all single-family homes, and 9 tracts (interestingly as also stated in your 6/8/23 letter). Now the proposal is for 296 lots and 13 tracts. We believe 292 lots were too many (see comments from 8/9/22) so adding more continues to be unacceptable. In addition, after reviewing the preliminary plat overview, to our horror we discovered that ALL the Phase III housing consists of multi-family and assumingly multi-story structures. Originally 69 lots were proposed in the Phase III area (approximately 15 acres), but now there are **117** proposed! We again find this unacceptable due the impact of increased traffic, increased noise & light pollution, increased impervious surfaces and therefore little to no green space and altered/obstructed views. We strongly request and encourage an earnest review to be made of this plan. We believe 200 lots of single-family homes and 13 tracts is a fair compromise.

Regarding the request to include rock crushing on site our answer is NO way! This area is zoned as Suburban Residential so we're not sure how or why rock crushing would be allowed and acceptable in a residential area. We also believe that the noise generated by rock crushing violates the City's Noise Ordinance as stated in the City Code Chapter 5.6. The rock crushing that occurred this Spring at the Foster 1 construction site generated significant dust and while we noted occasional attempts to control the dust with water, it was hardly effective. As anyone who lives in Kittitas County (unlike the individual who submitted this proposal) is aware, there is already plenty of dust generated from the frequent winds in our area so adding more dust to the air from rock crushing which then impacts residents downwind is unhealthy & unacceptable. Another concern regarding the rock crushing is that it "is proposed to occur **throughout** the project." Projects can start and stop for a variety of reasons and take years to complete (e.g. The Currier Creek subdivision took 15+ years to complete) and while we understand that rock crushing would not occur day after day for years, the fact that the proposal for rock crushing is vague and open-ended causes us concern that rock crushing and all of its

undesirable effects could occur off and on without warning for potentially years. In summary, we ask that rock crushing NOT take place on site.

B. Environmental Elements

#1g Impervious surfaces – In the original proposal the development was going to have 35-40% impervious coverage, now that has been revised to 45%. Why the change? First, more impervious surfaces have the undesirable effect of less green space; secondly, more impervious surfaces increase the risk of more surface water, more storm water, flooding and the ground water being pushed elsewhere. Our property lies southwest and downhill of this project so the prospect of extra water affecting us is high. Again, less lots means less impervious surfaces.

3a Surface water – As stated in our 8/9/22 comments our expectation is to have unobstructed access to our irrigation water before, during and after the completion of this project. The proposal states that our irrigation ditch will be replaced with underground piping, but we want to reiterate that our expectation is the underground piping follow a dedicated easement along Caballero Blvd consisting of closed pressurized pipe that comes directly from the Ellensburg Water Canal and that manhole covers be placed at each intersection of Caballero Blvd for troubleshooting and maintenance of the line which will be done by the city of Ellensburg.

We find Mr. Whipple's comments regarding Whiskey Creek quite interesting. We wonder who has "observed the creek to run dry in certain months since 2018"? Where is he getting his information from? Is his implication that Whiskey Creek is, therefore, only a seasonal stream? We have lived on our property for almost 28 years. We have observed the creek almost daily and never have we seen it run dry! Certainly, the water flow greatly diminishes at times, but it does not run dry, especially given that the three irrigation districts (Cascade, KRD & Ellensburg Water) use Whiskey Creek for return flow during the irrigation season. And yes, the floodplain is associated with potential of Whiskey Creek overflow which has occurred 3 times since owning our property in 1996, 2009 & 2017 (photographic evidence available upon request). The comment regarding the flooding on Bender Road this year is almost laughable; had the stated orifice plate not been in place, the ensuing flood waters would have flowed south and caused Whiskey Creek to overflow at the north end of the Foster North property and the flooding would have occurred there. Of note, the aforementioned orifice plate that seemingly spared the Foster North property from flooding this Spring will potentially be removed in 2025. We believe the property should not be removed from the FEMA floodplain and the plat map be revised so that housing would not be permitted or extremely limited in the floodplain area. Again, we are downhill from this area – any flooding that occurs out of Whiskey Creek will affect us as well.

3b. Ground water – Given the ground water issues that have occurred at the Foster 1 construction site and the landowner's/contractor's inability to appropriately manage them, causes us great concern. How will this project be any different?

7b. Noise – We have already addressed our concerns about the added noise that will be generated by rock crushing. We already endured the rock crushing that occurred at the Foster 1 site this Spring. Unfortunately for them, the

Stryker/McBride property, acted somewhat of a noise barrier but it was still intolerable. So again, PLEASE no on-site rock crushing.

8i People residing in completed project – 829 people living in this area (40% of whom would reside in the Phase III area) is too many. The negative impacts that we generate as humans living anywhere - traffic, noise, loss of habitat, trash, litter, etc. – will affect the quality of life for those of us currently living near and around this proposed project but also of those future homeowners living in this area. Is there truly a need to, frankly, smash so many people together in this area? Once again, a project with 200 single-family lots or 560 people will lessen the negative impact.

10b. Altered or obstructed views – Of course views from every direction of this project will be altered or obstructed, not just from Palouse to Cascades Trail. According to the plat map we would potentially “view” 162 housing units from our property.

12b. Displace any existing recreational uses – Constructing two road crossings across the Palouse to Cascades State Trail (PCST) with a 0.3 mile stretch of trail greatly impedes the use of this recreational entity. Between walking our dog, running and biking on the trail, our family utilizes the PCST almost daily. In our minds, the ability to engage in activities uninterrupted by vehicular traffic, at one time between Reecer Creek Road and Water Street, was a cherished highlight of living in Ellensburg. The decision to have Cora Street cross over the trail to access Ida Nason school was disappointing but more tolerable given that the reason was a school for children. The barriers constructed at the Cora Street crossing are ugly and have diminished the aesthetics of the trail. The thought of two more crossings between Cora Street and Reecer Creek Road with its associated vehicular traffic, noise, pollution and safety barriers completely disrupts this special and unique trail. The fact that the applicant of this proposal stated that construction of two road crossings across the PCST would not displace any existing recreational uses is ludicrous and demonstrates his lack of understanding of the importance of the recreation that the PCST provides to our community.

14. Transportation – As noted in our 8/9/22 comments the vehicular traffic in and out of this project is a **major concern** and remains so but with even more intensity given the proposed increase in lots, the anticipated 829 residents (the original proposal stated 730 residents) and the fact that there will only be ONE access point in and out of the project site. The amount of traffic on Dry Creek Road will be excessive and dangerous along with the negative impacts of increased noise & pollution. Previously we requested that the trip generation and distribution letter be closely reviewed, and we are literally begging you to do that this time as well. This project must have another access point, not just Dry Creek Rd. and if or when Helena is extended. Again, a project size of 200 lots will help mitigate some of these negative impacts.

15. Public services – Yes there will be an increased need for public services! How could there not be when there’s now an additional 829 people living in a new development? We have assumed that the “powers at be” within the Kittitas County fire and EMS departments and EPD have also looked at this proposal and have commented as well. However, we believe that having only one point of access in and out of the development would have significant impact on the ability for law enforcement, fire and/or EMS to respond quickly and effectively given the condensed housing of this project. After all I’d hate to be the guy living in the house at the most northwest corner of the project across the PCST having a cardiac arrest & in dire need of EMS services.

Thank you for providing the opportunity to respond to this applicant's SEPA Environmental checklist. We appreciate your thoughtful and sincere consideration of our concerns and comments. Please do not hesitate to contact us for further clarification or information.

Respectfully submitted,

Jonathan and Nancy Suttles

1509 Dry Creek Rd.

Stacey Henderson

From: Nick Majsterek <majsterek@gmail.com>
Sent: Tuesday, August 9, 2022 4:57 PM
To: Stacey Henderson; Shannon Johnson
Subject: [Ext] Notice of Application: SEPA Environmental Review- Case #P22-057 and Subdivision Request- Case #P22-059

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

Stacy Henderson and Shannon Johnson,

My name is Nick Majsterek, and my family and I live at 1607 W Dry Creek Rd. We received the "Notice of Application: SEPA Environmental Review- Case #P22-057 and Subdivision Request- Case #P22-059" asking for written comments. We wanted to make sure a few concerns were shared.

Over the past 10 years, our property has flooded 9 out of those years. This year being the exception, due to the great work the County did in cleaning up Whiskey Creek's stream bed. We worked with Arden Thomas from the County, who was instrumental in helping to mitigate the flooding issue. She did mention, though, that this issue would be a temporary one, as the willow trees will continue to grow, causing future flooding.

With the moving of dirt, compacting dirt for these proposed plats, and raising elevation for building, we have concerns that the natural floodplain and the capacity to hold on to excess groundwater that have existed on this site of future development, will create a channel of potential flooding between the development and Reecer Creek Road. We would be located directly in the path. I have read about the buffer zones for Whiskey Creek in the plans, which will assist, but I still have the aforementioned concerns.

We wanted to see what, if anything, was going to be done so that this development would not impact possible current and future flooding issues on the properties to the west and south of it. Reading through the "Preliminary Mitigated Determination of Non-Significance", it appears that the development would be mitigating flooding issues for the development, but not addressing any issues that the development could be causing to surrounding areas.

I appreciate your time and response,

Nick Majsterek

Stacey Henderson

From: Nick Majsterek <majsterek@gmail.com>
Sent: Monday, June 26, 2023 11:42 AM
To: Stacey Henderson; Shannon Johnson
Subject: [Ext] Re: Notice of Application: SEPA Environmental Review- Case #P22-057 and Subdivision Request- Case #P22-059

Follow Up Flag: Follow up
Flag Status: Flagged

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

Stacy Henderson and Shannon Johnson,

I hope you both are doing well. I originally (August 9, 2022) commented on the SEPA Environmental Review Case #P22-057 and #P22-059 Foster North. We live on 1607 W Dry Creek Rd. We wanted to again relay our concerns and then add another concern that has cropped up over the past year seeing how things have progressed in our neighborhood.

The 'new' concern deals with the amount of traffic currently on Dry Creek Road, and then upon occupancy of the 296 residences of Foster North. Our property sits at the intersection of Reecer Creek Rd and Dry Creek Rd, so we have seen full well the current impact of traffic. The traffic is substantial at certain hours, including backups from the stop sign of people heading west on Dry Creek all the way to Old Reecer Creek. With only two proposed exit points (Dry Creek Rd and eventually Helena Ave), there will only be more traffic and wear on the roads. We want to make sure that the City will be proactive to mitigate these issues (road maintenance, safety, congestion, etc.,) before occupancy of the Foster North project.

This year, due to the quick snow melt that caused rampant flooding throughout the valley, we had pockets of standing water on the north of our property due to Whiskey Creek overrunning the stream bed. If it wasn't for the county's great work a few years ago, we would have been inundated with water. However, as previously mentioned, Arden Thomas said that this fix to mitigate flooding is only a temporary one. We want to make sure the city and county are aware to assist in mitigating future issues with the flooding. As the Foster North project continues, with the moving of dirt, compacting, raising elevation for building, we again would like to reiterate our concerns that the natural floodplain and its capacity to hold on to excess groundwater will create a channel of potential flooding between the development and Reecer Creek Road. We, as well as our neighbor to the north, would be located directly in that path. I understand that there is a built in buffer zone for Whiskey Creek in the plans, which will hopefully assist, but we continue to have these concerns.

Once again, we wanted to see what, if anything, was going to be done so that this development would not impact current and future flooding issues on properties to the west and south of the planned project. Reading through the "Preliminary Mitigated Determination of Non-Significance ", it appears that the development would be mitigating flooding issues for the development, but not addressing any issues that the development could cause to surrounding areas.

Thank you again for taking time to hear and address these concerns. We appreciate your response.

Take care,

Nick Majsterek

On Tue, Aug 9, 2022 at 4:56 PM Nick Majsterek <majsterek@gmail.com> wrote:
Stacy Henderson and Shannon Johnson,

My name is Nick Majsterek, and my family and I live at 1607 W Dry Creek Rd. We received the "Notice of Application: SEPA Environmental Review- Case #P22-057 and Subdivision Request- Case #P22-059" asking for written comments. We wanted to make sure a few concerns were shared.

Over the past 10 years, our property has flooded 9 out of those years. This year being the exception, due to the great work the County did in cleaning up Whiskey Creek's stream bed. We worked with Arden Thomas from the County, who was instrumental in helping to mitigate the flooding issue. She did mention, though, that this issue would be a temporary one, as the willow trees will continue to grow, causing future flooding.

With the moving of dirt, compacting dirt for these proposed plats, and raising elevation for building, we have concerns that the natural floodplain and the capacity to hold on to excess groundwater that have existed on this site of future development, will create a channel of potential flooding between the development and Reecer Creek Road. We would be located directly in the path. I have read about the buffer zones for Whiskey Creek in the plans, which will assist, but I still have the aforementioned concerns.

We wanted to see what, if anything, was going to be done so that this development would not impact possible current and future flooding issues on the properties to the west and south of it. Reading through the "Preliminary Mitigated Determination of Non-Significance", it appears that the development would be mitigating flooding issues for the development, but not addressing any issues that the development could be causing to surrounding areas.

I appreciate your time and response,

Nick Majsterek

A. Access to Irrigation Water

Our property has a senior water right to the town ditch. Water from the town ditch is carried to our property via an open concrete V-ditch. This V-ditch travels approximately 750 yards from its water gate at the town ditch, in a generally southwest direction, to the eastern edge of our property. We use the water to irrigate our five-acre property, which include three acres of pasture that feeds our horses.

The open concrete V-ditch described above traverses fourteen of the proposed lots shown on the site map of the proposed subdivision. Obviously, the Developer is not going to sell lots with an open concrete V-ditch traversing through peoples' yards or homes. Therefore, we need to know what the Developer plans to do with the V-ditch.

We have heard the Developer is considering tearing out the V-ditch over the portions of land it owns and sending the water through a buried underground pipe instead. We would consider such an approach a violation of our water rights. RCW 90.03.420, Crimes Against Water Code- Obstruction of Right-of-Way, states:

“Whenever any appropriator of water has the lawful right-of-way for the storage, diversion, or carriage of water, it shall be unlawful to place or maintain any obstruction that shall interfere with the use of the works or prevent convenient access thereto or trespass thereon.”

The problem with sending the water through an underground pipe before it reaches our land is maintenance. As it is currently configured, the V-ditch is easy to access and clean out. (We do this every year.) If the water instead flows through an underground pipe, who is responsible for cleaning/clearing it if something clogs it? The Water District does not clean or maintain laterals. Rather, that responsibility falls on the beneficial interest holders, i.e. those who are entitled to water from the ditch.

Imagine a scenario where a clog in the pipe is in a section of pipe buried in the backyard of homeowner Jones. We get no water. What are we supposed to do? Hire a company to scope the pipe and bore it out? That may cost thousands of dollars! With the open V-ditch, we can clean it with self-help and elbow grease.

Our questions are: 1) What are the Developer's plans for the V-ditch? 2) If, as we have heard, the Developer intends to replace the V-ditch with a buried pipe, what guarantees can it provide that the pipe will remain free and clear of clogs so that the beneficial owners, such as us, enjoy our water right? We are 100% certain the Developer is not going to maintain this lateral once it sells its lots.

Our preference would be to require the Developer to construct a new open V-ditch that traverses land accessible to the beneficial owners of the water so we may continue to clean and maintain the V-ditch and enjoy the irrigation water to which we are entitled.

B. Stagnant Water

Water flows through and over our land, as it does over the proposed development, following gravity. We are extremely concerned that the Developer will change the water flow. We are also worried that the Developer will create standing stagnant ponds, as has happened to our north, at Black Horse, and to our east, at Ida Aronica Elementary School. Everyone has heard the complaints of the homeowners near Ida Aronica about the swarms of mosquitoes bred out of the stagnant pool next to the school. We have no desire to suffer the same experience where we live, exposing both ourselves and our horses to mosquito-borne diseases. Please ensure that if this development is allowed to go forward, the Developer not be allowed to create standing ponds or alter the flow of groundwater.

C. Wildlife in Area

The area over which the proposed subdivision would be built nurtures and sustains an abundance of wildlife- deer, coyotes, long-tailed weasels, marmots, muskrats, raccoons, rabbits, harrier hawks, kestrels, barn and great-horned owls, snipes, geese and other waterfowl, frogs, garter snakes, etc. There should be a plan to maintain at least some open area to preserve this wildlife, as well as a plan to contain noxious weeds in the remaining open area. We have seen other open areas in the city limits that have been given over to weeds, creating an eyesore and destroying wildlife habitat. We would like to see a dedicated and maintained wildlife preserve on the remaining portion of the subdivision not currently planned for housing.

What we are asking for is similar to what we did with our own property when we purchased it in 2014. Cattle had been run on it for decades. We fenced it, pulled out the invasive weeds, and let nature take its course. Over time, native plants returned, and with them, a large population of red-winged blackbirds as well as the other wildlife mentioned earlier.

D. Noise Abatement

We would greatly appreciate some type of sound barrier, such as trees and vegetation, be put in place to shield our home and animals from the noise of the 600+ cars that will travel daily along Buckaroo Drive approximately 25 yards from our home.

Thank you for allowing us to express our concerns.

Very truly yours,

/s/ Paul T. McBride

/s/ Gabrielle Stryker

Paul McBride & Gabrielle Stryker

Doggie_mcbride@yahoo.com

Gabe_stryker@yahoo.com

Paul McBride & Gabrielle Stryker
1407 W. Dry Creek Road
Ellensburg, WA 98926

June 27, 2023

Re: Notice of Revised Application: SEPA Environmental Review- Case #P22-057 and Subdivision Request- Case #P22-059

Stacey Henderson, hendersons@ci.ellensburg.wa.us

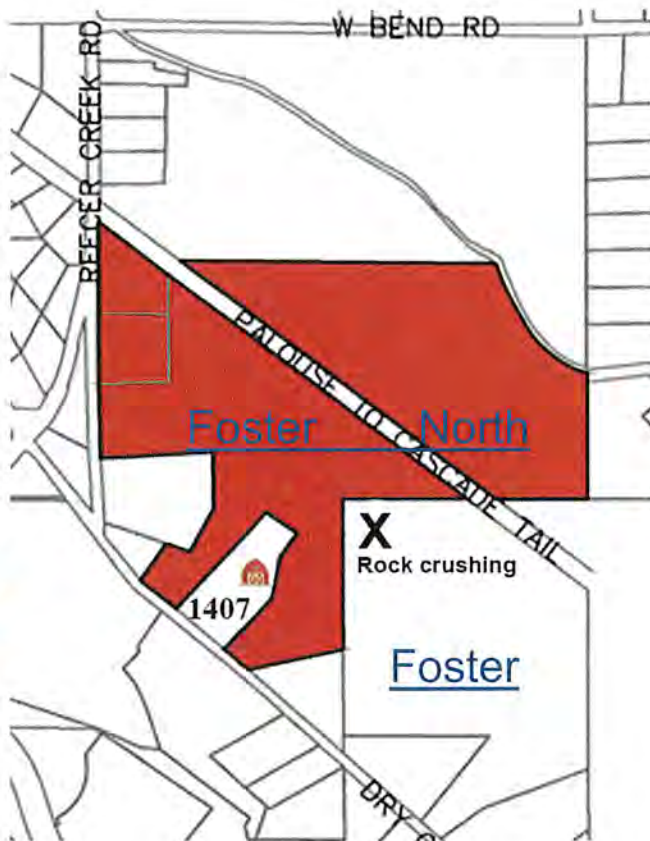
Dear Ms. Henderson:

We, Paul McBride and Gabrielle Stryker, own the property located at 1407 W. Dry Creek Road. As you can see from the map below, our property is surrounded on three sides by the proposed development, P22-059 (“Foster North”). We write to provide our additional comments and concerns regarding this proposed development, supplementing our previous letter to the City dated August 21, 2022.

A. Noise Abatement/Rock Crushing

We are appalled by the stated plan to crush 60,000 tons of rock on the property. Over the last year there has been rock crushing at the Foster subdivision site ~200ft behind our property from dawn till dusk. Our animals live in the barn, which has no sound insulation, or eat in the pasture during the day with very high levels of continuous noise pollution. Our new foal has been exposed to this. We were never consulted concerning rock crushing behind our property for the Foster subdivision. High noise can produce direct and cumulative adverse effects in animals ([Noise Pollution, Effect of Noise on Behaviour of Animals and Human Health](#)).

Our quality of life, and our animals' health, is being negatively impacted by the builder's desire to save money over using the facility (Ellensburg Cement) that is only about 2 miles away, and away from homes, therefore not impacting local residents.



We believe the proposed rock crushing operations violate the City's Noise Ordinance, set forth at Chapter 5.60 of the City Code. In particular:

Section 5.60.060(A): "It is unlawful for any person to cause or make, or for any person to allow to originate from the property in or under his or her possession, ownership or control, any loud or raucous noise which unreasonably disturbs or interferes with the peace, comfort or repose of others."

Section 5.60.060(D): "The following noise is presumed unreasonable under subsection (A) of this section: . . . (2) Noise emanating from a person, machinery, equipment or vehicle that can be heard 200 feet away at any time of day or 50 feet away between the hours of 10:00 p.m. and 7:00 a.m...."

We are classified as a residential neighborhood. Our home is approximately 800 feet from the rock crushing operation at Foster, yet the noise is clearly audible to us even with our windows shut. We have no doubt the noise from rock crushing at Foster North will be far more noticeable and far more aggravating, since Foster North is directly adjacent to our property.

We request that rock crushing be done offsite. We do not want to endure more of the noise that has so impacted our lives this last year.

We would also greatly appreciate additional trees and shrubs (more than a single layer) beyond what the landscape plans have proposed, be put in place to shield our home and animals from the noise of the 2705+ cars (from Average Daily Trips, trip generation letter) that will travel daily along Buckaroo Drive approximately 50 feet from our home. We would also ask that our garden at the very front of the property not be shaded out by tall trees so we can continue to grow food. We are grateful for the use of native plants in the landscape plans along our property line and tree choices that are nontoxic to livestock.

B. Weed Management and Fire Hazards



The two photos provided are of Foster North directly over our fence line. Now that cows are no longer grazing the adjacent property the pasture is no longer eaten down. This is particularly a problem next to our property as there are shade trees the cows would nap under and that area was heavily trodden by the cattle. This area is now full of weeds including perennial pepperweed *Lepidium latifolium*, various mustards and thistles, and of course cheatgrass, *Bromus tectorum*. The owner of the property, Dry Creek Acres, LLC, appears oblivious to the Kittitas County's noxious weed voluntary compliance efforts, leaving us no choice but to report them for enforcement (RCW 17.04.200 and RCW 17.10.140). The City Code's nuisance provisions also address the fire hazard of overgrown and dried up weeds, specifically, Section 5.40.080.C.1: "No owner of property within the city shall allow the overgrowth of vegetation, or allow the accumulation of any such vegetation which has died, on any lot, parcel, or tract of real property within the city limits."

Gabrielle called and requested that Noffke Homes deal with the fire hazard last year when the dead weeds were waist to shoulder high immediately next to our property, right next to our 1925 Craftsman farmhouse. No action was taken. We request that the city enforce their nuisance provisions Section 5.40.080.C.1 to prevent this hazard that has developed since the property was purchased for development.

C. Access to Irrigation Water

Our property has a senior water right through Ellensburg Water Company from the town ditch. Water from the town ditch is carried to our property via an open concrete ditch that passes under the Palouse to Cascade Trail and runs adjacent to our property. We irrigate three acres of pasture used to feed our livestock. We clear the ditch adjacent to our property of growth every spring to ensure a steady flow of irrigation water with minimum waste.

In the past year, during development of the Foster subdivision, irrigation water has been as large an issue as noise. When the Foster development cleared their land they dumped dirt, shrubs, and trees onto the Foster North parcel, including up to 20' high on top of our concrete irrigation ditch. They also destroyed multiple lengths of the ditch. We requested that Noffke fix the problem. When Noffke did not respond, we complained to the City and to the Ellensburg Water Co.

Noffke, or its subcontractors, eventually cleared the debris out of the ditch without fixing the concrete sections they destroyed. Despite being told by the City that Noffke would contact us to resolve the issue we were never contacted. Sections of the concrete ditch are still destroyed. If Foster North does not get developed will the city send in workers to fix our irrigation ditch destroyed by the earth-moving crew on the Foster project?

Under the revised SEPA Environmental Review for Foster North dated June 2, 2023, submitted by Whipple Consulting Engineers, it states that our irrigation ditch will "be replaced with underground piping to honor existing water rights." The accompanying site/parcel map shows numerous homeowner lots that will be installed along most of the length of the existing irrigation ditch, explaining why the developer wants to get rid of it. Again, neither Noffke nor Whipple has contacted us to discuss their plan to remove our irrigation ditch. We assume the City will not allow the proposed interference with our water right guaranteed by Washington law¹ without consulting us and obtaining our permission.

If underground piping is to be installed in place of the ditch, we ask that, at a minimum, the following conditions be imposed:

1) That the underground pipe not, at any point along its length, traverse homeowner lots. It must be placed along a public access route to allow maintenance as needed. By law we have an easement to our irrigation delivery system all the way back to water gate at the town ditch. Putting any section of the pipe on private homeowner property violates our easement.

2) There must be easily accessible clean-outs along the length of the pipe to allow maintenance.

3) At no point from the town ditch to our property may the pipe have angles greater than 45 degrees. A 90 degree angle in a pipe is simply a stoppage waiting to happen.

¹ See RCW 90.03.420, Crimes Against Water Code- Obstruction of Right-of-Way

4) Access to the irrigation water from the pipe must be discussed and agreed upon. We currently have water come onto the property from multiple locations along the concrete ditch. We will have to put considerable thought and effort into where we want the water delivered and how we will irrigate our property from that delivery point. We need Whipple to meet with us so we can jointly agree upon how our property would access our irrigation water from the pipe.

D. Stagnant Water

We continue to be concerned that the proposed land development will create standing stagnant ponds in the proposed storm drainage swales, as has happened to our north, at Black Horse, and to our east, at Ida Aronica Elementary School. There have been numerous complaints by homeowners near Ida Aronica about the mosquito nuisance from the stagnant pool there. We have no desire to suffer the same experience where we live, exposing both ourselves and our horses to mosquito-borne diseases. Please ensure that if this development moves forward, the Developer not be allowed to create standing ponds in areas meant as temporary storm drainage swales.

E. Wildlife in Area

The area over which Foster North would be built nurtures and sustains an abundance of wildlife- deer, coyotes, long-tailed weasels, marmots, muskrats, raccoons, rabbits, harrier hawks, kestrels, barn and great-horned owls, snipes, geese and other waterfowl, frogs, garter snakes, etc. There should be a plan to maintain at least some open area to preserve this wildlife, as well as a plan to contain noxious weeds in the remaining open area. We have seen other multiple open areas in the city limits that have been given over to weeds (Main St. and 14th Ave. is a perfect example). We ask that there be a plan in place to prevent the open areas in Foster North from becoming noxious weed breeding areas, without massive herbicide treatments that are harmful to both humans and wildlife.

Thank you for allowing us to express our concerns.

Very truly yours,

/s/ Paul T. McBride /s/ Gabrielle Stryker

Paul McBride & Gabrielle Stryker

mcbridepault@gmail.com

gabe_stryker@yahoo.com

June 29, 2023

City of Ellensburg
Community Development Department
Attn: Stacey Henderson, Senior Planner
501 N Anderson St
Ellensburg Wa 98926

Re: Case P22-057 and Subdivision Request Case P22-059

Dear Ms Henderson,

I am a property owner on Dry Creek Rd and have a number of concerns regarding the development proposed.

I have addressed concerns below from the SEPA:

A. 8. answer indicates that a traffic impact analysis has been or will be prepared for this purpose.

I did locate the Trip Generation and Distribution Letter however it appears to be the same as the report used in 2021 for the SEPA P21-040 and it is stated that it was updated in April 2022. I am concerned that a real traffic impact has not been completed for this application. Traffic on Dry Creek Rd has changed in the past 3 years. The completion of the Ida Nason-Aronica School has added traffic and the recent completion of a number of other housing developments on West Dry Creek Rd as well as new developments north on Reecer Creek Rd also contribute to the already increase in traffic. This addition of 292 lots and the 141 lots adjacent development to the southeast will have a substantial impact on Dry Creek Rd.

A. 11. answer indicates there is an intent to bring the rock crusher back and have it operate again.

When the rock crusher was used on the Foster Subdivision it created additional noise and an abundance of dust. Dust was not controlled well on the project let alone the addition of dust from the rock crusher.

B. 3. a. 1) answer includes mention of the need for irrigation water being piped through this development.

There is no mention that the shareholders that receive water from the canal must be

included in decisions made about their water distribution and right of ways throughout the development. Access points must be made available for and obstruction locate. Irrigation lines should be completed to the shareholder in the off season of irrigation, October when the water is turned off to April when the water is returned. Any other interruption to the irrigation must be addressed with each shareholder prior to the interruption to make sure their individual needs are met.

The developer must put in place, if the irrigation is accessed by or flow interrupted by its residents, something to correct and re-establish the flow of water to the shareholder at no cost to the shareholder. Please review RCW 90.03.400, RCW 90.03.410, RCW 90.03.420, RCW .

In general, the we have been in ongoing discussions with the Foster Subdivision contractors for the past 14 months. Unfortunately we have had to include the city in some of the discussions. Those discussions included the enormous amount of dust as well as numerous discussions on irrigation. Because of the lack of cooperation by the contractor we had a reduced amount of hay for 2023 first cutting due to 45 day interruption of water. We also sustained property damages in August 2022 that have yet to be corrected. Recently the Builder has committed to correct those damages.

Thank you for your consideration.

Roxy DeSoer
1012 W Dry Creek Rd

509-925-3955

Stacey Henderson

From: Dakota Hamlin <hamlin.dakota@gmail.com>
Sent: Thursday, June 29, 2023 8:18 PM
To: Stacey Henderson; Shannon Johnson
Subject: [Ext] SEPA Case #P22-057 and #P22-059

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

Hello Stacey and Shannon,

I'm reaching out to share some comments on the subdivision request bordering my property. I own parcel 10764 with plans to start building this year.

My main concerns are increased flooding, increased traffic, and the fate of old reecer creek road..

Starting with the flooding. My property and the property south already have increased flooding during the spring melt. I fear the development to the east is mitigating flood risk to themselves, but I have concerns about it creating a channel to my property and the surrounding ones.

Regarding traffic, it's already evident how much it backs up dry creek rd at the intersection of Reecer. My hope is that the city will be proactive with the increased traffic from the 292 plots. Wear and congestion are my biggest concerns. I think solutions need to be addressed before occupancy begins in this new neighborhood.

Lastly, us property owners that border Old Reecer Creek Rd are in talk of vacating this road. This is something supported by the city as it is a decommissioned road. Most of us are on board, but after an initial dialogue, the representatives of the development land owners have been radio silent. With their plans to dead-end their streets right before this decommissioned road, I feel that it is in everyone's best interest to make a decision on the vacation of this road BEFORE the construction of the new streets and homes. I feel that there might be some hope by others to connect in the future, and that would open a whole new can of worms. Regardless, vacating this road and absorbing it into everyone's property would be beneficial to all parties including the city.

Thank you for the opportunity to speak about these concerns.

Best Regards,
Dakota Hamlin



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

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

Proponent: Whipple Consulting Engineers, Agent for Owner

Date: March 28, 2024

Description: A SEPA Environmental Checklist submitted by Whipple Consulting Engineers, agent for property owner. This is for the proposed 292 lot long plat, Foster North Subdivision. The proposed plat is located on multiple parcels totaling approximately 80.34 acres and includes 292 lots and 9 tracts used for stormwater and critical area preservation. The project site has several wetlands and wetland buffers, as well as 100-year floodplain on the northwestern portion of the proposed development, and Whiskey Creek runs north-south along the western project boundary. Main access is proposed off W. Dry Creek Rd, with plans to connect to Helena and cross the Palouse to Cascade Trail in one location.

Location: This proposed subdivision is located North of Dry Creek Rd, East of Reecer Creek Road, south of the Palouse to Cascade Trail, and adjacent to the original Foster Subdivision plat- (P21-039). The proposed work is located on multiple parcels including parcel ID #14599, #14600, #14602, and #851033, in Residential Suburban (R-S) zoning.

Lead Agency: City of Ellensburg

File #: P22-057

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

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

1. Community Development has determined that rock crushing is considered a *manufacturing* activity, and therefore, is not allowable for this project which is located in Residential Suburban (R-S) zoning.
2. Applicant shall comply with all safety design requirements pertaining to the trail crossing, as issued by the State Parks Department agreement and approval.
3. Applicant shall ensure continued irrigation access of surrounding residents is not altered or impaired during the construction process.

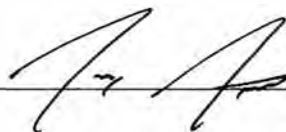
4. The applicant shall comply with all requirements outlined in the City of Ellensburg Public Works division memo dated 8/15/2022, regarding roadway and access, water, sewer, stormwater, and the TIA.
5. The applicant shall comply with all requirements outlined in the City of Ellensburg Fire Marshall division memo dated 6/13/2022, regarding IFC and City of Ellensburg code requirements.
6. The applicant shall develop civil and building plans that address the stormwater requirements of both the City of Ellensburg and the State Department of Ecology. These shall address any potential for flooding as may be required by Ellensburg City Code Chapter 15.630. Such plans shall be approved by City Staff prior to construction.
7. The applicant shall comply with all requirements included in the Critical Area Determination, P22-058.
8. The applicant shall comply with all requirements outlined in the Washington Department of Ecology memo dated 8/5/2022, regarding water quality and water resources.
9. In the event that previously unknown cultural resources or human remains are encountered during the implementation of the project, work in the vicinity of the discovery shall be halted and a professional archaeologist, the Washington State DAHP, and all affected tribes should be consulted before proceeding.
10. Requirements of all City Departments, the Fire District, all utility providers, and affected agencies must be satisfied, as outlined in adopted City Codes and other regulatory documents.
11. If the applicant wishes to add to, or change, the proposed scope of work included in this application, a new SEPA proposal and/or addendum will need to be submitted to address any changes.

This **Mitigated Determination of Non-significance (MDNS)** is issued using the standard MDNS process under WAC 197-11-350.

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

Date: 02/28/24

Signature: _____



Appeals: Following the issuance of this MDNS, is a 14-day appeal period. Pursuant to ECC 15.270.200, appeals must be submitted as required by the City of Ellensburg's administrative appeal procedures for Type II permits per ECC 15.230.040(B), and shall be made to the Hearing Examiner and meet all requirements contained in Chapter 15.230 ECC.

**NOTICE OF AN OPEN RECORD PUBLIC HEARING FOR
PRELIMINARY PLAT APPLICATION P22-059**

NOTICE IS HEREBY GIVEN that the Hearing Examiner for the City of Ellensburg will hold an open record public hearing on **Monday, July 22, 2024 at 3:00 pm**, held both in person in the Council Chambers AND virtually via Zoom, to consider Application P23-059, a Preliminary Long Plat application submitted by Whipple Consulting Engineers, agent for property owner. This is for the proposed 292 lot long plat, Foster North Subdivision. The proposed plat is located on multiple parcels totaling approximately 80.34 acres and includes 292 lots and 9 tracts used for stormwater and critical area preservation. Main access is proposed off W. Dry Creek Road, with plans to connect to Helena Avenue and cross the Palouse to Cascade Trail in one location.

Project Location: This proposed subdivision is located North of Dry Creek Rd, East of Reecer Creek Road, south of the Palouse to Cascade Trail, and adjacent to the original Foster Subdivision Plat (P21-039). The proposed work is located on multiple parcels including parcel ID#'s: #14599, #14600, #14602, & #851033, in Residential Suburban (R-S) zoning.

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

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

Staff contact: Shannon Johnson, Planner. Email: johnsons@ellensburgwa.gov

NOTICE IS FURTHER GIVEN that all persons interested in this matter may participate in the REMOTE meeting by contacting Staff no later than 5:00 pm on **Friday, July 19**. An email link, text link, or phone number will be provided which will allow for electronic participation in the public hearing.

The City of Ellensburg strives to make our meetings and activities readily accessible by individuals with disabilities. Please furnish your request in sufficient time for the City to provide a reasonable accommodation by calling the City of Ellensburg ADA Coordinator at (509) 962-7222 or email ADAACoordinator@ci.ellensburg.wa.us.

PUBLISH IN LEGAL: Tuesday, June 18, 2024

P22-059

RECEIVED

JUN 24 2024

COMMUNITY DEVELOPMENT

AFFIDAVIT OF PUBLICATION

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

CITY OF ELLENSBURG-CITY CLERK
NPH: Prelim Plat Appl P22-059

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

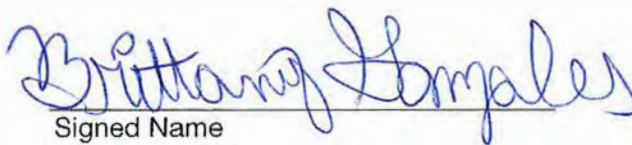
06/18/24

All dates inclusive and that such newspaper were regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of \$218.06 the rate of \$13.75 per column inch for each insertion.



Subscribed to me this date: 06/20/24





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

Signed Name

When she spotted her time on the scoreboard, her face

He says his times now are faster than ever, even as he juggles swimming with his job at the secretive Lawrence Livermore National Laboratory in California.

She finished with the second-fastest time in history.

The 22-year-old Foster, a native of Cincinnati who swam collegiately at Texas, led the entire race to finish in 4 minutes 7.64 seconds.

"I've struggled to stay in my lane in the past," he said, speaking metaphorically. "The first thing that would go wrong, it was lights out for me. I've battled those inner negative voices. But tonight was different. I stayed in my own lane. I think I was smiling the whole last 50."

VISIT US ONLINE AT DAILYRECORDNEWS.COM

SPACE?

Declutter With



COMMUNITY DEVELOPMENT DEPARTMENT

501 N. Anderson St., Ellensburg WA 98926

Land Use Permitting (509) 962-7231
comdev@ci.ellensburg.wa.us

Construction Permitting (509) 962-7239
permits@ci.ellensburg.wa.us

June 17, 2024

RE: Notice of Open Record Public Hearing for Case # P22-059 Foster North Preliminary Plat

As a property owner within three hundred feet (300') of this proposal, and or as a party of record commentor during the SEPA/Plat notice of application process, **Notice is hereby given that the Hearing Examiner for the City of Ellensburg will hold an open record public hearing on Monday, July 22, 2024 at 3:00 pm**, held both in person in the Council Chambers AND virtually via Zoom, to consider Application P23-059, a Preliminary Long Plat application submitted by Whipple Consulting Engineers, agent for the property owner. for the following project that may be of interest to you.

Project Location: This proposed subdivision is located North of Dry Creek Rd, East of Reecer Creek Road, south of the Palouse to Cascade Trail, and adjacent to the original Foster Subdivision Plat (P21-039). The proposed work is located on multiple parcels including parcel ID#'s: #14599, #14600, #14602, & #851033, in Residential Suburban (R-S) zoning.

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

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

Staff contact: Shannon Johnson, Planner. Email: johnsons@ellensburgwa.gov

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Sincerely,

A handwritten signature in black ink that reads "Shannon D. Johnson".

Shannon D. Johnson
Senior Planner

ST JAMES GROUP LLC
21710 STEVENS CREEK BLVD STE 200
CUPERTINO, CA 95014-1174

SVENDSEN, VERNON & THERESA
30 TRAIL VIEW LANE
ELLENSBURG, WA 98926-6544

STRYKER, GABRIELLE A
1407 DRY CREEK RD
ELLENSBURG, WA 98926-9439

OLIN, GREGORY D ETUX
231 OASIS LANE
ELLENSBURG, WA 98926

STERKEL, MARVIN H JR ETUX
2071 REECER CREEK RD
ELLENSBURG, WA 98926-6568

ARROYO, RAMIRO
391 GOLD BUCKLE LN
ELLENSBURG, WA 98926-6007

PEACOCK, DAVIN ETUX
220 OASIS LANE
ELLENSBURG, WA 98926

CUMMINGS, DONALD W
2313 N HANNAH RD
ELLENSBURG, WA 98926-9410

ELLENSBURG SCHOOL DIST #401
1300 E 3RD AVE
ELLENSBURG, WA 98926-3576

DEWITT, ALICE A
PO BOX 271
ELLENSBURG, WA 98926-1912

CALAHAN, SCOTT B & REENA E
90 TRAIL VIEW LN
ELLENSBURG, WA 98926-6544

KUCHIN, FABIAN S
1404 DRY CREEK RD
ELLENSBURG, WA 98926-9439

KUCHIN, FABIAN S
1404 DRY CREEK RD
ELLENSBURG, WA 98926-9439

CUMMINGS, DONALD W
2313 N HANNAH RD
ELLENSBURG, WA 98926-9410

PEACOCK, DAVIN ETUX
220 OASIS LANE
ELLENSBURG, WA 98926

ST JAMES GROUP LLC
21710 STEVENS CREEK BLVD STE 200
CUPERTINO, CA 95014-1174

REASONER, DAVID E & SARA M
5058 38TH AVE SW
SEATTLE, WA 98126-2815

HIGDON, KEVIN B ETUX
607 W HELENA ST
ELLENSBURG, WA 98926

CATHOLIC CEMETERY
401 S WILLOW ST
ELLENSBURG, WA 98926-3564

FOSTER DEVELOPMENT LLC
21280 HWY 410 E
BONNEY LAKE, WA 98391

ST JAMES GROUP LLC
21710 STEVENS CREEK BLVD STE 200
CUPERTINO, CA 95014-1174

PEARSON, DAVID T
2110 N REECER CREEK RD
ELLENSBURG, WA 98926-9426

MAJSTEREK, NICHOLAS A & MADELINE M
1607 W DRY CREEK RD
ELLENSBURG, WA 98926-9445

ST JAMES GROUP LLC
21710 STEVENS CREEK BLVD STE 200
CUPERTINO, CA 95014-1174

PANTER, MARK W ETUX
2401 HANNAH RD
ELLENSBURG, WA 98926

HAMLIN, DAKOTA
81 ESTATE LN
ELLENSBURG, WA 98926-8176

CONOVER, TERRY GENE & PAMELA GAY
1301 W DRY CREEK RD
ELLENSBURG, WA 98926-6501

HAGEMEIER, ROBERT & MARY S
81 TRAIL VIEW LN
ELLENSBURG, WA 98926-6544

WOODS, JOHN N
1206 W BENDER RD
ELLENSBURG, WA 98926-9408

KUCHIN, FABIAN S
1404 DRY CREEK RD
ELLENSBURG, WA 98926-9439

ROXY DESOER
1012 W DRY CREEK RD
ELLENSBURG WA 98926

JIM DENISON
BPA LAW GROUP
700 E MT VIEW AVE STE 508
ELLENSBURG WA 98926

KATHY WILLIAMS
1013 DRY CREEK RD
ELLENSBURG WA 98926

JIM ELLINGER
407 E 4th AVE APT #3
ELLENSBURG WA 98926

JONATHAN & NANCY SUTTLES
1509 DRY CREEK RD
ELLENSBURG WA 98926

KITTITAS CO PUBLIC WORKS
205 W 5TH AVE STE 105
ELLENSBURG WA 98926-2891

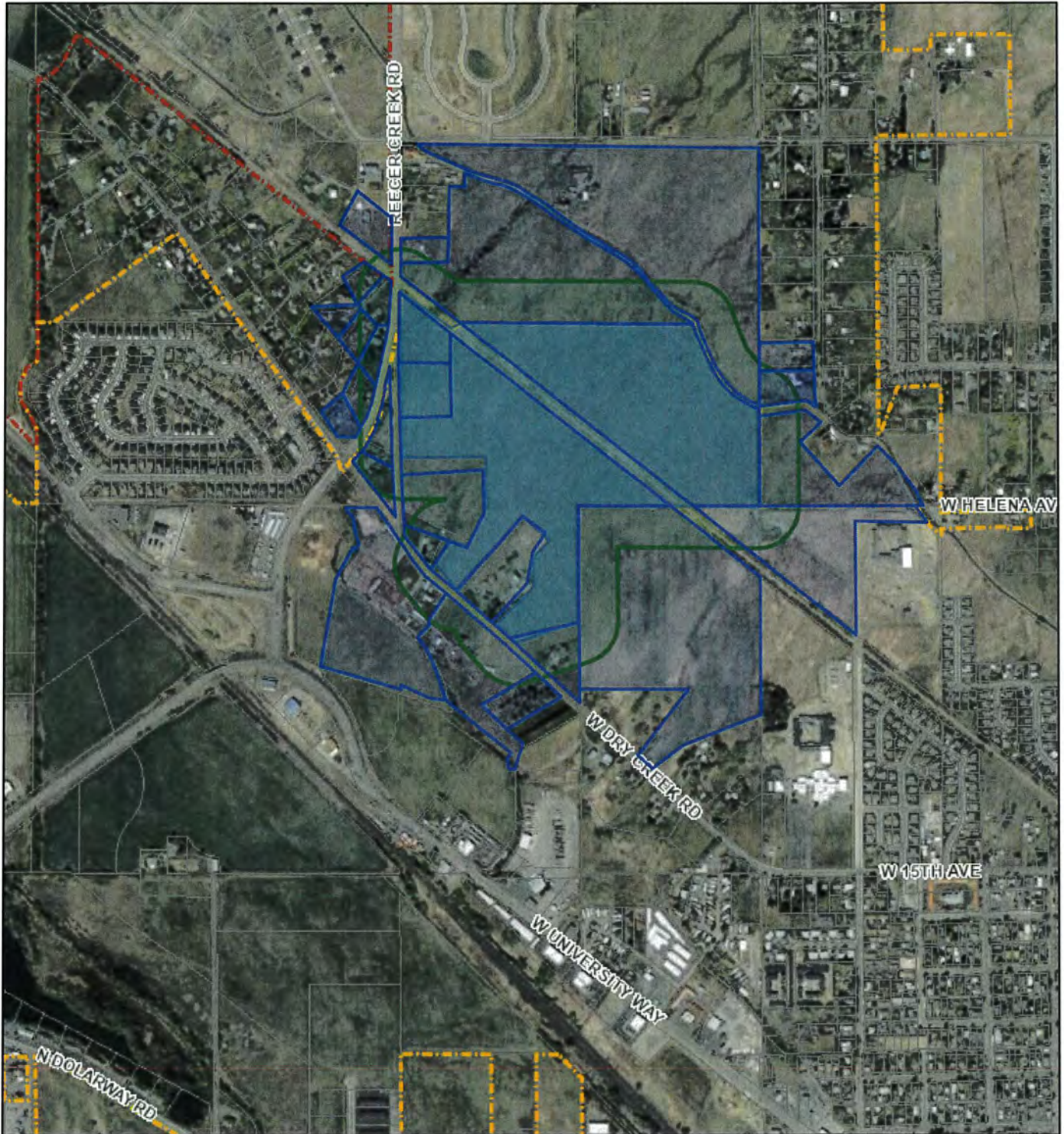
P22-059
CERTIFICATE OF TRANSMITTAL

On this day, the undersigned sent to
the addressee(s) the original
document(s) by U.S. Mail.

I certify under penalty of perjury
under the laws of the State of WA
that the forgoing is true and correct.

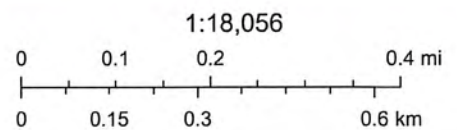
Date *6/17/24* Signed *Kathy Boob*

eburg map



7/12/2022, 2:21:09 PM

- County Parcels  Urban Growth Area
- Major Arterial  Parcels
-  City Limits



Google Maps



COMMUNITY DEVELOPMENT DEPARTMENT

501 N. Anderson St, Ellensburg WA 98926

Land Use Permitting (509) 962-7231

Construction Permitting (509) 962-7239

AFFIDAVIT OF POSTING

The Ellensburg City Code requires that all Type IV projects have a notice sign posted at the site of the project. Per ECC 15.270.140, the following shall apply:

1. The posting of a weather-resistant sign or signs on the subject property, visible to members of the public who may be passing on nearby public rights-of-way and free from obstructions.
2. If the project abuts more than one public right-of-way (ROW), more than one sign will be required; one per ROW, as determined by the responsible official.
3. **The responsibility for the posting of the sign or signs shall be upon the project applicant or his or her agent.**
4. The sign matrix provided by Planning Dept. Staff, shall be made into a sign or signs at least two feet by three feet (2' x 3') in size.

DATE: Tuesday, June 18, 2024	PLANNER: Shannon Johnson – Senior Planner,
PROJECT NAME AND SUMMARY: Foster North Subdivision – <u>Notice of HE Open</u> <u>Record Public Hearing</u>	FILE NUMBERS: P22-059 Long Plat

PLEASE COMPLETE THE FOLLOWING:

I, Rose Strutz, certify that I am the landowner and/or authorized agent responsible for the posting of this land use project site and further certify that the site has been posted as required by Ellensburg City Code. I understand that the that the posting period begins immediately and ends after the ending of the appeal period on the final decision by the City Council and the sign(s) will be posted at the site until this time. **Failure to posts the site and return this form to Community Development in a timely manner will result in a delay of the application review for the project.**

Rose Strutz
Signature

6-17, 2024

Please return the above affidavit and photograph(s) of the posted notice sign board(s) to: Shannon Johnson, Senior Planner, 509-962-7108, via email: johnsons@ellensburgwa.gov; Fax: 509-962-8655; or mail to: Community Development Dept., City Hall, 501 N. Anderson St., Ellensburg, WA 98926.



Shannon Johnson

From: Shannon Johnson
Sent: Tuesday, June 18, 2024 2:00 PM
To: Reed Waite
Subject: RE: [Ext] P23-059 Palouse to Cascades Trail impact
Attachments: April 17, 2024 WA ST PARKS Letter RE TRAIL CROSSING .pdf

Good Afternoon Reed,

Thank you for emailing your concerns on the Foster North Subdivision (P22-059). The initial application included two crossings, however, throughout the combined SEPA/Plat review process, Washington State Parks & Recreation collaborated with the property owner, with support from the City and the City Fire Marshall to revise the site design. The new design eliminated the Helena Avenue vehicular crossing and will now provide one trailhead access along with utilities at Buckaroo Avenue with a roundabout located within the development. Please see the above attached letter from the WA State Parks and Recreation Commission dated April 17, 2024 which states "Compared to the earlier proposal, this design greatly reduces negative impacts tot the trail and its users".

The project went through a rigorous SEPA review process which resulted in a Mitigated Determination of Non-Significance (MDNS) and no appeals were submitted for that determination. The City and State Parks have been working with the applicant for months to address trail impacts. The TIA is posted on our website. It is a very large document. Specific uses of the trail are managed by State Parks. The submitted plans do not indicate any new restrictions of trail use. As of this date, State Parks has not issued any decision for the project.

We noticed some of the documents on the website were not the most updated copies, therefore, we have updated those documents, and we thank you for your email.

Thank you,

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



From: Reed Waite <reedw8@gmail.com>
Sent: Tuesday, June 18, 2024 10:06 AM
To: Shannon Johnson <johnsons@ci.ellensburg.wa.us>
Subject: [Ext] P23-059 Palouse to Cascades Trail impact

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

The legal notice for Foster North Subdivision in the June 18th Daily Record states that “Main access” will cross the Palouse to Cascades Trail yet does not mention another crossing of the Trail: Caballero Boulevard.

In the Whipple trip generation letter (Page 6) the Palouse to Cascades Trail is listed as a pedestrian sidewalk, delineated on the satellite map following, yet not as a bikeway in following text. The bikeways map shows the Trail as an existing Path/Trail. The Palouse to Cascades Trail serves pedestrians, cyclists and equestrians for recreational and commuting purposes.

1. Can you confirm that the Trail would be crossed by two roads (Helena Avenue and Caballero Boulevard) less than a quarter of a mile apart?

I'd say the documents presented paint a rosy picture for residents of the Subdivision with 'access' to the Palouse to Cascades Trail at two locations, the road crossings without any trailhead vehicle parking and 'connections' to the Trail for residents to access - the one 'pathway' to the Trail shown on the Preliminary Plat.pdf is not on the Foster North Subdivision (!) and is immediately adjacent to the Helena crossing, There is no mention of diminishment of the trail experience due to development.

2. Please post or email me the “TIA” mentioned in the SEPA checklist pages 14 & 15..

The SEPA checklist is less than adequate when it comes to impacts on uses and users of the Palouse to Cascades Trail: the improvements are access? I'd not consider the two road crossings which impede flow along the Trail in any way reducing impacts. Inadequate responses to following:

10 b. Proposed measures to reduce or control aesthetic impacts, if any:
Access to the Palouse to Cascades Trail from the subdivision is proposed

12 c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:
There will be connections made to the Palouse to Cascades Trail for residents to access.

14 d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).
The proposal will require new public roads throughout the development and frontage improvements along Dry Creek Road as well as the extension of Helena Avenue to the eastern boundary of the site or beyond, see the attached TIA. This project also proposes vehicular crossings of the Palouse to Cascades State Trail, see the attached TIA.

3. Will the proposed trail calming configuration on either side of Helena allow passage of historic horse-drawn wagons that annually use the Trail? Note that half (south side) is not within Foster North development and may impact the only access path shown in the Preliminary Plat.pdf.

4. Do you know if the Washington State Parks and Recreation Commission has made any decision on the crossings?

I use the trail on a regular basis, walking from Cora to Reecer Creek, and am dismayed that there's not a greater setback

from development to the Park's right of way.

Thank you,

Reed Waite



Diana Dupuis
Director

STATE OF WASHINGTON

WASHINGTON STATE PARKS AND RECREATION COMMISSION

1111 Israel Road S.W. • P.O. Box 42650 • Olympia, WA 98504-2650 • (360) 902-8500

TDD Telecommunications Device for the Deaf: 800-833-6388

www.parks.state.wa.us



April 17, 2024

Jeremy Johnston
Planning Manager
City of Ellensburg
501 N Anderson Street
Ellensburg, WA 98926

Subject: PTC Trail Crossing | Foster II

Dear Mr. Johnston,

Washington State Parks and Recreation Commission (Parks) and MLC Laird LLC (MLC) have been working collaboratively on the Palouse to Cascades State Park Trail (PTC) crossing for the development known as Foster II. We have been working on a crossing that will limit the impact to the trail while meeting the City's circulation and fire safety code requirements.

The initial application included two proposed trail crossings at Helena Avenue and Caballero. Since the initial application, MLC, with support from the City and the Fire Marshall and discussion with Parks staff, revised the site design. The new design eliminated the Helena Avenue vehicular crossing and will now provide trailhead access along with utilities. The one trail crossing for the development will now be at Buckaroo Avenue with a roundabout located within the development. Compared to the earlier proposal, this design greatly reduces negative impacts to the trail and its users.

In addition, the applicant has agreed to limit access to the trail and focus trail access to designated locations. Parks staff are appreciative of the applicant's and the City's cooperation in this effort to minimize negative impacts to the trail.

It is our understanding that the applicant would now like to proceed with the Hearing Examiner as they seek approval for a preliminary plat consistent with the revised site plan. Parks staff is supportive of allowing the City and applicant to move forward with the preliminary plat approval, provided the applicant is conditioned to obtain approval from the Washington State Parks and Recreation Commission prior to any construction, including, but not limited to, any clearing or grading on the subject property.

Please feel free to contact me should you have any questions. I can be reached at Nikki.fields@parks.wa.gov or 360-902-8658.



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

STAFF REPORT

DATE: July 22, 2024
TO: Andrew Kottkamp, Hearing Examiner
THRU: Jeremy Johnston, Planning Manager, Community Development
FROM: Shannon Johnson, Senior Planner, Community Development
RE: P22-059 Foster North Subdivision Preliminary Plat Public Hearing

Summary Statement: The purpose of this open record public hearing is to consider the proposed preliminary plat subdivision and any public or agency comments received by the City regarding the proposed Foster North Subdivision. This hearing is being held pursuant to the requirement of Chapter 15.260, Subdivision Procedures, of the Ellensburg City Code (ECC). At the conclusion of this public hearing, it is expected that the Hearing Examiner will develop a recommended action on the proposed subdivision for City Council's consideration and action at a future closed record public hearing. Attached to and made a part of this report is the SEPA Threshold Determination for this subdivision proposal. This application has been processed as a Type IV application in accordance with ECC 15.210.040(B) with all legal notices and mailings completed as indicated in the attached exhibits.

Citizen and agency comments on this proposed preliminary plat were due no later than 5:00 pm Friday, June 30, 2023. Notice was further given that all persons interested could appear and be heard at the public hearing.

Background

This proposed preliminary plat is located on Kittitas County Assessor's Parcel ID#'s 14599, 14600, 14602, 851033. The proposed subdivision is located North of Dry Creek Rd, East of Reecer Creek Road, south of the Palouse to Cascade Trail, and adjacent to the original Foster Subdivision plat - (P21-039), in the City of Ellensburg, WA. A vicinity map and reduced scale preliminary drawing showing the location of the lots and other plat features are included as **Exhibits 1 & 2**.

The subject property is approximately 80.34 acres in size and is currently zoned Residential Suburban Density (R-S). Property zoned as Residential Suburban (R-S) allows for detached single-family dwellings as the predominate land use, with a base maximum density of 6 dwelling units/acre. The applicant's proposal would create 265 separate residential lots, which is well within the allowable maximum density. The project will be developed as residential lots ranging in size from approximately 4,002 square feet to 21,355 square feet. In addition to the single-family lots, there will be thirteen tracts used for stormwater and critical area preservation. The project site has several wetlands and wetland buffers, as well as 100-year floodplain on the northwestern portion of the proposed development, and Whiskey Creek runs north-south along the western project boundary.

The lots will have frontage onto public roadway which will need to be improved as part of this project. West Dry Creek Road, as well as all internal roads will be constructed by the applicant to meet the Land Development Code and Public Works Standards. Main access is proposed off W. Dry Creek Rd, with plans to connect to Helena Ave and cross the Palouse to Cascade Trail in one location at Buckaroo Ave with a roundabout located within the development.

The Public Works Department works with the Ellensburg School District at the time of civil construction review of the plat to ensure that the goals of their "Guide for Planning and improving School Walk and Bike Routes" are implemented on projects within one mile of schools.

This particular plat is located within the required 1 mile radius for the nearest elementary school, which includes both Mount Stuart Elementary, and Ida Nason Aronica Elementary. This means that the school district expects children in this area to walk to school; therefore, shoulder widening and frontage improvements will be required on the north side of Dry Creek Road from the project site to the original Foster Subdivision sidewalks currently being developed to connect to the existing sidewalks on 15th Avenue. This will be required in order to provide a safe pedestrian route, and for concurrence with the City's non-motorized transportation plan. The Land Development Code requires these sidewalks to be separated from the curb. Existing power poles may need to be relocated to accommodate these frontage improvements. The extension and construction of the street frontage improvements as discussed above, will begin to provide neighborhood connectivity, and to achieve goals and policies within the land use, housing, and transportation chapters of the Ellensburg Comprehensive Plan.

Specific to meeting open space and parks needs that will result from the new development, the applicant will be required to pay a park impact fee for each single-family lot or structure, which will in turn be used to enhance the City of Ellensburg Parks system.

Site Characteristics

North: The land to the north is vacant land with the Urban Growth Area which lies along the City Limit Boundary

South: The land to the south is residential land with existing residences on large lots.

East: Land to the east is the location of the original Foster Plat Subdivision currently under construction.

West: The land to the west is residential land with a few existing residences on large lots

SEPA Review

A SEPA checklist was submitted as a requirement of the preliminary plat process, and a SEPA Mitigated Determination of Non-Significance (MDNS) was issued on March 28, 2024 (**Exhibit 15**). No appeals were filed.

Preliminary Plat Review

During the concurrent Subdivision and associated SEPA environmental review, public notice and distribution of the full preliminary plat application was undertaken. As a result of that effort, revised project application materials were submitted and departmental comments for the application have been received from the following: the Ellensburg Fire Department, Ellensburg Public Works Department; and the Ellensburg Utility Services Gas and Light Departments (**Exhibits 3-6**).

Those comments received mirrored their previous SEPA environmental points regarding final design and construction of required facilities and referred to the previous comments submitted for SEPA and/or the Pre-Application Reviews.

Several Public Comments were received during the multiple combined SEPA/Subdivision comment periods. The comments focus mainly on concerns with irrigation, storm water and traffic. See **Exhibits 7-14**.

Analysis and Findings

The requirements pertaining to preliminary plat approval are found within ECC Sections 15.260.060 through 15.260.090. Specifically, the decision criteria are found in ECC 15.260.060(F), which states the following:

(F) Decision Criteria. The city may approve, approve with conditions, or deny a preliminary subdivision application based on conformance with the following decision criteria:

1. The preliminary subdivision conforms to all applicable zoning standards of the city as set forth in the LDC, including the form and intensity standards in Chapter 15.320 ECC, the streetscape design standards in Chapter 15.410 ECC, the subdivision design standards in Chapter 15.420 ECC, the project design standards in Division V, and the public works development standards;
2. All lots within the preliminary subdivision are provided with satisfactory access established consistent with the requirements of the public works development standards, ECC Title 4, public works construction, the streetscape design standards and subdivision design and block standards in Division IV, and the project design standards in Division V;

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

The public agency comments relate to normal plat design and construction requirements that are routinely part of the final plat design and approval process. It is the full intention of the City to enforce and follow those final plat requirements.

Prior to final plat approval, the applicant will need to add signature blocks on the face of the final plat for the following: City Engineer, Community Development Director, Public Works & Utilities Director, Cascade Irrigation District, County Treasurer, County Auditor; & the Mayor of Ellensburg.

Construction of the subdivision and single-family units will be required to comply with all applicable standards outlined in the Ellensburg City Code design standards and guidelines.

Recommendation

Staff proposes the Hearing Examiner recommend approval of the Foster North Subdivision preliminary plat application to City Council subject to the following conditions:

- a) The applicant will meet the requirements of the Public Works Department discussed in its memorandums dated August 15, 2022 and June 27, 2023 including the widening and installation of curb gutter and sidewalks on the north side of Dry Creek Road from the project site to the original Foster Plat sidewalks to the west which are in the development stage for connection to the existing sidewalks on 15th Avenue.
- b) The applicant will meet the requirements of the Energy Services - Light Department discussed in its memorandum dated November 4, 2021.

- c) The applicant will meet the requirements of the Energy Services – Gas Department discussed in its memorandum dated October 29, 2021.
- d) The applicant will meet the requirements of the Fire Department for hydrants and access as per Fire Marshal's memorandums dated June 13, 2022 and August 11, 2022.
- e) The applicant will meet the requirements of the SEPA Official's issuance of Mitigated Determination of Non-Significance (MDNS) (File # P22-057) dated March 28, 2024.
- f) The applicant may be required to obtain an NPDES Construction Storm Water General Permit from the Washington State Department of Ecology, as well as all other permits (site grading permit, SWPPP, etc.) that may be required as a result of plat development. Subdivision and land development activities shall follow the requirements of the Ellensburg City Code, including the Design Standards.
- g) Prior to commencing any ground disturbing activities on the subject property, the owner shall secure State Parks' formal approval for the location and design of the Project access across the Palouse to Cascade Trail, as generally depicted on page 1 of the "Foster 2 Subdivision" Preliminary Plat (referred to here as the "Crossing"). This preliminary plat condition shall be deemed satisfied once the owner transmits final signed and/or recorded documentation demonstrating its rights to improve and use the Crossing in connection with the Project, as well as securing all required road access and utility easements on behalf of the City. In the event that State Parks does not approve the Crossing, then the owner shall be required to apply for and receive approval of a plat alteration per Ellensburg City Code Section 15.260.110(C) as a condition of final plat approval.
- h) The City will support, if applicant applies for, a deferral of curb, gutter, sidewalk, storm drainage, illumination, and other related street improvements for that portion of the property as described hereinabove fronting on Old Reecer Creek Rd. as indicated on the "Foster 2 Subdivision" preliminary plat map, to such time as the road is formally vacated, a general street improvement project on Old Reecer Creek Rd. takes place or is ordered by the City Council. Deferral applications are made through the Public Works and Utilities Department.
- i) Prior to commencing any ground disturbing activities on the subject property, the owner shall obtain any and all necessary approvals and permissions from the Bonneville Power Administration (BPA) to utilize property within the BPA easement to develop the proposed roadway and associated infrastructure as generally depicted on the "Foster 2 Subdivision" Preliminary Plat. In the event that BPA refuses to issue any needed approval for the proposed improvements, then the owner shall be required to apply for and receive approval of a plat alteration per Ellensburg City Code Section 15.260.110(C) as a condition of final plat approval.

- j) All requirements of utility providers, City departments, and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents.

Exhibits:

1. Vicinity Location Map
2. Preliminary Plat of Foster North Subdivision Plat
3. November 4, 2021 memo from City of Ellensburg Energy Services Light Department
4. October 29, 2021 memo from City of Ellensburg Energy Services Gas Department
5. August 15, 2022 & June 27, 2023 memos from City of Ellensburg Public Works Department
6. June 13, 2022 and August 11, 2022 memos from City of Ellensburg Fire Marshall
7. June 29, 2023 Jim Ellinger Comment Letter
8. June 29, 2023 Kathy Williams Comment Letter
9. June 29, 2023 Jim Denison Comment Letter
10. August 9, 2022 & June 30, 2023 Jonathan & Nancy Suttles Comment Letters
11. August 9, 2022 & June 26, 2023 Nick Majsterek Comment Letters
12. August 1, 2022 and June 27, 2023 Paul McBride & Gabrielle Stryker Comment Letters
13. June 29, 2023 Roxy Desoer Comment Letter
14. June 29, 2023 Dakota Hamlin Comment Letter
15. March 28, 2024 SEPA MDNS Determination
16. Legal Notice of Public Hearing
17. Area of Notification Map with 300-Foot Buffer Notification List
18. Affidavit of posting

Jeremy Johnston

From: Jeremy Johnston
Sent: Monday, July 22, 2024 4:49 PM
To: Andy Kottkamp
Cc: Shannon Johnson
Subject: RE: [Ext] Comments for Today's Public Hearing on Foster North Long Plat Application
Attachments: P22-057 CULTURAL RESOURCE SURVEY.pdf; P22-057 TRIP GENERATION & DISTRIBUTION LETTER.pdf; Palouse to Cascades Crossing CRS Report.pdf; FW: Notice of Revised SEPA Checklist: Foster North (P22-057)

Hi Andy,

I have attached the original CRS and the subsequent report that dealt specifically with the Palouse to Cascade easement area. I have also included the SEPA notification of application email sent by our department to DAHP and several members of the Yakima Tribe in June of 2023. After speaking with the planner that processed the SEPA at that time, she did not receive any comments from DAHP or the Yakima Tribe. I suspect this is because the applicant had already provided a CRS report to DAHP (DAHP Project number 2022-05-03390) prior to the comment period. I have also attached the TIA as requested. Let me know if I missed anything.

Jeremy Johnston
Planning Manager, City of Ellensburg
509-962-7232
johnstonj@ci.ellensburg.wa.us

Paul McBride & Gabrielle Stryker
1407 W. Dry Creek Road
Ellensburg, WA 98926

July 22, 2024

City of Ellensburg Hearing Examiner

Via Email to Shannon Johnson, Senior Planner, City of Ellensburg Community Development Department (johnsons@ellensburgwa.gov)

Re: Open Record Public Hearing for Case #P22-059 Foster North Preliminary Plat

Dear Hearing Examiner:

We, Paul McBride and Gabrielle Stryker, own the property located at 1407 W. Dry Creek Road. As you can see from the map below, our property is surrounded on three sides by the proposed Foster North development. We write to provide comments on Whipple Consulting Engineer's Application P23-059 for a preliminary long plat.



We oppose the plat application unless all conditions stated by City of Ellensburg in its Mitigated Determination of Non-Significance (MDNS) dated March 28, 2024, are adopted as conditions of plat approval, in particular:

a) No rock crushing on-site, and

b) “Applicant shall ensure continued irrigation access of surrounding residences is not altered or impaired during the construction process.” (Emphasis added)

In its revised SEPA Checklist Responses for Foster North dated June 2, 2023, Whipple stated, in Section 3, “Water,” at Page 5: “A number of smaller irrigation ditches carry water through the site from the north to agricultural properties to the south, these will be piped.”

One of the “smaller irrigation ditches” Whipple refers to is the ditch that runs from the Ellensburg Water Co. Canal (Town Ditch) to Dry Creek Road and provides irrigation water to our property. The Applicant’s subcontractors buried and smashed the concrete ditch during the initial grading of the Foster subdivision in 2021. They were subsequently forced by the City (after multiple complaints from us to them directly and to the City) to clear the 20 foot high pile of debris out of the irrigation ditch, but they have never fixed the concrete sections they destroyed. In our response to the SEPA Checklist responses we emphatically stated our opposition to having our open concrete irrigation ditch removed and replaced with piped water. We believe the City agreed with us when they stated, in the MDNS, that Whipple may not alter the irrigation access of surrounding residences during the construction process. Obviously, removing the open concrete ditch and replacing it with piped water would be an “alteration.”

In brief, we request that if the long plat application is approved, it be with the specific condition that no alteration to the existing irrigation ditches may be made without the written approval of the adjacent landowners who hold easement rights to those ditches.

Finally, we request that approval of the application be conditioned on the Applicant’s remediation of the extreme fire hazard that has grown up after cattle were removed from Foster North property. Immediately adjacent to our property weeds have grown over 6’ high and the trees on the property line are old and have grown down into the weeds (see photos). These same trees shade multiple buildings on our property. We had a tree trimmer evaluate the situation and were told he can only cut the branches on our side, not those on the adjacent side (Foster North). He also told us he is afraid a fire would start in the overgrown dry weeds if he took his equipment back there to clear the area.

We requested that the weeds be controlled years ago and have twice contacted the City. We know the City is aware of the problem, but nothing is ever done. Can either the City or the landowner be required to clear the weeds immediately and keep the weeds under control? This overgrowth is a nuisance and a fire hazard. If the landowner cannot be bothered to obey City Code requirements regarding noxious weeds and fire hazards, how can it be trusted to responsibly develop a 296-lot subdivision?

Thank you for allowing us to express our concerns.

Very truly yours,

/s/ Paul T. McBride /s/ Gabrielle Stryker

Paul McBride & Gabrielle Stryker

mcbridepault@gmail.com

gabe_stryker@yahoo.com



Six foot cedar fence, weeds are above fence



Property line is in the middle of the tree



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

STAFF REPORT

DATE: July 22, 2024
 TO: Andrew Kottkamp, Hearing Examiner
 THRU: Jeremy Johnston, Planning Manager, Community Development
 FROM: Shannon Johnson, Senior Planner, Community Development
 RE: P22-059 Foster North Subdivision Preliminary Plat Public Hearing

Summary Statement: The purpose of this open record public hearing is to consider the proposed preliminary plat subdivision and any public or agency comments received by the City regarding the proposed Foster North Subdivision. This hearing is being held pursuant to the requirement of Chapter 15.260, Subdivision Procedures, of the Ellensburg City Code (ECC). At the conclusion of this public hearing, it is expected that the Hearing Examiner will develop a recommended action on the proposed subdivision for City Council's consideration and action at a future closed record public hearing. Attached to and made a part of this report is the SEPA Threshold Determination for this subdivision proposal. This application has been processed as a Type IV application in accordance with ECC 15.210.040(B) with all legal notices and mailings completed as indicated in the attached exhibits.

Citizen and agency comments on this proposed preliminary plat were due no later than 5:00 pm Friday, June 30, 2023. Notice was further given that all persons interested could appear and be heard at the public hearing.

Background

This proposed preliminary plat is located on Kittitas County Assessor's Parcel ID#'s 14599, 14600, 14602, 851033. The proposed subdivision is located North of Dry Creek Rd, East of Reecer Creek Road, south of the Palouse to Cascade Trail, and adjacent to the original Foster Subdivision plat - (P21-039), in the City of Ellensburg, WA. A vicinity map and reduced scale preliminary drawing showing the location of the lots and other plat features are included as **Exhibits 1 & 2**.

The subject property is approximately 80.34 acres in size and is currently zoned Residential Suburban Density (R-S). Property zoned as Residential Suburban (R-S) allows for detached single-family dwellings as the predominate land use, with a base maximum density of 6 dwelling units/acre. The applicant's proposal would create 265 separate residential lots, which is well within the allowable maximum density. The project will be developed as residential lots ranging in size from approximately 4,002 square feet to 21,355 square feet. In addition to the single-family lots, there will be thirteen tracts used for stormwater and critical area preservation. The project site has several wetlands and wetland buffers, as well as 100-year floodplain on the northwestern portion of the proposed development, and Whiskey Creek runs north-south along the western project boundary.

The lots will have frontage onto public roadway which will need to be improved as part of this project. West Dry Creek Road, as well as all internal roads will be constructed by the applicant to meet the Land Development Code and Public Works Standards. Main access is proposed off W. Dry Creek Rd, with plans to connect to Helena Ave and cross the Palouse to Cascade Trail in one location at Buckaroo Ave with a roundabout located within the development.

The Public Works Department works with the Ellensburg School District at the time of civil construction review of the plat to ensure that the goals of their "Guide for Planning and Improving School Walk and Bike Routes" are implemented on projects within one mile of schools.

This particular plat is located within the required 1 mile radius for the nearest elementary school, which includes both Mount Stuart Elementary, and Ida Nason Aronica Elementary. This means that the school district expects children in this area to walk to school; therefore, shoulder widening and frontage improvements will be required on the north side of Dry Creek Road from the project site to the original Foster Subdivision sidewalks currently being developed to connect to the existing sidewalks on 15th Avenue. This will be required in order to provide a safe pedestrian route, and for concurrence with the City's non-motorized transportation plan. The Land Development Code requires these sidewalks to be separated from the curb. Existing power poles may need to be relocated to accommodate these frontage improvements. The extension and construction of the street frontage improvements as discussed above, will begin to provide neighborhood connectivity, and to achieve goals and policies within the land use, housing, and transportation chapters of the Ellensburg Comprehensive Plan.

Specific to meeting open space and parks needs that will result from the new development, the applicant will be required to pay a park impact fee for each single-family lot or structure, which will in turn be used to enhance the City of Ellensburg Parks system.

Site Characteristics

North: The land to the north is vacant land with the Urban Growth Area which lies along the City Limit Boundary

South: The land to the south is residential land with existing residences on large lots.

East: Land to the east is the location of the original Foster Plat Subdivision currently under construction.

West: The land to the west is residential land with a few existing residences on large lots

SEPA Review

A SEPA checklist was submitted as a requirement of the preliminary plat process, and a SEPA Mitigated Determination of Non-Significance (MDNS) was issued on March 28, 2024 (**Exhibit 15**). No appeals were filed.

Preliminary Plat Review

During the concurrent Subdivision and associated SEPA environmental review, public notice and distribution of the full preliminary plat application was undertaken. As a result of that effort, revised project application materials were submitted and departmental comments for the application have been received from the following: the Ellensburg Fire Department, Ellensburg Public Works Department; and the Ellensburg Utility Services Gas and Light Departments (**Exhibits 3-6**).

Those comments received mirrored their previous SEPA environmental points regarding final design and construction of required facilities and referred to the previous comments submitted for SEPA and/or the Pre-Application Reviews.

Several Public Comments were received during the multiple combined SEPA/Subdivision comment periods. The comments focus mainly on concerns with irrigation, storm water and traffic. See **Exhibits 7-14**.

Analysis and Findings

The requirements pertaining to preliminary plat approval are found within ECC Sections 15.260.060 through 15.260.090. Specifically, the decision criteria are found in ECC 15.260.060(F), which states the following:

(F) Decision Criteria. The city may approve, approve with conditions, or deny a preliminary subdivision application based on conformance with the following decision criteria:

1. The preliminary subdivision conforms to all applicable zoning standards of the city as set forth in the LDC, including the form and intensity standards in Chapter 15.320 ECC, the streetscape design standards in Chapter 15.410 ECC, the subdivision design standards in Chapter 15.420 ECC, the project design standards in Division V, and the public works development standards;
2. All lots within the preliminary subdivision are provided with satisfactory access established consistent with the requirements of the public works development standards, ECC Title 4, public works construction, the streetscape design standards and subdivision design and block standards in Division IV, and the project design standards in Division V;

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

The public agency comments relate to normal plat design and construction requirements that are routinely part of the final plat design and approval process. It is the full intention of the City to enforce and follow those final plat requirements.

Prior to final plat approval, the applicant will need to add signature blocks on the face of the final plat for the following: City Engineer, Community Development Director, Public Works & Utilities Director, Cascade Irrigation District, County Treasurer, County Auditor; & the Mayor of Ellensburg.

Construction of the subdivision and single-family units will be required to comply with all applicable standards outlined in the Ellensburg City Code design standards and guidelines.

Recommendation

Staff proposes the Hearing Examiner recommend approval of the Foster North Subdivision preliminary plat application to City Council subject to the following conditions:

- a) The applicant will meet the requirements of the Public Works Department discussed in its memorandums dated August 15, 2022 and June 27, 2023 including the widening and installation of curb gutter and sidewalks on the north side of Dry Creek Road from the project site to the original Foster Plat sidewalks to the west which are in the development stage for connection to the existing sidewalks on 15th Avenue.
- b) The applicant will meet the requirements of the Energy Services - Light Department discussed in its memorandum dated November 4, 2021.

- c) The applicant will meet the requirements of the Energy Services – Gas Department discussed in its memorandum dated October 29, 2021.
- d) The applicant will meet the requirements of the Fire Department for hydrants and access as per Fire Marshal's memorandums dated June 13, 2022 and August 11, 2022.
- e) The applicant will meet the requirements of the SEPA Official's issuance of Mitigated Determination of Non-Significance (MDNS) (File # P22-057) dated March 28, 2024.
- f) The applicant may be required to obtain an NPDES Construction Storm Water General Permit from the Washington State Department of Ecology, as well as all other permits (site grading permit, SWPPP, etc.) that may be required as a result of plat development. Subdivision and land development activities shall follow the requirements of the Ellensburg City Code, including the Design Standards.
- g) Prior to commencing any ground disturbing activities on the subject property, the owner shall secure State Parks' formal approval for the location and design of the Project access across the Palouse to Cascade Trail, as generally depicted on page 1 of the "Foster 2 Subdivision" Preliminary Plat (referred to here as the "Crossing"). This preliminary plat condition shall be deemed satisfied once the owner transmits final signed and/or recorded documentation demonstrating its rights to improve and use the Crossing in connection with the Project, as well as securing all required road access and utility easements on behalf of the City. In the event that State Parks does not approve the Crossing, then the owner shall be required to apply for and receive approval of a plat alteration per Ellensburg City Code Section 15.260.110(C) as a condition of final plat approval.
- h) The City will support, if applicant applies for, a deferral of curb, gutter, sidewalk, storm drainage, illumination, and other related street improvements for that portion of the property as described hereinabove fronting on Old Reecer Creek Rd. as indicated on the "Foster 2 Subdivision" preliminary plat map, to such time as the road is formally vacated, a general street improvement project on Old Reecer Creek Rd. takes place or is ordered by the City Council. Deferral applications are made through the Public Works and Utilities Department.
- i) Prior to commencing any ground disturbing activities on the subject property, the owner shall obtain any and all necessary approvals and permissions from the Bonneville Power Administration (BPA) to utilize property within the BPA easement to develop the proposed roadway and associated infrastructure as generally depicted on the "Foster 2 Subdivision" Preliminary Plat. In the event that BPA refuses to issue any needed approval for the proposed improvements, then the owner shall be required to apply for and receive approval of a plat alteration per Ellensburg City Code Section 15.260.110(C) as a condition of final plat approval.

- j) All requirements of utility providers, City departments, and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents.

Exhibits:

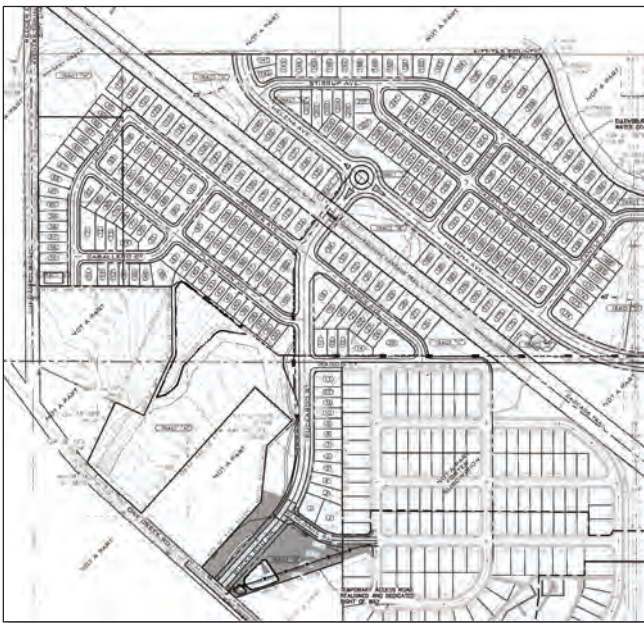
1. Vicinity Location Map
2. Preliminary Plat of Foster North Subdivision Plat
3. November 4, 2021 memo from City of Ellensburg Energy Services Light Department
4. October 29, 2021 memo from City of Ellensburg Energy Services Gas Department
5. August 15, 2022 & June 27, 2023 memos from City of Ellensburg Public Works Department
6. June 13, 2022 and August 11, 2022 memos from City of Ellensburg Fire Marshall
7. June 29, 2023 Jim Ellinger Comment Letter
8. June 29, 2023 Kathy Williams Comment Letter
9. June 29, 2023 Jim Denison Comment Letter
10. August 9, 2022 & June 30, 2023 Jonathan & Nancy Suttles Comment Letters
11. August 9, 2022 & June 26, 2023 Nick Majsterek Comment Letters
12. August 1, 2022 and June 27, 2023 Paul McBride & Gabrielle Stryker Comment Letters
13. June 29, 2023 Roxy Desoer Comment Letter
14. June 29, 2023 Dakota Hamlin Comment Letter
15. March 28, 2024 SEPA MDNS Determination
16. Legal Notice of Public Hearing
17. Area of Notification Map with 300-Foot Buffer Notification List
18. Affidavit of posting

Public Hearing

Foster North Subdivision Preliminary Plat
July 22nd, 2024

21-3057

Project Overview



Project Area: 80.34 Acres +/-

Number of Lots: 265

Proposed Density: 3.29 Units/Acre (gross)

Allowed Density: 6 Units/Acre

Meets Comprehensive Plan goals for
development in the UGA

Presentation Outline

- A. Project Overview
- B. Preliminary Plat
- C. Special Studies
- D. Trail
- E. Request for Approval

Project Overview

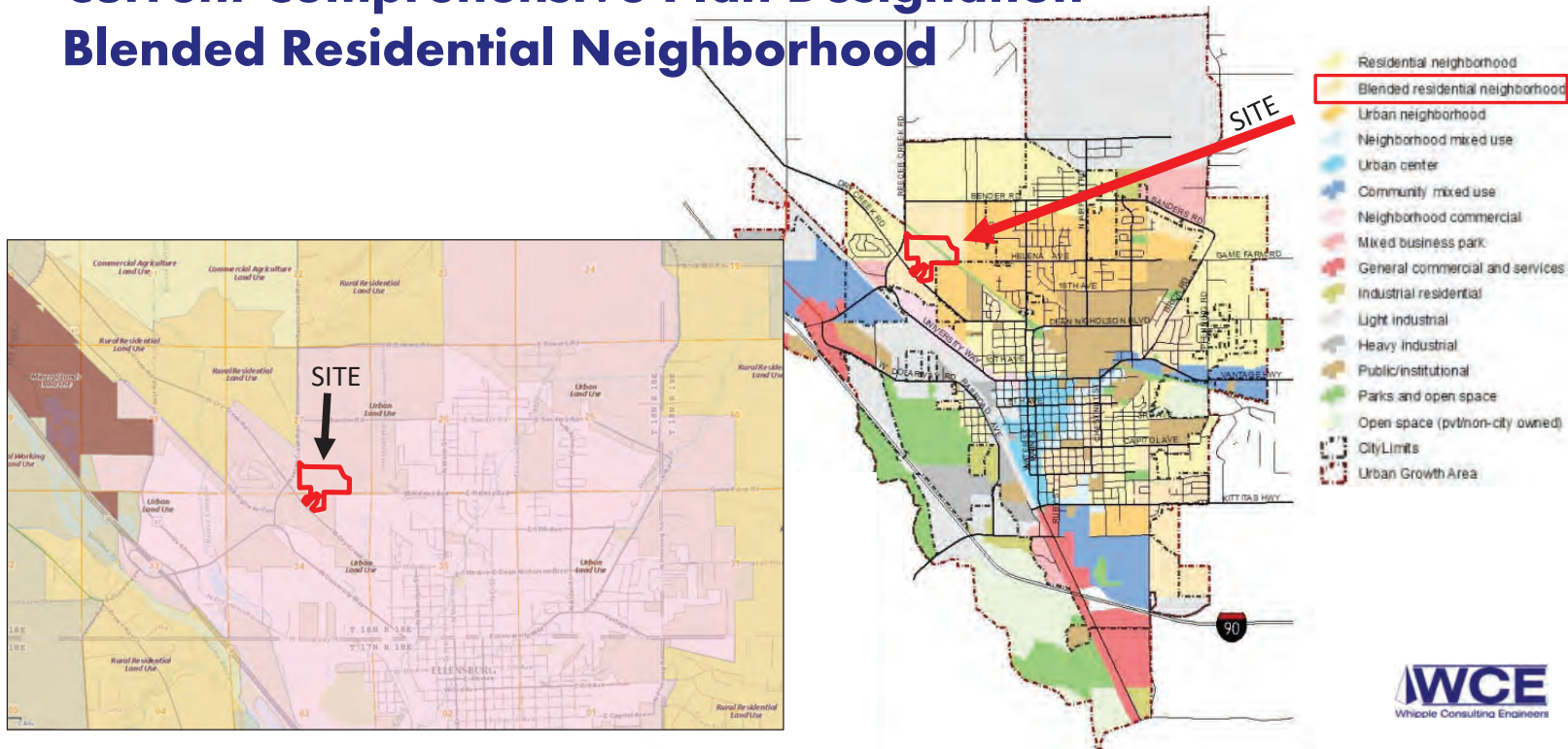
Site Vicinity



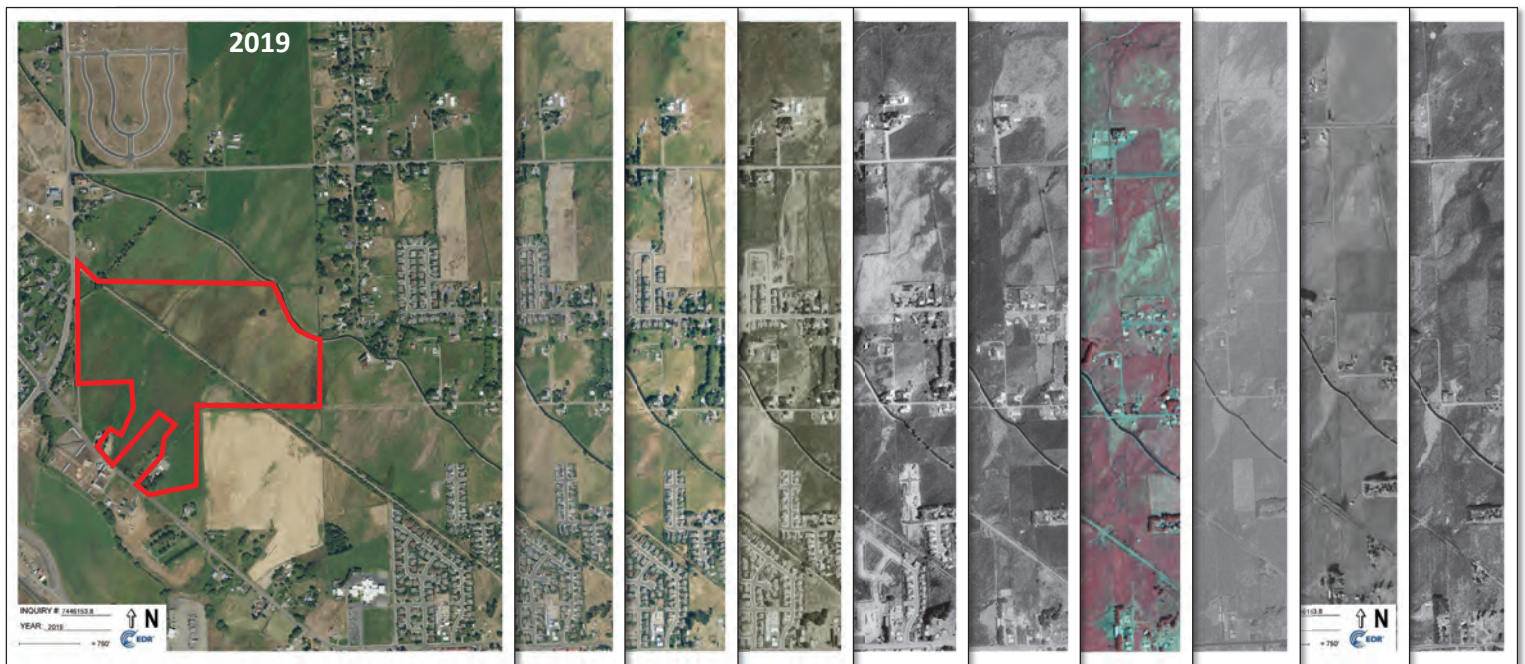
Current Zoning- Residential Suburban



Current Comprehensive Plan Designation- Blended Residential Neighborhood



Historical Aerials

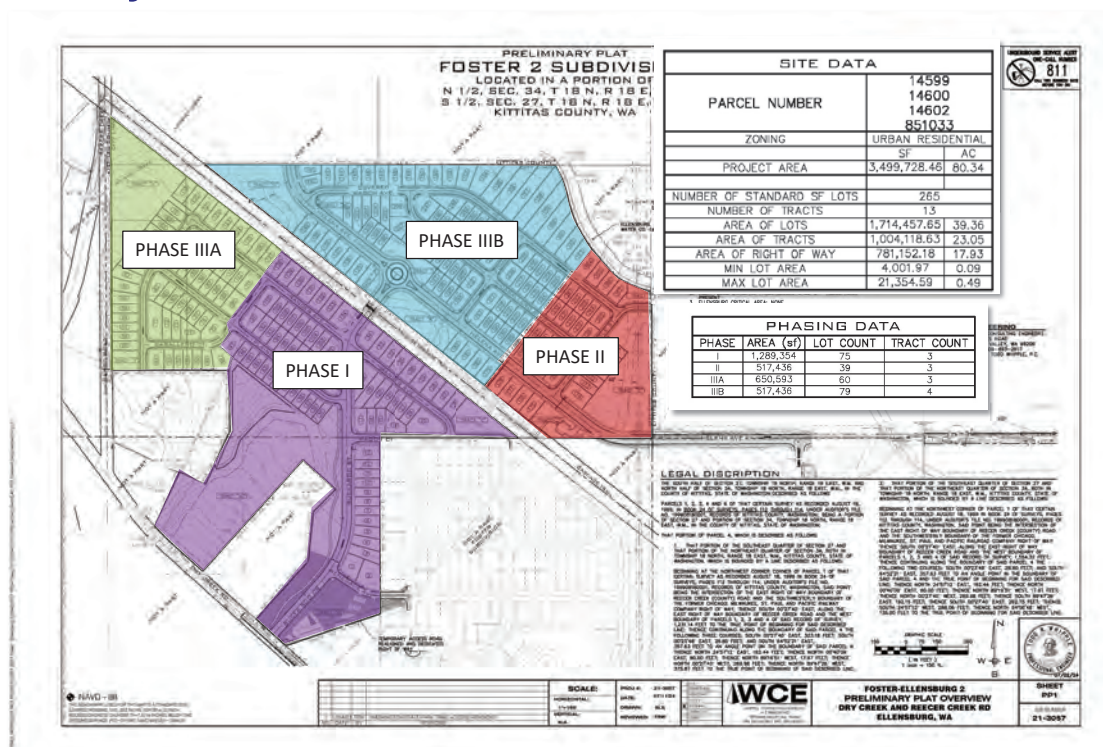


Site Data

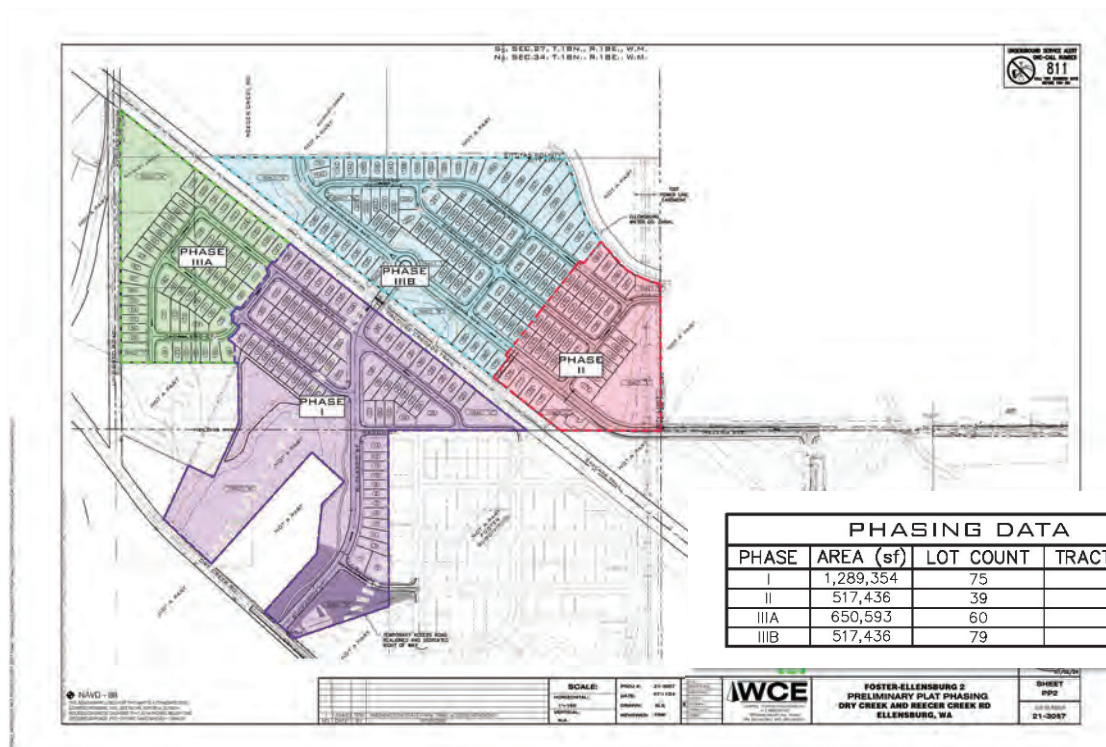
Parcel #'s	14599, 14600, 14602, 851033
Site Area	80.34 Acres +/-
Proposed # of Units	265
Allowed Density (Residential Suburban)	6 Units/Acre
Proposed Density	3.29 Units/Acre (Gross)
Wetland Area	6.59 Acres +/-
Minimum Lot Size	4,001.97 SF
Maximum Lot Size	21,354.59 SF

Preliminary Plat

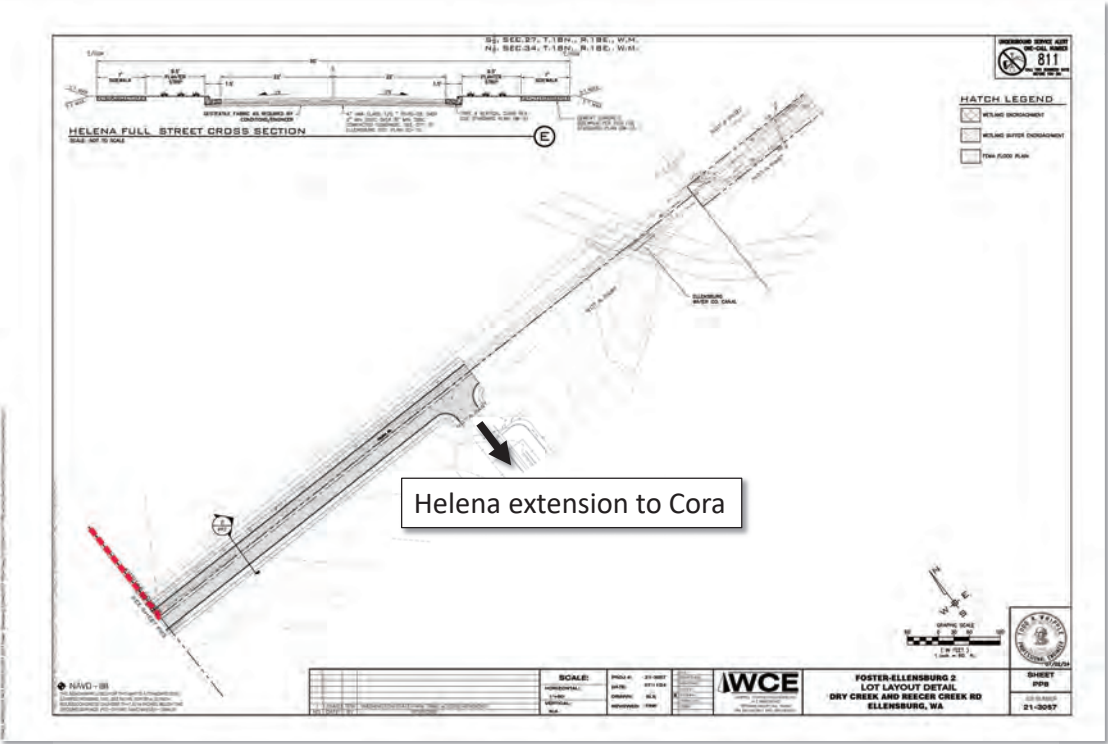
Preliminary Plat



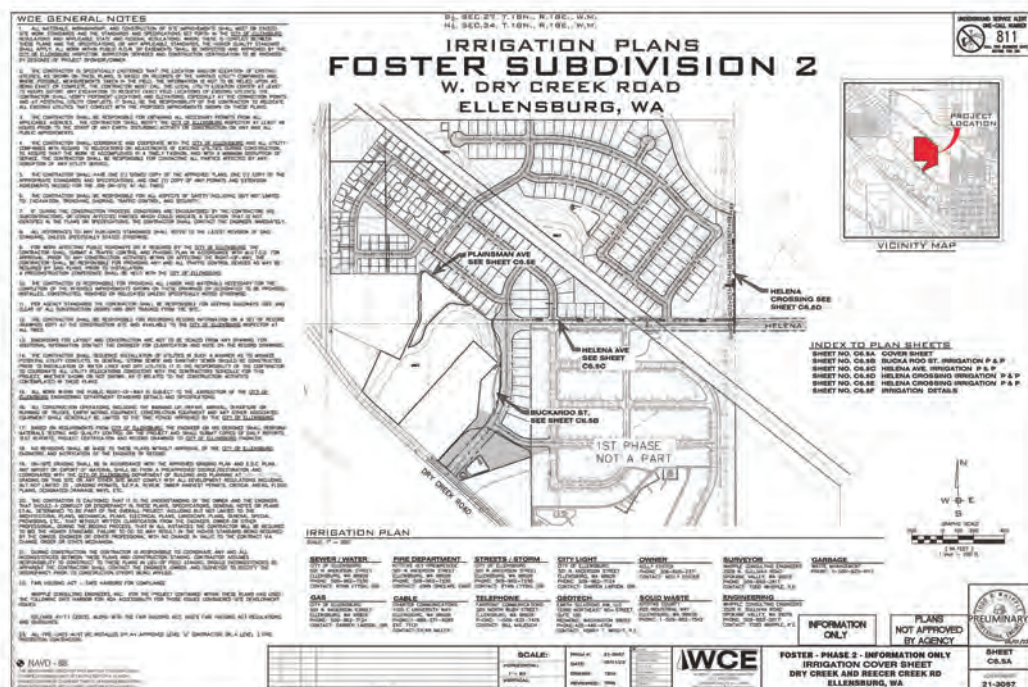
Preliminary Plat- PP2



Preliminary Plat- PP8



Irrigation Plans



Special Studies

Cultural Resource Survey- 2022

Cultural Resource Survey for the
Foster 2 Subdivision Project,
Kittitas County,
Washington

By:
Sophia Bush, Justin Fitzpatrick,
and David A. Harder

PLATEAU 
ARCHAEOLOGICAL INVESTIGATIONS, LLC
P.O. Box 716, Pullman, Washington 99163
(509) 332-3830 voice fax

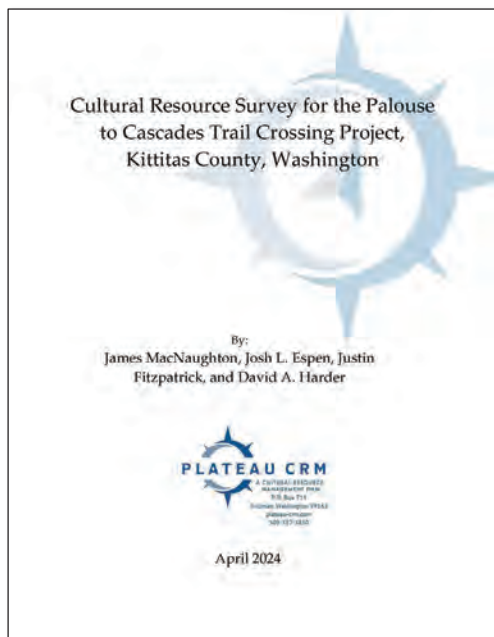
May 2022

The fieldwork was completed in a manner consistent with RCW 27.53.030, and included inspection techniques to identify both surface and subsurface archaeological resources. Plateau archaeologists conducted a pedestrian survey and excavated 74 subsurface probes. The pedestrian survey covered the entire APE and subsurface probes were systematically placed. No cultural resources were identified during the survey. Plateau recommends that the proposed undertaking will result in **No Historic Properties Affected**, and no further archaeological investigations are recommended prior to, or during, execution of this project.

Cultural Resource Survey- 2022



Cultural Resource Survey- 2024



The fieldwork was completed in a manner consistent with RCW 27.53.030 and included inspection techniques to identify both surface and subsurface archaeological resources. Plateau Archaeological Investigations, LLC (dba Plateau CRM) archaeologists conducted pedestrian surveys and excavated twelve subsurface probes. The pedestrian surveys covered the entirety of all areas of potential impact and subsurface probes were placed near the corners of all crossings. A Plateau CRM architectural historian evaluated the Foster 2 Subdivision (733166) at the trail crossing locations and recommended the resource is Not Eligible for inclusion on the NRHP. Plateau CRM recommends that the proposed undertaking will result in **No Historic Properties Affected**, and no further archaeological investigations are recommended prior to, or during, execution of this project.

Cultural Resource Survey- 2024



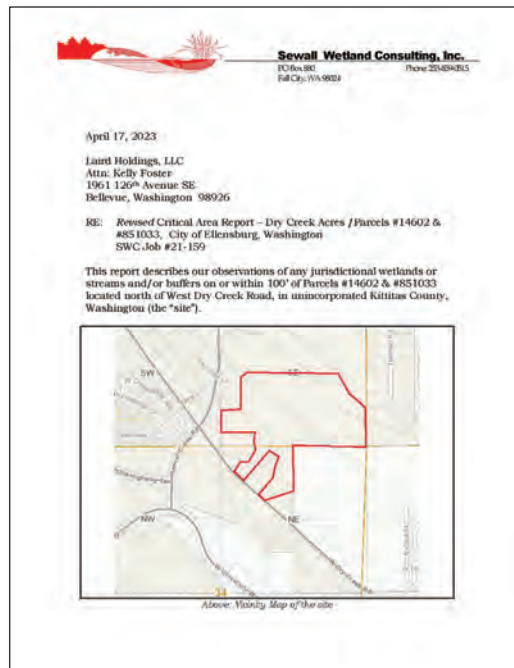
Figure 5. The Project Areas and field investigation inventoried on an aerial photograph.

Feltz Creek - 2024

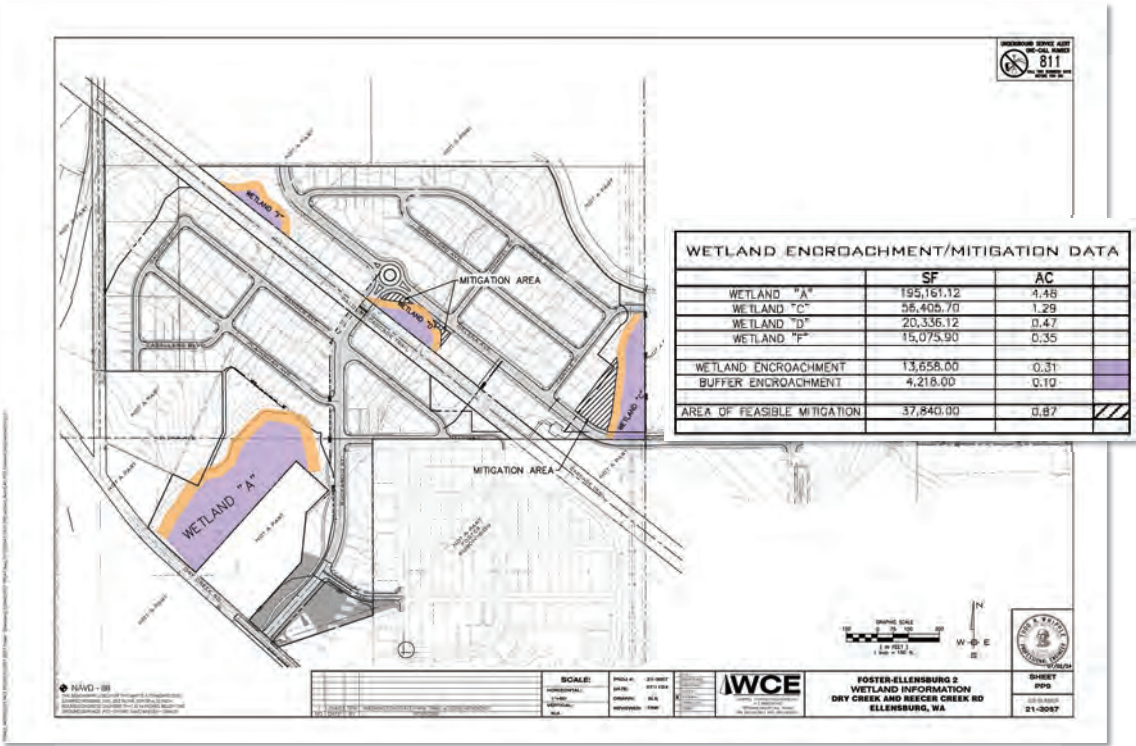
31

Wetlands

Critical Areas Report



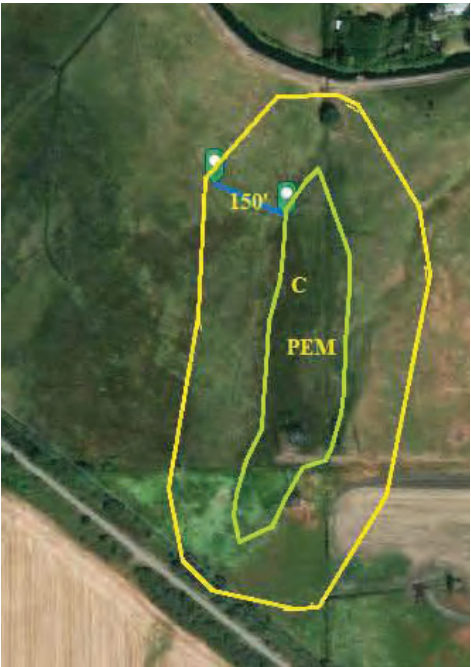
Preliminary Plat- PP9 Wetland Exhibit



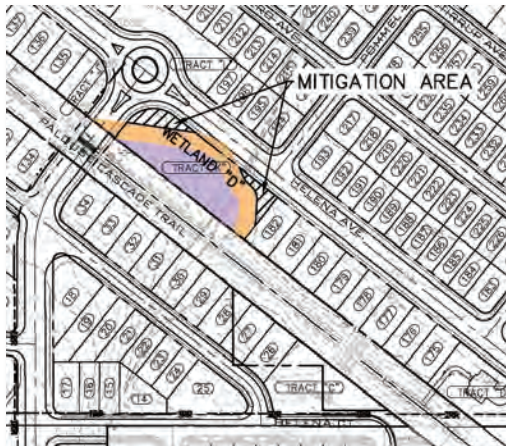
Wetland A



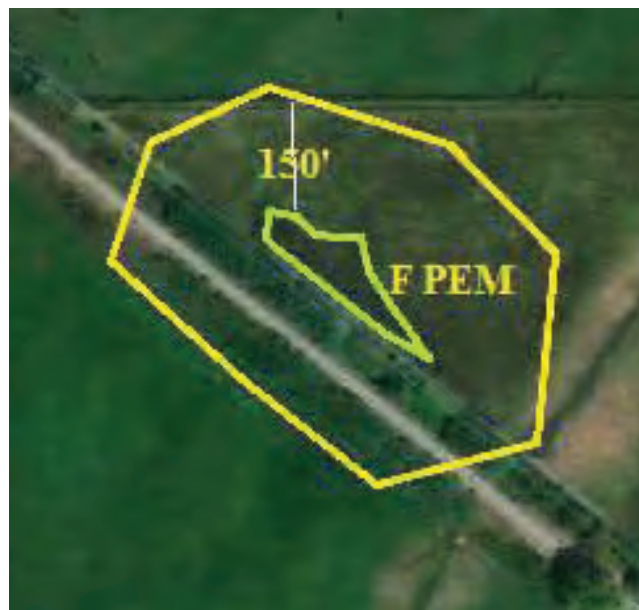
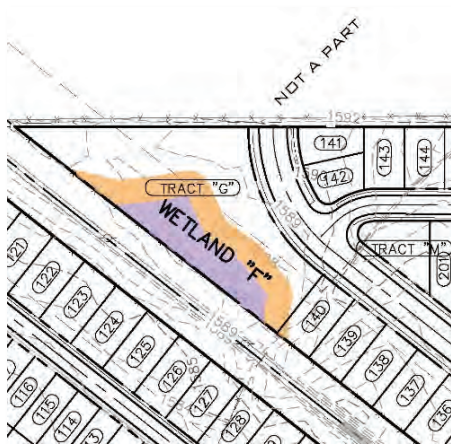
Wetland C



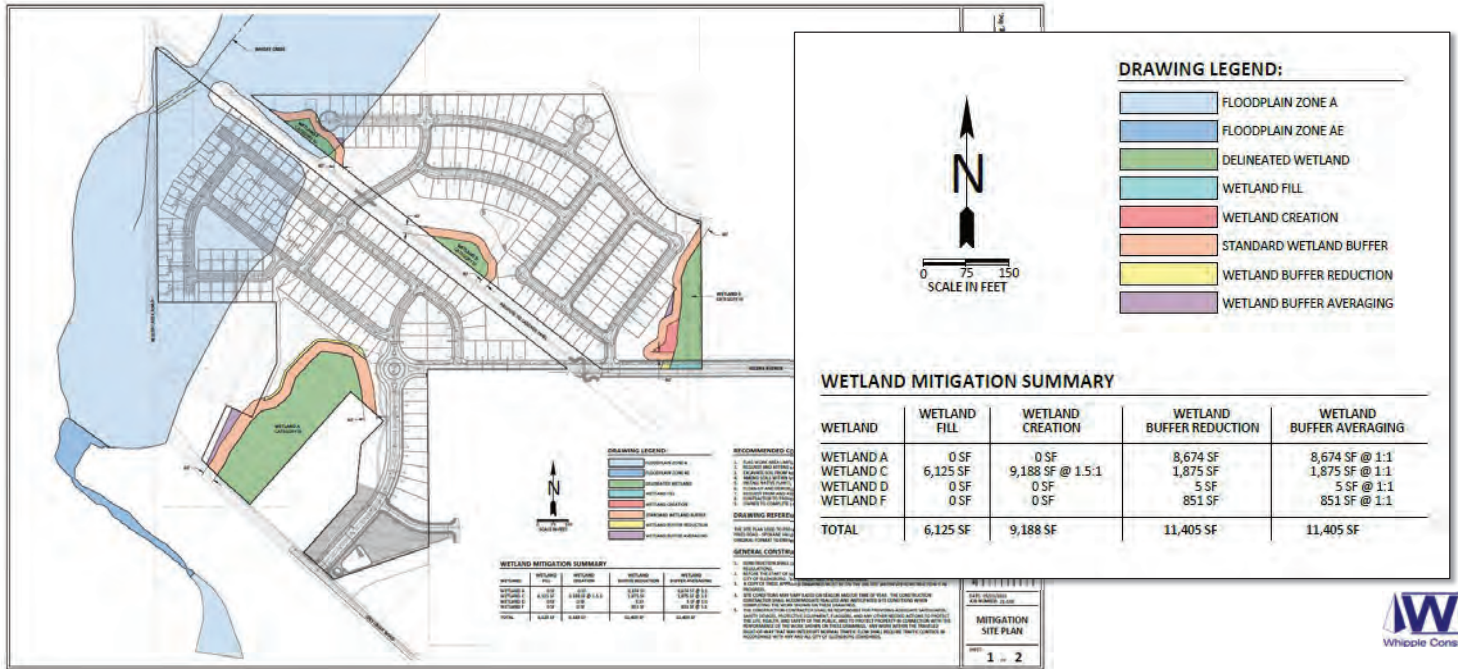
Wetland D



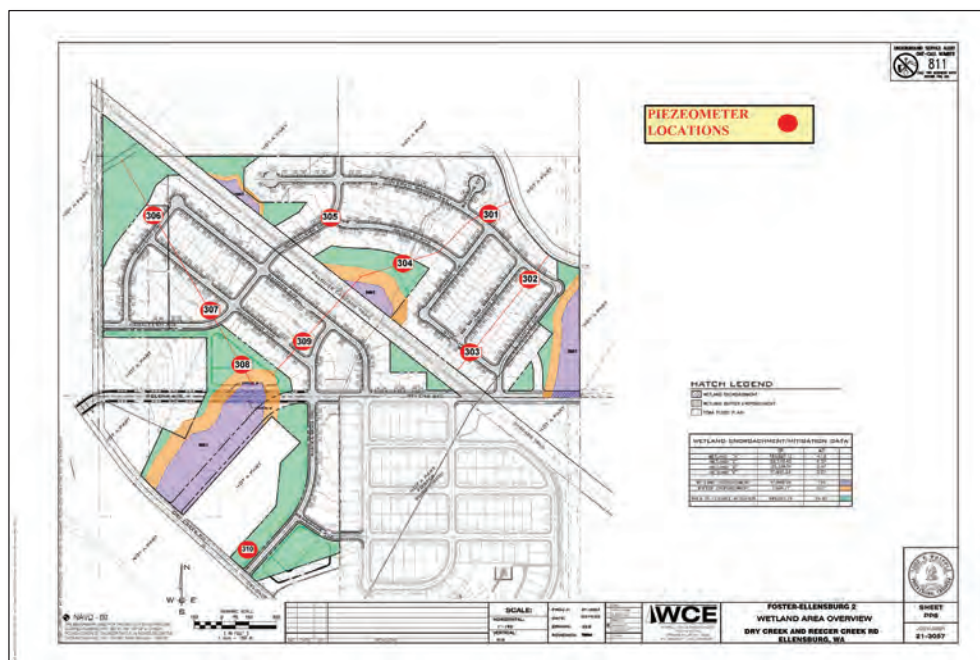
Wetland F



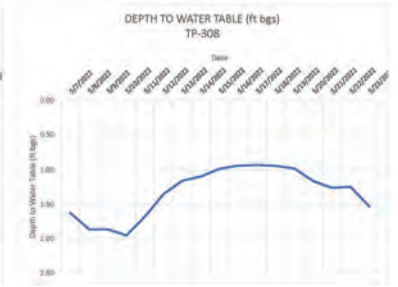
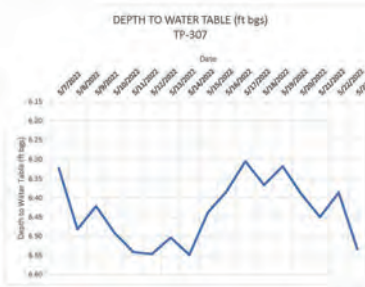
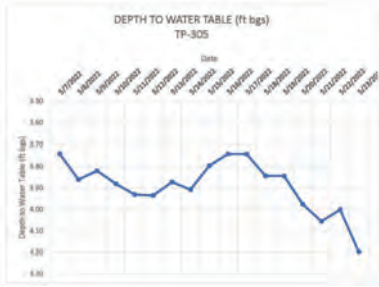
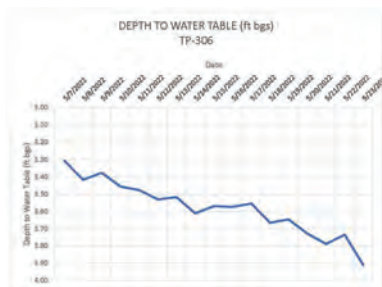
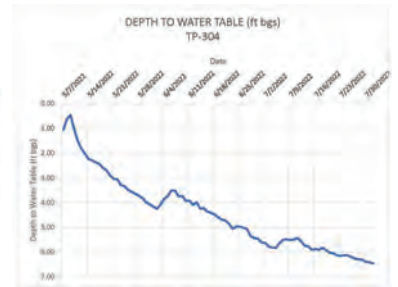
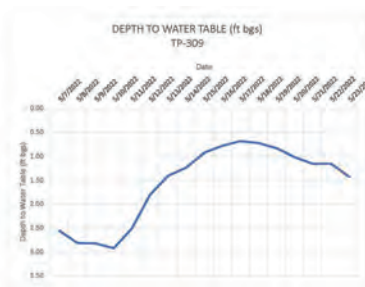
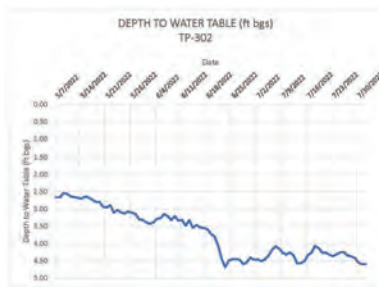
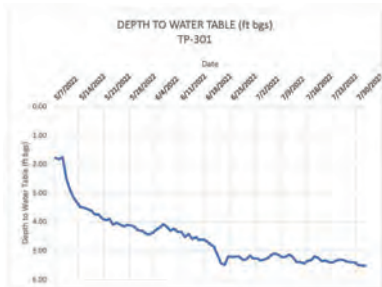
Wetland Mitigation Plan



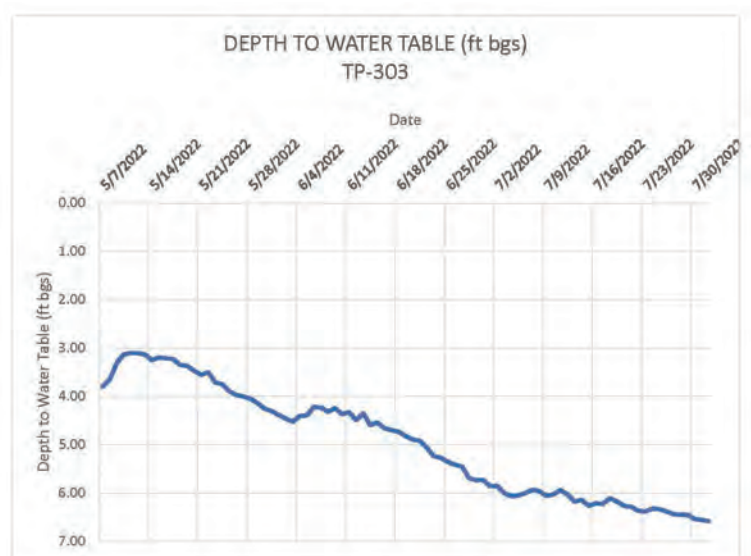
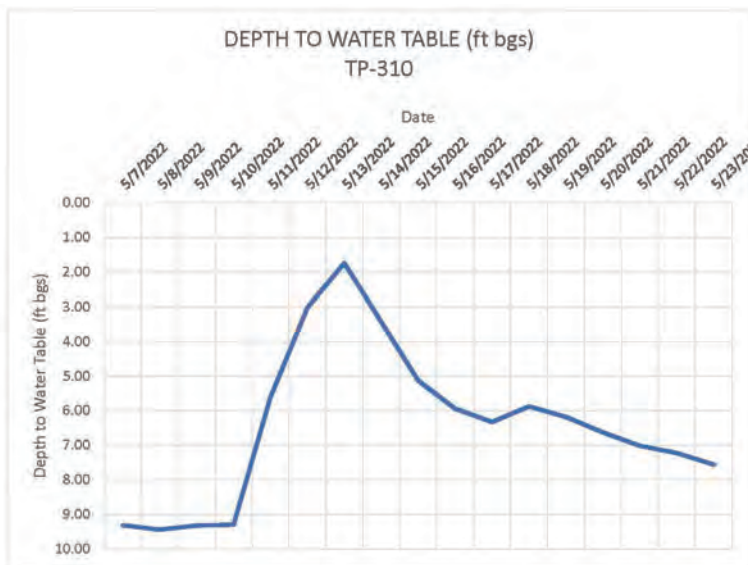
Piezeometer Locations



Water Surface Elevations



Water Surface Elevations



Traffic

Trip Generation and Distribution

Trip Generation Submitted in TIA:

Table 5 - Trip Generation Rates for LUC 210 Single-Family Detached Housing

Table 6-7: Trip Generation Data for 200-HU Single-Family Detached Housing						
Dwelling Units	AM Peak Hour Trips			PM Peak Hour Trips		
	Fitted Curve Equation	Directional Distribution		Fitted Curve Equation	Directional Distribution	
		26% In	74% Out		63% In	37% Out
296	200	52	148	276	174	102
Average Daily Trip Ends (ADT)				Fitted Curve Equation		
Dwelling Units	Fitted Curve Equation	ADT		AM - $\ln(T) = 0.91 \ln(x) + 0.12$ PM - $\ln(T) = 0.94 \ln(x) + 0.27$ ADT - $\ln(T) = 0.92 \ln(x) + 2.68$ T = Trips/units, x = Dwelling Units		
296	-	2,739				

Trip Generation Updated to reflect current lot count:

Updated Table 5 - Trip Generation Rates for LUC 210 Single-Family Detached Housing

Dwelling Units	AM Peak Hour Trips			PM Peak Hour Trips		
	Fitted Curve Equation	Directional Distribution		Fitted Curve Equation	Directional Distribution	
		26% In	74% Out		63% In	37% Out
265	181	47	134	249	157	92
Average Daily Trip Ends (ADT)				Fitted Curve Equation		
Dwelling Units	Fitted Curve Equation	ADT		AM - $\ln(T) = 0.91 \ln(x) + 0.12$ PM - $\ln(T) = 0.94 \ln(x) + 0.27$ ADT - $\ln(T) = 0.92 \ln(x) + 2.68$ T = Trips/units, x = Dwelling Units		
265	-	2,473				

Note: AM & PM peak hour trips represent only those trips that occur over a one-hour (60 minute) period in the AM or PM. ADT represents total in/hour trips over a 24 hour period.

Year 2026 Levels of Service (For 296 Lots)

WCE analyzed the following intersections in the Traffic Impact Analysis:

Table 6 - Year 2029 Levels of Service, With Background (Figures – 9 & 10)

INTERSECTION	(S)ignalized (U)nsignalized (R)oundabout	AM Peak Hour		PM Peak Hour	
		Delay (sec)	LOS	Delay (sec)	LOS
University Way & Dolarway Road	R			8.4	A
Reecer Creek Road & Dry Creek Road • Add NW and SE Left turn Lanes	U			28.9 (21.3)	D (C)
Dry Creek Road & Buckaroo Street	U	10.4	B	10.2	B
Dry Creek Road & Carson Boulevard	U	10.9	B	10.7	B
Dry Creek/15 th Avenue & Cora Street	U	13.6	B	8.8	A
University Way & Cora Street	U	17.2	C	19.0	C
Helena Avenue & Water Street	U	10.1	B	12.0	B
University Way & Water Street	S			19.0	B
14 th Avenue & Main Street	U			16.9	C
University Way & Main Street	S			22.3	C
14th Avenue/Dean Nicholson Boulevard & Wildcat Way	S			21.9	C

Table 7B-

Year 2029 Levels of Service w- Project w- Helena Extension to Cora (Fig 11B & 12B)

INTERSECTION	(S)ignalized (U)nsignalized (R)oundabout	AM Peak Hour		PM Peak Hour	
		Delay (sec)	LOS	Delay (sec)	LOS
University Way & Dolarway Road	R			8.6	A
Reecer Creek Road & Dry Creek Road • Add NW and SE Left turn Lanes	U			41.4 (24.1)	E (C)
Helena Avenue & Buckaroo Street	R	6.0	A	5.3	A
Dry Creek Road & Buckaroo Street	U	10.8	B	10.4	B
Dry Creek Road & Carson Boulevard	U	10.3	B	10.5	B
Helena Avenue & Cora Street	U	9.1	A	9.4	A
Dry Creek Road & Water Street	U	18.7	C	10.1	B
University Way & Water Street	U	18.4	C	20.1	C
Helena Avenue & Main Street	U	10.1	B	12.0	B
University Way & Main Street	S			19.5	B
14 th Avenue & Main Street	U			20.1	C
University Way & Main Street	S			22.6	C
14th Avenue/Dean Nicholson Boulevard & Wildcat Way	S			22.1	C

Mitigation

265

For ~~296~~ single family residential lots the City of Ellensburg impact fee calculates to ~~\$680,921.36~~.

- \$2,300.41 x ~~296~~ lots

~~\$680,921.36~~
\$609,608.65

265

Recommendations:

Based on upon the analysis and conclusions provided, we recommend that the project be allowed to move forward with the conditioned frontage improvements by the City Hearing Examiner to Dry Creek Road. We also recommend that the project pay the City of Ellensburg traffic impact fee of ~~\$680,921.36~~ at the time of building permit, on a per unit/permit basis. Lastly, we recommend a dialogue between the City of Ellensburg and Kittitas County for potential improvements at Reecer Creek Road & Dry Creek Road

Fire Road Access

On January 26, 2024, WCE had a meeting with the City of Ellensburg and Kittitas Valley Fire and Rescue where we discussed reducing the number of crossings to one crossing, ensuring that we met the minimum requirements of two access points at least ½ diagonal from each other.

Trail

Washington State Parks

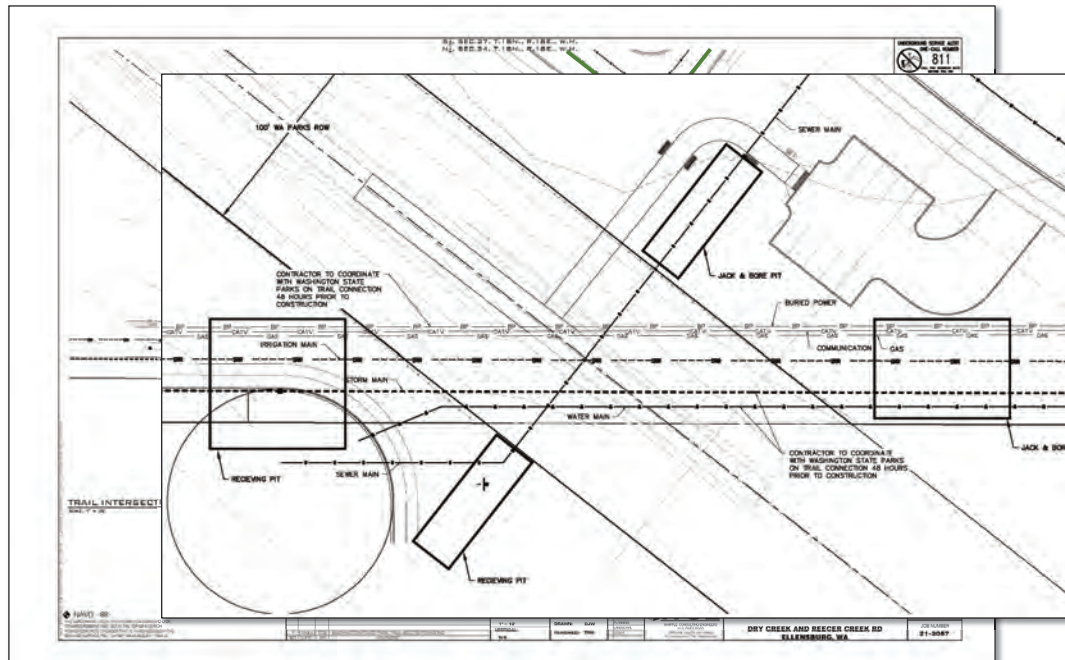
Trail



Trail Intersection and Utility Crossing Details



Trail Intersection Utility Crossing Details



Public Comments

The following public comments have been paraphrased for brevity

Response to Public Comments

Jim Elliger:

1. Concerns with rock crushing

WCE Response: As of August 10, 2023, WCE and the property owners removed the request for onsite rock crushing

2. There are neighbors with artesian wells down grade from these plats. What protection do they get?

WCE Response: The project proposes to treat and discharge stormwater per the SWMMEW.

3. The needs and rights of irrigation shareholders need to be addressed

WCE Response: Irrigation water will be continued through the site to downstream users per their water rights.

WCE has been communicating with the irrigation district to ensure that water rights will be maintained

4. Factual, current and projected traffic data needs to be considered for the Northwest corner of Ellensburg.

WCE Response: The project has a Traffic Impact Analysis dated June, 2023, approved by the City of Ellensburg.

Response to Public Comments

Kathy Williams:

- 1. Four property owners have water rights that run through the first phase that have not been met.*

WCE Response: Irrigation water will be continued through the site to downstream users per their water rights. WCE has been communicating with the irrigation district to ensure that water rights will be maintained.

Dakota Hamlin:

- 1. Concerns with flooding*

WCE Response: Per local and federal law, this project will remove the project site from the floodplain without creating an increased flood risk- either up or downstream- to nearby properties located within or adjacent to the floodplain.

- 2. Concerns with traffic*

WCE Response: The project has a Traffic Impact Analysis dated June, 2023, approved by the City of Ellensburg. WCE proposes the project provide improvements as well as pay a traffic impact fee.

- 3. Lastly, us property owners that border Old Reecer Creek Rd are in talk of vacating this road.*

WCE Response: The development does not propose a connection to Old Reecer Creek Road and the developer is in support of vacating the Old Reecer Creek Road right-of-way adjacent to the site.



Response to Public Comments

BPE Law Group:

1. Concerns with rock crushing

WCE Response: As of August 10, 2023, WCE and the property owners removed the request for onsite rock crushing.

Johnathan and Nancy Suttles:

1. Concern with density

WCE Response: The project proposes 265 lots on 80.34 acres for a gross density of 3.29 du/ac which is lower than the allowed density of 6.0 units per acres which, while unlikely, could have resulted in a total of nearly 480 lots less allowances for storm and wetland tracts.

2. Concern with rock crushing

WCE Response: As of August 10, 2023, WCE and the property owners removed the request for onsite rock crushing.

3. Concern with Impervious surfaces

WCE Response: Yes, impervious surfaces will be introduced as with any development. However, any resulting increase in runoff is required to be kept on site.



Response to Public Comments

4. *Concerns with surface water/irrigation lines*

WCE Response: The City of Ellensburg is not responsible for maintenance of the irrigation lines. This project will maintain the point of delivery for irrigation water as required by state law.

5. *Concerns with ground water*

WCE Response: The development's concept storm drainage report contains wider and shallower stormwater ponds than the nearby projects that are still in construction to mitigate the potential for standing water at the bottom of ponds.

6. *Concerns with density*

WCE Response: The project proposes 265 lots on 80.34 acres for a gross density of 3.29 du/ac which is lower than the allowed density of 6.0 units per acres.

7. *Concerns with views being altered*

WCE Response: Thank you for your comment.



Response to Public Comments

8. *Concerns with displacing any existing recreational uses*

WCE Response: The project does not remove the trail but incorporates the trail into an urban condition similar to other areas of the city. Since this comment, the number of road crossings has been reduced from two crossings to one crossing, minimizing impact to the trail.

9. *Concerns with traffic*

WCE Response: Thank you for your comment, please see the Traffic Impact Analysis dated June, 2023. WCE proposes the project provide improvements as well as pay a traffic impact fee.

10. *Concerns for an increased need for public services*

WCE Response: Yes, there will be an increased need for public services; however, the increase to services was considered in the City of Ellensburg's Comprehensive Plan and is based upon reasonable demand upon water, sewer, utility, police, fire and service rights. Therefore, the development will not create an increased need for public services beyond the service level anticipated by the Comprehensive Plan.



Response to Public Comments

Nick Majsterek:

1. Concerns with Traffic

WCE Response: The city of Ellensburg recently approved a Traffic Impact Analysis dated June 2023 for this project. WCE proposes the project provide improvements as well as pay a traffic impact fee.

2. Concerns for flooding

WCE Response: This comment is noted. The project will apply for a FEMA floodplain map revision which will include improvements within the property to mitigate flood hazards within the development and will not burden adjacent properties with additional flood risk.

Paul McBride and Gabrielle Stryker:

1. Concerns with rock crushing

WCE Response: This project no longer proposes rock crushing.



Response to Public Comments

2. Request for additional landscaping

WCE Response: This comment is noted.

3. Concern that the site is currently weedy

WCE Response: This comment is noted.

4. Concern that underground irrigation piping affects existing homeowners

WCE Response: This condition is required by the City of Ellensburg; however, it should be noted that the pipe is already on private property.

a. Concern that there must be easily accessible clean-outs along the length of the irrigation pipe to allow maintenance.

WCE Response: This condition is required by the City of Ellensburg.

5. Concern for standing water

WCE Response: The approved concept drainage report for the project anticipates that the onsite ponds will drain or discharge within 72 hours. A drainage report will be required with the civil plan set.



Response to Public Comments

6. *Request to preserve wildlife*

WCE Response: This comment is noted; however, this project will not create habitat within the Urban Growth Area that may divert or attract wildlife from outside of the UGA. WCE recognizes that wildlife will continue to traverse the site after development. Wetlands are subject to the City of Ellensburg Critical Areas Ordinance and will be protected as an undisturbed open space for habitat.

Roxy DeSoer:

1. *Traffic concerns*

WCE Response: A Traffic Impact Analysis dated June, 2023, was recently approved by the City of Ellensburg for this project. Recent nearby developments are included within the Traffic Impact Analysis. WCE proposes the project provide improvements as well as pay a traffic impact fee.

2. *Rock crushing concerns*

WCE Response: This comment is noted. This project no longer proposes rock crushing.

Response to Public Comments

3. *There is no mention that the shareholders that receive water from the canal must be included in decisions made about their water distribution and right of ways throughout the development. Access points must be made available for and obstruction locate. Irrigation lines should be completed to the shareholder in the off season of irrigation, October when the water is turned off to April when the water is returned. The developer must put in place, if the irrigation is accessed by or flow interrupted by its residents, something to correct and re-establish the flow of water to the shareholder at no cost to the shareholder.*

WCE Response: This development intends to complete irrigation lines between the months of October and April at no cost to the shareholders. This project will maintain the point of delivery for irrigation water as required by state law.

Questions?

Thank you. We would ask the Hearing Examiner to approve the Foster North Subdivision.



Whipple Consulting Engineers, Inc.

July 19, 2024

WCE No. 2021-3057

City of Ellensburg
Community Development
501 N. Anderson
Ellensburg, WA 98926

**Re: Foster North Subdivision
Letter to Hearing Examiner**

Dear Mr. Hearing Examiner:

We submit this letter on behalf of the Applicant in order provide responses to agency and public comments as well as supplemental information as it relates to application numbers P22-057 and P22-059 (sometimes referred to in this letter as the "Project"). This letter is intended to ensure that the Examiner's record on the Project is complete, and provides responses to all comments relating to the Project that we were made aware of prior to the hearing.

The Project includes a preliminary plat to subdivide approximately 80.34 acres of land associated with county tax parcel numbers 14599, 14600, 14602 and 851033 into 265 single-family residential lots and 14 tracts. The Project is located in the Southeast ¼ of Section 27 and the Northeast ¼ of Section 34, Township 18 N, Range 18 E, W. M. The Project site is located north of Dry Creek Road and east of Reecer Creek Road. This site was annexed into the City of Ellensburg in 2020. The site comprising the Project is in the Residential Suburban zone and is designated as Blended Residential Neighborhood in the City's Comprehensive Plan. Adjacent properties are pasture to the north and east; single-family residential to the east, southwest and west; and the approved Foster Subdivision to the southeast.

Staff Report: Conditions of Approval

WCE, the Applicant, and its other consultants, have reviewed the Staff Report dated July 22, 2024 from Shannon Johnson to the Examiner, and has found the report to be a thorough and accurate explanation of the project. Applicant has agreed to implement the conditions of approval stated in the Staff Report as well as the Mitigated Determination of Non-Significance (MDNS) associated with the Project, which was not appealed.

Public Trails

The Palouse to Cascades State Trail runs through the Project site and will be accessible from designated entrances. Please note that the City of Ellensburg has planned a vehicular trail crossing on Helena Road. This proposed crossing will match the existing Cora Street crossing in type and function. The Applicant has been working with Washington State Parks to secure its approval to construct a permanent public crossing point across the Trail. The Applicant expects this crossing to be approved by the Washington State Parks and Recreation Commission in its October, 2024, meeting or soon after. Applicant has agreed to the language of the Staff Report

condition requiring this approval prior to the commencement of any ground-disturbing activities on the Project site. Applicant plans to complete these trail improvements concurrent with the first phase of the plat as depicted in the attachments to the Staff Report.

Critical Areas, Including Wetlands

The Project site is adjacent to Whiskey Creek, a type U stream per the Washington State Department of Natural Resources (DNR) standards. Whiskey Creek crosses the site at the northeast corner and then follows the Reecer Creek Road alignment south from the site. An additional type X waterway forms the northeast corner of the site. This type X waterway used for agricultural purposes diverts water from the Yakima River through downtown Ellensburg, into Badger Creek, and finally back into the Yakima River. Whiskey Creek has an 85-foot buffer per ECC 15.650.040(D)(2). The type X waterway does not have a buffer as it is not a natural or fish-bearing waterbody. The site plans in the Examiner's record demonstrate the Project's consistency with these buffer requirements.

The project site has two canals flowing from the north of the site to the south by southwest. This existing flow is proposed to be piped under the proposed subdivision to maintain the existing water rights of the properties to the south.

This project contains four Category III and IV wetlands onsite. Please see the wetland delineation for more information. As noted in the Critical Areas Report, the Applicant has proposed averaging of wetland buffers as permitted in Section 15.620.020.E.6 of the Ellensburg City Code (also referred to here as the "City Code," or "ECC"). The Director and City staff have concurred with this approach in the Staff Report, as this averaging is depicted in the included site plans.

Finally, there is a 100-year flood zone type A on the west side of the site along Whiskey Creek. A CLOMR and LOMR will be applied for during the development process to modify the flood plain prior to final plat of any phase which contains lots currently within the flood plain.

Response to Agency Comments

The Applicant has received several sets of agency comments that have been included and addressed in the Staff Report. SEPA Comments have been addressed as part of the MDNS; however, several comments are still applicable to approval of the preliminary plat. Responses to those comments that relate to the preliminary plat are identified below along with responses to each comment, for ease of reference:

Darin Yusi, Gas Engineer, dated October 29, 2021

There is a 4-inch main along the south side of Dry Creek Road where the plat is being proposed. The proposed development would be required to tie into the 4-inch main at two locations, cross Dry Creek Road and extend the gas main throughout the development and provide service stubs to each lot. The locations for tie-in would be across from the unnamed road at the southwest end of the development and also at the southeast end of the development. This will provide a necessary looped feed for the development and the natural gas system. It is preferred that the main line be shown on the civil plans to help in planning (no details needed, just shown where it

would go) and if home layouts are known it is also helpful to have the proposed service stub locations shown on the civil plans as well. A natural gas utility map is included with these comments.

WCE Response: This comment has been noted for gas connection, if allowed.

In addition to the road crossings for tie-in, the main line installation and service stubs, the developer would also need to extend the gas main to the extents of the property in areas of future connection. There is two areas this will be required and both areas will need to be within a minimum 10' access and utility easement. One location will be at the east side of the development where lots 131 and 132 are. The main line will need to be extended all the way to the east extent of the property for future looping and tie-in to our Cora Street main line. The other location will be on the north end of the development between lots 24 and 25 for tie-in to future development.

WCE Response: This comment has been noted for gas connection, if allowed.

A Public Works Right-of-Way permit will be required for the Dry Creek Road crossings. Please contact the Public Works Department for more information regarding the permit and requirements at 509-962-7230.

WCE Response: This requirement regarding required permits will be addressed at time of construction permit.

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

WCE Response: This comment has been noted for gas connection, if allowed.

The applicant is not required to serve the homes with natural gas, but if the applicant is interested in serving the proposed lots with gas, please call the City Gas Division at 962-7124 for an application for service.

WCE Response: This comment has been noted for gas connection, if allowed.

Craig Jones, Development Coordinator, dated August 15, 2022

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

WCE Response: This comment will be addressed at time of Civil Plan submittal.

Water:

The water mains available to serve this development is a 24" Concrete main that runs in Dry Creek Road and a 16" Ductile Iron main at the end of Cora St where Helena Ave will tie in. Foster Plat 1 will also have 8" Ductile Iron mains available for connection when that plat is completed. The developer will need to build an 8" water main on all the proposed interior roads. Each lot will need a separate water service. The maximum number of lots that can be served by one water connection is 40 lots, with anything over requiring a loop of the water system. See attached utility map.

WCE Response: This comment will be addressed at time of Civil Plan submittal.

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

WCE Response: This comment will be addressed at time of Civil Plan submittal.

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

WCE Response: This comment will be addressed at time of Civil Plan submittal.

Sewer:

There is no sewer nearby to serve this project. The nearest sewer mains are in University Way, south of the site, and east of the site at 1 51'1 Ave and Cora St. The developer is encouraged to contact property owners between the project and University Way to explore the options of a gravity system. Otherwise, a sewer lift station will need to be designed along Dry Creek Rd. Foster Plat One has an approved lift station plan along Dry Creek Rd that has included extra lots for this proposed development. The two projects will need to work together to verify the lift station has capacity for these two projects and future development. The developer will need to install 8" sewer mains on the interior roads and side sewer stubs to each lot. See attached utility map.

WCE Response: This comment will be addressed at time of Civil Plan submittal.

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

WCE Response: This comment will be addressed at time of Civil Plan submittal.

Roadway and access:

This project will trigger the requirement for half street improvements along the Dry Creek Road, the unnamed north/south road frontage on the west side of the development and all the interior roads will need full street improvements. The future extension of Helena Ave will need to be continued across the property per the city's comp plan to the western extents of the proposed development (w. of Buckaroo St). The proposed Helena Ave placement conflicts with multiple properties at the connection to Dry Creek Rd and a different connection location to Dry Creek Rd may need to be considered.

WCE Response: This comment was made before the current iteration of the preliminary plat, which extends Helena Avenue to the property to the north. Please see the updated preliminary plat for more information. The street improvements required for the currently-proposed configuration of the Project are described in the Staff Report.

Helena Ave is classified as a collector street and will be a 64' right of way at full build out. Street improvements include concrete curb/gutter, sidewalks, street lighting, permanent signage, asphalt, asphalt markings, gravel base, storm drainage, and other items associated with minimum public improvements consistent with Public Works Development Standards. Dry Creek Road is on the Active Transportation route and will need to include additional width to accommodate the future bike lane. Under the Land Development Code the sidewalks will need to be separated from the curb.

WCE Response: This comment will be addressed at time of Civil Plan submittal.

Existing power poles may need to be relocated to accommodate these frontage improvements. The developer will need to contact State Parks and get them involved to permit and approve the proposed trail crossings of the Palouse to Cascade (PTC) Trail. As Helena Ave crosses the PTC Trail a Retro Reflective Flashing Beacon shall be required. The TIA should weigh in on the appropriate trail crossing treatment at Caballero crossing with approval from State Parks.

WCE Response: This comment will be addressed at time of Civil Plan submittal. Please also note that the Staff Report contains, and Applicant has agreed to, specific conditions relating to work with in the Palouse to Cascades Trail as well as a transmission easement held by the Bonneville Power Administration (BPA).

Foster Plat One is proposing a different road configuration at Dry Creek Rd. Construction has started and any alterations need to be coordinated between the two projects.

WCE Response: This comment will be addressed at time of Civil Plan submittal.

One of the proposed interior roads may encroach with existing BPA easements. BPA will need to confirm they approve this encroachment.

WCE Response: This comment will be addressed at time of Civil Plan submittal, consistent with the above-referenced condition relating to the BPA transmission easement.

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

WCE Response: This comment will be addressed at time of Civil Plan submittal.

Storm water:

There is no storm system available for a direct discharge. The existing road side ditch will need to be conveyed across the frontage of the property. All storm facilities will need to be designed so they will not be inundated with ground water. Your engineer will need to verify groundwater during peak irrigation season to confirm the project will not be effected by it.

WCE Response: This comment will be addressed at time of Civil Plan submittal.

The applicant shall use the current Stormwater Management Manual for Eastern Washington or approved equivalent for reference in design of stormwater treatment and flow control for post construction requirements for new development and redevelopment. The design shall at a minimum use the following design storms, or as recommended for the proposed BMP,

whichever is greater. Treatment shall be designed for the first 1" of rainfall on the property, and storm drainage detention on a 10 year storm event (1.2" of precipitation/24 hours) and retention facilities based on a 25 year storm event (1.6" of precipitation/24 hours). Specific issues related to storm water will be reviewed at time of civil plan submittal.

WCE Response: This comment will be addressed at time of Civil Plan submittal.

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

WCE Response: This comment will be addressed at time of Civil Plan submittal.

The following comments are from the City Stormwater Department;

1. If the site is an acre or greater the developer will need to make Notice of Intent (NOI) with Ecology and apply for a Stormwater General Construction Permit months in advance of construction.

WCE Response: This comment will be addressed at time of Civil Plan submittal.

2. The Ecology permit requires a Stormwater Pollution Prevention Plan (SWPPP) be submitted with the plan set and be reviewed by the City of Ellensburg Stormwater Utility along with a set of temporary sediment erosion control plans (TESC).

WCE Response: This comment will be addressed at time of Civil Plan submittal.

3. In addition, Ecology now requires an Operation and Maintenance (O&M) Plan be submitted to the City for review and retainage. The O&M Plan must address the long term maintenance of the stormwater facilities (swales) that will be constructed onsite to deal with the flow control and treatment requirements of Core Element 5&6 in the Eastern Washington Stormwater Management Manual.

WCE Response: This comment will be addressed at time of Civil Plan submittal.

Here is a link for additional information from Ecology;

WCE Response: This comment will be addressed at time of Civil Plan submittal.

Other issues:

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

WCE Response: This comment will be addressed at time of Civil Plan submittal.

Due to the size of the project a complete Traffic Impact Analysis (TIA) will need to be completed. A trip generation and distribution letter has been submitted by the developers

engineer. This document needs to be updated to reflect recent changes in road construction in the adjacent area. The TIA will need to reflect the extension of Helena Ave to Dry Creek Rd and will also need to address the connection and/or timing of the connection to Helena Ave on the east side of the project. The TIA also needs to address Helena Ave construction and when the connection needs to take place. Contact the Public Works Department to discuss the limits of the TIA scope. Please reference the City of Ellensburg's Traffic Impact Fee Guidelines for more information. The city has established transportation impact fees. This project may be required to pay impact fees. You can view the traffic impact fees online at <http://www.codepublishing.com/wa/ellensburg>

WCE Response: A completed and approved TIA was submitted to the City of Ellensburg with the approved TIA dated June, 2023, and we understand it has been made part of the Examiner's record in this proceeding.

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

WCE Response: This comment will be addressed at time of Civil Plan submittal, and the Applicant will secure any permits required under other regulations applicable to construction of the Project.

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

WCE Response: This comment will be addressed at time of Civil Plan submittal.

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

WCE Response: This comment will be addressed at time of Civil Plan submittal.

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

WCE Response: Irrigation water will be continued through the site to downstream users per their water rights and otherwise consistent with all applicable Irrigation District requirements. WCE has been communicating with the irrigation district to ensure that water rights will be maintained.

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

WCE Response: This comment will be addressed at time of Civil Plan submittal although the current landscape plans are included in the application materials in the Examiner's record.

Road names will need to comply with the City's road name ordinance and will also go through a review process.

WCE Response: This comment will be addressed at time of Final Plat submittal.

Craig Jones, development coordinator, dated June 27, 2023

Public Works SEPA comments dated 6/24/2022 are still valid with no changes. Additional comments are regarding Helena Ave. State Parks will need to approve the proposed road crossings of the Cascade to Palouse trail. If any of the proposed road crossings are altered the Traffic Impact Analysis and other associated items will need to be rereviewed.

WCE Response: This comment will be addressed prior to Final Plat.

Fire Marshal SEPA Comments

Date: 06/13/2022

Comments:

1) Must meet current IFC and City of Ellensburg Code requirements at the time of construction for the occupancy classification and construction type. Will be required to meet current IFC and City of Ellensburg Code anytime there is a change in occupancy classification or use.

WCE Response: This comment will be addressed at time of building permit.

2) Standard Addressing per City Code requirements to include ADU units if applicable.

WCE Response: This comment will be addressed at time of building permit, if applicable.

3) Fire dept. access and turnarounds per 2018 IFC and Appendix D (Appears to be met). Fire department access roads shall be a minimum of 20' wide, access roads shall be a minimum of 26' wide in the vicinity of fire hydrants or meet the City Street Standard if greater. It may be required to post "No Parking Signs" on one or both sides of the fire access road, depending on width. Fire dept. access roads cannot exceed 150' in length without an approved turnaround per IFC Appendix D (Appears to be met). Road surfaces must be rated for a minimum of 75,000 lbs. or City of Ellensburg street standard if it requires a higher rating.

WCE Response: This comment will be addressed at time of civil plan submittal. All roads at time of preliminary plat meet existing fire access requirements.

4) Per IFC Appendix D107.1 two access roads are required based on the number of lots. D107.2 Remoteness, requires that the two access roads be a minimum of half of the maximum diagonal of the overall project area when measured in a straight line between the two access roads.

WCE Response: Based upon meetings that WCE has had with the fire marshal, it is our understanding that the remoteness criterion has been met.

Preliminary review indicates that both of these requirements are met by the plans that were submitted at Pre-app.

WCE Response: This comment has been noted.

5) Fire Hydrants quantities are based on proposed sq. ft. of buildings and per requirements of IFC Section 5, Appendix B and C. As currently designed the site would require additional hydrants. Hydrants are required to be spaced every 400-600' on an approved route of travel.

WCE Response: This comment will be addressed at time of civil plan submittal.

6) *Fire flow requirements are 1500 gpm based on current square footage of buildings as drawn. The fire flow requirement can be reduced if the buildings are sprinklered.*

WCE Response: This comment will be addressed at time of construction and flow testing, if required.

7) *Any phasing of the project would be required to meet IFC requirements for Fire Dept. access, turnarounds, and water supply.*

WCE Response: This comment will be addressed at time of final plat submittal if applicable.

Development Code Project Review

The proposed development complies with all applicable sections of the City of Ellensburg City Code, key portions of which are reproduced below for ease of reference. For clarity, the Ellensburg City Code will be left aligned and in *italic type* and our response will be indented and in roman type.

15.260.060 Preliminary subdivision (long plat) – Review procedures and criteria.

A. Procedures.

1. Land subdivisions that create 10 or more lots (sometimes referred to as long plats) are subject to the Type IV review process as set forth in Chapter 15.210 ECC.

WCE Response: This subdivision exceeds the 10-lot limit for a short subdivision and has thus been submitted and reviewed as a long plat by City staff.

2. Time Limits. Subdivisions that are granted preliminary approval shall be effective for a period set forth in RCW 58.17.140, during which time the final subdivision application shall be submitted for approval and recording.

WCE Response: WCE intends to meet the 5-year time limit for submission of final plat unless an extension is requested.

The city shall make a decision on approval or denial of a preliminary subdivision application within 90 calendar days of the determination that the application is complete.

WCE Response: This criterion of the ECC has been noted.

B. Application Contents. Applications for a preliminary subdivision shall contain the following:

1. The minimum application requirements set forth in ECC 15.220.020 and a completed subdivision application form provided by the department, which shall include the signatures of all owners of interest in the land involved in the preliminary subdivision;

WCE Response: A completed subdivision application form was submitted to the City of Ellensburg at time of application.

2. *Payment of the application fee in the amount established in the city's adopted fee schedule;*

WCE Response: Payment of the application fee was submitted to the City of Ellensburg at time of application.

3. *A completed SEPA checklist and payment of the SEPA application fee;*

WCE Response: A SEPA Checklist was submitted with the latest SEPA version dated 6/2/2023. Payment of the SEPA application fee was submitted to the City of Ellensburg at time of application.

4. *A completed critical area information form or critical area report pursuant to Division VI, if applicable;*

WCE Response: A completed critical area report was submitted on 5/23/2023.

5. *A title report of the property to be subdivided;*

WCE Response: A title report was submitted to the City of Ellensburg with the latest report dated 5/14/2024.

6. *A recorded copy of the deed for the property to be subdivided;*

WCE Response: A recorded deed was submitted along with the subdivision guarantee dated 5/14/2024.

7. *Copies of all existing or proposed restrictive covenants involving the land within the proposed subdivision;*

WCE Response: Copies of all existing or proposed restrictive covenants involving the land within the proposed subdivision was submitted along with the subdivision guarantee dated 5/14/2024.

8. *Names and addresses of the owner(s) of the property to be subdivided and of any person or entity holding an interest in the property as identified on the title report in subsection (B)(5) of this section;*

WCE Response: A recorded deed was submitted along with the subdivision guarantee dated 5/14/2024.

9. *Names and addresses of all property owners within 300 feet of the boundaries of the proposed subdivision as those names appear on the records of the Kittitas County assessor;*

WCE Response: Names and addresses of all property owners within 300 feet of the boundaries of the proposed subdivision were submitted to the City of Ellensburg at time of application.

10. *The preliminary subdivision plat drawing which shall comply with all general drafting standards and Tier 3 drafting guidelines required by the city's public works development standards (Section 5, Drafting Standards). Five copies of the drawing shall be provided with the application, along with an electronic copy on CD media in a format readable by the city's current version of AutoCAD, and one reduced copy not to exceed 11 inches by 17 inches. In addition to the drafting standards set forth in the city's public works development standards, such drawing shall clearly show the following:*

- a. Vicinity sketch showing the parcel boundaries and the major street system, with street names, within a one-quarter-mile radius;*
- b. Zoning of the property proposed for subdivision;*
- c. Location and size of existing and proposed utilities, railroads, and irrigation rights-of-way on the property proposed for subdivision;*
- d. Plan view of proposed streets, their names and widths, pedestrian ways, all utilities and easements;*
- e. Location and size of all proposed ditches, culverts, catch basins, detention or retention ponds or other parts of the design for the control of surface water drainage;*
- f. Approximate boundaries of all areas subject to irrigation or stormwater overflow;*
- g. Location, width and direction of flow of all watercourses on the site; and*
- h. Location and identification of all critical areas, including associated buffers, on the property proposed for subdivision or on adjacent properties, as required by Division VI;*

WCE Response: A preliminary plat was submitted to the City of Ellensburg at time of application, with the most recent plat submitted dated July 11, 2024. Each of the above-listed items are depicted in the plat drawings or otherwise included in the Project application materials.

11. *Preliminary grading plan pursuant to public works and utilities department requirements;*

12. *Preliminary stormwater plan pursuant to public works and utilities department requirements;*

13. *Preliminary landscaping plan pursuant to Divisions IV and V of this title;*

WCE Response (Regarding Items 11 through 13, above): Per a conversation with City Staff dated April 30, 2024, the following items are not required by the City of Ellensburg

for preliminary submittal: preliminary grading, preliminary stormwater and preliminary landscaping plans.

14. *A narrative addressing ownership and maintenance of open spaces, stormwater facilities, public trails and critical areas, and the applicable approval criteria and standards of the Ellensburg Municipal Code. It should also address any proposed building conditions or restrictions;*

WCE Response: A narrative was submitted to the City of Ellensburg with the most recent document dated May 9, 2024.

15. *Transportation study, if required by the public works and utilities department;*

WCE Response: A Traffic Impact Analysis was submitted to the City of Ellensburg, with the approved version submitted June of 2023.

16. *Location of any proposed building envelopes on the lots being created; and*

WCE Response: Buildings will be restricted to setbacks as outlined in ECC Table 15.320.030, which requires a minimum front yard setback of 15 feet, a minimum garage front yard setback of 22 feet, a minimum rear yard setback of 20 feet, and minimum side yard setbacks of 5 feet on one side and 10 feet on the other side.

17. *Any other information in the opinion of the director which is necessary to determine if the proposed subdivision makes appropriate provisions for physical problems or hazards involving public health, safety and/or welfare.*

WCE Response: Several other items were requested by the City of Ellensburg that were not identified above including the Recreation Impact Study that was prepared for Washington State Parks, park crossing details, and an intersection detail for Buckaroo Dr. and Ranger Ave. We understand that each of these supplemental submissions are part of the Examiner's record on this matter.

E. City Council Action.

1. *The hearing examiner recommendation, findings and all supporting documents shall be forwarded to the city council. The community development department shall set a date and time for a public hearing before the city council to review the recommendation of the hearing examiner in a closed record hearing at which no new testimony or information may be presented. The city council shall then make its own decision supported by written findings of fact and conclusions of law and approve, approve with conditions, or disapprove the preliminary subdivision application.*

WCE Response: This requirement has been noted as the process for preliminary plat approval.

2. *Prior to making a decision the city council may refer the preliminary subdivision application back to the hearing examiner for further consideration or may require the applicant to modify the preliminary subdivision application, or require more information to be submitted.*

WCE Response: This requirement has been noted as the process for preliminary plat approval.

F. *Decision Criteria. The city may approve, approve with conditions, or deny a preliminary subdivision application based on conformance with the following decision criteria:*

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

WCE Response: The project as proposed follows all applicable requirements in the Land Development Code of the ECC.

2. *All lots within the preliminary subdivision are provided with satisfactory access established consistent with the requirements of the public works development standards, ECC Title 4, Public Works, the streetscape design standards and subdivision design and block standards in Division IV, and the project design standards in Division V;*

WCE Response: This Project, as proposed in the application materials in the Examiner's record, conforms to the requirements of Public Works development standards, ECC Title 4, Public Works, the streetscape design standards and subdivision design and block standards in Division IV, and the project design standards in Division V.

3. *All lots within the preliminary subdivision are provided with adequate provisions for water supplies, sanitary wastewater facilities, and storm drainage and surface water facilities consistent with the requirements of the public works development standards and ECC Title 9, Utilities;*

WCE Response: All lots within the preliminary subdivision would be provided with adequate provisions for water supplies, sanitary wastewater facilities, and storm drainage facilities consistent with the requirements of the public works development standards and ECC Title 9, Utilities.

4. *All lots within the preliminary subdivision are provided with adequate provisions for electric service, and for natural gas service if applicable, consistent with the requirements of the city's public works and utilities department design standards and with ECC Title 9, Utilities;*

WCE Response: All lots within the subdivision would be provided with all basic utilities including electric, water, sewer, phone, cable, and natural gas if available.

5. *The preliminary subdivision conforms to all applicable critical areas standards set forth in Division VI; and*

WCE Response: This preliminary subdivision lies within a number of wetlands and a DNR type U stream. The Project's compliance with applicable critical areas standards is addressed in the Critical Areas Report, which we understand is part of the Examiner's record.

6. *The preliminary subdivision makes appropriate provisions for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, natural gas mains and services, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school. [Ord. 4807 § 32, 2018; Ord. 4804 §§ 1, 3, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]*

WCE Response: This project would be constructed with appropriate provisions for the public health, safety and general welfare and would follow all requirements brought forth in the City Code.

15.260.080 Phasing of subdivision.

A subdivision may be developed and recorded as final in phases. Any phasing proposal shall be submitted for review at any time prior to final subdivision application. Approval of the phasing plan shall be based on making the following findings:

A. The phasing plan includes all land contained within the approved preliminary subdivision, including areas where off-site improvements are being made;

WCE Response: The phasing plan proposed for the Project is included as an exhibit to the Staff Report, and it includes all land contained within the preliminary subdivision that is before the Examiner for approval, including areas where off-site improvements will be made.

B. The sequence and timing of development is identified on a phasing map;

WCE Response: This project is planned to be phased as noted above.

C. Each phase shall consist of a contiguous group of lots that meets all pertinent development standards on its own. The phase cannot rely on future phases for meeting any city codes;

WCE Response: Each phase of the Project will meet all pertinent development standards on its own, without relying on future phases for compliance with utilities, access, or drainage requirements.

D. Each phase provides adequate circulation and utilities;

WCE Response: Each phase would provide adequate circulation and utilities.

E. Specific public improvements that are necessary for the entire development may be required to be completed with the first phase, regardless of phase design or completion schedule of future phases, such as but not limited to stormwater facilities which may be designed to be located in a subsequent phase but that are necessary to be developed in the first phase in order to ensure the facility essential to all of the subdivision is developed even if subsequent phases are never completed; and

WCE Response: All public improvements located within the development of the first phase would be completed with the first phase. Public improvements located within future phases of the development would be completed along with the first phase to the extent necessary to comply with applicable City requirements.

F. Any approved phase of a preliminary subdivision that has not been completed and recorded as final by the city prior to the lapse of the preliminary subdivision approval as set forth in ECC 15.260.060(A)(2) will be deemed to have lapsed with that preliminary subdivision. [Ord. 4656 § 1 (Exh. O2), 2013.]

WCE Response: In the event that an approved phase has not been completed and recorded as final by the city prior to the lapse of the preliminary subdivision approval (subject to any extensions granted), it would be deemed to have lapsed with the preliminary subdivision.

15.300.040 Residential zones and map designations.

A. Residential Suburban Zone (R-S). The R-S zone is intended to provide for a mix of predominantly single-family detached dwelling units in a walkable neighborhood setting. These purposes are accomplished by:

1. Allowing detached single-family dwellings as the predominant use, with options to integrate other compatible housing types in a relatively low urban density;

WCE Response: This subdivision is planned to predominantly include detached single-family dwellings. Other compatible housing types appropriate for a relatively low urban density may be included as a part of this subdivision.

2. Providing standards and guidelines that reinforce Ellensburg's established pattern of attractive and walkable residential neighborhoods;

WCE Response: All streets will be complete with sidewalks and the subdivision will have access to the Palouse to Cascade State Trail to allow access for residents to the trail.

3. *Providing standards and guidelines that promote the integration of usable open space for residential uses;*

WCE Response: Open spaces including a small park area will be provided for residents in this subdivision, as noted and depicted in the application materials.

4. *Providing standards and guidelines that encourage parks, trails, open spaces, and natural features to be integrated with the design of new development;*

WCE Response: As noted above, the Project proposes a connection to the Palouse to Cascades State Trail at the southeast corner of the development along with parking spaces. Open spaces are also provided throughout the development within tracts that include the southeast edge of the development.

5. *Providing for a minimum density standard to avoid large scale low density sprawl;*

WCE Response: This subdivision proposes a 3.35 du/ac density. Per ECC Table 15.320.030, there is no minimum density within the R-S Zone.

6. *Providing an opportunity to integrate compatible small-scaled retail and service uses in strategic locations that serve the surrounding neighborhood;*

WCE Response: No small-scaled retail and service uses are proposed with this application.

7. *Providing a flexible system of bonus incentives (see ECC 15.330.020) that allows for an increase in density in exchange for:*

- a. *Energy efficient building and site design;*
- b. *Mix of housing types;*
- c. *Off-street trails;*
- d. *Purchase of transferable development rights (subject to the city adopting a TDR program) that help to preserve valuable resource lands outside of the city;*
- e. *Preservation of historic buildings; and/or*
- f. *Affordable housing; and*

WCE Response: No bonus densities are under consideration for this application.

8. *Use of this zone is appropriate for any of the following or combinations thereof:*

- a. *Areas designated residential neighborhood in the comprehensive plan; and*
- b. *Areas characterized predominantly by single-family dwellings.*

WCE Response: This proposed project meets the criteria for R-S zoning.

Comprehensive Plan Review

This Project, as proposed, advances several of the City's current Comprehensive Plan Goals, Policies and Programs, including the following:

Goal H-1: Preserve, protect, and strengthen the vitality and stability of existing neighborhoods.

Policy A: Encourage development of an appropriate mix of housing choices through innovative land use and well-crafted regulations.

Program 1: Integrate new development, with consideration to design and scale that complements existing neighborhoods, and provides effective transitions between different uses and intensities.

This Project proposes to develop single-family densities complimentary to densities that will be found in the previously approved Foster Subdivision to the southeast.

Program 2: Encourage infill development on vacant and underused sites.

The Project site is currently pasture located within the UGA and the City of Ellensburg R-S zone. Single-family residential development exists or is approved to the east, south and west of the project site, making it appropriate for infill development. As this development lies inside the UGA, the conversion of pasture or farmland to single-family residential or higher density is expected.

Policy B: Establish additional logical access routes outside of the existing street system for bicycle and pedestrian traffic.

Program 1: Identify trail easements and develop an effective maintenance strategy.

The public road system for this project proposes to cross the Palouse to Cascades State Trail at one location and will have a designated crossing area to protect pedestrians. Trail easements are proposed to be maintained by the City of Ellensburg.

Goal T-1: Create a transportation networks that provides safe and comfortable connections for all users to key destinations.

Policy A: Every project considers all users in a complete streets context, including pedestrians, bicyclists, transit, motorists, and freight.

This Project will have streets and sidewalks consistent with The City of Ellensburg's Street Standards. Furthermore, this project proposes connections to the Palouse to Cascades State Trail, which will encourage pedestrian and bike use to access downtown Ellensburg.

Policy D: Reduce auto demand on local and arterial streets by encouraging alternative modes of transportation, such as walking, biking, and transit.

This Project proposes to access the Palouse to Cascades State Trail, which has access to downtown Ellensburg, Mt Stuart School and Ida Nason Aronica Elementary School.

Goal T-3: Fill gaps in the system to accommodate safe, enjoyable, and energy efficient travel by those of all abilities choosing to walk, bike, or use transit.

Policy A: Prioritize building streets, trails, linear parks, and pathways to connect neighborhoods, schools, parks, and commercial areas so that walking and biking are viable modes for both recreation and transportation purposes.

This Project proposes to access the Palouse to Cascades State Trail, which has access to downtown Ellensburg, Mt Stuart School and Ida Nason Aronica Elementary School.

Policy H: Minimize the use of cul-de-sacs.

This Project proposes no cul-de-sacs.

Policy K: Enhance the appearance of the public rights-of-way to make traveling through Ellensburg more enjoyable, in particular for people travelling on foot.

This Project will be developed in accordance with the City of Ellensburg Street Standards including street trees where applicable. Additionally, houses will have facades that provide variety and aesthetics to the development.

Goal E-6: Maintain healthy, functioning ecosystems through the protection of unique, fragile, and valuable elements of the environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats, to conserve the biodiversity of plant and animal species.

Goal E-8: Prevent cumulative adverse environmental impacts to water quality, wetlands, and fish and wildlife habitat, and the overall net loss of wetlands, frequently flooded areas, and habitat conservation areas.

A SEPA Checklist has been provided regarding potential environmental impacts to the environment that may result from the buildout of the Project. Additionally, a wetland delineation report has been prepared regarding the wetlands, wetland buffers, and any replacements that were made. The City's review and consideration of these documents and the other materials in the record, and the implementation of mitigation measures for Project, have further advanced these goals.

Public Comments

Public comments for this project were received on July 3, 2023, and responded to on July 18, 2023. Below are the comments received and our updated response to each comment.

Jim Elliger:

1. Since when has the city of Ellensburg allowed rock crushing inside the city limits? Will a mining permit be required for this rock crushing operation? The need for crushing rock does not exist, there is plenty of crushed rock and gravel available within a short distance of this project site. Will there be set hours of operation due to noise and dust control? Is there a plan in place for dust control? As I have yet to see any proper control for this in Ellensburg.

WCE Response: The Foster North plat will have set hours of operation as allowed by the City of Ellensburg. As of August 10, 2023, WCE and the property owners removed the request for onsite rock crushing from the Foster North application.

2. There are neighbors with artesian wells down grade from these plats. What protection do they get?

WCE Response: Because the neighbors and wells are not identified or registered with the Department of Ecology, the project proposes to treat and discharge stormwater per the SWMMEW, which is implemented for the purpose of providing adequate protection for groundwater resources.

3. The needs and rights of irrigation shareholders need to be addressed and litigated before these projects begin. State law requires their needs to be met.

WCE Response: Irrigation water will be continued through the site to downstream users per their water rights and otherwise consistent with all applicable Irrigation District requirements. WCE has been communicating with the irrigation district to ensure that water rights will be maintained.

4. Factual, current and projected traffic data needs to be considered for the Northwest corner of Ellensburg. Not just the proposed project but the accumulative traffic of Black Horse and all of the development West of Dry Creek Road. Let's not let the city residents' foot the bill after the developments is done.

WCE Response: The project has a Traffic Impact Analysis dated June, 2023, approved by the City of Ellensburg.

Kathy Williams:

1. Four property owners have water rights that run through the first phase that have not been met. We have had nothing but problems getting our water and getting satisfactory delivery for the future.

WCE Response: Irrigation water will be continued through the site to downstream users per their water rights and otherwise consistent with all applicable Irrigation District requirements. WCE has been communicating with the irrigation district to ensure that water rights will be maintained.

Dakota Hamlin:

1. Starting with the flooding. My property and the property south already have increased flooding during the spring melt. I fear the development to the east is mitigating flood risk to themselves, but I have concerns about it creating a channel to my property and the surrounding ones.

WCE Response: Per local and federal law, this Project will propose removal of the Project site from the floodplain without creating an increased flood risk to nearby properties located within or adjacent to the floodplain. To achieve this, this project will complete a FEMA CLOMR (Conditional Letter of Map Revision) and LOMR (Letter of Map Revision). Neither of these actions is before the Examiner in this proceeding because they require a separate review process.

2. Regarding traffic, it's already evident how much it backs up dry creek rd at the intersection of Reecer. My hope is that the city will be proactive with the increased traffic from the 292 plots. Wear and congestion are my biggest concerns. I think solutions need to be addressed before occupancy begins in this new neighborhood.

WCE Response: The project has a Traffic Impact Analysis dated June, 2023, approved by the City of Ellensburg. The project proposes to extend Helena Road through the development as agreed to by the City of Ellensburg, which may relieve some congestion on Dry Creek Road.

3. Lastly, us property owners that border Old Reecer Creek Rd are in talk of vacating this road. This is something supported by the city as it is a decommissioned road. Most of us are on board, but after an initial dialogue, the representatives of the development land owners have been radio silent. With their plans to dead-end their streets right before this decommissioned road, I feel that it is in everyone's best interest to make a decision on the vacation of this road BEFORE the construction of the new streets and homes.

WCE Response: The development does not propose a connection to Old Reecer Creek Road and the developer is generally in support of vacating the Old Reecer Creek Road right-of-way if and when said vacation may be proposed at some time in the future.

BPE Law Group:

1. In the past 40-50 years, to the best of my client's knowledge, rock crushing activities have never been allowed in the City of Ellensburg. The area at issue in this SEPA Checklist is zoned R-S. While I have been unable to locate the specific classification of "rock crushing" in the City Code, I was able to locate concrete plants in ECC 15.310, specifically Table 15.310.040. Concrete plants are included in the definition of "heavy industry" which is defined as

“construction, mining, manufacturing, transportation, and public utilities due to the land use intensity impacts typically associated with large industrial uses, their accessory outdoor storage uses, and large building areas. This use category includes, but is not limited to, food processing, wrecking yards, building material manufacturing, chemical plants, concrete and asphalt plants, freight facilities, and livestock feeding lots.” Heavy industry is a conditional use in the I-H zone only. It is not a permitted or a conditional use in the R-S zone. No rock crushing activities should be allowed anywhere in the R-S Zone or on the project.

WCE Response: As noted above, WCE and the property owners removed the request for onsite rock crushing.

Johnathan and Nancy Suttles:

1. Originally the proposal was for 292 lots, all single-family homes, and 9 tracts (interestingly as also stated in your 6/8/23 letter). Now the proposal is for 296 lots and 13 tracts. We believe 292 lots were too many (see comments from 8/9/22) so adding more continues to be unacceptable. In addition, after reviewing the preliminary plat overview, to our horror we discovered that ALL the Phase III housing consists of multi-family and assumingly multi-story structures.

WCE Response: The current preliminary plat is for 265 dwelling units on 265 single-family lots and proposal does not contain any multi-family structures. All the Phase III residences are proposed to be 1 to 2-story units.

2. This area is zoned as Suburban Residential so we’re not sure how or why rock crushing would be allowed and acceptable in a residential area. We also believe that the noise generated by rock crushing violates the City’s Noise Ordinance as stated in the City Code Chapter 5.6. The rock crushing that occurred this Spring at the Foster 1 construction site generated significant dust and while we noted occasional attempts to control the dust with water, it was hardly effective.

WCE Response: This comment is noted. As noted above, WCE and the property owners removed the request for onsite rock crushing.

3. Impervious surfaces – In the original proposal the development was going to have 35-40% impervious coverage, now that has been revised to 45%. Why the change? First, more impervious surfaces have the undesirable effect of less green space; secondly, more impervious surfaces increase the risk of more surface water, more storm water, flooding and the ground water being pushed elsewhere. Our property lies southwest and downhill of this project so the prospect of extra water affecting us is high. Again, less lots means less impervious surfaces.

WCE Response: The impervious coverage is a preliminary estimate of impervious coverage across the developed portion of the site and may not be indicative of future impervious coverage. Storm drainage plans will be required prior to approval to confirm that future surface water discharges to downstream properties are not expected to increase as a result of the construction of the Project.

4. *Surface water – As stated in our 8/9/22 comments our expectation is to have unobstructed access to our irrigation water before, during and after the completion of this project. The proposal states that our irrigation ditch will be replaced with underground piping, but we want to reiterate that our expectation is the underground piping follow a dedicated easement along Caballero Blvd consisting of closed pressurized pipe that comes directly from the Ellensburg Water Canal and that manhole covers be placed at each intersection of Caballero Blvd for troubleshooting and maintenance of the line which will be done by the city of Ellensburg.*

WCE Response: The City of Ellensburg is not responsible for maintenance of the irrigation lines. This project will maintain the point of delivery for irrigation water as required by applicable state law.

5. *Ground water – Given the ground water issues that have occurred at the Foster 1 construction site and the landowner's/contractor's inability to appropriately manage them, causes us great concern. How will this project be any different?*

WCE Response: The development's concept storm drainage report contains wider and shallower stormwater ponds than the nearby projects that are still in construction to mitigate the potential for standing water at the bottom of ponds.

6. *People residing in completed project – 829 people living in this area (40% of whom would reside in the Phase III area) is too many.*

WCE Response: The Project contains density which is below the maximum density allowed by the underlying zone and the City Code. Since the time this comment was made, the tiny lots under 4,000 square feet that were on Phase III have been replaced with standard-sized residential lots greater than 4,000 square feet.

7. *Of course views from every direction of this project will be altered or obstructed, not just from Palouse to Cascades Trail. According to the plat map we would potentially "view" 162 housing units from our property.*

WCE Response: While the Project may impact some views, it complies with all applicable City requirements and is within the environmental impacts considered by the City when it permitted development at this intensity in this zone. As noted above, development of this type is fully consistent with City land use and development policies as well as the City Code.

8. *Displace any existing recreational uses – Constructing two road crossings across the Palouse to Cascades State Trail (PCST) with a 0.3 mile stretch of trail greatly impedes the use of this recreational entity.*

WCE Response: The project does not remove the trail but incorporates the trail into an urban condition similar to other areas of the city. Since this comment, the number of road

crossings has been reduced from two crossings to one crossing, minimizing impact to the Palouse to Cascades State Trail and onsite wetlands.

9. As noted in our 8/9/22 comments the vehicular traffic in and out of this project is a major concern and remains so but with even more intensity given the proposed increase in lots, the anticipated 829 residents (the original proposal stated 730 residents) and the fact that there will only be ONE access point in and out of the project site.

WCE Response: The Traffic Impact Analysis dated June, 2023, contains a detailed analysis of the potential traffic impacts that may result from the Project. This project will have two access points: one access onto Dry Creek Road and a second access onto Helena Avenue.

10. Yes there will be an increased need for public services! How could there not be when there's now an additional 829 people living in a new development?

WCE Response: The City fully considered any potential increase in the need for public services when the City Council updated the City of Ellensburg's Comprehensive Plan and the associated land use regulations, which expressly permit development at (and even above) densities proposed in the Project. These revisions to City codes and policies were based upon reasonable assumptions regarding potential demand upon water, sewer, utility, police, fire and service rights. Therefore, the development will not create an increased need for public services beyond the service level already anticipated by the Comprehensive Plan and expressly allowed in applicable City codes and regulations.

Nick Majsterek:

1. The traffic is substantial at certain hours, including backups from the stop sign of people heading west on Dry Creek all the way to Old Reecer Creek.

WCE Response: As noted above, the city of Ellensburg recently approved a Traffic Impact Analysis dated June 2023 for this project, which details the traffic-related impacts that are generally anticipated as a result of the buildout of the Project. We understand all these materials are part of the Examiner's record on the Project.

2. We want to make sure the city and county are aware to assist in mitigating future issues with the flooding. As the Foster North project continues, with the moving of dirt, compacting, raising elevation for building, we again would like to reiterate our concerns that the natural floodplain and its capacity to hold on to excess groundwater will create a channel of potential flooding between the development and Reecer Creek Road.

Reading through the "Preliminary Mitigated Determination of Non-Significance", it appears that the development would be mitigating flooding issues for the development, but not addressing any issues that the development could be causing to surrounding areas.

WCE Response: As noted above, the project will apply for a FEMA floodplain map revision which will include improvements within the property to mitigate flood hazards within the development consistent with applicable law. These revisions will be sought through a separate approval process so these actions are not before the Examiner in this proceeding.

Paul McBride and Gabrielle Stryker:

1. Over the last year there has been rock crushing at the Foster subdivision site ~200ft behind our property from dawn till dusk. Section 5.60.060(A): "It is unlawful for any person to cause or make, or for any person to allow to originate from the property in or under his or her possession, ownership or control, any loud or raucous noise which unreasonably disturbs or interferes with the peace, comfort or repose of others."

WCE Response: Ellensburg City Code Section 5.60.120(A)(2) identifies normal construction activity between the hours of 6 a.m. and 10 p.m. as an exception to the provisions of Chapter 5.60. Please also note that WCE and the property owners removed the request for onsite rock crushing from the Foster North application.

2. We would also greatly appreciate additional trees and shrubs (more than a single layer) beyond what the landscape plans have proposed, be put in place to shield our home and animals from the noise of the 2705+ cars (from Average Daily Trips, trip generation letter) that will travel daily along Buckaroo Drive approximately 50 feet from our home.

WCE Response: As discussed above, traffic improvements as well as landscaping plans are included in the Project materials and will be subject to final approval by the City.

3. This area is now full of weeds including perennial pepperweed *Lepidium latifolium*, various mustards and thistles, and of course cheatgrass, *Bromus tectorum*. The owner of the property, Dry Creek Acres, LLC, appears oblivious to the Kittitas County's noxious weed voluntary compliance efforts, leaving us no choice but to report them for enforcement (RCW 17.04.200 and RCW 17.10.140).

WCE Response: Since receiving these comments the Applicants have taken several steps to ensure adequate weed control on the site, including ongoing grazing on the

property (which is currently underway) and several weed abatements up to and including in June.

4. If underground piping is to be installed in place of the ditch, we ask that, at a minimum, the following conditions be imposed:

a. That the underground pipe not, at any point along its length, traverse homeowner lots. It must be placed along a public access route to allow maintenance as needed. By law we have an easement to our irrigation delivery system all the way back to water gate at the town ditch. Putting any section of the pipe on private homeowner property violates our easement.

WCE Response: This condition is required by the City of Ellensburg; however, it should be noted that the pipe is already on private property. Regardless the Project will comply with all applicable City requirements.

b. There must be easily accessible clean-outs along the length of the pipe to allow maintenance.

WCE Response: This condition is required by the City of Ellensburg and the Project will comply with it.

c. At no point from the town ditch to our property may the pipe have angles greater than 45 degrees. A 90 degree angle in a pipe is simply a stoppage waiting to happen.

WCE Response: This condition is required by the City of Ellensburg and as noted the Project will comply.

d. Access to the irrigation water from the pipe must be discussed and agreed upon. We currently have water come onto the property from multiple locations along the concrete ditch. We will have to put considerable thought and effort into where we want the water delivered and how we will irrigate our property from that delivery point. We need Whipple to meet with us so we can jointly agree upon how our property would access our irrigation water from the pipe.

WCE Response: WCE plans to meet with downstream property owners during construction to maintain their water supply through construction and beyond consistent with existing requirements. This Project will maintain the point of delivery for irrigation water as required by applicable state law.

5. We continue to be concerned that the proposed land development will create standing stagnant ponds in the proposed storm drainage swales, as has happened to our north, at Black Horse, and to our east, at Ida Aronica Elementary School. There have been numerous complaints by homeowners near Ida Aronica about the mosquito nuisance from the stagnant pool there.

WCE Response: The approved concept drainage report for the project anticipates that the onsite ponds will drain or discharge within 72 hours. A drainage report will be required with the civil plan set and should be available for public review once produced.

6. *There should be a plan to maintain at least some open area to preserve this wildlife, as well as a plan to contain noxious weeds in the remaining open area. We have seen other multiple open areas in the city limits that have been given over to weeds (Main St. and 14th Ave. is a perfect example).*

WCE Response: The Project will not create habitat within the Urban Growth Area to divert or attract wildlife from outside of the UGA, though the Applicant recognizes that wildlife may continue to traverse the site after development of the Project. Wetlands are subject to the City of Ellensburg Critical Areas Ordinance, addressed above, and will be subject to protection which is expected to preserve existing open space for habitat. The concerns relating to weeds are addressed in an earlier response in this letter.

Roxy DeSoer:

1. *I did locate the Trip Generation and Distribution Letter however it appears to be the same as the report used in 2021 for the SEPA P21-040 and it is stated that it was updated in April 2022. I am concerned that a real traffic impact has not been completed for this application.*

WCE Response: As noted above, a Traffic Impact Analysis dated June, 2023, was recently approved by the City of Ellensburg for this project. Recent nearby developments are included within the Traffic Impact Analysis, which demonstrates the Project's consistency with all applicable City requirements.

2. *When the rock crusher was used on the Foster Subdivision it created additional noise and an abundance of dust. Dust was not controlled well on the project let alone the addition of dust from the rock crusher.*

WCE Response: As noted above, rock crushing is no longer proposed on site.

3. *There is no mention that the shareholders that receive water from the canal must be included in decisions made about their water distribution and right of ways throughout the development. Access points must be made available for and obstruction locate. Irrigation lines should be completed to the shareholder in the off season of irrigation, October when the water is turned off to April when the water is returned. The developer must put in place, if the irrigation is accessed by or flow interrupted by its residents, something to correct and re-establish the flow of water to the shareholder at no cost to the shareholder.*

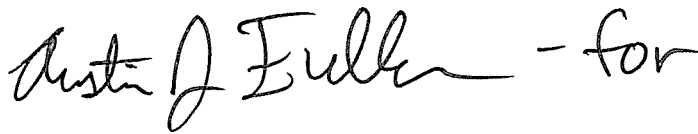
WCE Response: This development intends to complete irrigation lines between the months of October and April at no cost to the shareholders. This project will maintain the point of delivery for irrigation water as required by applicable state law.

4. In general, the we have been in ongoing discussions with the Foster Subdivision contractors for the past 14 months. Unfortunately we have had to include the city in some of the discussions. Those discussions included the enormous amount of dust as well as numerous discussions on irrigation. Because of the lack of cooperation by the contractor we had a reduced amount of hay for 2023 first cutting due to 45 day interruption of water.

WCE Response: Please note that the Foster North subdivision is under separate ownership from the existing subdivision to the southeast, so is not under common control with the Project.

If you have any questions or comments regarding this letter, please feel free to contact us at (509) 893-2617.

Sincerely,

A handwritten signature in black ink that reads "Austin J. Fuller" followed by a horizontal line and the word "for".

Todd R. Whipple, P.E.
President, Whipple Consulting Engineers, Inc.

TRW/ajf

**NOTICE OF A CLOSED RECORD PUBLIC HEARING
SUBDIVISION REQUEST**

NOTICE IS HEREBY GIVEN that a closed record hearing before the Ellensburg City Council has been set for **Tuesday, September 3, 2024 at 7:00 pm**. This meeting will be held both in-person in the Council Chambers AND virtually via Zoom, to consider Application P22-059 Foster North Plat submitted by Whipple Consulting Engineers, agents for property owner, for a Preliminary Plat Subdivision. The proposed preliminary plat within the Residential Suburban (R-S) zone is a 265 -Lot Long Plat intended for residential lots and single-family home construction. Lots will range in size from 4,002 sf to 21,355 sf.

NOTICE IS FURTHER GIVEN that all persons interested in this matter may attend the Hybrid/REMOTE meeting by contacting Staff no later than 5:00 pm on Friday, August 30, 2024. An email link, text link, or phone number will be provided which will allow for electronic participation in the public hearing. **Be advised that no new testimony will be considered by City Council, as the closed record hearing shall be limited to the record established in the open record hearing held by the Hearing Examiner.**

Project Location: Located North of Dry Creek Rd, East of Reecer Creek Road, south of the Palouse to Cascade Trail, and adjacent to the original Foster Subdivision plat, in the City of Ellensburg, WA, Kittitas County Assessor's Parcel Numbers: 14599, 14600, 14602, & 851033.

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

Questions about this preliminary subdivision may be directed to Shannon Johnson in the Community Development Department, 501 N. Anderson St., or via email: johnsons@ellensburgwa.gov

The City of Ellensburg strives to make our meetings and activities readily accessible by individuals with disabilities. Please furnish your request in sufficient time for the City to provide a reasonable accommodation. A "Request for Accommodation" form may be obtained from the City Clerk (First Floor – City Hall).

PUBLISH IN LEGAL: **Thursday, August 8, 2024**



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401 N Main St,
 Ellensburg, WA 98926
Ph. (509) 204-8236 **Fax:** (907) 452-5054

BILLING DATE:	ACCOUNT NO:
08/06/24	50080

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

AD #	DESCRIPTION	START	STOP	TIMES	AMOUNT
545390	NOCPH: Subdivision R	08/08/24	08/08/24	2	\$214.24

Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount
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Discount: **\$0.00**
 Surcharge: **\$0.00**
 Credits: **\$0.00**

Gross: **\$214.24**
 Paid Amount: **\$0.00**

Amount Due: **\$214.24**

We Appreciate Your Business!

**NOTICE OF A CLOSED RECORD
PUBLIC HEARING
SUBDIVISION REQUEST**

NOTICE IS HEREBY GIVEN that a closed record hearing before the Ellensburg City Council has been set for **Tuesday, September 3, 2024 at 7:00 pm**. This meeting will be held both in-person in the Council Chambers AND virtually via Zoom, to consider Application P22-059 Foster North Plat submitted by Whipple Consulting Engineers, agents for property owner, for a Preliminary Plat Subdivision. The proposed preliminary plat within the Residential Suburban (R-S) zone is a 265 - Lot Long Plat intended for residential lots and single-family home construction. Lots will range in size from 4,002 sf to 21,355 sf.

NOTICE IS FURTHER GIVEN that all persons interested in this matter may attend the Hybrid/REMOTE meeting by contacting Staff no later than 5:00 pm on Friday, August 30, 2024. An email link, text link, or phone number will be provided which will allow for electronic participation in the public hearing. **Be advised that no new testimony will be considered by City Council, as the closed record hearing shall be limited to the record established in the open record hearing held by the Hearing Examiner.**

Project Location: Located North of Dry Creek Rd, East of Reecer Creek Road, south of the Palouse to Cascade Trail, and adjacent to the original Foster Subdivision plat, in the City of Ellensburg, WA, Kittitas County Assessor's Parcel Numbers: 14599, 14600, 14602, & 851033.

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

Questions about this preliminary subdivision may be directed to Shannon Johnson in the Community Development Department, 501 N. Anderson St., or via email: johnsons@ellensburgwa.gov

The City of Ellensburg strives to make our meetings and activities readily accessible by individuals with disabilities. Please furnish your request in sufficient time for the City to provide a reasonable accommodation. A "Request for Accommodation" form may be obtained from the City Clerk (First Floor – City Hall).

PUBLISH: Daily Record: August 8, 2024/
LEGAL #: 545390

JIM ELLINGER
407 E 4TH AVE APT#3
ELLENSBURG WA 98926

KATHY WILLIAMS
1013 DRY CREEK RD
ELLENSBURG WA 98926

JIM DENISON
BPA LAW GROUP
700 E MT VIEW AVE STE 508
ELLENSBURG WA 98926

JONATHAN & NANCY SUTTLES
1509 DRY CREEK RD
ELLENSBURG WA 98926

NICHOLAS MAJSTEREK
1607 W DRY CREEK RD
ELLENSBURG WA 98926

ROXY DESOER
1012 W DRY CREEK RD
ELLENSBURG WA 98926

PAUL MCBRIDE
1407 DRY CREEK RD
ELLENSBURG WA 98926

GABRIELLE D STRYKER
1407 DRY CREEK RD
ELLENSBURG WA 98926

DAKOTA HAMLIN
81 ESTATE LANE
ELLENSBURG WA 98926

CERTIFICATE OF TRANSMITTAL

On this day, the undersigned sent to
the addressee(s) the original
document(s) by U.S. Mail.

I certify under penalty of perjury
under the laws of the State of WA
that the forgoing is true and correct.

Date 8/8/24

Signed 



COMMUNITY DEVELOPMENT DEPARTMENT

501 N. Anderson St., Ellensburg WA 98926

Land Use Permitting (509) 962-7231

Construction Permitting (509) 962-7239

comdev@ci.ellensburg.wa.us

permits@ci.ellensburg.wa.us

August 8, 2024

RE: Case # P22-059, Subdivision, Notice of Closed Record Hearing

Dear Party of Record,

Notice is hereby given that a closed record hearing before the Ellensburg City Council has been set for Tuesday, September 3, 2024 at 7:00 pm. Please note that this meeting will be held both in-person in the Council Chambers AND virtually via Zoom attendance by the City of Ellensburg City Council, applicant and the public. Under consideration is a Preliminary Plat Subdivision Application (P22-059) submitted by Whipple Consulting Engineers, agent for the owner. The proposed preliminary plat within the Residential Suburban (R-S) zone is a 265 - Lot Long Plat intended for residential lots and single-family home construction. Lots will range in size from 4,002 sq. ft. to 21,355 sf.

NOTICE IS FURTHER GIVEN that all persons interested in this matter may attend the Hybrid/REMOTE meeting by contacting Staff no later than 5:00 pm on Friday, August 30, 2024.

Virtual attendees will need to pre-register in advance for this webinar via the following link:

https://us02web.zoom.us/webinar/register/WN_YVZykjxcTa2BD2Ke2cyzbQ to allow for electronic participation in the public hearing. **Be advised that no new testimony will be considered by City Council, as the closed record hearing shall be limited to the record established in the open record hearing held by the Hearing Examiner.**

Project Location: Located North of Dry Creek Rd, East of Reecer Creek Road, south of the Palouse to Cascade Trail, and adjacent to the original Foster Subdivision plat, in the City of Ellensburg, WA, Kittitas County Assessor's Parcel Numbers: 14599, 14600, 14602, & 851033.

The submitted application and file documents, including the Hearing Examiner's July 31, 2024 Decision may be examined by the public by visiting the City of Ellensburg Community Development Department webpage at <https://www.ci.ellensburg.wa.us/623/Public-NoticesCurrent-Projects>

Questions about this preliminary subdivision may be directed to Shannon Johnson in the Community Development Department, 501 N. Anderson St., or via email: johnsonss@ellensburgwa.gov

The City of Ellensburg strives to make our meetings and activities readily accessible by individuals with disabilities. Please furnish your request in sufficient time for the City to provide a reasonable accommodation by calling the City of Ellensburg ADA Coordinator at (509) 962-7222 or email ADAcordinator@ci.ellensburg.wa.us.

Sincerely,

A handwritten signature in blue ink that reads "Shannon D. Johnson".

Shannon D. Johnson
Senior Planner



COMMUNITY DEVELOPMENT DEPARTMENT

501 N. Anderson St, Ellensburg WA 98926

Land Use Permitting (509) 962-7231

Construction Permitting (509) 962-7239

AFFIDAVIT OF POSTING

The Ellensburg City Code requires that all Type IV projects have a notice sign posted at the site of the project. Per ECC 15.270.140, the following shall apply:

1. The posting of a weather-resistant sign or signs on the subject property, visible to members of the public who may be passing on nearby public rights-of-way and free from obstructions.
2. If the project abuts more than one public right-of-way (ROW), more than one sign will be required; one per ROW, as determined by the responsible official.
3. **The responsibility for the posting of the sign or signs shall be upon the project applicant or his or her agent.**
4. The sign matrix provided by Planning Dept. Staff shall be made into a sign or signs at least two feet by three feet (2' x 3') in size.

DATE: Tuesday, August 6, 2024	PLANNER: Shannon Johnson – Senior Planner,
PROJECT NAME AND SUMMARY: Foster North Subdivision – <u>Notice of CC Closed</u> <u>Record Public Hearing</u>	FILE NUMBERS: P22-059 Long Plat

PLEASE COMPLETE THE FOLLOWING:

I, Rose Strutz, certify that I am the landowner and/or authorized agent responsible for the posting of this land use project site and further certify that the site has been posted as required by Ellensburg City Code. I understand that the that the posting period begins immediately and ends after the ending of the appeal period on the final decision by the City Council and the sign(s) will be posted at the site until this time. **Failure to posts the site and return this form to Community Development in a timely manner will result in a delay of the application review for the project.**

Rose Strutz
Signature

8 / 8 / 24, 20

Please return the above affidavit and photograph(s) of the posted notice sign board(s) to: Shannon Johnson, Senior Planner, 509-962-7108, via email: johnsons@ellensburgwa.gov; Fax: 509-962-8655; or mail to: Community Development Dept., City Hall, 501 N. Anderson St., Ellensburg, WA 98926.

Notice of Closed Record Public Hearing for a Subdivision Permit Application

[illegible][illegible]

LAND USE ACTION

Notice of Closed Record Public Hearing for a Subdivision Permit Application

NOTICE IS HEREBY GIVEN that a closed record hearing before the El Dorado City Council has been set for Tuesday, September 3, 2024 at 7:00 a.m. Council will hold said hearing both in person in the Council Chamber AND virtually via Zoom. To participate a Long Plat Application (P22-002) submitted by Village Consulting Engineers, LLC for property owner Applicant for a Preliminary Plat Subdivision. The proposed preliminary plat, within the Redstone Subdivision, is 85.34 acres in size and will result in 760 separate residential lots for single family homes. Lots will range in size from 4,000 sq. ft. to 30,000 sq. ft. A 100% Mitigated Negative Impact (MNI) for the preliminary plat subdivision was issued on March 28, 2024. A public hearing was held before Planning Commission Andrew Kullback on July 22, 2024 and since Mr. Kullback has not issued a recommendation on July 21, 2024 that City Council approve the Preliminary Plat Subdivision, the same hearing will be conducted by City Council, on the closed record shall be limited solely to the record established in the preliminary open record hearing.



Interested parties may attend the HYBRID/REMOTE meeting by connecting their cell phone to the City of El Dorado, August 29, 2024. An email link, toll free, or phone number will be provided which will allow for electronic participation in the public hearing.

Project Location: This proposed subdivision is located North of City Creek Rd, East of Pioneer Creek Road, south of the Palmdale to Camanche Trail, and adjacent to the original Pioneer Subdivision Plat on multiple parcels including parcel 074's in 100% MNI P22-002, P22-003, P22-004, P22-005, P22-006, P22-007, P22-008, P22-009, P22-010, P22-011, P22-012, P22-013, P22-014, P22-015, P22-016, P22-017, P22-018, P22-019, P22-020, P22-021, P22-022, P22-023, P22-024, P22-025, P22-026, P22-027, P22-028, P22-029, P22-030, P22-031, P22-032, P22-033, P22-034, P22-035, P22-036, P22-037, P22-038, P22-039, P22-040, P22-041, P22-042, P22-043, P22-044, P22-045, P22-046, P22-047, P22-048, P22-049, P22-050, P22-051, P22-052, P22-053, P22-054, P22-055, P22-056, P22-057, P22-058, P22-059, P22-060, P22-061, P22-062, P22-063, P22-064, P22-065, P22-066, P22-067, P22-068, P22-069, P22-070, P22-071, P22-072, P22-073, P22-074, P22-075, P22-076, P22-077, P22-078, P22-079, P22-080, P22-081, P22-082, P22-083, 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P22-1374, P22-1375, P22-1376, P22-1377, P22-1378, P22-1379, P22-1380, P22-1381, P22-1382, P22-1383, P22-1384, P22-1385, P22-1386, P22-1387, P22-1388, P22-1389, P22-1390, P22-1391, P22-1392, P22-1393, P22-1394, P22-1395, P22-1396, P22-1397, P22-1398, P22-1399, P22-1400, P22-1401, P22-1402, P22-1403, P22-1404, P22-1405, P22-1406, P22-1407, P22-1408, P22-1409, P22-1410, P22-1411, P22-1412, P22-1413, P22-1414, P22-1415, P22-1416, P22-1417,

RESOLUTION NO. 2024-25

A RESOLUTION OF THE CITY COUNCIL OF ELLENSBURG, WASHINGTON
relating to the preliminary plat approval of the Foster North Subdivision No. P22-059 of property located in Ellensburg, Washington.

WHEREAS, on January 24, 2023 Whipple Consulting Engineers Inc., agent for St James Group, LLC, property owner, filed a preliminary plat application (P22-059) for two-hundred sixty-five (265) lots to be developed on Kittitas County Assessor Parcel ID #'s 14599,14600,14602 & 851033 (80.34 total acres) located at W. Dry Creek Road, commonly referred to as the "Foster North Subdivision"; and

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

WHEREAS, on March 28, 2024 the City's SEPA Responsible Official issued a Mitigated Determination of Non-Significance (MDNS) for the preliminary plat; and

WHEREAS, following a duly noticed open record public hearing held before the Hearing Examiner on July 22, 2024 to consider the preliminary plat application for the Foster North Subdivision, as provided by Chapter 15.260 ECC, the Hearing Examiner received exhibits and testimony into evidence, and issued his July 31, 2024 Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval; and

WHEREAS, following a duly noticed closed record public hearing held during a regularly scheduled Ellensburg City Council Meeting on September 3, 2024, regarding the preliminary plat application for the Foster North Subdivision application, the City Council approved the preliminary plat subject to certain conditions;

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

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

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

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

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

the proposed preliminary plat if developed in accordance with the conditions stated herein;

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

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

F. The findings of fact and recommendations of the Hearing Examiner dated July 31, 2024 are hereby adopted and incorporated herein as the findings of the Ellensburg City Council with respect to the preliminary plat.

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

Section 2. The preliminary plat involving property is located at W. Dry Creek Road, commonly referred to as the Foster North Subdivision, and legally described as follows:

Parcels 1, 2, 3, 4 and 6 of that certain Survey as recorded August 18, 1999, in Book 24 of Surveys, pages 112 through 114, under Auditor's File No. 199908180001, records of Kittitas County, Washington; being a portion of Section 27 and portion of Section 34, Township 18 North, Range 18 East, W.M., in the County of Kittitas, State of Washington; EXCEPT: That portion of Parcel 4, which is described as follows:

1. That portion of the Southeast Quarter of Section 27 and that portion of the Northeast Quarter of Section 34, both in Township 18 North, Range 18 East, W.M., Kittitas County, State of Washington, which is bounded by a line described as follows:

Beginning at the Northwest corner of Parcel 1 of that certain survey as recorded August 18, 1999 in Book 24 of Surveys, pages 112 through 114, under Auditor's File No. 199908180001, records of Kittitas County, Washington, said point being the intersection of the East right of way boundary of Reecer Creek (county) Road and the Southwesterly boundary of the former Chicago, Milwaukee, St. Paul and Pacific Railway Company right of way; thence South 00°27'40" East, along the East right of way boundary of Reecer Creek Road and the West boundary of Parcels 1, 2, 3 and 4 of said record of survey, 1,231.14 feet to the true point of beginning for said described line; thence continuing along the boundary of said Parcel 4 the following three courses; South 00°27'40" East, 323.18 feet; South 00°23'48" East, 28.80 feet; and South 64°52'21" East, 357.63 feet to an angle point on the boundary of said Parcel 4; thence North 24°57'12" East, 162.44 feet; thence North 00°40'09" East, 80.00 feet; thence North 89°19'51" West, 17.97 feet; thence North 00°27'40" West, 269.98 feet; thence North 89°47'26" West, 375.87 feet to the true point of beginning of said described line;

2. That portion of the Southeast Quarter of Section 27 and that portion of the Northeast Quarter of Section 34, both in Township 18 North, Range 18 East, W.M., Kittitas County, State of Washington, which is bounded by a line described as follows:

Beginning at the Northwest corner of Parcel 1 of that certain Survey as recorded August 18, 1999 in Book 24 of Surveys, pages 112 through 114, under Auditor's File No. 199908180001, records of Kittitas County, Washington, said point being the intersection of the East right of way boundary of Reecer Creek (county) Road and the Southwesterly boundary of the former Chicago, Milwaukee, St. Paul and Pacific Railroad Company right of way; thence South 00°27'40" East, along the East right of way boundary of Reecer Creek Road and the West boundary of Parcels 1, 2, 3 and 4 of said record of Survey, 1,554.32 feet; thence continuing along the boundary of said Parcel 4 the following two courses; South 00°23'48" East, 28.80 feet; and South 64°52'21" East, 357.63 feet to an angle point in the boundary of said Parcel 4 and the true point of beginning for said described line; thence North 24°57'12" East, 162.44 feet; thence North 00°40'09" East, 80.00 feet; thence North 89°19'51" West, 17.97 feet; thence North 00°27'40" West, 269.98 feet; thence South 89°47'26" East, 192.15 feet; thence South 00°27'40" East, 292.75 feet; thence South 24°57'12" West, 288.06 feet; thence North 64°56'48" West, 135.00 feet to the true point of beginning for said described line

Section 3. The preliminary plat of the Foster North Subdivision (P22-059) shall be developed in accordance with the following conditions of approval, which shall apply to the applicant, and the applicant's heirs, successors in interest and assigns:

1. The applicant will meet the requirements of the Public Works Department discussed in its memorandums dated August 15, 2022 and June 27, 2023. Improvements to Dry Creek Road may be deferred in accordance with ECC 4.06.060(D).
2. The applicant will meet the requirements of the Energy Services - Light Department discussed in its memorandum dated November 4, 2021.
3. The applicant will meet the requirements of the Energy Services — Gas Department discussed in its memorandum dated October 29, 2021.
4. The applicant will meet the requirements of the Fire Department for hydrants and access as per Fire Marshal's memorandums dated June 13, 2022 and August 11, 2022.
5. The applicant will meet the requirements of the SEPA Official's issuance of Mitigated Determination of Non-Significance (MDNS) (File # P22-057) dated March 28, 2024.
6. The applicant may be required to obtain an NPDES Construction Storm Water General Permit from the Washington State Department of Ecology, as well as all other permits (site grading permit, SWPPP, etc.) that may be required as a result of plat development. Subdivision and land development activities shall

follow the requirements of the Ellensburg City Code, including the Design Standards.

7. Prior to commencing any ground disturbing activities on the subject property, the owner shall secure State Parks' formal approval for the location and design of the Project access across the Palouse to Cascade Trail, as generally depicted on page 1 of the "Foster 2 Subdivision" Preliminary Plat (referred to here as the "Crossing"). This preliminary plat condition shall be deemed satisfied once the owner transmits final signed and/or recorded documentation demonstrating its rights to improve and use the Crossing in connection with the Project, as well as securing all required road access and utility easements on behalf of the City. In the event that State Parks does not approve the Crossing, then the owner shall be required to apply for and receive approval of a plat alteration per Ellensburg City Code Section 15.260.110(C) as a condition of final plat approval.
8. The City will support, if applicant applies for, a deferral of curb, gutter, sidewalk, storm drainage, illumination, and other related street improvements for that portion of the property as described hereinabove fronting on Old Reecer Creek Rd. as indicated on the "Foster 2 Subdivision" preliminary plat map, to such time as the road is formally vacated, a general street improvement project on Old Reecer Creek Rd. takes place or is ordered by the City Council. Deferral applications are made through the Public Works and Utilities Department.
9. Prior to commencing any ground disturbing activities on the subject property, the owner shall obtain any and all necessary approvals and permissions from the Bonneville Power Administration (BPA) to utilize property within the BPA easement to develop the proposed roadway and associated infrastructure as generally depicted on the "Foster 2 Subdivision" Preliminary Plat. In the event that BPA refuses to issue any needed approval for the proposed improvements, then the owner shall be required to apply for and receive approval of a plat alteration per Ellensburg City Code Section 15.260.110(C) as a condition of final plat approval.
10. All requirements of utility providers, City departments, and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents.
11. The Applicant shall perform weed remediation on all lots covered by this Preliminary Plat within thirty (30) days of this Preliminary Plat Approval should that occur.
12. Additionally, all weeds and other noxious vegetation on the subject property shall be controlled on a timely basis until development occurs on the property and lots are sold. Regarding the open space tracts or storm water tracts, weed control shall be routinely performed by the property owner or homeowner's association, whichever applies.

13.No certificates of occupancy shall be issued prior to completion of required public improvements in a manner acceptable to the City in its sole discretion. Issuance of any certificate of occupancy prior to full completion of any of the required improvements shall not be deemed to be a waiver of this section, and such issuance shall not stop the City or impair its ability to demand full completion of required improvements prior to issuance of any further certificates of occupancy.”

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

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

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

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

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

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

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

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

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

Adopted this 3rd day of September, 2024.

MAYOR

Attest: _____
City Clerk



Meeting Date: September 3, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Approve Five Year Extension of Waste Management Contract October 1, 2024 - September 30, 2029 (Public Comment Opportunity)

Submitted by: Ryan Lyyski, Public Works & Utilities Director, Hunter Slyfield, Shop & Warehouse Manager

Department: Public Works & Utilities

Suggested Motion/Action:

Move to authorize the City Manager to sign the five-year extension with Waste Management.

Background/Summary:

The City administers a contract with a solid waste hauler which is provided for in City Code. The current contract is with Waste Management (WM). The contract was originally entered into October 1, 2009 for ten years and contained a provision for another five-year extension upon mutual agreement. This five-year extension was completed in June of 2019 and extended contract through September 30, 2024. The amendment contained a provision allowing for an additional five-year extension.

Staff is now requesting Council to authorize the City Manager to sign the contract extension.

Previous Council Action:

Council authorized five-year contract extension at their June 3, 2019 meeting

Analysis:

The current contract with Waste Management will expire on September 30, 2024. Staff has recently completed negotiations with Waste Management to extend the contract. Significant changes include the following:

- Addition of rates for services not included in the existing contract;
- Elimination of services not currently available;
- Increased rates for residential services and roll off container services which include Kittitas County Disposal Fee increases;
- Modification to the Annual Rate Adjustment allowed in the contract;
- Continues to provide City services and rates to annexations; and
- Continues the Spring and Fall Cleanup programs;
- Contract changes annual rate adjustments from Consumer Price Index (CPI) to the Water, Sewer, Trash index which should eliminate volatility in rate increases;
- Language assures that only one rate increase per year will occur and include Kittitas County disposal fee increases;

- Adds an additional month in November for weekly yard waste services to help with citizens leaf/yard waste disposal;
- Adds the opportunity for the City to collaborate and have WM provide services for an annual recycling day;
- Increases information sharing to help residents pay their bills and receive customer support from WM;
- Adds an annual meeting between City and WM to coordinate education and outreach efforts for solid waste and recycling

City staff and WM worked collaboratively together on methods to aid our citizens/customers in making contact with WM and the City with WM issues. The City is in the process of updating our website to include contact information for the City and WM, provides links to WM website for WM questions, garbage and recycling services. The City/WM sites are also going to clearly list the WM office location and office hours where citizens can go to seek information or report issues. Staff was advised by WM that WM customers can make payment by credit card at their local office or make payment to their account at the Fred Meyer customer service counter. The City's messaging/WM messaging will highlight the ability for WM customers to make payment at Fred Meyer for those who would like to pay with cash or credit card.

The list of recyclables listed in Attachment D has not changed.

Financial Impact:

The main cost for City is staff time in administering the contract. Direct costs associated with the contract are paid by customers within the City whom take service from Waste Management. The new rate schedule identified in Attachment B of the contract extension will become effective October 1, 2024.

Budget Adjustment: No

Attachments:

1. SIXTH AMENDMENT TO THE AMENDED AND RESTATED 08312024

SIXTH AMENDMENT TO THE AMENDED AND RESTATED SOLID WASTE COLLECTION AND RECYCLING AGREEMENT

THIS SIXTH AMENDMENT TO THE AMENDED AND RESTATED SOLID WASTE COLLECTION AND RECYCLING AGREEMENT (the “Amendment”) is dated September 3, 2024 by and between the City of Ellensburg, Washington, a municipal corporation (the “City”), and Waste Management of Washington, Inc. (“Contractor”), a Delaware corporation. Each of the City and Contractor may hereafter be referred to individually as a “Party” or collectively as the “Parties.”

RECITALS

- A. The Parties entered into that certain Amended and Restated Solid Waste Collection and Recycling Agreement (“Agreement”) effective October 1, 2009, to provide for curbside collection of garbage, yard debris and recyclables within the city of Ellensburg (the “Agreement”).
- B. The Parties entered into a First Amendment in January, 2010;
- C. The Parties entered into a Second Amendment on December 16, 2013;
- D. The Parties entered into a Third Amendment on June 1, 2015;
- E. The Parties entered into a Fourth Amendment on June 27, 2019;
- F. The Parties entered into a Fifth Amendment on September 6, 2019; and
- G. The Parties now desire to further revise and amend certain terms of the Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the receipt and sufficiency of which are hereby acknowledged, the Parties mutually agree to amend the Agreement as follows:

1. **Term of Contract.** Section 1 of the Agreement is hereby deleted in its entirety and replaced as follows:

“The term of this Agreement is five (5) years, starting October 1, 2024 (the “Effective Date”) and expiring September 30, 2029 (the “Term”). Thereafter, this Agreement may be extended for one (1) additional five-year Term upon mutual written agreement of the Parties. The Parties shall provide written notice to each other of their intent by no later than one hundred and eighty (180) days prior to the then expiring Term.

2. **Subject Materials.** Section 2.2.3.1 of the Agreement is hereby deleted in its entirety and replaced as follows:

“Yard Debris shall be collected weekly from April through November and monthly from December through March. Yard waste collection is a subscription program provided to those Customers that subscribe to such service. Contaminated or oversized Yard Debris materials rejected by the Contractor at the Curb shall be tagged in a prominent location with an appropriate problem notice explaining why the material was rejected.”

3. **Detachable and Drop-box Containers.** Section 2.1.15.3 of the Agreement, first paragraph, is hereby amended as follows:

“The Contractor shall furnish and install 1-, 1.5, 2-, 3-, 4-, 6- and 8-cubic yard Detachable Containers, and 20-, 30-, or 40-cubic yard uncompacted Drop-box Containers to any Customer who requires their use for storage and collection of Garbage, Recyclables, or Yard Debris within three (3) days of the request. Containers shall be located on the premises in a manner satisfactory to the Customer and for collection by the Contractor.”

4. **Special Arrangements.** Section 2.1.20 of the Agreement is hereby deleted in its entirety and replaced as follows:

“As partial consideration for this Agreement, during the Term (including any extension thereof pursuant to Section 1), the Contractor shall provide, at no additional charge to the City:

- i. Service for City-owned facilities, comprised of containers and collection of Garbage and Recyclables generated from typical office operations to those facilities set forth in Attachment E - City Facilities, which also sets forth container sizes and collection frequency. Such collection shall not apply to materials that (a) are other than Garbage or Recyclables generated at the City Facilities through normal operations; and/or (b) are collected by third parties and delivered to a City Facility;
- ii. Service for City-owned street cans, comprised of Garbage collection services for City-owned street cans at the locations and frequencies set forth in Attachment E - City Facilities (all locations must be accessible to Contractor’s collection vehicles); and
- iii. Service, comprised of containers and collection services valued at up to two thousand dollars (\$2,000) at Contractor’s then-current rates, for one (1) City-sponsored recycling event each year. Recyclable materials acceptable for collection at each event shall be determined by the Contractor in its sole discretion.

5. **Office Location.** Section 2.3.2.1 of the Agreement is amended by adding a second paragraph as follows:

“Outside its local office premises, the Contractor shall post its office hours and alternative methods of payment including instructions for payment in cash, credit (or debit) card, and by check.”

6. **Promotion.** Section 2.3.4 of the Agreement is hereby deleted in its entirety and replaced as follows:

“The Contractor acknowledges that education and public awareness are essential elements of efforts to achieve recycling goals and recycling contamination reduction. Accordingly, the Contractor will implement a public education program to expand public and Customer awareness concerning the necessity for methods of reducing, reusing, and recycling waste

materials. The Contractor shall keep the public informed of programs and encourage participation through an Annual Service Update, as described herein, provided to Single-Family Residence Customers by the Contractor. The Annual Service Update may be printed and mailed or sent electronically and shall be made available on the Contractor's website. The Annual Service Update shall include information detailing the services available to Customers, solid waste preparation requirements and other service requirements, the Contractor's customer service contact information, office hours and office location, inclement weather and other policies, online customer service tools, and other useful information.

Key components of educational materials, including cart decals, informational brochures, postcards, and the Annual Service Update shall be made available in English and Spanish languages.

Beginning in October of 2024 and recurring annually thereafter, the Parties shall meet to discuss the following year's public education and outreach plan. The Contractor shall consult with the City concerning any necessary adjustments to the promotional materials, however the Contractor shall be responsible for its final design, print, and distribution, including costs."

7. **Annual Rate Adjustment.** Section 3.3.1 and Attachment C of the Agreement are hereby deleted in their entirety and replaced as follows:

"Commencing on October 1, 2025, and on the same date annually thereafter (each, an "Adjustment Date"), the Rates shall be automatically increased by a percentage equal to the percent change in the average Consumer Price Index for Urban Consumers: Water and Sewer and Trash Collection Services ("CPI") (Series CUUR0000SEHG, CUUS0000SEHG), as published by the United States Department of Labor, Bureau of Labor Statistics. The first adjustment of the Rates will be based on the change in CPI, as described above, of the January 2024 published index compared to the January 2025 published index. Adjustments to the Rates shall be made in units of one cent (\$0.01). Fractions less than one cent (\$0.01) shall not be considered when calculating adjustments. Annual CPI adjustments shall not be negative. In the event the change in the CPI index is negative when measuring from the current January published index compared to the prior year January published index, there shall be no CPI adjustment."

8. **Periodic Adjustments.** Section 3.3.2 of the Agreement is hereby deleted in its entirety, retitled as "Disposal Fee Adjustment," and replaced as follows:

"Annually, on the Adjustment Date, the disposal fee component of Rates shall be adjusted based on container content weights to reflect any increase in the per-ton Kittitas County solid waste disposal fee."

9. **Notices.** Section 5 of the Agreement is hereby deleted in its entirety and replaced as follows:

All notices required or contemplated by this Agreement shall be made in writing to the other Party's representative(s) as set forth below and will be deemed received (a) on the date they are personally delivered, or (b) when sent by commercial courier service or United

States mail, postage fully prepaid, by certified mail return receipt requested, upon the delivery date as documented therein. Either Party may change its representative(s) and the contact information for its representative(s) by providing written notice.

If to the City: Attn: City Manager
City of Ellensburg
501 N Anderson St
Ellensburg, WA 98926

If to the Contractor: Waste Management of Washington, Inc.
Attn: Area Director of Public Sector Solutions
720 4th Avenue, Suite 400
Kirkland, WA 98033

Copy to: Waste Management of Washington, Inc.
Attn: Area Senior Legal Counsel
720 4th Ave, Suite 400
Kirkland, WA 98033

10. **Itemization on Invoices.** Section 3.1.2 of the Agreement is hereby deleted in its entirety and replaced as follows:

“City, Kittitas County, and Washington State solid waste, utility and/or sales taxes or fees shall be itemized separately on Contractor’s invoice and added to the charges listed in Attachment B.

The County disposal fee, as it exists on the date of execution or as thereafter adjusted pursuant to Section 3.3.2, shall be itemized separately on customer invoices with charges for Drop-box container service. The Contractor shall charge Drop-box customers the actual disposal cost, plus the Washington State Business and Occupation Tax, plus ten percent (10%) to reflect the Contractor’s margin and costs related to handling the pass-through disposal component of that service.

11. **Attachment A – Service Area.** Attachment A of the Agreement is hereby deleted in its entirety and replaced with an updated Attachment A – City Service Area.
12. **Attachment B - Service Rate Schedule.** Attachment B of the Agreement is hereby deleted in its entirety and replaced with an updated Attachment B - Service Rate Schedule.
13. **Attachment C – Rate Modification Examples.** Attachment C – Rate Modification Examples is hereby deleted in its entirety.
14. **Attachment D – Recyclable Materials Specifications.** Attachment D – Recyclable Materials Specifications, is deleted in its entirety and replaced with an updated Attachment D.
15. **Attachment E - City Facilities.** Attachment E of the Agreement is hereby deleted in its

entirety and replaced with an updated Attachment E - City Facilities.

16. **Full Force and Effect.** Except as otherwise provided in this Amendment, all other terms and provisions of the Agreement, as previously amended, shall remain in full force and effect.
17. **Counterparts; Signatures.** This Amendment may be signed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same agreement. Signatures transmitted electronically shall be deemed valid execution of this Amendment and binding on the Parties.

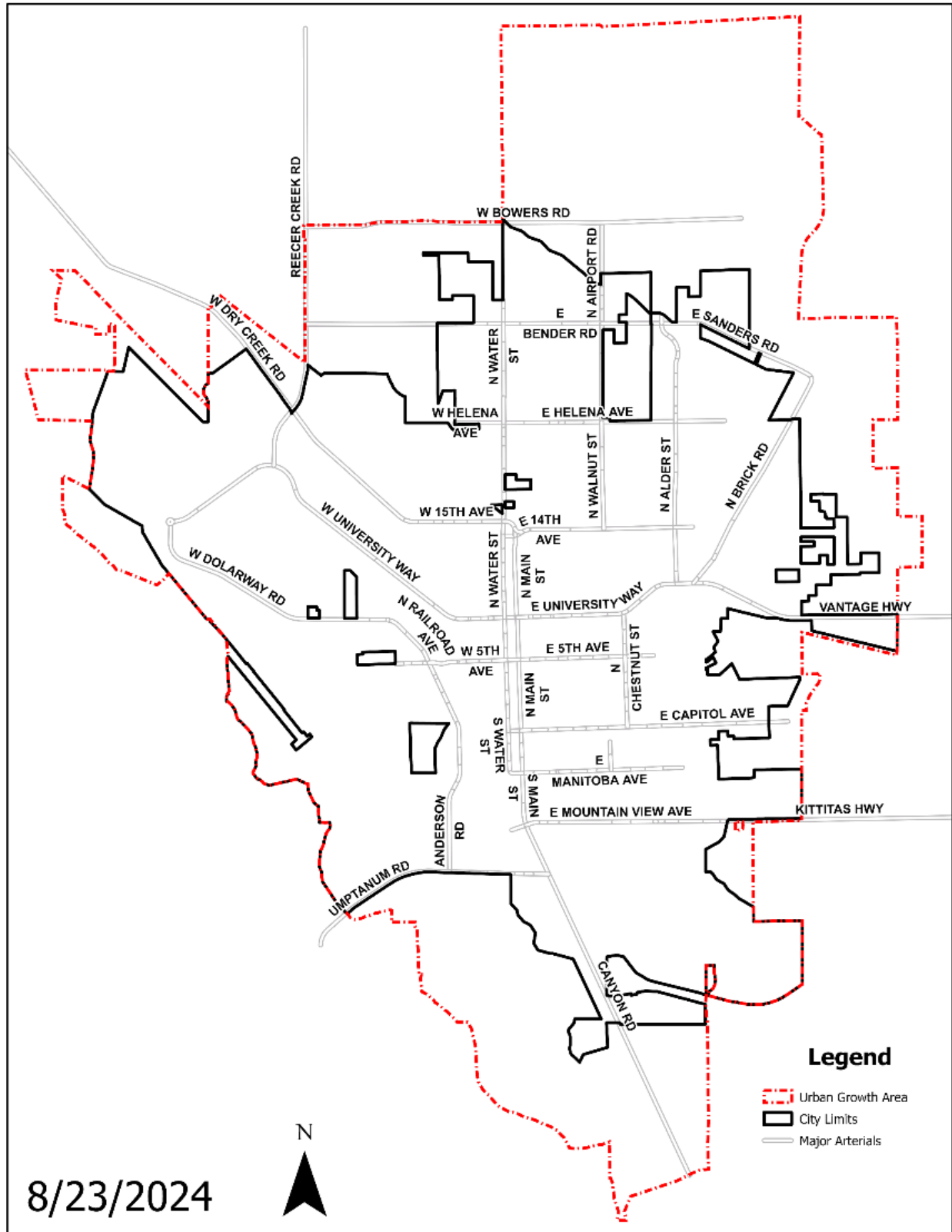
Waste Management of Washington, Inc.

City of Ellensburg

By: _____
Name: Jason S. Rose
Title: President
Date: _____

By: _____
Name: Heidi Behrends Cerniwey
Title: City Manager
Date: _____

ATTACHMENT A – CITY SERVICE AREA



ATTACHMENT B - SERVICE RATE SCHEDULE

(All rates are monthly unless denoted otherwise.)

<u>Residential Rates (includes Curbside recycling)</u>	
<u>Weekly Curbside collection service</u>	<u>Monthly Rate</u>
Qty (1) 20-gallon cart	\$ 21.33
Qty (1) 35-gallon cart 1x per month	\$ 13.67
Qty (1) 35-gallon cart	\$ 24.42
Qty (1) 64-gallon cart	\$ 36.29
Qty (1) 96-gallon cart	\$ 48.63
<i>If the Customer requires multiple cart service, in any combination, the Rates shown above will be multiplied by the number of carts requested.</i>	
<u>Miscellaneous services</u>	<u>Per Occurrence</u>
Extras (35-gallon cart or equivalent)	\$ 6.71
Oversize or overweight units	\$ 9.39
Drive-in charge	\$ 6.70
Carryouts per cart (over 5ft. but not over 25ft.)	\$ 1.46
Carryouts per cart (over 25ft. and each increment of 25ft. thereafter)	\$ 1.06
Return trips - cans (per pickup)	\$ 6.20
Redelivery fee (per delivery)	\$ 19.32
Contamination charge	\$ 31.79
<u>Subscription Yard Debris collection</u>	
	<u>Monthly Rate</u>
Qty (1) 96-gallon cart (at frequencies set forth in Section 2.2.3.1)	\$ 20.81
	<u>Per Occurrence</u>
Yard Debris extras (32 gallon can or equivalent)	\$ 3.70
Cart redelivery fee (per delivery, if service is discontinued at any time and recommenced within 365 days)	\$ 30.89

<u>Temporary containers</u>	<u>Monthly Rate</u>
Qty (1) 1-yard	\$ 63.99
Qty (1) 1.50-yard	\$ 69.35
Qty (1) 2-yard	\$ 80.16
Qty (1) 3-yard	\$ 102.68
Qty (1) 4-yard	\$ 124.79
Qty (1) 6-yard	\$ 168.60
Qty (1) 8-yard	\$ 208.54
<u>Commercial and Multifamily Customer Rates</u>	
<u>Commercial carts:</u>	<u>Monthly Rate</u>
Qty (1) 35-gallon Cart	\$ 27.42
Qty (1) 64-gallon Cart	\$ 39.58
Qty (1) 96-gallon Cart	\$ 56.68
Extras (35-gallon cart or equivalent) per occurrence	\$ 7.59
<i>(If the Customer requires multiple cart service, in any combination, the Rates shown above will be multiplied by the number of carts requested.)</i>	
<u>Miscellaneous services (Commercial Customers)</u>	<u>Per Occurrence</u>
Return trips (per pickup) - carts	\$ 6.14
Carryouts per can per pickup (over 5ft. but not over 25ft.)	\$ 0.25
Carryouts per can per pickup (over 25ft. and each increment of 25ft thereafter)	\$ 0.14
Return trips (per pickup) - containers	\$ 14.42
Roll-out container	\$ 3.40
Disconnect hydraulics	\$ 28.62
Unlock container	\$ 18.55
Gate-opening	\$ 18.55
Redelivery fee (per delivery)	\$ 19.14
Container swap for clean container (instead of curb power-wash which is not available)	\$ 31.54
<u>Commercial Customer Detachable Containers (weekly service):</u>	<u>Monthly Rate</u>
Qty (1) 1-yard	\$ 156.85
Qty (1) 1.50-yard	\$ 179.96
Qty (1) 2-yard	\$ 226.87
Qty (1) 3-yard	\$ 324.54
Qty (1) 4-yard	\$ 420.21
Qty (1) 6-yard	\$ 609.94
Qty (1) 8-yard	\$ 783.06

Qty (1) 3-yard compactor	\$ 705.69
Qty (1) 4-yard compactor	\$ 941.17
Qty (1) 6-yard compactor	\$ 1,428.46
Extra uncompacted cubic yard/pickup	\$ 32.62
Extra lift	\$ 36.20
Extra lift compactor	\$ 108.60
<i>If the Customer requires multiple cart service, in any combination, the Rates shown above will be multiplied by the number of carts requested.)</i>	
<u>Container Rent</u>	<u>Monthly Rate</u>
Qty (1) 1-yard	\$ 10.15
Qty (1) 1.50-yard	\$ 12.21
Qty (1) 2-yard	\$ 12.29
Qty (1) 3-yard	\$ 19.14
Qty (1) 4-yard	\$ 19.74
Qty (1) 6-yard	\$ 24.66
Qty (1) 8-yard	\$ 28.70
<u>Special pick-up rate</u>	<u>Per Occurrence</u>
Qty (1) 1-yard	\$ 41.85
Qty (1) 1.50-yard	\$ 47.22
Qty (1) 2-yard	\$ 57.99
Qty (1) 3-yard	\$ 80.57
Qty (1) 4-yard	\$ 102.69
Qty (1) 6-yard	\$ 146.41
Qty (1) 8-yard	\$ 186.34
Qty (1) 3-yard Compactor	\$ 162.86
Qty (1) 4-yard Compactor	\$ 217.25
Qty (1) 6-yard Compactor	\$ 329.80
<u>Temporary containers</u>	<u>Per Occurrence</u>
Delivery fee	\$ 50.62
Daily rent	\$ 2.36
Extra yardage charge(per yard)	\$ 31.38

<u>Drop-box Container Rates</u>	
Drop-box container rates are subject to certain charges to be itemized on the customer's invoice pursuant to Section 3.1.2 of the Agreement.	
<u>Permanent haul fees</u>	<u>Monthly Rate</u>
Under 30 yards	\$ 185.54
30 yards and greater	\$ 185.54
Compactors (all sizes)	\$ 221.27
<u>Permanent rent fees</u>	<u>Monthly Rate</u>
Under 30 yards	\$ 88.31
30 yards and greater	\$ 132.94
<u>Temporary haul fees</u>	<u>Per Occurrence</u>
Under 30 yards	\$ 212.00
30 yards and greater	\$ 212.00
<u>Temporary rent fees</u>	<u>Per Occurrence</u>
Under 30 yards	\$ 3.41
30 yards and greater	\$ 5.16
<u>Delivery charge</u>	<u>Per Occurrence</u>
Drop-box Container temporary	\$ 72.31
Disposal per-ton	\$ 159.80
Disposal per-yard (CDL)	\$ 13.41
<u>Additional Services:</u>	<u>Per Occurrence</u>
Additional mileage charge (for hauls to other sites / charge per mile)	\$ 4.81
Steam cleaning (per yard)	\$ 12.93
Pickup and redelivery charge for cleaning containers	\$ 33.36
Return trip – Drop-box (per pickup)	\$ 25.47
Time for delivery driver (per hour)	\$ 168.49
Cost of extra person (per minute)	\$ 2.81
Disconnect hydraulics	\$ 28.62

~~ATTACHMENT C — RATE MODIFICATION EXAMPLES~~

~~Rate Modification Examples~~

~~Annual CPI Adjustment:~~

~~Beginning on the first anniversary of the Effective Date, the Customer charges listed in Attachment B will be adjusted annually, pursuant to this Section and as described below:~~

$$\text{NCC} = \text{PCC} \times 1 + \frac{(\text{NCPI} - \text{OCPI})}{\text{OCPI}}$$

~~Where:~~

~~NCC = The new collection rate for a particular service level; and~~

~~PCC = The previous collection rate for a particular service level; and~~

~~NCPI = The most recent December 31 CPI value; and~~

~~OCPI = The CPI value used for the previous rate adjustment or, in the case of the first contract adjustment, the CPI value reported for December 31, 2018.~~

~~Disposal Fee Increase in excess of CPI:~~

~~If the Kittitas County disposal fee increase is greater than the CPI increase calculated above, the increase will be calculated in accordance with the formula described below and by the following example:~~

$$\text{NCCD} = \text{NCC} \times 1 + \frac{(\text{DIP} - \text{NCPI}) \times (1 + \text{BO})}{\text{NCPI}}$$

~~DIP = Disposal increase percentage~~

~~NCPI = The most recent December 31st CPI value~~

~~NCCD = The new collection rate for a particular service level with the applicable disposal increase; and~~

~~PCC = The previous collection rate for a particular service level; and~~

~~BO = State B & O tax rate~~

ATTACHMENT D
RECYCLABLE MATERIALS SPECIFICATIONS

MATERIAL TYPES	ACCEPTABLE MATERIALS	PREPARATION INSTRUCTIONS	EXCLUDED MATERIALS
Paper	- Office paper, copy paper, construction paper, file folders, note paper, computer paper, brochures - Newspaper, advertisements and paper inserts - Magazines and inserts - Catalogs - Cardboard - Direct mail and paper inserts - Envelopes - Paper bags - Cereal, cookie and cracker boxes - Paper towel tubes - Toilet paper tubes - Tissue boxes - Non-foil wrapping paper - Kraft paper bags or boxes - Paper envelopes containing plastic windows	Paper must be dry. Remove any: - Plastic bags (exterior or interior) - Plastic packaging - Metal - Electronics - Magnets - Twine - Straws - Lids - Food and/or liquids	- Shredded paper - Paper envelopes lined with bubble wrap - Insulation liners or envelopes made from plastic (Tyvek) - Laminated paper - Stickers/labels - Photos - Carbon paper - Receipts - Paper affixed to magnets - Hot or cold cups - Pet food bags - Mixed material bags - Wet and/or soiled paper - Paper with large amounts of paint and/or glue - Frozen food boxes - Juice boxes - Milk cartons - Ice cream Containers - Aseptic Containers, e.g. soup, broth, soymilk, almond milk
Cardboard	- Cardboard boxes - Cardboard packaging - Cardboard beverage Containers	- All materials must be dry - Flatten all cardboard - Remove all interior packaging, e.g. block foam, packing peanuts and exterior plastic wrap - Do not bundle with tape or twine (external tape is acceptable) - Place any oversized cardboard next to Cart/Container	Waxed cardboard

MATERIAL TYPES	ACCEPTABLE MATERIALS	PREPARATION INSTRUCTIONS	EXCLUDED MATERIALS
Metal	• Tin, aluminum and/or steel food and/or beverage Containers	• Remove all exterior packaging • Remove lids • Empty of all food and/or liquids or other debris • Labels do not need to be removed	• Aluminum foil and/or trays • Sharp and/or greasy metal • Scrap metal • Batteries • Microwaves • Electrical cords • Cell phones • Vehicle snow chains • Aerosol cans
Plastic Bottles	• PET/PETE bottles • HDPE bottles/jugs	• Remove lids • Remove straws • Empty of all food and/or liquids or other debris • Labels do not need to be removed	• Plastic bags • Plastics items #3-#7 • Food and/or beverage Containers • Dairy tubs, e.g. butter, yogurt, cottage cheese • Cups • Rigid flowerpots • 5-gallon buckets • Plastic film • Diapers • Plastic bottles that contained HHW listed materials • Deli, bakery and produce clamshell Containers • Loose lids, any size • Plant trays • PVC • Large rigid plastic, e.g. outdoor furniture, laundry baskets, swimming pools, toys • Hoses • Landscaping/sprinkler tubing
Other	Not applicable	Not applicable	• Shredded paper • Fabric (textiles) • Carpet • Wire • Rope • Chains • Christmas lights • Wood • Glass of any kind

ATTACHMENT E - CITY FACILITIES

Department	Service	Address
Sewage Plant	Qty (2) 2-yard MSW 2x week Qty (1) 1.5-yard MSW 1x week Qty (2) 35-gallon MSW 1x week	1 Canyon Rd
City Pool	Qty (1) 4-yard MSW 1x week	815 E 6 th Ave
Library	Qty (2) 1.25-yard MSW 2x week Qty (1) 1-yard Recyclables 1x week	209 N Ruby
City Hall	Qty (2) 3-yard MSW 2x week Qty (1) 2-yard Recyclables 1x week	501 N Anderson
Senior Center	Qty (1) 1.5-yard MSW 1x week Qty (1) 2-yard Recyclables 1x week	506 S Pine
Animal Shelter	Qty (1) 1.5-yard MSW 1x week	1007 Industrial Way
City Shop	Qty (5) 2-yard MSW 1x week Qty (1) 2-yard Recyclables 1x week Qty (1) 20-yard MSW 2x week	607 S Industrial Way
Police Department	Qty (1) 2-yard MSW 1x week Qty (1) 1-yard Recyclables 1x every-other-week	100 N Pearl St
Ellensburg Youth Center	Qty (1) 2-yard MSW 1x week Qty (1) 1-yard Recyclables 1x week	406 E Capitol Way
Rotary Park	Qty (1) 8-yard MSW 1x week (May-October)	1 W 5 th St and N Pacific St
Irene Rinehart Park	Qty (1) 6-yard MSW 1x week (May- October)	1081 Umptanum Rd
Unity Park	Qty (1) 2-yard MSW 1x week (May-October)	417 N Pearl St

City Street Cans							
Location	Qty		Location	Qty		Location	Qty
Mountain High	2		Dakota CAF	2		Calvary Church	2
Sleep Center	1		Pet Shop	2		Yakima Federal	2
Consolidated	1		State Farm	2		Dollar Tree	2
Library	1		Courthouse	1		Herbert Snowden	2
Mental Health	1		Soup Bowl	1		Blue Rock	2
Fitterer's	1		Daily Record	1		Costume Shop	2
Umpqua Bank	1		Palace Café	1		Ellensburg Floral	4

Windrow	1
Amerititle	2
US Bank	2
425 & Company	2
Clymer Museum	2
Pavilion	2
Club 301	2
Wachsmith	1
Head to Toe	1
Wells Fargo	2
Helena and Airport	1
Ruby and Manitoba	1

K Valley Computers	1
Panda Garden	1
Fred Meyer	2
Ellensburg Pasta	1
Pita Pit	1
Friendship Park	1
Woods	4
County Office	1
Bank of the West	2
Alder and Helena	2
18 th and Brooklane	1
Mountain View and Whitman	1

Red Pickel	2
ABC Donuts	2
5 th and Pearl SW	2
Merit	2
Family Insurance	2
Post Office	2
D&M Coffee	2
Lunch Box	1
Safeway	2
Chestnut and Seattle	1
Mountain View and Pine	1
University Way DSHS	1



MANAGER'S REPORT

DATE: September 3, 2024

To: Ellensburg City Council

FROM: Heidi Behrends Cerniwey, City Manager

1. Closed Record Public Hearing on September 16.

Staff would like to advise Council that a public hearing has been set for September 16, 2024 to consider application #P23-115, a Type IV Preliminary Plat submitted by Pooya & Pezhman Roohani, P&P Homes, LLC, property owners for the Pierce Long Plat Subdivision located along the east side of Airport Road north of Countryside Avenue, south of Falcon Road, in the City of Ellensburg, WA, Kittitas County Assessor's Parcel Numbers: 136233 & 959777.

2. Ellensburg Police (EPD) Convening Juvenile Crime Ad Hoc Group.

In 2019, Ellensburg Police Department (EPD) leadership noticed an increase in juvenile crime in several areas around town—primarily malicious mischief and other petty crimes. During the COVID pandemic the calls and crime trend decreased until mid-2022 when police saw a resurgence of similar calls and juvenile-related offenses. The new trend included an increase in assaults, burglaries, car prowls, and thefts. EPD arrests increased 100% since early 2022. In an effort to better understand the uptick in crimes, the department reached out to Ellensburg School District to gain perspective. They found that the schools have also witnessed this trend of juvenile-related criminal behavior. EPD will be convening an ad hoc committee with representatives from school districts across the county, law enforcement, prosecutor's office, service providers, and the courts. The purpose is to assess and better understand the needs and gaps in youth services and explore interventions within the juvenile justice system to deter crime and get families the help they need. The initial group will be limited to those providers that can share juvenile crime information to assist in the development of a long-term strategy to help families and reduce juvenile crime.

3. Public Hearing for Dissolution of EBDA on September 16, 2024.

The City of Ellensburg will hold a public hearing at the regular meeting on Monday, September 16, 2024, at 7:00 p.m. This meeting will be held both in person in the Council Chambers and virtually via Zoom, to consider rescinding Ordinance 3895, codified as Chapter 1.62 of the Ellensburg City Code, and dissolving the Ellensburg Business Development Authority (EBDA), dba CenterFuse to allow for a merger with the Kittitas County Chamber of Commerce.

4. Poet Laureate Applications Due September 15.

The City of Ellensburg and the Ellensburg Arts Commission (EAC) are excited to announce that application proposals are now being accepted for the position of Poet Laureate for the 2025-2027 term. This esteemed role, designed to promote the literary arts within our community, provides a unique opportunity for a local poet to inspire and engage residents through the power of poetry.

The City of Ellensburg Poet Laureate is a two-year position that builds awareness and appreciation of poetry through public readings, workshops, lectures, and presentations. Laureates perform this work often in partnership with other organizations throughout the region, fostering a sense of community collaboration and belonging through the power of poetry.

The deadline for application proposal submissions is September 15, 2024. The new Poet Laureate term will begin on January 1, 2025. Applications packets are available online or you may pick them up from City Hall in the Administration Office at 501 N. Anderson Street in Ellensburg. The Poet Laureate is part of the extensive programming of the Ellensburg Arts Commission (EAC).

5. Lodging Tax Applications Due September 20.

Kittitas County is now accepting applications for 2025 Lodging Tax Fund Grants for Special Events and Projects. This grant program is for special events and projects and is a collaborative undertaking between Kittitas County and each city that collects lodging tax. Applicants only need to complete one application to be eligible for consideration. The County and the cities of Ellensburg, Cle Elum, and Roslyn will jointly review and award funding. Funds awarded through this process may be used for tourism marketing; the marketing and operations of special events and festivals designed to attract tourists; and supporting the operation of tourism-related facilities owned or operated by non-profit organizations. Completed grant applications are due no later than September 20, 2024. More information is available online at the following link: <https://www.co.kittitas.wa.us/auditor/accounting/lodging-tax/default.aspx>

6. Unity Park Ribbon Cutting and Multi-cultural Celebration on October 5

Mark your calendars and save the date for the Unity Park Grand Opening Celebration on Saturday, October 5, 2024, from 1-5 p.m. Opening ceremonies will begin at 1 p.m. with a community celebration to follow. Open to all.

7. Vietnam Veterans Memorial Replica & Mobile Information Center

The Ellensburg Downtown Rotary Club would like to apply through the Vietnam Veterans Memorial Fund to have the Vietnam Veterans Memorial Replica & Mobile Information Center hosted at Rotary Park. The deadline to submit the application is September 30, 2024. If awarded, The Wall and Mobile Education Center will be in Ellensburg in 2025 for a total of five days - the specific dates are unknown at this time. The wall will take up an area of 325' x 85'. Staff is asking Council to support the Rotary Club submitting the grant application and identifying Rotary Park as the host location.