

CITY COUNCIL AGENDA

September 16, 2024



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To attend the city council meeting virtually register here:

https://us02web.zoom.us/webinar/register/WN_fND8nmeNRmeYPwUi-n7cQw

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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 ADACoordinator@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
Monday, September 16, 2024
7:00 PM - Regular Meeting**

Pledge of Allegiance

1. Call to Order and Roll Call

2. Proclamations (No Public Comment)

2.A Support Your Local Chamber of Commerce Day 6

2.B HispanicLatinX Heritage Month, 2024 7

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 September 3, 2024 Regular Meeting 9

5.B Approve Minutes of September 3, 2024 Study Session 13

5.C Acknowledge Minutes of Boards and Commissions 14

5.D Acknowledge Appointment of Mike Davis to LEOFF 1 Disability Board 27

5.E Accept the Resignation of Zane Kanyer from the Landmarks & Design Commission. 28

5.F Award Bid Call 2024-17 Distribution Transformers to General Pacific Inc. 29

5.G Approve September 16, 2024 Voucher Listing 31

6. Petitions, Protests, and Communications

7. Citizen Comment on Non-agenda Issues

8. Business Requiring Public Hearings

8.A	Closed record hearing to consider adoption of Resolution 2024-26, approving the Pierce Preliminary Plat (File # P23-115) (Limited Public Testimony)	32
8.B	Public Hearing (Legislative) for First Reading of Ordinance 4944, to repeal Ordinance 3895, Codified as Chapter 1.62 of the Ellensburg City Code, Dissolving the Ellensburg Business Development Authority (EBDA), dba CenterFuse	131
9.	Introduction and Adoption of Ordinances and Resolutions	
10.	Unfinished Business	
11.	New Business	
11.A	Interlocal Agreement Between the City of Ellensburg, Kittitas County, and Central Washington University for Economic Development Property Exchanges (Public Comment Opportunity)	167
11.B	Agreement Between City and Kittitas County Chamber of Commerce Relating to Disposition of EBDA Assets, Grants, and Services (Public Comment Opportunity)	175
12.	Miscellaneous	
12.A	Manager's Report (No Public Comment)	188
12.B	Councilmembers' Reports (No Public Comment)	
13.	Executive Session	
14.	Adjournment	



City of Ellensburg

PROCLAMATION

Proclamation: Support Your Local Chamber of Commerce Day, October 16, 2024

Whereas, the Kittitas County Chamber of Commerce has long served as a pillar of our community, advocating for local businesses and fostering economic growth; and

Whereas, the chamber promotes collaboration among businesses, government, and community members to enhance the quality of life for all residents of Kittitas County; and

Whereas, supporting local chambers of commerce is crucial in advancing economic prosperity, promoting tourism, and nurturing a vibrant business environment; and

Whereas, the third Wednesday of October each year provides an opportunity to recognize and celebrate the contributions of our local chamber of commerce;

Now therefore, I, Rich Elliott, Mayor of the City of Ellensburg, do hereby proclaim October 16, 2024, and the third Wednesday of October, to be "Support Your Local Chamber of Commerce Day" in Kittitas County. I call upon all municipalities, businesses, and residents to join me in expressing appreciation for the Kittitas County Chamber of Commerce and its dedication to the well-being and prosperity of our community.

Signed this 16th day of September, 2024.

A handwritten signature in black ink, appearing to read "Rich Elliott", is written over a horizontal line.

Rich Elliott, Mayor

Attest: A handwritten signature in blue ink, appearing to read "Betty Leader", is written over a horizontal line.

City Clerk

**Mes de la Herencia Hispana/Latina
Pioneros del cambio: juntos construimos el futuro**

Por cuanto lo que comenzó en 1968 como la Semana de la Herencia Hispana durante el gobierno del presidente Lyndon Johnson y que el presidente Ronald Reagan amplió para que abarque un período de 30 días a partir del 15 de septiembre de cada año, Estados Unidos celebra todos los años el Mes de la Herencia Hispana y Latina.

Por cuanto en el Mes de la Herencia Hispana se celebran las historias, culturas y contribuciones hispanas y latinas de aquellos cuyos antepasados eran indígenas de América del Norte, así como de España, México, el Caribe, América Central y del Sur, y de la nación.

Por cuanto la ciudad de Ellensburg valora y honra la herencia cultural rica y las contribuciones significativas de los americanos de origen hispano/latino a nuestra comunidad y nación.

Por cuanto reconocemos el crecimiento continuo de las organizaciones e individuos de la comunidad hispana/latina y sus contribuciones al entramado de nuestra comunidad.

Por cuanto el ayuntamiento se compromete a la inclusión continua de las comunidades hispanas/latinas a medida que construimos nuestra infraestructura, nuestras asociaciones y nuestra estructura de gobierno para el futuro.

Ahora, por lo tanto, la ciudad de Ellensburg insta, por la presente, a todos los segmentos de nuestra comunidad para incluir a los residentes hispanos/latinos en sus eventos, estructuras organizativas y esfuerzos individuales a medida que nos esforzamos por fortalecer la resiliencia de la comunidad para nuestro futuro.

Firmado el 16 de septiembre de 2024.

Testigo:
Secretaría Municipal

Rich Elliott, Alcaldesa

**Hispanic/LatinX Heritage Month, 2024
Pioneers of Change: Shaping the Future Together**

Whereas, what began in 1968 as Hispanic Heritage Week under President Lyndon Johnson and expanded by Present Ronald Reagan to cover a 30-day period starting September 15 of each year, the United States annually observes Latinx and Hispanic Heritage Month; and

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

Whereas, the City of Ellensburg values and honors the rich cultural heritage and significant contributions of Hispanic/Latinx Americans to our community and nation; and

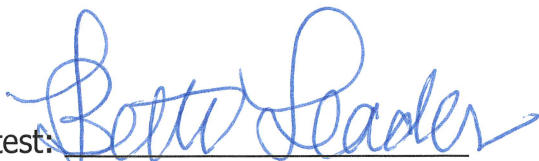
Whereas, we acknowledge the continued growth of the Hispanic/Latinx community organizations and individuals and their contributions to the fabric of our community; and

Whereas, the City Council commits to the continued inclusion of the Hispanic/Latinx communities as we build our infrastructure, our partnerships, and our governing structure for the future:

Now, therefore, the City of Ellensburg hereby encourages all segments of our community to include Hispanic/Latinx residents in their events, organizational structures, and individual endeavors as we strive to strengthen community resilience for our future.

Signed this 16th day of September 2024.

Attest:
City Clerk


Rich Elliott, Mayor



CITY OF ELLENSBURG

Minutes of City Council, Regular Meeting

Date of Meeting

September 3, 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 Councilmember Goodloe

1. Call to Order and Roll Call

Roll Call Present: Rich Elliott, Nancy Goodloe, David Miller, Delano Palmer, Joshua Thompson

Absent: Sarah Beauchamp and Nancy Lillquist, both excused

Others present in person: City Manager Behrends Cerniwey, City Attorney Weiner, City Clerk Leader, Community Development Director Carlson, Planning Manager Johnston, Public Works & Utilities Director Lyyski, Engineering Manager Mayo, Sustainability & Energy Coordinator Baker, Assistant City Attorney Reiman and approximately eight members of the public

Others present remotely via Zoom: three members of the public

2. Proclamations

3. Awards and Recognitions

4. Approval of Agenda

The Agenda was amended by updating item 11A.

Councilmember Palmer moved to approve the Agenda as amended. **Motion Approved 5-0**

5. Consent Agenda

- 5.A Approve Minutes of August 19, 2024 Regular Meeting
- 5.B Acknowledge Minutes of Boards and Commissions
- 5.C Accept the resignation of Nick Zentner from the Parks & Recreation Commission
- 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.

- 5.E Application for the State Home Electrification and Appliance Rebates (HEAR) Program
- 5.F Community Thanksgiving Interagency Agreement between CWU and the City
- 5.G Energy Resource Plan
- 5.H Legislative Lobbying Services Agreement with Gordon Thomas Honeywell Government Relations - Amendment 1
- 5.I Approve September 3, 2024 Voucher Listing

Councilmember moved to approve the Consent Agenda as presented. **Motion Approved 5-0**

6. Petitions, Protests, and Communications

- 6.A Boards & Commission Reappointment (Public Comment Opportunity)
Heidi Behrends Cerniwey, City Manager, presented information in the staff report.

Councilmember Palmer moved to approve the reappointment of Frana Milan and Nikki Pollock to the Parks and Recreation Commission as recommended by the subcommittee. **Motion Approved 5-0**

- 6.B County Auditor Elliott - Election (Public Comment Opportunity)
Brian Elliot, Kittitas County Auditor, presented information to Council regarding the elections process. Council asked questions of Mr. Elliott

William Coleman, Kittitas resident, asked a question about vote counting.

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)
The Mayor opened the public hearing. The Mayor asked the standard questions regarding appearance of fairness and conflict of interest. There were no appearance of fairness, ex parte contacts or conflicts of interest disclosed by the Mayor or the Councilmembers.

Jeremy Johnston, Planning Manager, presented information in the staff report. The Applicant did not have any information or comments to present. Council asked questions of staff.

With no public testimony offered and no further questions by Council, the Mayor closed the public hearing.

Councilmember Miller moved 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. **Motion Approved 5-0**

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)
Ryan Lyyski, Public Works & Utilities Director, presented information in the staff report. Information was included on the dais concerning a small amendment to the contract.

Councilmember Palmer moved to authorize the City Manager to sign the five-year extension with Waste Management. **Motion Approved 5-0**

12. Miscellaneous

- 12.A Manager's Report (No Public Comment)
Heidi Behrends Cerniwey, City Manager, presented information in the report. She requested approval of the Mayor's signature on a letter of support for the Central Transit Consolidated Grant Application to Washington Department of Transportation, which was included on the dais.

Councilmember Goodloe moved to authorize the Mayor's signature on the letter of support for Central Transit to Washington Department of Transportation. **Motion approved 5-0**

Councilmembers Lillquist, Goodloe and Beauchamp will serve on the subcommittee for review of community grant applications. Councilmember Miller volunteered as an alternate.

Per RCW 42.30.110(1)(i) an executive session was required to discuss potential litigation. It was estimated to last ten minutes and no action was anticipated.

- 12.B Councilmembers' Reports (No Public Comment)
- Councilmember Goodloe attended the Behavioral Health Court graduation, UAC meeting, DEI Commission meeting, and County Homelessness & Affordable Housing Committee meeting

-
- Councilmember Miller attended the Public Transit meeting, and participated in the Rodeo parade
 - Councilmember Palmer attended the Rodeo parade
 - Councilmember Thompson reported on a ride along he participated in with EPD
 - Mayor Elliott reported on the EMS side of drug & alcohol issues in the County; he suggested creativity with "Coffee with Council" with possibly attending civic meetings; he reminded Council of his excused absence at the next meeting, and reported on the HopeSource Board meeting

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

Council recessed to Executive Session at 8:08 pm and was expected to last ten minutes. No action would be taken. Council reconvened at 8:18 pm.

14. Adjournment

Meeting adjourned at 8:18 pm

Mayor

ATTEST:

City Clerk



CITY OF ELLENSBURG

Minutes of City Council, Study Session

Date of Meeting

September 3, 2024

Time of Meeting

6:00 PM

Place of Meeting

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

Study Session (No Public Comment)

Roll Call Present: Rich Elliott, Nancy Goodloe, David Miller, Delano Palmer, Joshua Thompson

Absent: Sarah Beauchamp and Nancy Lillquist

Others present in person: City Manager Behrends Cerniwey, City Attorney Weiner, City Clerk Leader, Community Development Director Carlson, Planning Manager Johnston, Public Works & Utilities Director Lyyski, Engineering Manager Mayo, Assistant City Engineer Mattson, Assistant City Attorney Reiman and approximately two members of the public

Others present remotely via Zoom: One member of the public

- A 2026 Periodic Update Public Participation Plan
Jeremy Johnston, Planning Manager, presented information to Council concerning the Comprehensive Plan periodic updates. Dan Carlson, Community Development Director, presented information to Council concerning the Public Participation Plan. Council asked questions of staff.
- B Engagement Plan for the 2024 Ellensburg Transportation Safety Action Plan
Josh Mattson, Assistant City Engineer, Introduced Karissa Witthuhn with KPG Psomas, who presented information in the 2024 Ellensburg Transportation Safety Action Plan. Council asked questions of staff.

14. Adjournment

Meeting adjourned at 6:42 pm

Mayor

ATTEST:

City Clerk



CITY OF ELLENSBURG

Minutes of Environmental Commission, Regular Meeting

Date of Meeting

June 12, 2024

Time of Meeting

5:15 PM

Place of Meeting

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

1. Call to Order and Roll Call of Members

Commissioner Linhart called the meeting to order at 5:15 pm.

Present: Jean Marie Linhart, Jess Black, Raven Harlin, Brenda Devore, Kristine Steingoenig (arrived at 5:25 pm).

Absent: Christina Wollman

Others Present: Laura Wilson-Planner; Kathy Boots-Planning Technician; Nichole Baker-Sustainability & Energy Coordinator; Nancy Lillquist-City Council Liaison; Meghan Anderson

Commissioner Black motioned to excuse the absence of Commissioner Wollman. Motion passed 4-0.

2. Approval of Agenda

Commissioner Devore motioned to approve the agenda. Motion passed 4-0.

3. Approval of Minutes

- 3.A May 15, 2024 Environmental Commission Regular Meeting Minutes
Commissioner Black motioned to approve the minutes from May 15, 2024.
Motion passed 4-0.

4. New Business

None

5. Unfinished Business

None

6. Bicycle Advisory

- 6.A 2024 Bike Month Debrief
Nancy Lillquist gave a debriefing regarding the bike month activities. Group riding leaders have been identified. Cascade bike club has requirements for group riding leaders. Commissioners Devoré and Linhart will meet with the Cascade bike club. A helmet grant will be applied for through Kittitas County. A meeting was set up with DEI to inquire how to increase being inclusive to a

variety of populations. Research into gold communities needs to be done to identify ways inclusion can be increased.

7. Citizen Comment

None

8. Staff Update/Discussion Items

8.A Sustainability Energy Coordinator Update

Nichole Baker provided the results from the Arbor Day tree giveaway. The additional programming will remain in place for next year.

The Sustainability Energy Plan has an action team that has met two times. The group is currently having their roles defined. They aim to meet once a month. A work plan is being developed. There is a meeting with Commerce next week to review a contract that was received by the City for energy sustainability efforts. The contract ends June 2025.

9. Adjournment

The meeting was adjourned at 5:59 pm.



CITY OF ELLENSBURG

Minutes of Environmental Commission, Regular Meeting

Date of Meeting

July 17, 2024

Time of Meeting

5:15 PM

Place of Meeting

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

1. Call to Order and Roll Call of Members

NO QUORUM-Meeting Canceled

2. Approval of Agenda

3. Approval of Minutes

3.A June 12, 2024 Regular Meeting Minutes

4. Citizen Comment

5. New Business

5.A Chapter 1.60 Environmental Commission Draft Code Revisions

6. Unfinished Business

7. Bicycly Advisory

7.A Bicycle Advisory Discussion

8. Staff Update/Discussion Items

8.A Waste Management Recycling Event

9. Adjournment



CITY OF ELLENSBURG

Minutes of Landmarks & Design Commission, Regular Meeting

Date of Meeting

June 4, 2024

Time of Meeting

5:45 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

The meeting was called to order at 5:48 p.m. by Redmon.

Present: Cathy Poshusta, Fred Redmon, Marty Blackson

Absent: Zane Kanyer

Others Present: Stacey Henderson-Senior Planner-Historic Preservation; Kathy Boots-Planning Technician, Sadie Thayer

Blackson motioned to excuse the absence of Kanyer. Motion passed 3-0.

2. Approval of Agenda

Poshusta motioned to approve the agenda. Motion passed 3-0.

3. Approval of Minutes

3.A Review of May 21, 2024 meeting minutes.

Poshusta motioned to approve the minutes from May 21, 2024. Motion passed 3-0.

4. New Business

4.A Public Hearing for Consideration of a Certificate of Appropriateness (COA) for the new construction of courtyard walls at 300 N. Pearl St.

Appearance of fairness was reviewed. Staff member Henderson read the staff report. Staff recommend approval with no conditions. The walls will be fastened from the ground and will not be attached to the building or columns. The wall color will match the building. Public comment opened. No public comment. Public comment closed. Redmon asked for a clarification regarding the building permit. Blackson made a motion to approve the Certificate of Appropriateness for the new construction of courtyard walls at 300 North Pearl Street, Parcel ID# 777033 as indicated in the staff report including findings of fact. Motion passed 3-0.

5. Unfinished Business

None

6. Citizen Comment

None

7. Staff Update/Discussion Items

7.A Next Meeting- Discussion

The staff discussed meeting only once a month through the summer as possible due to the shortage in Commission members. The meeting on June 18, 2024, was canceled. Depending on upcoming permit submittals, the next meeting may be on July 2, 2024, or July 16, 2024.

Commissioner Watson, Polak, and Stanley's terms ended on May 31, 2024. Commissioner member Watson has reapplied for a new term. An interview will be scheduled. The Ellensburg Downtown Association Director has applied for a term. The interview will be scheduled. There is one other open position. The opening will be advertised.

The staff is preparing for a required presentation to DAHP for the CLG grant at the end of June.

In July, the staff would like to work on a brochure for notifying homeowners and downtown businesses of how and when to apply for a Certificate of Appropriateness. The Ellensburg Downtown Association will be having an event where the brochure can be distributed.

8. Commission Representative Update

None

9. Adjournment

The meeting was adjourned at 6:08 p.m.



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of Landmarks & Design, Regular Meeting

June 18, 2024

5:45 PM

Council Chambers 501 North Anderson Street

Ellensburg, WA 98926

And remotely via Zoom

1. Call to Order and Roll Call

June 18, 2024, meeting is cancelled



CITY OF ELLENSBURG

Minutes of Landmarks & Design Commission, Regular Meeting

Date of Meeting

July 2, 2024

Time of Meeting

5:45 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

The meeting was called to order at 6:03 p.m. by Redmon.

Present: Cathy Poshusta, Fred Redmon, Mary Blackson

Absent: Zane Kanyer, Jeff Watson (he has not been reappointed by City Council for a new term)

Others Present: Stacey Henderson-Senior Planner-Historic Preservation; Kathy Boots-Planning Technician; Sadie Thayer, Teresa Chanes, Vicki Sannuto

New members Teresa Chanes and Vicki Sannuto were introduced and spoke. They have not yet been appointed by the City Council.

2. Approval of Agenda

Poshusta motioned to approve the agenda. Motion passed 3-0.

3. Approval of Minutes

3.A Review of June 4, 2024 Meeting Minutes

Poshusta motioned to approve the June 4, 2024, LDC Regular Meeting Minutes. Motion passed 3-0.

4. New Business

4.A Review of information packet to send to First Railroad District residents
Staff member Henderson showed an old pamphlet that was created for residents in the historic district and suggested changes. The Commission wanted to update the brochure and suggestions were made. A letter will accompany the brochure. Henderson will create the letter and update the brochure and bring it back to the Commission. A separate handout will be made for commercial owners.

4.B Review letter to award recipients encouraging listing property to register.
Staff member Henderson discussed a letter to be sent to this year's award

recipients congratulating them on the award. The letter would provide them with benefits that could be available if the recipients applies to be on the local historic district registry.

- 4.C Advertisement for Historic Preservation Grant Applications- Due August 31. Staff member Henderson provided an update. The application is due August 31, 2024. The grant will be advertised on the City of Ellensburg website in addition to being in the Ellensburg Downtown Association newsletter.

5. Unfinished Business

None

6. Citizen Comment

None

7. Staff Update/Discussion Items

- 7.A Next Meeting- July 16, 2024
The meeting for July 16, 2024, may be canceled. There are several Certificate of Appropriateness permits that may be ready for the August meeting or a special meeting may be scheduled.

Commission members were reminded of the PLACES conference later this year. They were asked to check their schedules and decide if they would like to attend.

The Planning Manager, Jeremy Johnston, will be updating the Comprehensive Plan next year. There is a historical preservation chapter. Johnston would like one member of each Commission to participate in a task force. The task force will be held between September to March and will meet approximately once a month and will have additional reading in relation to the extra meetings.

Code changes will be brought to the Commission next month regarding murals and signs.

8. Commission Representative Update

None

9. Adjournment

The meeting was adjourned at 6:35 p.m.



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of Landmarks & Design, Regular Meeting

July 16, 2024

5:45 PM

Council Chambers 501 North Anderson Street

Ellensburg, WA 98926

And remotely via Zoom

1. Call to Order and Roll Call

July 16, 2024, meeting is cancelled



CITY OF ELLENSBURG

Minutes of Landmarks & Design Commission, Regular Meeting

Date of Meeting

August 6, 2024

Time of Meeting

5:45 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

The meeting was called to order at 5:45 p.m. by Redmon.

Present: Jeff Watson, Teresa Chanes (arrived at 5:47 p.m.), Vicki Sannuto, Marty Blackson, Fred Redmon

Absent: Zane Kanyer, Cathy Poshusta, Joshua Thompson-City Council Liaison

Others Present: Dan Carlson-Community Development Director; Jeremy Johnston-Planning Manager; Kathy Boots-Planning Technician; Jodi Polak; Joe Chanes (arrived 5:50 p.m.)

Commissioner Watson motioned to approve the absence of Commissioners Blackson and Kanyer. Motion passed 5-0.

2. Approval of Agenda

Commissioner Blackson motioned to approve the agenda. Motion passed 5-0.

3. Approval of Minutes

3.A Review of July 2, 2024 meeting minutes.

Commissioner Watson motioned to approve the July 2, 2024, LDC regular meeting minutes. Motion passed 5-0.

4. New Business

4.A Public Hearing for Consideration of a Certificate of Appropriateness (COA) for the proposed development of the back courtyard behind 417 N Pearl St, Parcel ID #316933.

Appearance of fairness reviewed. Staff member Johnston read the staff report recommending approval with one condition that the masonry bolts and anchors for the sign are to be carefully installed in the wall mortar joints as much as possible, to reduce the number of holes placed in the historic Terra cotta. The public comment period opened. The applicant was present but did not have anything to add. No public comment. The public comment period was closed. Commissioner Watson motioned to approve the Certificate of Appropriateness as outlined in the staff report including the findings of fact and with one

condition that the masonry bolts and anchors for the sign are to be carefully installed in the wall mortar joints as much as possible, to reduce the number of holes placed in the historic Terra cotta. Motion passed 5-0.

- 4.B Public Hearing for Consideration of a Certificate of Appropriateness (COA) for the proposed replacement of the upstairs windows of the historic Lindeman Building (Butterfield Garage), located at 425 N. Main Street, Parcel ID #106933.

Appearance of fairness reviewed. Staff member Johnston read the staff report recommending approval with no conditions. The public comment period opened. The applicant was present but did not have anything to add. No public comment. The public comment period was closed. Commissioner Watson inquired about funding for the project. The project is going to be self-funded. Commissioner Watson motioned to approve the Certificate of Appropriateness as outlined in the staff report including the findings of fact and with no conditions. Motion passed 5-0.

- 4.C Public Hearing for Consideration of a Certificate of Appropriateness (COA) for the proposed new construction of an informational Kiosk, at the corner of N. Main St & W 4th Ave.

Appearance of fairness reviewed. Commissioner Chanes recused herself. Staff member Johnston read the staff report recommending approval with no conditions. The public comment period opened. The applicant was present and wanted to make sure the Commissioners received the dimensions of the node. The dimensions were received. No public comment. The public comment period was closed. Commissioner Watson inquired if this was a node up for adoption. This node is small and was not available for adoption. Commissioner Blackson motioned to approve the Certificate of Appropriateness as outlined in the staff report including the findings of fact and with no conditions. Motion passed 4-0 (Commissioner Chanes abstained from voting due to recusal).

- 4.D Welcome New Members- Introductions

New Commissioners Vicki Sannuto and Teresa Chanes were introduced and gave a brief statement regarding their experience and interest in the commission.

5. Unfinished Business

None

6. Citizen Comment

None

7. Staff Update/Discussion Items

- 7.A Next Meeting- August 20. 3-COAs to review

- 7.B The LDC/City of Ellensburg has been awarded \$15,000 from the DAHP CLG grant funds, for the proposed mapping project. More to come at future meetings.

Commissioner Watson explained the project to the new Commissioners.

8. Commission Representative Update

Commissioner Watson asked about the First and Last Tavern. The Tavern recently went up for auction and is in a historic building. The new owners have started work on the building and obtained a permit. It appears the building will remain a tavern.

Commissioner Watson stated the thought that the Old Sunset Highway should be included in the historic district, although there are not very many historic buildings left.

9. Adjournment

The meeting was adjourned at 6:31 p.m.



CITY OF ELLENSBURG

Minutes of LEOFF 1 Disability Board, Regular Meeting

Date of Meeting

August 14, 2024

Time of Meeting

8:00 AM

Place of Meeting

City Council Conference Room
501 N. Anderson Street
Ellensburg, WA 98926

1. Call To Order

The meeting was called to order at 4:00 pm

Board members present: Nancy Lillquist, Larry Loveless and Joshua Thompson

Board members absent: None

Others present: Beth Leader, Board Clerk

2. Approval of Agenda

Nancy Lillquist moved to approve the Agenda as amended with one additional retiree claim. **Motion Approved 3-0**

3. Approval of Minutes

2.A Minutes of May 22, 2024 Meeting

Nancy Lillquist moved to approve the minutes as presented. **Motion Approved 3-0**

4. Unfinished Business

5. New Business

5.A Fourteen claims from six retirees.

One additional claim was received for board review for a total of fifteen.

Nancy Lillquist moved to approve fifteen claims as submitted. **Motion Approved 3-0**

6. Miscellaneous

The members agreed to reschedule the August 28th meeting to September 4, 2024.

Beth reported that Mike Davis, firefighter retiree, has agreed to serve on the board, so ballots will be sent out to the other retirees.

7. Adjournment

Meeting Adjourned at 4:15 pm

Approved 9-5-2024



Meeting Date: September 16, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Acknowledge Appointment of Mike Davis to LEOFF 1 Disability Board
Submitted by: Beth Leader
Department: City Clerk

Suggested Motion/Action:

Acknowledge the appointment of retired firefighter Mike Davis to the LEOFF 1 Disability Board

Background/Summary:

Council adopted Ordinance 4927 in October 2023, creating the City Law Enforcement Officers and Firefighters (LEOFF) 1 Disability Board. Members who served on the Kittitas County LEOFF 1 Disability Board were retirees from the City of Ellensburg, and also agreed to serve on the City board. Per RCW 41.26.110, Law Enforcement and Firefighter board members are elected by retirees who were employed by the City.

Previous Council Action:

Adoption of Ordinance 4927 on October 16, 2023, creating the City's LEOFF 1 Disability Board.

Analysis:

Mike Davis volunteered to serve in the firefighter position on the board. Ballots were sent out to retirees and received back on September 9, 2024 voting in favor of Mr. Davis.

Financial Impact:

None

Budget Adjustment: No

Attachments:

None



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Tacoma, WA 98402

CENTRAL WASHINGTON
414 N Pearl Street, Suite 8
Ellensburg, WA 98926

September 3, 2024

Ellensburg City Council
c/o Stacey Henderson
Senior Planner – Historic Preservation
501 N Anderson St
Ellensburg, WA 98926

Re: Ellensburg Landmarks & Design Commission

Stacey,

It has become apparent to me in the last quarter or so that with my other professional and family commitments I haven't been able to give the LDC the time it deserves. With the board full and good candidates potentially able to fill my position, I respectfully resign my position with the LDC. I'm proud of the work the commission undertakes and am grateful for the time I had to serve Ellensburg in my role as commissioner.

Thank you again for the opportunity.

Sincerely,

Zane Kanyer, PE, SE
Principal
zkanyer@ssfengineers.com



Meeting Date: September 16, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Award Bid Call 2024-17 Distribution Transformers to General Pacific Inc.
Submitted by: Dan Davis, Engineering Tech
Department: Public Works & Utilities

Suggested Motion/Action:

Award Bid Call 2024-17 Distribution Transformers to General Pacific Inc., the lowest responsive and responsible bidder, for the bid price of \$491,415.14, including sales tax, and also deem the bids non-responsive that were submitted by Kerec Co. Ltd., Anixter Inc., Amek A&S Inc., and Bolt Electrical LLC.

Background/Summary:

The Public Works and Utilities – Light Division routinely budgets and publishes a bid for electrical distribution transformers. These distribution transformers are used for capital construction projects and to replenish inventory.

Bid Call 2024-14 Distribution Transformers was published on May 2nd and May 16th, 2024, and bids opened on May 30th, 2024. Staff received three bids: one from General Pacific Inc., one from Anixter Inc., and one from MVA Power Inc. Staff deemed that all three bids were non-responsive and at the June 17, 2024, City Council meeting, Council deemed all bids for Bid Call 2024-14 Distribution Transformers as non-responsive and rejected all bids and directed staff to rebid for the purchase of the distribution transformers.

Staff rebid for the distribution transformers and Bid Call 2024-17 Distribution Transformers was published on July 11 and July 25, 2024, and bids opened on August 22, 2024. The bid consisted of two schedules (A & B) for varying sizes and types of distribution transformers. Staff received six bids from: General Pacific Inc., Kerec Co. Ltd., Anixter Inc., Irby Electrical Utilities, Amek A&S Inc., and Bolt Electrical LLC.

Staff deemed that four (4) of the submitted bids were non-responsive and were not considered. The bid from Kerec Co. Ltd. was deemed non-responsive because the Bid Proposal Form was not signed; the Non-Collusion Affidavit Form was incomplete and not notarized and; no Manufacturer's Warranty Document was provided. The bid from Anixter Inc. was deemed non-responsive due to an incomplete submission of the required Certified Information Summary Forms and no Manufacturer's Warranty Document was provided. The bid from Amek A&S Inc. was deemed non-responsive because no Manufacturer's Warranty Document was provided. The bid from Bolt Electrical LLC was deemed non-responsive because the bidder did not provide responses on any of the required forms.

The City specified that all transformers contain less than 1ppm of PCB's with the appropriate "No PCB" label affixed as prescribed by EPA regulations.

Previous Council Action:

Award of previous bids and direct quote purchase for Distribution Transformers:

Bid 2020-09 awarded 7/20/20

Bid 2022-03 direct purchase by quote 4/4/22

Bid 2022-18 awarded 10/17/22

Bid 2022-24 awarded 2/21/23

Bid 2023-08 direct purchase by quote 9/19/23

Previous rejected bids for Distribution Transformers:

Bid 2022-03 rejected all bids (non-responsive) 3/7/22

Bid 2023-08 rejected all bids (non-responsive) 7/17/23

Bid 2024-14 rejected all bids (non-responsive) 6/17/24

Analysis:

A summary of the bids is shown below. The bid from General Pacific Inc., was the lowest evaluated bid for the Distribution Transformers for a 30-year life.

All bids were evaluated with consideration taken for both their initial cost and future costs, as well. The future costs represent a value placed on the electrical losses, which occur within the core and windings of each unit. Therefore, a low loss unit, which consumes less electricity over its expected 30-year life, is usually the best investment.

Representative (Manufacturer) & Extended Cost (incl. tax):

• General Pacific Inc. (Ermco)	\$491,415.14
• Irby Electrical Utilities (Central Maloney)	\$819,799.93

The bid submitted by General Pacific Inc. is below the Engineer's Estimate of \$814,146.44, by approximately 40%.

Financial Impact:

Funds are available within the 2024 Light Division budget for purchase of the Distribution Transformers. Transformer costs are also offset by the customer when new transformers are installed.

Budget Adjustment: No

Attachments:

None

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.

Jerica Pascoe Digitally signed by Jerica Pascoe
Date: 2024.09.10 11:48:38 -07'00'

AUDITING OFFICER

DATE

CLAIMS VOUCHERS AUDITED AND CERTIFIED BY THE AUDITING OFFICER HAVE BEEN RECORDED ON THE ATTACHED LISTING, WHICH HAS BEEN MADE AVAILABLE TO THE COUNCIL AS OF THIS **16TH 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	167197	TO	167338	\$ 1,302,247.03
EFT #'s	7017	TO	7045	\$ 742,410.06
Treasure Cash				Total Amounts
EFT #'S	724	TO	746	\$ 588,362.91
Check #'s		TO		
Payroll Fund				Total Amounts
Check #'s	96291	TO	96297	\$ 8,586.66
Direct Deposits	81333	TO	81587	\$ 552,110.21

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

ATTEST: _____
CITY CLERK



Meeting Date: September 16, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Closed record hearing to consider adoption of Resolution 2024-26, approving the Pierce Preliminary Plat (File # P23-115) (Limited Public Testimony)

Submitted by: Shannon Johnson, Sr. Planner

Department: Community Development

Suggested Motion/Action:
Move to adopt Resolution 2024-26 approving the Pierce Preliminary Plat and incorporating the Hearing Examiner’s revised August 27, 2024 Recommended Findings of Fact, Conclusion of Law, Decision and Conditions of Approval, removing condition #13 and adding two additional conditions as recommended 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 “Pierce Plat,” submitted by Pooya & Pezhman Roohani, P&P Homes, LLC, property owners. This hearing is being held pursuant to the requirements of Chapter 15.260, Subdivision Procedures, of the Ellensburg City Code. A SEPA Mitigated Determination of Non-Significance (MDNS) was issued for this project on May 16, 2024.

The Hearing Examiner’s August 27, 2024, 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 21 bookmarked exhibits, Exhibits 1.1 through 1.21, including the August 2, 2024, Staff Agenda Report submitted to the Hearing Examiner record as Exhibit 1.21.

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 1.21. No public testimony was provided at the hearing.

This proposed preliminary plat is located on Kittitas County Assessor’s Parcel ID# 136233 & 959777, along the east frontage of North Airport Road, and south of Beech Road, in the City of Ellensburg, WA.

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

The subject property is approximately 18.17 acres in size and is currently zoned Residential Suburban Density (R-S) and located within the Airport Overlay (A-O) zone 6. 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. As per ECC 15.350.040, the project site parcels within zone 6 shall maintain an average maximum residential density of 3 dwelling units per gross acre. The minimum lot size for future subdivisions after annexation shall be 7,000 gross square feet; however, whenever any future subdivision of such property creates a lot that is smaller than 14,520 square feet, a note shall be placed on the face of the plat stating that there can be no further subdivision of any parcel created by that subdivision while the property is situated within the airport overlay zone (A-O). The applicant's proposal would create 44 separate residential lots, which is within the allowable maximum density. The project will be developed as residential lots ranging in size from approximately 7,000 square feet to 9,569 square feet, intended for single-family homes.

The lots will have frontage onto public roadway which will need to be improved as part of this project. Main access is proposed off Airport Road, with plans to connect to and extend Beech Road, as per the Kittitas County Beech Road Connection, Agreement-Resolution dated June 6, 2023 (Exhibit 1.3). Airport Road, as well as all internal roads will be constructed by the applicant to meet the Land Development Code and Public Works Standards. A Type II Block Length Departure request was submitted as a requirement of the preliminary plat process, and a Decision of Approval was granted on July 2, 2024 (Exhibit 1.4).

Airport Road, an existing minor arterial street, further classified as a landscaped street, provides eastern street frontage. The proposed interior roads will be new local access/landscaped streets. The Public Works Department works with the Ellensburg School District at the time of civil construction review of the plat to ensure that the goals of their "Guide for Planning and Improving School Walk and Bike Routes" are implemented on projects within one mile of schools. This particular plat is located outside the required 1-mile radius for the nearest elementary school, which is Ida Nason Elementary. This means that the school district does not expect children in this area to walk to school. Therefore, continued and expanded bus services will be planned for this area. This subdivision project requires half street construction frontage improvements to Airport Road, and full street improvements to the interior local access streets to provide neighborhood connectivity and achieve the 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 dedicated to the Kittitas County Airport within the Urban Growth Area which lies along the City Limit Boundary.

North: The parcels to the north and adjacent to the City Limits boundary are owned and operated by the Kittitas County Airport.

South: The Cascade Irrigation Canal serves as the southern border of the plat and land further south is developed with single family dwelling unit lots within the city limits, and on the east side of the boundary larger residential parcels of land exist within the jurisdiction of Kittitas County.

East: Land to the east has an existing single-family residence on a large parcel located within the Urban Growth Area, along the City Limit boundary and Airport Road.

West: The land to the west is a large parcel with an existing single-family residence located within the jurisdiction of Kittitas County.

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 August 2, 2024. Kottkamp's August 27, 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 Pierce North Preliminary Plat be approved with the thirteen conditions as depicted in Exhibit 1. Staff subsequently discovered that condition #13 was a redundant condition which had already been included in the MDNS determination. The attached resolution has been modified to remove this redundancy.

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. Staff has recommended including two additional conditions to the Hearing Examiner's recommendation. Condition #13 would require a note on the face of the plat stating future subdivision restrictions due to the property being in the Airport Overlay Zone, pursuant to ECC 15.350.040(A). Condition #14 would require the applicant to complete all required public improvements prior to the City issuing any certificates of occupancy.

Prior to making a decision and pursuant to ECC 15.260.060(E)(2), Council may: 1) refer the preliminary subdivision application back to the hearing examiner for further consideration; 2) require the applicant to modify the preliminary subdivision application; or 3) require more information to be submitted by the applicant.

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

1. The preliminary subdivision conforms to all applicable zoning standards of the city as set forth in the LDC, including the form and intensity standards in Chapter 15.320 ECC, the streetscape design standards in Chapter 15.410 ECC, the subdivision design standards in Chapter 15.420 ECC, the project design standards in Division V, and the public works development standards;
2. All lots within the preliminary subdivision are provided with satisfactory access established consistent with the requirements of the public works development standards, ECC Title 4, public works construction, the streetscape design standards and subdivision design and block standards in Division IV, and the project design standards in Division V;
3. All lots within the preliminary subdivision are provided with adequate provisions for water supplies, sanitary wastewater facilities, and storm drainage and surface water facilities

consistent with the requirements of the public works development standards and ECC Title 9, Utilities;

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

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

Financial Impact:

Potential tax revenue for 44 single family residential lots

Budget Adjustment: No

Attachments:

1. EXHIBIT 1 8.27.24 HE Decision & All Exhibits
2. EXHIBIT 2 LEGAL Ad CC Close PH
3. EXHIBIT 3 P23-115 CC PH Land Use Sign - Affid of Post (1)
4. Resolution 2024-26

**CITY OF ELLENSBURG
LAND USE HEARING EXAMINER**

IN THE MATTER OF P23-115 Pierce Plat Subdivision	)))))	REVISED RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, CONDITIONS OF APPROVAL AND DECISION
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THIS MATTER having come on for hearing in front of the City of Ellensburg Hearing Examiner on August 2, 2024, The Hearing Examiner having taken evidence hereby submits the following Recommended Findings of Fact, Recommended Conclusions of Law, and Recommended Conditions of Approval and Recommended Decision as follows:

I. RECOMMENDED FINDINGS OF FACT

1. This proposed preliminary plat is located on Kittitas County Assessor's Parcel ID#'s 136233 & 959777. The proposed subdivision is located along the east side of Airport Road, north of Countryside Avenue, south of Falcon Road in the City of Ellensburg, WA. A vicinity map and reduced scale preliminary drawing showing the location of the lots and other plat features are included as Exhibits 1 & 2.
2. The subject property is approximately 18.17 acres in size and is currently zoned Residential Suburban (R-S) and located within the Airport Overlay (A-O) zone 6.
3. Property zoned as Residential Suburban (R-S) allows for detached single-family dwellings as the predominate land use. As per ECC 15.350.040, the project site parcels within zone 6 shall maintain an average maximum residential density of 3 dwelling units per gross acre. The minimum lot size for future subdivisions after annexation shall be 7,000 gross square feet. However, whenever any future subdivision of such property creates a lot that is smaller in size than 14,520 square feet, a note shall be placed on the face of the plat stating that there can be no further subdivision of any parcel created by that subdivision while the property is situated within the airport overlay zone (A-O). The applicant's proposal would create 44 separate residential lots, which is well within the allowable maximum density. The project will be developed as residential lots ranging in size from approximately 7,000 square feet to 9,569 square feet. Mercer Creek and its associated wetlands and wetland buffers, as well as portions of the 100-year floodplain are located on the eastern portion of the proposed development.
4. The lots will have frontage onto public roadway which will need to be improved as part of this project. Main access is proposed off Airport Road, with plans to connect to and extend Beech Road, as per the Kittitas County Beech Road Connection, Agreement-Resolution dated June 6, 2023 (Exhibit 3). Airport Road, as well as all internal roads will be constructed by the applicant to meet the Land Development Code and Public Works Standards.
5. A Type II Block Length Departure request was submitted as a requirement of the preliminary plat process, and a Decision of Approval was granted on July 2, 2024 (Exhibit 4).
6. Airport Road, an existing minor arterial street, further classified as a landscaped street provides eastern street frontage. The proposed interior roads will be new local access/landscaped streets. The Public Works Department works with the Ellensburg School District at the time of civil construction review of the plat to ensure that the goals of their "Guide for Planning and Improving School Walk and Bike Routes" are implemented on projects within 1 mile of schools.

P23-115
Pierce Plat Subdivision
Page 1 of 5

this particular plat is located outside of the required 1 mile radius for the nearest elementary school, which is Ida Nason Elementary. This means that the school district does not expect children in this area to walk to school. Therefore, continued and expanded bus services will be planned for this area. This subdivision project requires the half street construction frontage improvements to Airport Road, and the full street improvements to the interior local access streets to provide neighborhood connectivity and achieve the goals and policies within the land use, housing, and transportation chapters of the Ellensburg Comprehensive Plan.

7. Specific to meeting open space and parks needs that will result from the new development, the applicant will be required to pay a park impact fee for each single-family lot or structure, which will in turn be used to enhance the City of Ellensburg Parks system.
8. Site Characteristics
 - 8.1. North: The land to the north is dedicated to the Kittitas County Airport within the Urban Growth Area which lies along the City Limit Boundary
 - 8.1.1. North: The parcels to the north above and adjacent to the City Limits boundary, are owned and operated by the Kittitas County Airport.
 - 8.2. South: The Cascade Irrigation Canal serves as the southern border of the plat and land further south is developed with single family dwelling unit lots within the city limits, and on the east side of the boundary larger residential parcels of land exist within the jurisdiction of Kittitas County.
 - 8.3. East: Land to the east has an existing single-family residence on a large parcel located within the Urban Growth Area, along the City Limit boundary and Airport Road.
 - 8.4. West: The land to the west is a large parcel with an existing single-family residence located within the jurisdiction of Kittitas County.
9. A SEPA checklist was submitted as a requirement of the preliminary plat process, and a SEPA Mitigated Determination of Non-Significance (MDNS) was issued on May 16, 2024 (Exhibit 8). No appeals were submitted.
10. A critical area report was submitted with the SEPA checklist. However, a formal Critical Areas Application Review and Approval will be required prior to final plat submittal.
11. The Peirce Preliminary Plat and associated SEPA application were processed concurrently under a joint comment period. Community Development received comments from the following agencies during the comment period: the Ellensburg Public Works Department, Ellensburg Planning Department, Ellensburg Building Department, Ellensburg Utility Services Light/Electric Department, State of Washington Department of Archaeology & Historic Preservation, Kittitas Reclamation District, Cascade Irrigation District, State of Washington Department of Fish & Wildlife, and the Kittitas County Public Works Department. (Exhibits 5-13).
12. As of the date of this memo, two public comments on the proposed subdivision have been received from neighbors. The comments focus mainly on concerns with irrigation, storm water dust control, and connection to the Palouse to Cascades Trail. See Exhibits 14-15.
13. The requirements pertaining to preliminary plat approval are found within ECC Sections 15.260.060 through 15.260.090. Specifically, the decision criteria are found in ECC 15.260.060(F), which states the following:
14. Decision Criteria. The city may approve, approve with conditions, or deny a preliminary subdivision application based on conformance with the following decision criteria:

- 14.1. The preliminary subdivision conforms to all applicable zoning standards of the city as set forth in the LDC, including the form and intensity standards in Chapter 15.320 ECC, the streetscape design standards in Chapter 15.410 ECC, the subdivision design standards in Chapter 15.420 ECC, the project design standards in Division V, and the public works development standards;
- 14.2. All lots within the preliminary subdivision are provided with satisfactory access established consistent with the requirements of the public works development standards, ECC Title 4, public works construction, the streetscape design standards and subdivision design and block standards in Division IV, and the project design standards in Division V;
- 14.3. All lots within the preliminary subdivision are provided with adequate provisions for water supplies, sanitary wastewater facilities, and storm drainage and surface water facilities consistent with the requirements of the public works development standards and ECC Title 9, Utilities;
- 14.4. All lots within the preliminary subdivision are provided with adequate provisions for electric service, and for natural gas service if applicable, consistent with the requirements of the city's energy services department design standards and with ECC Title 9, Utilities;
- 14.5. The preliminary subdivision conforms to all applicable critical areas standards set forth in Division VI; and
- 14.6. 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.
15. 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.
16. 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. An open record public hearing after due legal notice was held January 23, 2024, via Zoom video conference.
17. The following exhibits were admitted into the record:
 - 17.1. Ex. 1 Vicinity Location Map
 - 17.2. Ex. 2 Preliminary Plat of Pierce Subdivision Plat
 - 17.3. Ex. 3 June 6, 2024 Kittitas County Beech Road Connection, Agreement-Resolution
 - 17.4. Ex. 4 July 2, 2024 Block Length Departure Approval Decision
 - 17.5. Ex. 5 March 7, 2024 and April 17, 2024 memos from City of Ellensburg Public Works Department
 - 17.6. Ex. 6 April 15, 2024 Memo from City of Ellensburg Planning Department
 - 17.7. Ex. 7 March 5, 2024 Memo from State of Washington DAHP
 - 17.8. Ex. 8 April 12, 2024 Memo from State of Washington Department of Ecology

- 17.9. Ex. 9 April 12, 2024 Email from Kittitas Reclamation District
 - 17.10. Ex. 10 February 27, 2024 Email from Cascade Irrigation District
 - 17.11. Ex. 11 March 13, 2024 and April 16, 2024 memos from City of Ellensburg Light/Electric Department
 - 17.12. Ex. 12 April 19, 2024 Memo from City of Ellensburg Building Department
 - 17.13. Ex. 13 April 12, 2024 Memo from Washington Department of Fish & Wildlife
 - 17.14. Ex. 14 April 12, 2024 Memo from Kittitas County Public Works
 - 17.15. Ex. 15 March 28, 2024 Steve Willard Comment Letter
 - 17.16. Ex. 16 April 9, 2024 Josh Sechrest Comment Letter
 - 17.17. Ex. 17 May 16, 2024 SEPA MDNS Determination
 - 17.18. Ex. 18 Legal Notice of Public Hearing
 - 17.19. Ex. 19 Area of Notification Map with 300-Foot Buffer Notification List
 - 17.20. Ex. 20 Affidavit of posting
 - 17.21. Ex. 21 Staff Report
 - 17.22. Ex. 22 Remainder of Staff File.
18. Appearing and testifying on behalf of the applicant was Pooya Roohani. Mr. Roohani testified that he was an agent authorized to appear and speak on behalf of the property owner and Applicant. Mr. Roohani stated that he agreed with the representations set forth within the staff report and the proposed Conditions of Approval.
19. No member of the public testified at the hearing.
20. After the record closed, Planning Staff received a letter form DAHP indicating that they concurred with the findings of the cultural resource survey.
21. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. RECOMMENDED CONCLUSIONS OF LAW

- 1. The Hearing Examiner has been granted authority to render this 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 P23-115 be **APPROVED** subject to the following recommended Conditions of Approval.

IV. RECOMMENDED CONDITIONS OF APPROVAL

- 1. The applicant shall meet the requirements of the Public Works Department discussed in its memorandums dated March 7, 2024, and April 17, 2024, including, but not limited to, the widening and installation of curb gutter and sidewalks on the east side frontage of Airport Road.

P23-115
Pierce Plat Subdivision
Page 4 of 5

2. The applicant shall meet the requirements of the Energy Services - Light Department discussed in its memorandums dated March 13, 2024, and April 16, 2024.
3. The applicant shall meet the requirements of the Building Department as per the Building Official's memorandum dated April 19, 2024.
4. The applicant may be required to obtain an NPDES Construction Storm Water General Permit from the Washington State Department of Ecology. The applicant shall work with DOE to determine if this permit is necessary.
5. The applicant is responsible for meeting all general development standards required for plat development. Subdivision and land development activities shall follow the requirements of the Ellensburg City Code, including the Design Standards.
6. All requirements of utility providers, City departments, and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents.
7. The applicant shall submit a critical areas application to Community Development and receive approval prior to submittal of final plat.
8. 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.
9. The applicant shall meet the requirements of the associated Mitigated Determination of Non-Significance (MDNS) (File # P23-116) dated May 16, 2024.
10. 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.
11. The applicant shall comply with all requirements outlined in the Washington Department of Ecology memo dated 4/12/24, regarding water quality and water resources.
12. No ground disturbing activities shall take place until the report has been approved in writing by the City of Ellensburg Community Development Department. The applicant shall implement an Inadvertent Discovery Plan approved by DAHP and the City of Ellensburg.
13. 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.

Dated this 27 day of August, 2024.

CITY OF ELLENSBURG HEARING EXAMINER



ANDREW L. KOTTKAMP

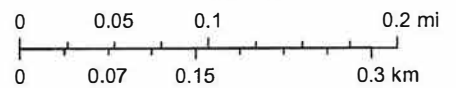
P23-115 Vicinity Location Map

EXHIBIT 1.1



7/29/2024, 2:52:59 PM

1:9,028



- | | |
|-------------------|----------------|
| County Parcels | Site Address |
| City Parcels | Roads |
| City Limits | Road |
| Urban Growth Area | Major Arterial |

COE GIS, Google Maps

RECEIVED 2/12/24
COMMUNITY DEVELOPMENT
P23-115

NOT TO SCALE

CITY ENGINEER

THIS SUBDIVISION MEETS ALL MINIMUM REQUIREMENTS AND STANDARDS OF THE CITY OF ELLENBURG SUBDIVISION ORDINANCE. ALL PROCEDURES OF SAID ORDINANCE HAVE BEEN COMPLIED WITH.

CITY ENGINEER _____ DATE _____

COMMUNITY DEVELOPMENT DEPARTMENT

THIS SUBDIVISION MEETS ALL MINIMUM REQUIREMENTS AND STANDARDS OF THE CITY OF ELLENBURG SUBDIVISION ORDINANCE. ALL PROCEDURES OF SAID ORDINANCE HAVE BEEN COMPLIED WITH.

COMMUNITY DEVELOPMENT DIRECTOR _____ DATE _____

MAYOR

THIS SUBDIVISION MEETS ALL MINIMUM REQUIREMENTS AND STANDARDS OF THE CITY OF ELLENBURG SUBDIVISION ORDINANCE. ALL PROCEDURES OF SAID ORDINANCE HAVE BEEN COMPLIED WITH.

MAYOR/CITY OF ELLENBURG _____ DATE _____

PUBLIC WORKS AND UTILITIES DIRECTOR

THIS SUBDIVISION MEETS ALL MINIMUM REQUIREMENTS AND STANDARDS OF THE CITY OF ELLENBURG SUBDIVISION ORDINANCE. ALL PROCEDURES OF SAID ORDINANCE HAVE BEEN COMPLIED WITH.

DIRECTOR _____ DATE _____

CERTIFICATE OF COUNTY TREASURER

I HEREBY CERTIFY THAT ALL STATE AND COUNTY TAXES HERETOFORE DUE AGAINST THE PLATTED PROPERTY DESCRIBED HEREON ACCORDING TO THE BOOKS AND RECORDS OF MY OFFICE, HAVE BEEN PAID AND DISCHARGED.

DATED THIS _____ DAY OF _____, A.D. 2023.

KITTITAS COUNTY TREASURER _____

ORIGINAL TAX PARCEL NUMBER 190233 AND 98777

NOTICE: THE APPROVAL OF THIS PLAT IS NOT A GUARANTEE THAT FUTURE PERMITS WILL BE GRANTED.

FILED FOR RECORD, THIS _____ DAY OF _____, 2024.

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF P&P HOMES, LLC, ON AUGUST 2023.

Samuel R. Vance **DATE** 2/5/2024

SAMUEL R. VANCE, PLS. DATE

STATE OF WASHINGTON CERTIFICATE NO. 52862

PIERCE PLAT
P23-XXX
FOR
P&P HOMES, LLC

WITHIN THE SW1/4 OF THE NW1/4 OF SECTION 25, T.18N., R.18E., W.M.

SURVEYED BY: DN	DRAWN BY: SW	CHECKED BY: VM	APPROVED BY: SW
DATE: DEC. 2023	APSSM JOB NO.: 3464.002	ACAD NAME: 3464002PLAT	

APS
SURVEY & MAPPING

15201 S.E. 26TH STREET, SUITE A, BELLEVUE, WA 98008
TEL: 206-764-0000 WWW.APSM.COM

INDEX LOCATION
SEC. 25, T.18N., R.18E., W.M.

25

SHEET
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REVIEW
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PIERCE PLAT
 WITHIN THE SW1/4 OF THE NW1/4 OF SECTION 25,
 TOWNSHIP 18 NORTH, RANGE 18 EAST, W.M., KITTITAS COUNTY, WASHINGTON



BASIS OF BEARINGS:

THE BASIS OF BEARINGS IS PER WASHINGTON STATE PLAT COORDINATES SOUTH ZONE, AS DETERMINED BY TIES TO WASHINGTON STATE REFERENCE NETWORK FROM THE FOUND MONUMENTS MARKING THE WEST LINE OF SECTION 25, AS SHOWN HEREON, WITH THE LINE BETWEEN THEM OBSERVED AS 140.0722°.

VERTICAL DATUM:

NAD 83

CONTOUR INTERVAL-1 FOOT:

THE CONTOURS SHOWN HEREON WERE COMPUTER GENERATED FROM DIRECT FIELD OBSERVATIONS WITH RESPECT TO ACCURACY THAT MEET OR EXCEEDS NATIONAL MAPPING STANDARDS, ONE-HALF THE CONTOUR INTERVAL.

SURVEY NOTES:

1. THE PURPOSE OF THIS SURVEY IS TO ILLUSTRATE AND DELINEATE THE PARCELS, AS SHOWN HEREON, AND TO FACILITATE SATISFYING THE CONDITIONS FOR APPROVAL FOR AN APPLICATION FOR A PLAT SUBMITTED SEPARATELY TO THE CITY OF ELLensburg, UNDER APPLICATION NUMBER P23-XXX.
2. THIS SURVEY WAS PERFORMED USING TRIMBLE R10 GNSS RECEIVERS IN CONJUNCTION WITH A TRIMBLE S-SERIES 3" TOTAL STATION WITH RESULTING ACCURACY THAT MEETS OR EXCEEDS STANDARDS PER IWC 320-124-090.
3. THIS SURVEY DOES NOT PURPORT TO SHOW ALL EASEMENTS, ENCUMBRANCES OR RESTRICTIONS OF RECORD OR OTHERWISE.
4. ALL FIELD WORK FOR THIS PROJECT WAS PERFORMED IN AUGUST OF 2023. THIS MAP IS THEREFORE A REFLECTION OF THE CONDITIONS AT THAT TIME.
5. ALL MONUMENTS SHOWN AS FOUND WERE LOCATED DURING THE COURSE OF THIS SURVEY.

PLAT NOTES:

1. THIS PROPERTY IS LOCATED WITHIN THE AIRPORT OVERLAY ZONE (N7) WITH A VARIETY OF AIRPORT AVIATION OCCUR. SUCH AIRPORT AVIATION ACTIVITIES MAY IMPACT THE USE OF YOUR PROPERTY.
2. THE MINIMUM LOT SIZE FOR FUTURE SUBDIVISIONS AFTER ANNUATION SHALL BE 7,000 GROSS SQUARE FEET. HOWEVER, UNDER ANY FUTURE SUBDIVISION OF SUCH PROPERTY CREATES A LOT THAT IS SMALLER IN SIZE THAN 14,500 SQUARE FEET, A NOTE SHALL BE PLACED ON THE FACE OF THE PLAT STATING THAT THERE CAN BE NO FURTHER SUBDIVISION OF ANY PARCEL CREATED BY THAT SUBDIVISION SINCE THE PROPERTY IS SITUATED WITHIN THE AIRPORT OVERLAY ZONE (N7).
3. THE IDENTIFIED OPEN SPACE TRACT SHALL BE PROPORTIONATELY OWNED BY TENANTS IN THE COMMON, AND RETAINED BY EACH BUILDING LOT OWNER, AND WILL BE ASSESSED, TAXED, AND FORECLOSED UPON EACH BUILDING LOT NOT FULFILLING THEIR OBLIGATION.

REFERENCES:

- R1. BOWERS FIELD AIRPORT MINIMUM SITE PLAT 210 AMENDMENT BOOK 45 OF SURVEYS, PAGES 80-83
- R2. BOUNDARY LINE ADJUSTMENT BOOK 35 OF SURVEYS, PAGES 186-191
- R3. BOUNDARY LINE ADJUSTMENT BOOK 31 OF SURVEYS, PAGE 157
- R4. RECORD OF SURVEY BOOK 28 OF SURVEYS, PAGE 103
- R5. COUNTRY SIDE ESTATES DV. 2 - PHASE 1 & 8 BOOK 9 OF PLATS, PAGES 30-41
- R6. PEARSON SHORT PLAT BOOK 11 OF SHORT PLATS, PAGES 28-29
- R7. SANDERS ROAD SHORT PLAT BOOK 6 OF SHORT PLATS, PAGES 27-28
- R8. FRENCH SHORT PLAT BOOK 4 OF SHORT PLATS, PAGES 70-71

LEGEND	
	SECTION CORNER AS NOTED
	QUARTER CORNER AS NOTED
	CENTER OF SECTION AS NOTED
	SET MONUMENT IN CASE, UPON APPROVAL OF PLAT
	FOUND REBAR AND CAP, 1.5 36x15
	SET 5/8" REBAR AND CAP, 1.5 32x43, UPON APPROVAL OF PLAT
	RADIAL BEARINGS
	SQUARE FEET



PIERCE PLAT P23-XXX FOR P&P HOMES, LLC WITHIN THE SW1/4 OF THE NW1/4 OF SECTION 25, T.18N., R.18E., W.M.				 APS SURVEY & MAPPING 10021 S.E. 26TH STREET, SUITE A, BELLEVUE, WA 98004 TEL: 425.764.2020 JON@APSURV.COM	SHEET 2 OF 9
SURVEYED BY: SM DRAWN BY: SW CHECKED BY: YW APPROVED BY: SW					
DATE: DEC. 2023 APSSM JOB NO.: 3464.002 ACAD NAME: 3464002PLAT					

PIERCE PLAT
 WITHIN THE SW1/4 OF THE NW1/4 OF SECTION 25,
 TOWNSHIP 18 NORTH, RANGE 18 EAST, W.M., KITTITAS COUNTY, WASHINGTON



PIERCE PLAT
 P23-XXX
 FOR
 P&P HOMES, LLC
 WITHIN THE SW1/4 OF THE NW1/4 OF SECTION 25, T.18N., R.18E., W.M.
 SURVEYED BY: BN DRAWN BY: SW CHECKED BY: VM APPROVED BY: SW
 DATE: DEC. 2023 APSSM JOB NO. 3464.002 ACAD NAME: 3464002PLAT

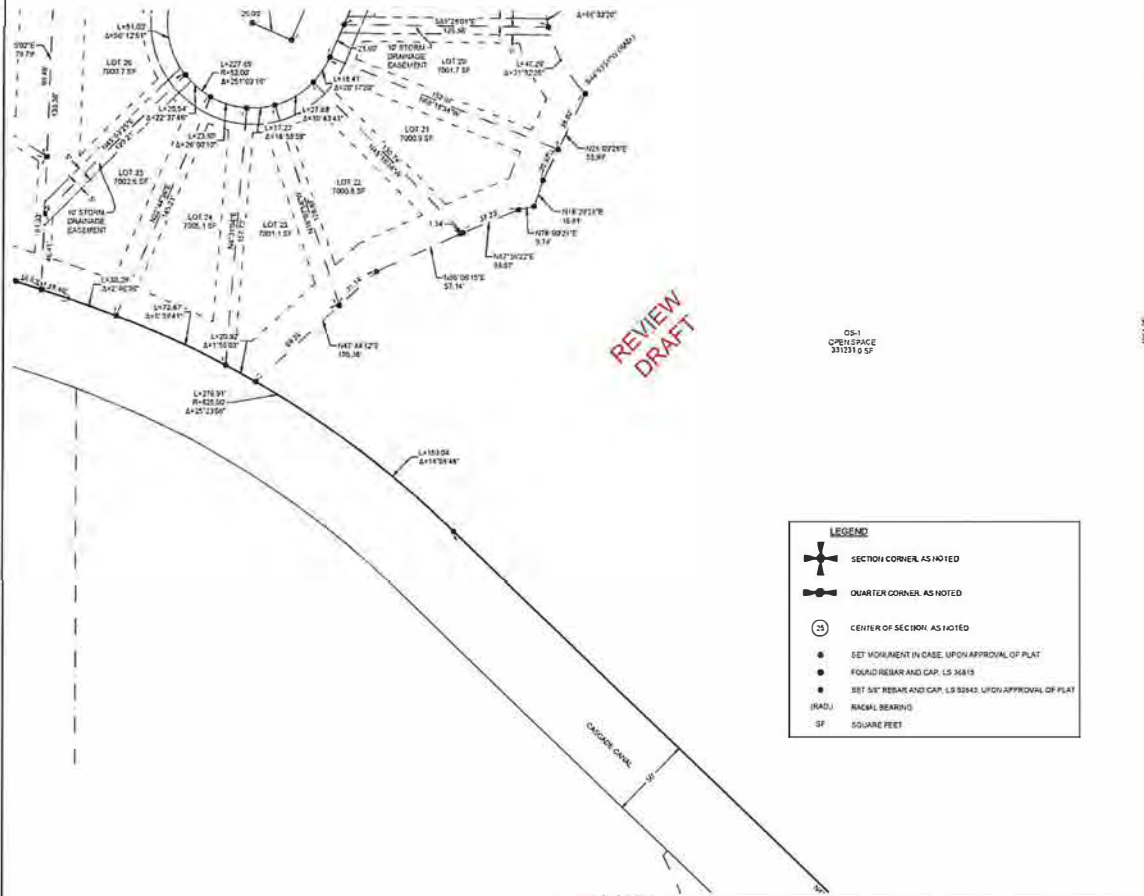


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PIERCE PLAT
 WITHIN THE SW1/4 OF THE NW1/4 OF SECTION 25,
 TOWNSHIP 18 NORTH, RANGE 18 EAST, W.M., KITTITAS COUNTY, WASHINGTON



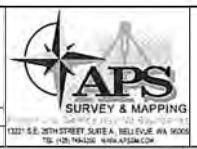
PIERCE PLAT
 WITHIN THE SW1/4 OF THE NW1/4 OF SECTION 25,
 TOWNSHIP 18 NORTH, RANGE 18 EAST, W.M., KITTITAS COUNTY, WASHINGTON



LEGEND	
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	QUARTER CORNER, AS NOTED
	CENTER OF SECTION, AS NOTED
	SET MONUMENT IN CASE, UPON APPROVAL OF PLAT
	FOUND REBAR AND CAP, L.S. 36815
	SET 5/8" REBAR AND CAP, L.S. 32843, UPON APPROVAL OF PLAT
	RACMAL BEARING
	SQUARE FEET



PIERCE PLAT
 P23-XXX
 FOR
 P&P HOMES, LLC
 WITHIN THE SW1/4 OF THE NW1/4 OF SECTION 25, T.18N., R.18E., W.M.
 SURVEYED BY: BM DRAWN BY: SW CHECKED BY: VW APPROVED BY: SW
 DATE: DEC. 2023 APSSM JOB NO.: 3464.002 ACAD NAME: 3464002PLAT



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PIERCE PLAT
 WITHIN THE SW1/4 OF THE NW1/4 OF SECTION 25,
 TOWNSHIP 18 NORTH, RANGE 18 EAST, W.M., KITTITAS COUNTY, WASHINGTON



REVIEW
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LEGEND	
	SECTION CORNER, AS NOTED
	QUARTER CORNER, AS NOTED
	CENTER OF SECTION, AS NOTED
	SET MONUMENT IN CASE, UPON APPROVAL OF PLAT
	FOUND REBAR AND CAP, L.S. 30816
	SET 5/8" REBAR AND CAP, L.S. 12043, UPON APPROVAL OF PLAT
(RAD.)	RADIAL BEARING
SF	SQUARE FEET



PIERCE PLAT P23-XXX FOR P&P HOMES, LLC WITHIN THE SW1/4 OF THE NW1/4 OF SECTION 25, T.18N., R.18E., W.M.			
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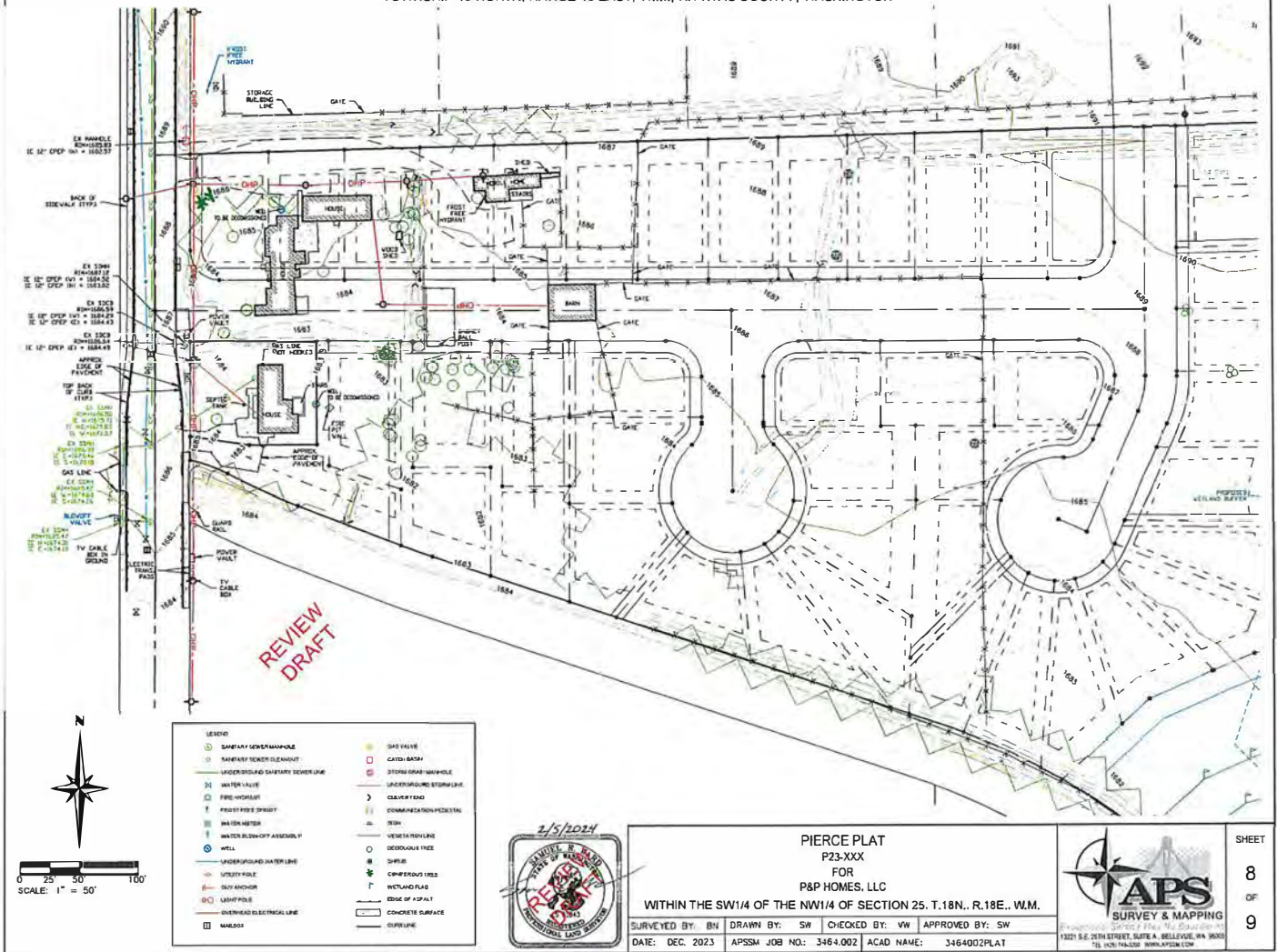


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PIERCE PLAT
 WITHIN THE SW1/4 OF THE NW1/4 OF SECTION 25,
 TOWNSHIP 18 NORTH, RANGE 18 EAST, W.M., KITTITAS COUNTY, WASHINGTON



PIERCE PLAT
 WITHIN THE SW1/4 OF THE NW1/4 OF SECTION 25,
 TOWNSHIP 18 NORTH, RANGE 18 EAST, W.M., KITTITAS COUNTY, WASHINGTON



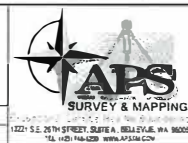
REVIEW
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- Sanitary Sewer Manhole - Sanitary Sewer Cleanout - Underground Sanitary Sewer Line - Water Valve - Fire Hydrant - Pressure Tap - Water Meter - Water Break-off Assembly - Well - Underground Waterline - Utility Pole - Out Anchor - Light Pole - Overhead Electrical Line - Shrub	- Gas Valve - Gas Main - Storm Drain Manhole - Underground Storm Line - Claylat End - Conduit/Conduit Box - SPN - Vegetation Line - Deciduous Tree - Shrub - Coniferous Tree - At-Land Flag - Edge of Asphalt - Concrete Surface - Curbside
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PIERCE PLAT
 P23-XXX
 FOR
 P&P HOMES, LLC
 WITHIN THE SW1/4 OF THE NW1/4 OF SECTION 25, T.18N., R.18E., W.M.

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DATE: DEC. 2023	APSSM JOB NO.: 3464.002	ACAD NAME: 3464002PLAT	



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P23-115

EXHIBIT 1.3

RECEIVED

OCT 19 2023

COMMUNITY DEVELOPMENT

Beech Rd Connection
Agreement-Resolution

REVOCABLE LICENSE AGREEMENT

BETWEEN KITTITAS COUNTY AND POOYA ROOHANI

This revocable license agreement ("license") is entered into this 6th day of June, 2023 between Kittitas County, a subdivision of the State of Washington ("County") and the Pooya Roohani.

WHEREAS, Licensee desires to build a road upon certain real property owned by the County that is that portion of the Bowers Field Airport known as Lot C-37; and

WHEREAS the County desires to allow Licensee to engage in such activity upon or above the County's real property because it furthers the public interest of the County; now, therefore

In consideration of the mutual benefits to be derived therefrom, the County and Licensee agree as follows:

1. The "license area", when used in this License Agreement ("License"), means Lot C-37.
2. The County does hereby grant to Licensee this nonexclusive Revocable License for a period of two (2) years from the effective date of this License to construct a road, including curbs, gutter, and sidewalks to applicable road standards. The exercise of any rights pursuant to this License by Licensee is subject to the exercise of the County's police power and other regulatory powers as it may have or in the future obtain. (Licensee's exercise of rights under this License is subject to applicable zoning and permitting requirements of the City of Ellensburg.)
3. At the end of the two-year period, unless renewed in writing between the parties beforehand, this license shall automatically terminate. Upon such termination, Licensee shall immediately remove any property of its own and cease all activity from County property. In the event Licensee fails to remove any property from the County's real estate, the County is free to remove it, charge Licensee for such removal, and dispose of it (should Licensee not then take it) however the County sees fit.
4. The intent of this license is to allow Licensee to construct a road to applicable standards that shall, upon completion, be dedicated to and turned over to County ownership, all at no cost whatsoever of any kind to Kittitas County. This License does not grant an estate in land and is not exclusive. As a license upon real property, it is revocable at the will of the County for good cause during the initial two-year term, provided that the County gives written notice, as provided herein, sixty (60) days in advance of revocation. Should Licensee fail to remove property from the license area after revocation, the County may remove it and charge Licensee for the cost of removal.
5. Licensee agrees to indemnify and hold harmless the County, its trustees, elected and appointed officers, agents and employees from and against any and all claims, demands or causes of action of whatever kind or nature and the resulting losses, costs, expenses, reasonable attorney fees, liabilities, damages, orders, judgments or decrees sustained by

the County arising out of Licensee's exercise of rights pursuant to this License. The County makes no indemnification of Licensee, its officers, agents, or employees or its property placed upon the County's real property pursuant to this License.

6. In the event either party to this License commences litigation related to rights or exercise of rights under this License, the substantially prevailing party will be entitled to reimbursement of its reasonable attorney fees and costs from the other party.
7. The venue for any litigation regarding this License shall be Kittitas County Superior Court.
8. This License shall be construed according to the laws of the State of Washington.
9. All notices required pursuant to this License shall be served upon the other party in writing by placing said notice in sealed properly addressed envelopes, postage prepaid, and placing said notice in the US mail or hand delivering it to the other party. Should the notice be sent by mail, it shall be deemed to have been duly given three (3) days after placing it in the mail.

Notice to the County shall be sent to:

Notice to the Licensee shall be sent to:

IN WITNESS WHEREOF this Revocable License Agreement is executed and shall become effective as of the date first above written.

LICENSEE

By:  _____

Its: _____

KITTITAS COUNTY

Chairman

Vice-chairman

Commissioner

ATTEST:

Julie Kjorsvik, Clerk of the Board

APPROVED AS TO FORM:

Neil A. Caulkins, Deputy Prosecuting Attorney

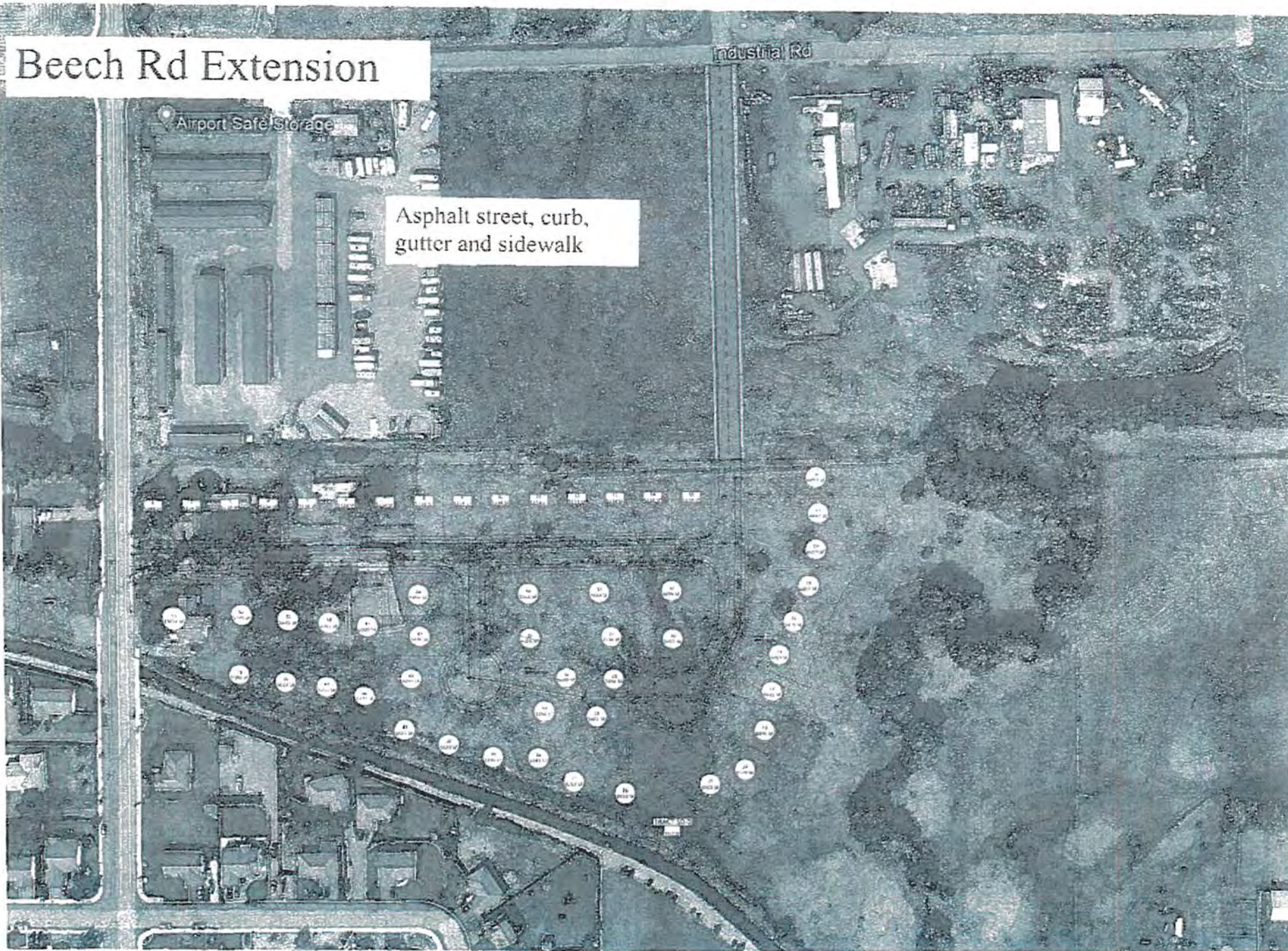


Beech Rd Extension

Airport Safe Storage

Asphalt street, curb,
gutter and sidewalk

Industrial Rd



BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON

RESOLUTION

NO.: 2023- 091

A RESOLUTION AUTHORIZING EXECUTION OF A REVOCABLE LICENSE
WITH POOYA ROOHANI

WHEREAS: Pooya Roohani needs a second access to his development located at
2904 N. Airport Rd; and

WHEREAS: Pooya Roohani has offered to build a road through lot C-37 at Bowers Field
Airport to provide the second access to his development located at
2904 N. Airport Rd at no expense to the County; and

WHEREAS: in order to allow Pooya Roohani to build this road, which will still be the
property of Kittitas County at the Bowers Field Airport, a revocable license
(attached) has been drafted to clearly spell out the scope and nature of the
construction of the road by Pooya Roohani and its use by the development
and the public at large.

NOW, THEREFORE, BE IT RESOLVED that the Kittitas County Board of
Commissioners authorize execution of the attached revocable license related to the
construction of the road through lot C-37 on Bowers Field Airport by Pooya Roohani and its
use by the development and the public at large.

ADOPTED this 6th day of June 2023, at Ellensburg, Washington.

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON



ATTEST:
CLERK OF THE BOARD

[Signature]
Commissioner, Chairman
[Signature]
Commissioner, Vice-Chairman
[Signature]
Commissioner

[Signature]
Julie A. Kjorsvik

APPROVED AS TO FORM

DEPUTY PROSECUTOR



COMMUNITY DEVELOPMENT DEPARTMENT

501 N. Anderson St., Ellensburg WA 98926

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

Dan Carlson, Director

Phone: (509) 962-7231 Fax: (509) 925-8655 E-Mail: carlsond@ellensburgwa.gov

NOTICE OF DECISION

Block Length Departure Request # P24-049

N. Airport Road, City of Ellensburg, Kittitas Co., WA. Parcel ID #'s: 136233 & 959777

Notice is hereby given that on July 2, 2024, **approval** is granted to Pooya & Pezhman Roohani, P&P Homes, LLC, property owners, for a block length departure request. This departure would allow proposed 'Blakely Avenue', extending 850 feet from Airport Road to the east and connecting with proposed 'Beech Road' within the Pierce Plat Subdivision. This block length allows the subdivision to accommodate the unique shape and location of the site, utilize the developable land located outside the wetlands and wetland buffers associated with Mercer Creek, and avoid potential ecological harm. With the departure approval, the approved block length will be incorporated into the upcoming subdivision application review.

ECC 15.420.020(B)(1) states blocks shall be designed to provide pedestrian and vehicular connections at intervals no greater than 660 feet. Departures from this standard will be considered by Staff provided the alternative design meets the purposes of the standards and meets the following standards:

- a. The departure provides the opportunity for a public open space or other public amenity that goes well beyond minimum standards.
- b. Departures meeting the criteria in item 'a' allow configurations with connection intervals greater than 660 feet but no greater than 1,000 feet. Exceptions will be made to these criteria where topography, right-of-way, existing construction or physical conditions, or other geographic conditions prevent compliance or impose an unusual hardship on the applicant.

In reviewing the departure criteria, it was determined that an unusual hardship does exist in creating connectivity within the proposed subdivision, due to the existing construction, physical conditions, and street configurations in the vicinity. The site has multiple wetlands, borders an existing irrigation canal (Cascade Irrigation District) and is located adjacent to existing larger lots with single family homes in the vicinity. These factors limit points of future connectivity. The first opportunity for a side street connection is the Beech Road extension. Pursuant to ECC 15.420.020(A)(1) *the street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside the subdivision. Wherever a proposed development abuts unplatted land or other land with the capability of being further subdivided, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area.* There are no existing, proposed, or planned streets at that location and there are no future plans to subdivide the adjacent property. A street stub at that location would not be suitable.

Public Works review comments dated April 17, 2024 identify a future trail that runs through portions of the project that is a part of the Non-Motorized Transportation Plan. The applicant will be required to coordinate with the Parks Department for connection to this trail. This satisfies ECC 15.420.020(B)(1)(a). The proposed block length is 850 feet, which satisfies ECC 15.420.020(B)(1)(b).

The approval of this departure is authorized under the applicable sections of Chapters 15.210.060 (Departures) and 15.410.020 (Block Design and Connectivity Standards) of the ECC. Please be advised that the approval of this departure **does not** imply approval of any aspect of the City, or other agency, permits that are required for subdivision approval.

Following the issuance of this departure request, 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 Ellensburg City Council and meet all requirements contained in Chapter 15.230 ECC.



Dan Carlson, Director

JULY 2, 2024



CITY OF ELLENSBURG

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

Memorandum

Date: March 7, 2024
To: Shannon Johnson, Senior Planner
From: Craig Jones, City Development Coordinator *CJ*
Through: Derek Mayo, City Engineer *DKM*
Re: 2900blk Airport Rd – Long Plat – P23-116

The following are the City Public Works SEPA comments for the proposed Long Plat in the 2900 block of Airport Rd.

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

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

Water:

The water main available to serve this development is a 16" Ductile Iron main that runs in Airport Rd. There is an 8" stub to the property at the existing fire hydrant. 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. As proposed an additional water connection will need to be made so the system is looped. The existing buildings on site are served by an onsite private well that will need to be abandoned and connected to City. See attached utility map.

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

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

Sewer:

The sewer main available to serve this development is an 8" PVC main that runs in Airport Rd. The developer will need to install 8" sewer mains on the interior roads and side sewer stubs to each lot. The existing buildings on site are served by an onsite septic system that will need to be abandoned and connected to City. See attached utility map.

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

Roadway and access:

This project will trigger the requirement for half street improvements along the Airport Rd frontage of the development. Airport Rd is classified as a minor arterial street and will be a minimum 80' right of way at full build out. The interior roads will need to be built to a local access street standard which it currently is. 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. The existing curb alignment does not match current road sections and may need to be revised. 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.

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

Stormwater:

There is an existing drainage feature along Airport Rd for the frontage of the property. Any alteration to this system will need to be reviewed. See attached utility map.

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

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

The following comments are from the City Stormwater Department;

1. If the site is an acre or greater the developer will need to make Notice of Intent (NOI) with Ecology and apply for a Stormwater General Construction Permit months in advance of construction. <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-general-permits/Construction-stormwater-permit>
2. The Ecology permit requires a Stormwater Pollution Prevention Plan (SWPPP) be submitted with the plan set and be reviewed by the City of Ellensburg Stormwater Utility along with a set of temporary sediment erosion control plans (TESC).

3. In addition, Ecology now requires an Operation and Maintenance (O&M) Plan be submitted to the City for review and retainage. The O&M Plan must address the long term maintenance of the stormwater facilities (swales) that will be constructed onsite to deal with the flow control and treatment requirements of Core Element 5&6 in the Eastern Washington Stormwater Management Manual.

Here is a link for additional information from Ecology;

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

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.

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

Any work being done in the right of way will require permits and the contractor to have proper insurance and bonding on file with the City.

The Traffic Impact Analysis (TIA) has been submitted to the City for review. Any questions or comments from the TIA will be sent out directly to the applicant and traffic engineer.

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/>.

Road naming will go through a review process and any conflicts will be passed along.

City and County will work together on the civil plan review for this development.

Cc File 22-114

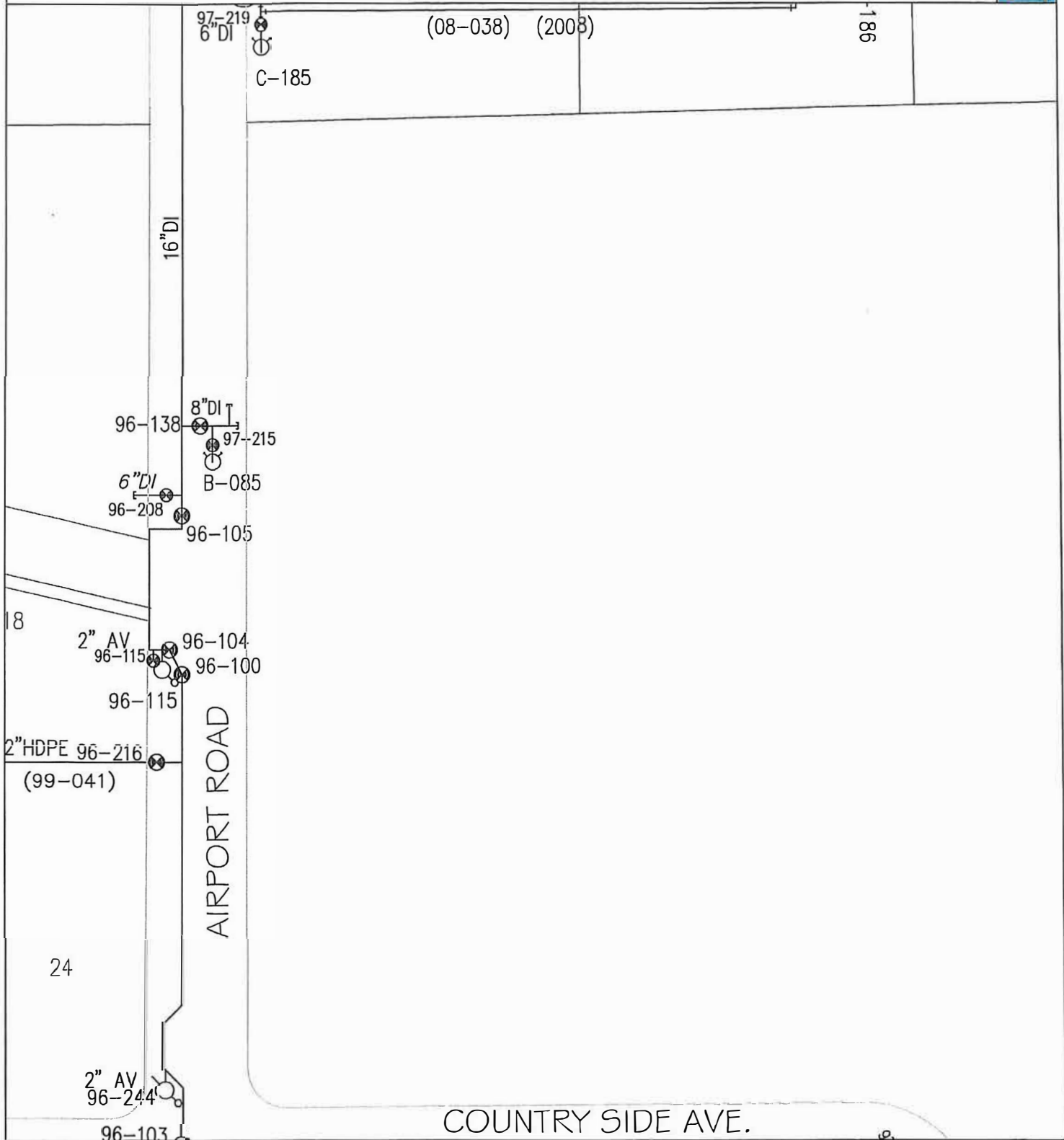


**Know what's below.
Call before you dig.**



CITY OF ELLENSBURG
PUBLIC WORKS DEPARTMENT
UTILITY MAP REQUEST INFORMATION

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DISCLAIMER:

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

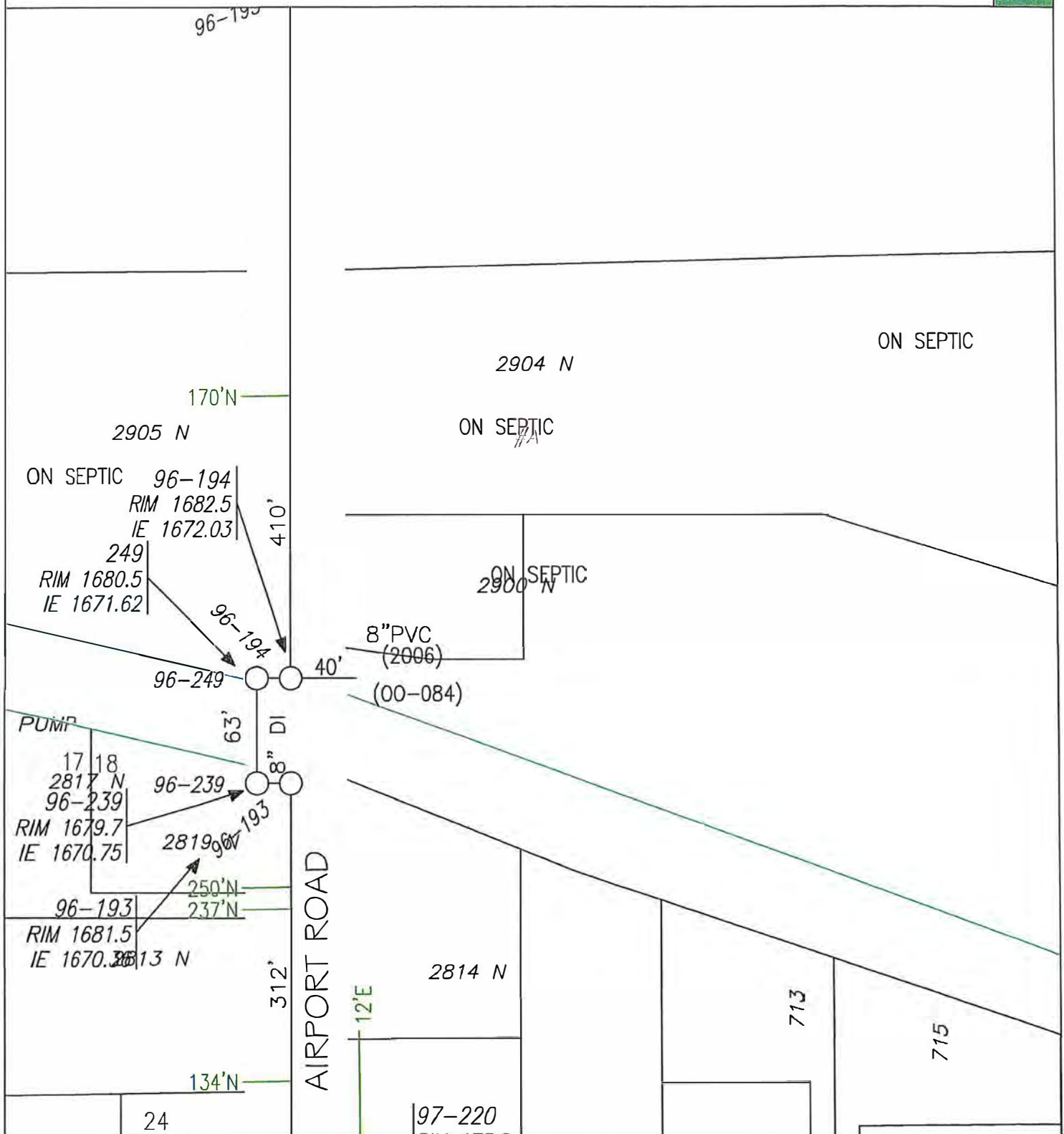


Know what's below.
Call before you dig.



CITY OF ELLENSBURG
PUBLIC WORKS DEPARTMENT
UTILITY MAP REQUEST INFORMATION

SEWER



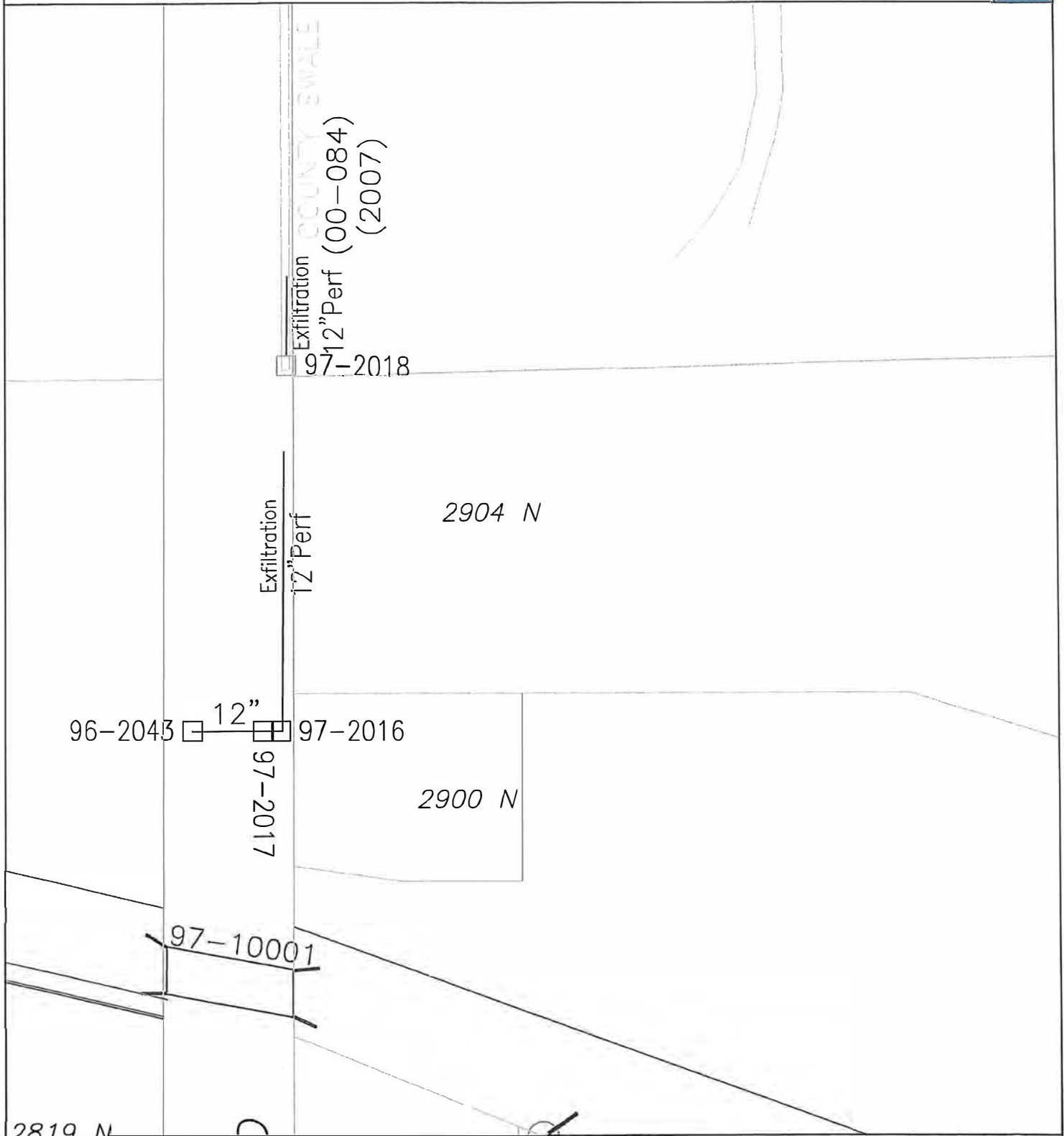
DISCLAIMER:
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CITY OF ELLENSBURG
PUBLIC WORKS DEPARTMENT
UTILITY MAP REQUEST INFORMATION

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



Know what's below.
Call before you dig.



CITY OF ELLENSBURG

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

Memorandum

Date: April 17, 2024
To: Shannon Johnson, Senior Planner
From: Craig Jones, City Development Coordinator *CJ*
Through: Derek Mayo, City Engineer *DKM*
Re: 2900blk Airport Rd – Preliminary Long Plat – P23-115

The following are the City Public Works Preliminary Plat comments for the proposed Long Plat in the 2900 block of Airport Rd.

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.

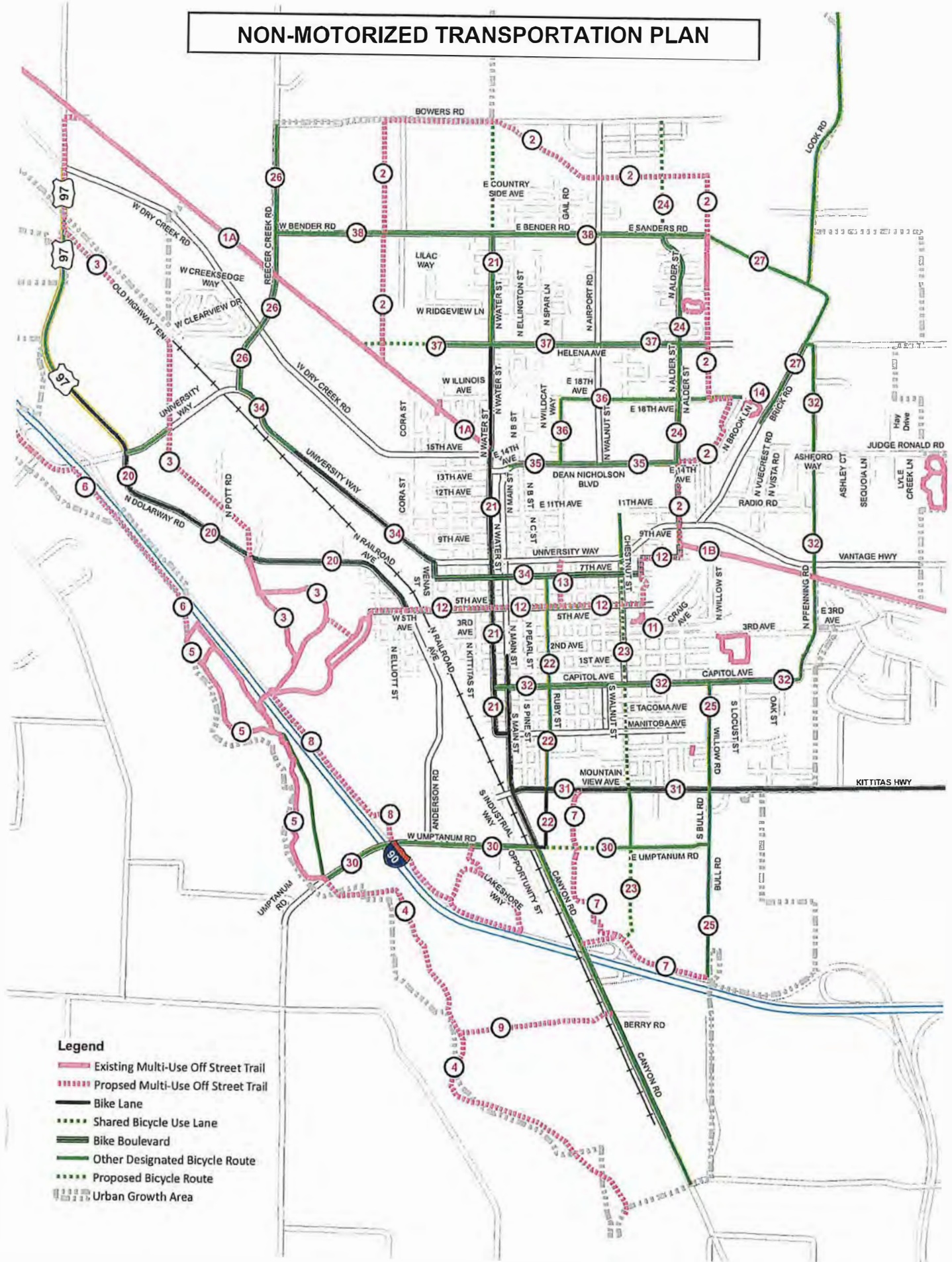
The previously submitted comments from Public Works for the SEPA dated March 7th, 2024 are still current. Public Works would like to add to those comments about the Non-Motorized Transportation Plan has established a future trail through portions of the project. See attached map for current and future Non-Motorized Transportation Plan. The applicant will need to coordinate with the Parks Department for complete details on size and location of easements.

Cc File 22-114



Know what's below.
Call before you dig.

NON-MOTORIZED TRANSPORTATION PLAN



**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

DATE: April 15, 2024

FROM: Shannon Johnson, Senior Planner

FILE #: P23-115 Pierce Plat

LOCATION:

- 1) The preliminary plat survey map you have submitted depicts a block length which exceeds the 660 foot connection interval length requirement (for the section which connects the proposed Blakely Lane from north Airport Road east to the proposed Beech Road Connection. Therefore, a departure is required as per ECC 15.540.020(B) (2). I'm enclosing our standard land use cover page application with this letter for review and completion. In addition to this application, please include a narrative which provides the reason for the departure request, and explains how the departure will meet the following approval criteria, pursuant to ECC 15.210.060(E):

E. Approval Criteria. Project applicants must successfully demonstrate to the decision-maker how the proposed departure meets the purpose(s) of the standard and other applicable departure criteria that applies to the specific standard.

For questions regarding these requirements, please contact Shannon Johnson at City Hall, 501 N Anderson Street, via phone at 509-962-7108, or via email johnsons@ellensburgwa.gov



Land Use Application Cover Sheet

PA-01
APPLICATION

Community Development Department 501 N. Anderson, Ellensburg, WA 98926 (509) 962-7239 (Building) permits@ci.ellensburg.wa.us (509) 962-7231 (Planning) comdev@ci.ellensburg.wa.us				
INSTRUCTIONS – PLEASE READ FIRST AND ANSWER ALL QUESTIONS COMPLETELY.				
If you have any questions about this form or the application process, please ask to speak with a planner. All necessary attachments and the filing fee are required upon submittal. Filing fees are not refundable. This application consists of two parts. PART I - GENERAL INFORMATION and PART II , project descriptions and site plan contain additional information specific to your proposal and all required information MUST be attached to this page to complete the application process.				
PART I – GENERAL INFORMATION				
1. Applicant's Information	Name:			
	Mailing Address:			
	City:	St:	Zip:	Phone : ()
	E-Mail:			
2. Applicant's Interest in Property	Check One:	☐ Owner ☐ Agent ☐ Purchaser ☐ Other _____		
3. Property Owner's Information (If other than Applicant)	Name:			
	Mailing Address:			
	City:	St:	Zip:	Phone : ()
	E-Mail:			
4. Subject Property's Assessor's Parcel Number(s):				
5. Legal Description of Property. (if lengthy, please attach it on a separate document)				
6. Property Address:				
7. Property's Existing Zoning:				
☐ RS ☐ RL ☐ RM ☐ RH ☐ RO ☐ CN ☐ CH ☐ CC ☐ CCII ☐ IL ☐ NC-MU ☐ RC-MU ☐ IH ☐ PR ☐ MHP				
8. Type Of Application: (Check All That Apply)				
☐ Final Plat Application		☐ Environmental Checklist (SEPA Review)		
☐ Type (II) Review		☐ Landmarks COA		
☐ Boundary Line Adjustment		☐ Landmarks Demolition		
☐ Short Plat Alteration		☐ Commercial Wireless Communication		
☐ Preliminary Short Subdivision		☐ Appeal to HE / City Council		
☐ Preliminary Long Subdivision		☐ Code Interpretation		
☐ Plat Vacation		☐ Regional Retail Master Plan		
☐ Plat Alteration		☐ Design Review Departure		
☐ Master Plan P-R Use		☐ Comprehensive Plan Amendment		
☐ Annexation		☐ Development Code Amendment		
		☐ Conditional Use Permit		
		☐ Rezone		
		☐ Shoreline		
		☐ Critical Areas Review		
		☐ Variance/Admin. Variance		
		☐ Temporary Use Permit		
		☐ Design Review Major/Minor		
		☐ Binding Site Plan		
		☐ Essential Public Facility		
		☐ Site Development Permit		
9. PART II – PROJECT DESCRIPTION AND SITE PLAN (See attached page)				
10. I certify that the information on this application and the required attachments are true and correct to the best of my knowledge.				
Property Owner's Signature _____		Date _____		
Applicant's Signature _____		Date _____		
FILE/APPLICATION(S)#				
DATE FEE PAID:	RECEIVED BY:	AMOUNT PAID:	RECEIPT NO:	

Shannon Johnson

From: DAHP SEPA <sepa@dahp.wa.gov>
Sent: Tuesday, March 5, 2024 12:27 PM
To: Shannon Johnson
Cc: guy.moura@colvilletribes.com; Connor Arm; 'steve@snoqualmtribe.us'; Casey Barney; Corrine Camuso; Gregg Kiona; Jessica Lally; Noah Oliver-External; darnell.sam.adm@colvilletribes.com; john.sirois.adm@colvilletribes.com; milton.davis.adm@colvilletribes.com
Subject: [Ext] RE: P23-116 SEPA NOA (DAHP Project Tracking # 2024-03-01580)
Attachments: 2024-03-01580_030524_Survey Requested.pdf

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

Hi Shannon,

Attached is our letter regarding the project referenced in the subject line. Please contact me with any questions.

All the best,

Sydney Hanson, MA (she/her) | **Local Government Archaeologist**
Eastern Washington & Columbia River Counties
 360.280.7563 | sydney.hanson@dahp.wa.gov

Department of Archaeology & Historic Preservation | www.dahp.wa.gov
 1110 Capitol Way S, Suite 30 | Olympia WA 98501
 PO Box 48343 | Olympia WA 98504-8343

 Please consider the environment before printing this email

From: Shannon Johnson <johnsons@ci.ellensburg.wa.us>
Sent: Friday, February 23, 2024 12:08 PM
To: SEPA Group <sepagroup@ci.ellensburg.wa.us>
Subject: P23-116 SEPA NOA

External Email

Good Morning SEPA Reviewers,

I have attached the Notice of Application, SEPA Checklist, Preliminary Plat, and Wetland Report for the proposed new 44-lot Pierce Plat Subdivision located at N Airport Road.

The City is utilizing the Standard SEPA process set forth in WAC 197-11-350, and any comments submitted during this pre-threshold determination period will be taken into consideration before issuing the Preliminary Threshold Determination to the public and agencies for an additional 21-day comment period. SmartGov will be updated as soon as possible for City Departments as well.

Preliminary comments are due by **5:00pm on Friday, March 8, 2024.**

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





Allyson Brooks Ph.D., Director
State Historic Preservation Officer

March 5, 2024

Shannon D. Johnson
Senior Planner
Community Development
501 N. Anderson Street
Ellensburg, WA 98926

In future correspondence please refer to:
Project Tracking Code: 2024-03-01580
Property: City of Ellensburg_Pierce Plat Airport Road (P23-116)
Re: Survey Requested

Dear Shannon Johnson:

Thank you for contacting the Washington State Historic Preservation Officer (SHPO) and Department of Archaeology and Historic Preservation (DAHP) and providing documentation regarding the above referenced project. These comments are based on the information available at the time of this review and on behalf of the SHPO in conformance Washington State law. Should additional information become available, our assessment may be revised.

Our statewide predictive model indicates that there is a high probability of encountering cultural resources within the proposed project area. Further, the scale of the proposed ground disturbing actions would destroy any archaeological resources present. Identification during construction is not a recommended detection method because inadvertent discoveries often result in costly construction delays and damage to the resource. Therefore, we recommend a professional archaeological survey of the project area be conducted and a report be produced prior to ground disturbing activities. This report should meet DAHP's [Standards for Cultural Resource Reporting](#).

We also recommend that any historic buildings or structures (45 years in age or older) located within the project area are evaluated for eligibility for listing in the National Register of Historic Places on Historic Property Inventory (HPI) forms. We highly encourage the SEPA lead agency to ensure that these evaluations are written by a cultural resource professional meeting the [SOI Professional Qualification Standards in Architectural History](#).

Please note that the recommendations provided in this letter reflect only the opinions of DAHP. Any interested Tribes may have different recommendations. We appreciate receiving any correspondence or comments from Tribes or other parties concerning cultural resource issues that you receive.

Thank you for the opportunity to comment on this project. Please ensure that the DAHP Project Tracking Number is shared with any hired cultural resource consultants and is attached to any communications or submitted reports. Please also ensure that any reports, site forms, and/or historic property inventory (HPI) forms are uploaded to WISAARD by the consultant(s).



Should you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Sydney Hanson". The signature is written in dark ink and includes a long horizontal flourish extending to the right.

Sydney Hanson, M.A.
Local Government Archaeologist
(360) 280-7563
Sydney.Hanson@dahp.wa.gov



Shannon Johnson

From: ECY RE CRO SEPA Coordinator <crosepa@ecy.wa.gov>
Sent: Friday, April 12, 2024 2:30 PM
To: Shannon Johnson
Subject: [Ext] SEPA 202401312 comments for P23-116
Attachments: 202401312_Kittitas_Pierce Long Plat.pdf

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

Please see the attached comment letter for the Pierce Long Plat.

Share these comments with the applicant.

Thank you,

Joy Espinoza

SEPA/ERTS Coordinator – Central Region

Department of Ecology

Ph: 509.379.3967 | crosepacoordinator@ecy.wa.gov



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office

1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

April 12, 2024

Shannon Johnson
City of Ellensburg
501 N Anderson Street
Ellensburg, WA 98926

RE: 202401312; P23-116

Dear Shannon Johnson:

Thank you for the opportunity to comment on the Revised Pre-Threshold Consultation for the Pierce Long Plat. The Department of Ecology (Ecology) has reviewed the environmental checklist and has the following comments.

Water Quality – State Waste Discharge

Dividing or platting a piece of property is often the first step in a proposed development. An NPDES Construction Stormwater Permit may be required if there is a potential for stormwater discharge from a construction site with disturbed ground. Ground disturbance includes all utility placements, and building or upgrading roads. The permitting process requires going through SEPA, developing a stormwater pollution prevention plan, submitting an application, and a 30-day public notice process. This may take 38-60 days. A permit and a stormwater plan are required prior to beginning ground-breaking activities.

Please contact **Wendy Neet** with the Department of Ecology, 509-571-6733, with questions about this permit.

Sincerely,

A handwritten signature in cursive script that reads "Joy Espinoza".

Joy Espinoza
SEPA Coordinator
Central Regional Office
509-379-3967
crosepacoordinator@ecy.wa.gov

Shannon Johnson

From: sara@krdistrict.org
Sent: Friday, April 12, 2024 3:54 PM
To: Shannon Johnson
Cc: 'kevin eslinger'
Subject: [Ext] City of Ellensburg - SEPA Comment Case #P23-116 & #P23-115

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

Hi Shannon,

KRD would like to add the comment to the Pierce Plat subdivision application.

Parcel 36233 and Parcel 959777 are both within the KRD service area. KRD water has not been applied to these parcels and currently there is no physical way to get KRD irrigation water to these parcels. KRD is working with the landowner to solve the problem.

Thank you,

Sara Vickers
Lands Clerk/RRA Specialist
509-925-6158
www.kittitasreclamationdistrict.org

Shannon Johnson

From: Cascade Irrigation <cid@fairpoint.net>
Sent: Tuesday, February 27, 2024 12:59 PM
To: Shannon Johnson
Subject: [Ext] RE: P23-116 SEPA NOA

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

Shannon,

Although this is not within the boundaries of the Irrigation District, I do have some comments/concerns. First with this plat being adjacent to the canal I want to make sure that the setback from the canal gives the District plenty of room to preform maintenance. I believe that the property in question should show an easement or right of way on the title report or other documents for the canal. Secondly the current plans show that the storm water from the street is dumped into the canal at various locations. Do to NPDES issues we can not allow the dumping of storm water from the street to go directly to the canal. When you get in could you please call me on these issues.

Thank you,

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

From: Shannon Johnson <johnsons@ci.ellensburg.wa.us>
Sent: Friday, February 23, 2024 12:08 PM
To: SEPA Group <sepagroup@ci.ellensburg.wa.us>
Subject: P23-116 SEPA NOA

Good Morning SEPA Reviewers,

I have attached the Notice of Application, SEPA Checklist, Preliminary Plat, and Wetland Report for the proposed new 44-lot Pierce Plat Subdivision located at N Airport Road.

The City is utilizing the Standard SEPA process set forth in WAC 197-11-350, and any comments submitted during this pre-threshold determination period will be taken into consideration before issuing the Preliminary Threshold Determination to the public and agencies for an additional 21-day comment period. SmartGov will be updated as soon as possible for City Departments as well.

Preliminary comments are due by **5:00pm on Friday, March 8, 2024.**

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





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: March 13st, 2024

To: Stacey Henderson, Office of Community Development

From: Luis Perez, Eng. Tech. (Light)

Re: P23-116 Pierce Long Plat SEPA

The following are the City of Ellensburg Electric Utility comments for the P23-116 Pierce Long Plat SEPA, for the site located at 2904 N Airport Rd.

Electric:

The City of Ellensburg Electric Utility (City Light) has both overhead and underground existing facilities at the site. There is a high voltage (12.4kV) overhead line on the East side of Airport Rd. From there low voltage (600V) overhead lines connect to existing structures or other poles within the site. Additionally, there is an empty duct and vault system on the East side of Airport Rd.

Details of the removal, alteration, and extension of the electric system will be given at the plat review. Any plans for solar installations should be given with the plat permit, and an "interconnection agreement" will have to be completed before the installation of any solar.

The clearance between any transformer installed in the plat and wells is 100ft. The clearance between transformers and a body of water is 15ft. The locations of wells and bodies of water should be noted on the plat permit as it will affect the design.

Applicant is advised to call in locates and work cautiously around City Light underground power lines, and be mindful of existing overhead power lines when operating equipment on site. Minimum approach distance for personnel and equipment is 10ft to the high voltage lines.



CITY OF ELLENSBURG

Electric Utility

501 North Anderson Street; Ellensburg, WA 98926

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

www.ci.ellensburg.wa.us

Memorandum

Date: April 16, 2024

To: Laura Wilson, Office of Community Development

From: Luis Perez, Eng. Tech. - Light

Re: P23-115 Pierce Long Plat Comments

The following are the City of Ellensburg Electric Utility (City Light) comments for the permit P23-115, known as the Pierce Long Plat.

Electric:

On the proposed site plan / survey, there are a total of 44 lots. These are connected to N Airport Rd and an extension of Beech Rd to Falcon Rd. The plans show the removal of the structures at 2904 N Airport Rd and excludes a parcel around 2900 N Airport Rd which is not a part of the plat. City Light has underground and overhead facilities on the East side of Airport Rd, and a conduit crossing on Falcon Rd.

Prior to demolishing the existing structures, the existing overhead electric secondary and services must be removed by City Light. At this time City Light can remove the City owned pole from lot 2 if communications has also been removed.

A "Residential plat development" application will need to be completed and returned to City Light.

There is a conflict with the curb and an existing power vault at the entrance of the plat on the south side of Blakely Lane. Either the road will need to be adjusted or the vault relocated.

Swales may need to be offset from the walk to maintain cover for underground electric facilities.

A 10ft frontage easement is needed on lot 44 along Airport Rd.

Street lights and driveways need to be shown on the Civil plans in order for City Light to create a design to provide power. The design will include extending conduit to the extents of the project.

The previous comments for the pre-application meeting P22-105 which is still applicable to this project are the following:

Y:\Energy Services\Light\Developer Information Packet\SEPA & Plat App Responses\Plat App\2023\P23-115 Pierce Long Plat

The City Light power poles along the frontage of applicants property will serve as the source of power for the applicants development, and will loop through the entirety of the development. Any new installation of conduit, vaults, street lighting, or other facilities required along the frontage of the applicants property will be installed at applicants expense

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). City Light will need the transformer placed to meet these minimum clearances and to be placed in a location that is protected from vehicular traffic.

City Light must have 24/7 full access to our electrical system for proper maintenance & operations from the street and/or driveway and parking lots. There are also minimum clearances we must maintain between our electrical facilities to other utilities, such as water, sewer, gas, & communications. A 3' clearance around the back and sides of transformers and electric vaults, as well as a 10' clearance around the front side of transformers and electric vaults must be maintained for working space from all obstacles, such as vegetation, signs, etc. Also, no trees or large vegetation can be placed on top of the City Light power lines.

Locations for transformers and electric vaults 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 frontage 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. Typically, this is on the opposite side of water meters.

All City Light facilities will be required to be placed in public Right-of-Way or in utility easements.

Many City Light materials have extremely long lead delivery times in recent times, with many materials taking over one year to be delivered. With that said, the earlier the applicant/developer can fill out a residential plat application, which can be found here : <https://ci.ellensburg.wa.us/DocumentCenter/View/11298/Residential-Plat-Application> and provide finalized Public Works approved CAD civil plans, the earlier City Light can provide a design, developers agreement, invoice, and material procurement.

The developers agreement is an agreement between the developer and City Light, which allows the developer to purchase, supply, and install materials for the City Light duct & vault system, as well as street lighting. The invoice paid for with the developers agreement covers the cost for City Light to install cable, connections, transformers, etc., in the developer installed duct & vault system. Additional invoicing will happen with City Light inspectors time during inspection of the developer installed duct, vault, and street lighting systems.



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

DATE: April 19, 2024

FROM: Chuck Doan, Building Official

FILE #: P23-116

SUBJECT: Pierce Long Plat SEPA

The following items are in response to your SEPA REVIEW regarding the building codes. The comments below do not constitute a full plan review for compliance with all applicable Building, Fire, Mechanical, Fuel Gas, Plumbing and Energy Codes. When a building permit application is submitted, a full plan review will be completed; if corrections are required, they will be addressed at that time.

Building Codes:

Building Department Comments:

1. Three elevation certificates along with other requirements need to be met when a residential structure is being built within a flood hazard area:
 - a. 1) Construction Drawings: At time of construction document submittal for review and permitting. The construction documents shall include a) Delineation of flood hazard areas, floodway boundaries and flood zones and the design flood elevation, as appropriate. b) The elevation of the proposed lowest floor, including basement; in areas of shallow flooding (AO Zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade. c) If design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the building official and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.
 - b. 2) Building Under Construction: A registered design professional shall provide a certified elevation certificate and or construction staking clearly verifying the elevation of the footing and foundation conforms to the correct height to meet the finished floor elevation requirements at time of inspection of the footing and foundation, prior to pouring concrete.
 - c. 3) Finished Construction: The final elevation certificate is required at final inspection of building, this certificate verifies the finished building elevation complies with FEMA, City of Ellensburg and Washington State building codes. And if applicable for fully enclosed areas below the design flood elevation where provisions to allow for the automatic entry and exit of floodwaters, include a statement that the design will provide for equalization of hydrostatic flood forces in accordance with section 2.7.7.7 of ASCE 24 and for dry floodproofed nonresidential buildings, construction documents shall include a statement that the dry floodproofing is designed in accordance with ASCE 24.

For questions regarding these comments, please contact Building Official Chuck Doan at City Hall, via phone at 509-925-8663, or via email at doanc@ci.ellensburg.wa.gov

If you have questions, please do not hesitate to contact me.

Sincerely,

Chuck Doan
Building Official

Shannon Johnson

From: Nelson, Jennifer L (DFW) <Jennifer.Nelson@dfw.wa.gov>
Sent: Friday, April 12, 2024 4:30 PM
To: Shannon Johnson
Subject: [Ext] RE: P23-116 SEPA & P23-115 Pierce Plat Subdivision - Second Notice of Application and Prelim MDNS
Attachments: WDFW comments P23-115 Pierce Plat.pdf

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

Hi Shannon,
Please find WDFW's comments attached to this email.

Have a nice weekend!
Jen

Jennifer Nelson
Washington Department of Fish and Wildlife
Habitat Program
Ellensburg, WA 98926
(509) 961-6639 Mobile

From: Shannon Johnson <johnsons@ci.ellensburg.wa.us>
Sent: Tuesday, March 26, 2024 11:48 AM
To: SEPA Group <sepagroup@ci.ellensburg.wa.us>; Luis Perez <perezl@ci.ellensburg.wa.us>; Josh Fredrickson-External <josh.fredrickson@co.kittitas.wa.us>
Subject: P23-116 SEPA & P23-115 Pierce Plat Subdivision - Second Notice of Application and Prelim MDNS

External Email

Good Afternoon SEPA Reviewers,

I have attached the SEPA Checklist, Preliminary Plat Site Plan, and Preliminary MDNS for the proposed Pierce Plat Subdivision, P23-116 SEPA & P23-115 Long Plat. The 21-day public comment period will end on **Tuesday, April 16, 2024, at 5:00pm.** Additional material including the Critical Area Report, can be found on the City Website at: [SEPA \(State Environmental Policy Act\) | Ellensburg, WA.](#)

***If you provided comments during the initial Consult Comment Review (first round comments), feel free to refer back to those comments. City Departments, I will continue to work to fix the SmartGov application template routing/dashboard issue for the plat itself (P23-115), however, it may need to wait until Laura Wilson returns next week. Please let me know if you have any questions and thank you for your review.

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





State of Washington
DEPARTMENT OF FISH AND WILDLIFE

South Central Region • Ellensburg District Office • 1130 W. University Way, Ellensburg,
WA 98926

April 12, 2024

Shannon Johnson
Senior Planner
City of Ellensburg
501 North Anderson Street
Ellensburg, WA 98926

SUBJECT: P23-115 Pierce Plat Subdivision and P23-116 SEPA

Dear Ms. Johnson,

The Washington Department of Fish and Wildlife (WDFW) has reviewed the application materials associated with the proposed plat west of Mercer Creek and north of Cascade Canal. We are familiar with the area and appreciate the recognition of Mercer Creek and its associated critical areas in the application materials available for review.

Mercer Creek and its associated riparian habitat and wetlands provide important fish and wildlife refuge in an urbanizing environment. They also provide an opportunity for the community to connect with nature and be an asset to this new development. WDFW appreciates the designation of open space to protect these important critical areas and we would welcome to opportunity to work together to better understand the proposed trails and recreational uses within the open space areas. We request to consult with the City and applicant to review the proposed uses and covenants for these critical areas and buffers to help ensure fish and wildlife conservation areas are protected and can be enjoyed by the community as an amenity.

Thank you again for the opportunity to provide comments on this project. Please feel free to contact me at (509) 961-6639 or Jennifer.nelson@dfw.wa.gov if you have any questions about these comments.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Nelson". The signature is written in black ink and is positioned above the printed name and title.

Jennifer Nelson
Area Habitat Biologist

Shannon Johnson

From: Kelee Hodges <kelee.hodges.pw@co.kittitas.wa.us>
Sent: Friday, April 12, 2024 10:58 AM
To: Shannon Johnson
Subject: [Ext] P23-116 and P23-115
Attachments: P23-116 PIERCE PLAT SUBDIVISION_KCPW Plan Review Team Comments (AutoRecovered).pdf

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

Shannon:

Good morning! Please find Kittitas County Public Works comments attached. Let me know if you have any questions.

Thank you!

Kelee Hodges

Environmental/Transportation Planner

Kittitas County Public Works

411 N. Ruby St., Suite 1

Ellensburg, WA 98926

Office: 509-962-7523

Mobile: 509-859-4965

kelee.hodges.pw@co.kittitas.wa.us

The information transmitted by this email is intended only for the person or entity to which it is addressed. This email may contain confidential and/or privileged material. If you are not the intended recipient of this message, be aware that any use, review, retransmission, distribution, or reproduction is strictly prohibited. If you received this in error, please contact the sender immediately and delete the material from all devices.
message id: 38eb45916c6dcdbdac24bb8719d004a14



KITTITAS COUNTY DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

TO: Shannon Johnson, City of Ellensburg
FROM: Kittitas County Public Works
DATE: April 16, 2024
SUBJECT: P23-116 Pierce Plat and P23-115 SEPA Environmental Review and Site Development Permit

ACCESS	1. Sheet 7 shows the proposed R/W for Beech Rd being continued south. This should identify that it will be county owned R/W. 2. The Revocable License Agreement Of Note: a. Sheet 4 shows the city street "Preston Court" coming off Beech Rd. Please consider maintaining name as Beech Rd with the cul-de-sac.
TRANSPORTATION CONCURRENCY	1. A Transportation Concurrency Management Application will be required for this project. (KAH)

Shannon Johnson

From: Shannon Johnson
Sent: Tuesday, April 2, 2024 7:58 AM
To: Jeremy Johnston
Subject: FW: [Ext] Pierce Long Plat SEPA comments
Attachments: 03282024_2. Regarding the critical area study performed by Sewall Wetland Consulting, Inc. we would offer that the applicant and its consultant have accurately depicted the on the ground circumstances which d.pdf

From: Steve Willard <willardis@gmail.com>
Sent: Thursday, March 28, 2024 4:35 PM
To: Shannon Johnson <johnsons@ci.ellensburg.wa.us>; Brad Case <caseb@ci.ellensburg.wa.us>; Ryan Lyyski <lyyskir@ci.ellensburg.wa.us>; Derek Mayo <mayod@ci.ellensburg.wa.us>; Josh Fredrickson-External <josh.fredrickson@co.kittitas.wa.us>; sara@krdistrict.org
Cc: matt willard <matt@tandchomes.net>; steve willard <willardis@gmail.com>; Terri Jester <Terri@tandchomes.net>
Subject: [Ext] Pierce Long Plat SEPA comments

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

Sent by email and USPS

Attention: Shannon Johnson, Senior Planner
City Of Ellensburg
Community Development Department
501 North Anderson Street
Ellensburg, WA 98926
Johnsons@ellensburgwa.gov

CC: Ryan Lyyski, City of Ellensburg Public Works, Derek Mayo, City of Ellensburg Public Works, Josh Fredrickson, Kittitas County Public Works, Brad Case, City of Ellensburg Parks Department, Sara Vickers, Kittitas Reclamation District, Les Tower

Thank you in advance for the opportunity to comment on SEPA for the Pierce Long Plat, Parcels 296233, 136233, and 959777.

As a preface to any other comments, it is important to say in general we support the efforts of any property owner or prospective builder to develop shelter for our community. Our comments that follow are related to physical and community issues that may apply to this application.

1. The City of Ellensburg and Kittitas County comprehensive plans include the John Wayne Trail right of way. It goes through much of our property. We have dedicated right of way for the trail through our property and in doing so have been able to get in lieu of credits toward park impact fees due to the City of Ellensburg. I would suggest the City of Ellensburg as a condition of plat approval require a dedication of right of way across the entire north property of the proposed plat. The total design right of way is forty feet so it would require a forty-foot dedication along the entire north line of the plat design for the future construction of the John Wayne Trail. This applicant would be eligible for a credit in lieu of park impact fees in part upon a future application to city council for such a credit.
2. Regarding the critical area study performed by Sewall Wetland Consulting, Inc. we would offer that the applicant and its consultant have accurately depicted the on the ground circumstances which depart from anecdotal agency depictions of critical areas. The applicant has depicted in its application critical areas and buffers as required by City of Ellensburg ordinances. In fact, on the ground, Mercer Creek along the entirety of the applicant's property is subject to annual spring flooding. This flooding is caused by the growth of crack willow along the Mercer Creek corridor. This flooding affects the applicant's property but more substantially causes severe flooding east of the Mercer Creek corridor on adjacent properties. Removal of creek trees has been generally supported by the applicable agencies subject to application of required permits for such work.

We would request that there be express language in the approval of the preliminary and final plat that there be no prohibitions express of implied that would prevent the land owner his successors or assigns or contract vendors from entering the critical area of creek corridor to remove crack willows or other trees causing flooding subject to having lawful approval of city, county, and state agencies having applicable jurisdiction over such removal.

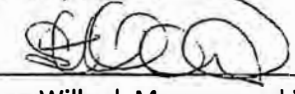
3. The subject property lies within Kittitas Reclamation District. KRD waters are delivered to the property via Mercer Creek. There is no feasible way for KRD waters to be delivered to the subjects property. KRD will comment on district requirements and options. The applicant may want to choose relinquishing KRD water as the proposed lots will have city water for irrigation.
4. Although the city is the approving jurisdiction, we would point out that 15.420.020 Section B.1 of the city municipal code require blocks to be no more than 600 feet in length. Blakely Lane exceeds this design requirement. Departures are allowed in situations that meet criterion for departures.

Respectfully submitted,

Son Vida II, LLC


Matt Willard, Manager

CBP-WA, LLC


Steve Willard, Manager and Individual

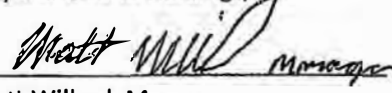
Son Vida I, LLC


Matt Willard, Manager

Sanders Mill, LLC


Matt Willard, Manager

Haybrook Land Holdings, LLC


Matt Willard, Manager

Shannon Johnson

From: Josh Sechrest <josh.sechrest@outlook.com>
Sent: Tuesday, April 9, 2024 1:35 PM
To: Shannon Johnson
Subject: [Ext] Response: SEPA Case# P23-116 / 2705 N Alder ST _ As Requested 4_9_24
Attachments: 2705 N Alder ST_Ellensburg_Dust Control?.pdf

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

Good afternoon Shannon,

My name is Josh Sechrest and reside at 2705 N Alder ST. We received your letter the other week and have subsequently discussed with our immediate neighbors the impact of this project to our living & day to day. We do not have much resistance to this project implementation at this time. We ultimately narrowed in on two major concerns for this upcoming housing development to be addressed for us by the city during the phases of review.

First, is the issue of addressing storm/water, drainage run off. The impact to Mercer Creek flow is obvious concern, as typical springtime flooding occurs across the E. Sanders Roadway. Increasing the significant number of hard surfaces (Homes/Roads), to the west of the creek- is a concern over the natural saturation capacity of the currant landscape - it is mentioned all drainage/ including stormwater will feed into existing drains, ponds along Airport RD. (Pg 6 & 7 of the SEPA Checklist WAC 197-11-960). These locations are not identified in the report that I could determine. Our question: Is this current drainage capable of handling such a increase in flow capacity? Observantly over the years - Already, the storm drains along Airport road flow upward/out onto the roadway during the springtime, even pooling under the parking lot curbs at the apartments adjacent to Mercer Creek crossing at Airport RD. Overall, we would like clarification, and or is the city aware of the possible increased impact to this roadway flooding hazards. We very much don't want a repeat of the W. Bender/Reecer Creek junction ongoing water run off- let's just say- kind of debacle.

Second. (Attached PDF Map) -- Dust Controls during all phases of development for ALL 40+ Plots? My neighbors and I VERY concerned about what dust control mitigation will the developer and community development department implement/enforce? Especially during the site\grading phases. I have a 8yr son whom struggles significantly during hay season, which is hard enough- but we manage with Bissel air320 units as needed in the house. We do like to spend a lot of time outside in the spring, summer and fall months, and as WE all know- it's normally breezy in Ellensburg from the NW, which we have planted trees to help as wind breaks into our own backyard. The trees southwest of the red barn significantly help as well and am happy to see these will not be impacted in reviewing proposed SD's. A Bald Eagle typically sits in these trees looking over the wetlands and the adjacent farm- its is fun to watch in the spring.

These are our talking points/questions:

- What is the city's current dust control standards on site development? Can we be educated?
- Whom at the city can we contact to address if those standards are not being followed, or on high excess of significant dusty days?

-My neighbors- nor I would like to bug anyone on their weekend off, could we suggest a standard operating procedure that each Friday afternoon- at minimum, water down all exposed site grading dirt work? Otherwise, we would very much appreciate a contact of whom at the city to call directly on a Saturday or Sunday- while attempting either mow our yard with a dust mask, picking dirt out of our BBQ..... etc.

Lastly, I do not wish to be a negative stakeholder for P&P Homes LLC. and wish them the best to build a successful new housing community across the way. However, I want them to understand their development (And as the way the wind blows.....) will likely impact my family and our neighbors for as long as they're developing that land. I enjoy spending time outside with my family in our yard, I enjoy washing my vehicles and keeping them clean & waxed. I enjoy living here. I would like this current opinion to not change to - Enjoyed- living here.

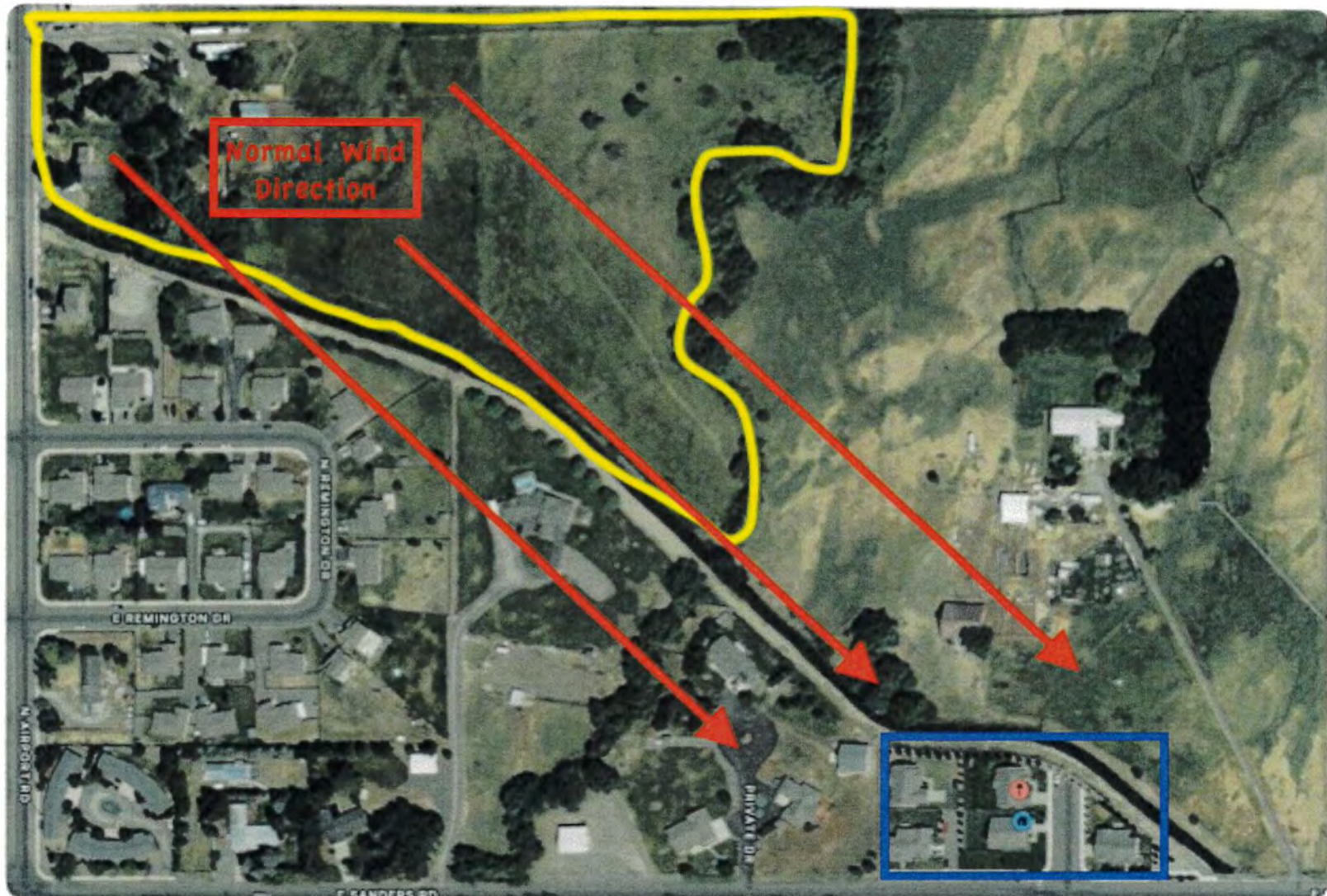
Please see to it- that this developer manages their responsibilities of keeping the enjoyment of living in our existing community to the highest of standards during all their construction phases- and to the best of their ability to control.

Please advise-
Thank you,

Josh Sechrest
2705 N Alder ST
Ellensburg WA, 98926

C 303.562.4571
E Josh.Sechrest@outlook.com

2705 N Alder St, Ellensburg WA
Lot 3- FRENCH SHORT PLAT SP-07-09



Dust Control, Mitigation Plan?

My neighbors and I would like to avoid spending our Summer / fall wearing masks while outside mowing our lawn, playing with our kids, our having a BBQ.



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

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

Proponent: Pooya & Pezhman Roohani, P&P Homes, LLC, Property Owners

Date: May 16, 2024

Description: A SEPA Environmental Checklist submitted by Pooya & Pezhman Roohani, P&P Homes, property owners. This is for the proposed 44 lot long plat, Pierce Plat Subdivision. The proposed plat is located on two parcels totaling approximately 18.17 acres and includes 44 Lots for single family dwelling units. The project site has wetlands and wetland buffers associated with Mercer Creek, which runs north-south, and includes 100-year floodplain within the eastern portion of the parcels. Main access is proposed off Airport Road, with plans to connect to and extend Beech Road. The applicant has submitted the Coordinated Preliminary Long Plat Application with various studies including a Critical Area Report, and Traffic Impact Study.

Location: The proposed subdivision is located along the east side of Airport Road, north of Countryside Avenue, south of Falcon Road. The proposed work is located on two parcel ID#'s 136233 & 959777, in Residential Suburban (R-S) zoning within the Airport Overlay (A-O) zone.

Lead Agency: City of Ellensburg

File #: P23-116

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.

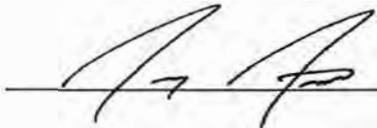
The lead agency for this proposal has determined that certain **mitigation measures** shall be necessary in order to issue a Determination of Non-Significance for this proposal. Failure to comply with the mitigation measures herein will result in the issuance of a Determination of Significance (DS) for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

1. 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.
2. The applicant shall comply with all requirements outlined in the Washington Department of Ecology memo dated 4/12/24, regarding water quality and water resources.

3. The applicant shall provide a Cultural Resource Survey consistent with DAHP's standards for cultural resource reporting and submit the report to DAHP and the City of Ellensburg. No ground disturbing activities shall take place until the report has been approved in writing by the City of Ellensburg Community Development Department.
4. 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: 5/14/24 **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 PRELIMINARY SEPA DECISION Case # P23-116
AND**

NOTICE OF SUBDIVISION APPLICATION Case # P23-115

Notice is hereby given that the City of Ellensburg has received a SEPA Environmental Checklist (P23-116) and Subdivision Request (P23-115) for the following project that may be of interest to you. The Hearings Examiner for the City of Ellensburg will hold an open record public hearing to be held at a later date, to consider the proposed long plat application. You are invited to comment on this proposal.

Date of application: October 19, 2023

Date of notice of complete SEPA and Plat application: February 23, 2024

SEPA and Plat Comments due date: April 16, 2024

Subdivision Hearing Date: To Be Announced At A Later Date

Project Description: Case # P23-116 and # P23-115; A SEPA Environmental Checklist and Subdivision Preliminary Plat Request submitted by Pooya & Pezhman Roohani, P&P Homes, LLC, property owners. This is for the proposed 44 lot long plat subdivision, Pierce Plat. The proposed plat is located on two parcels totaling approximately 18.17 acres and includes 44 Lots for single family dwelling units. The project site has wetlands and wetland buffers associated with Mercer Creek, which runs north-south, and includes 100-year floodplain within the eastern portion of the parcels. Main access is proposed off Airport Road, with plans to connect to and extend Beech Road. The applicant has submitted the Coordinated Preliminary Long Plat Application with various studies including a Critical Area Report, and Traffic Impact Study.

Project Location: The proposed subdivision is located along the east side of Airport Road, north of Countryside Avenue, south of Falcon Road. The proposed work is located on two parcel ID#'s 136233 & 959777, in Residential Suburban (R-S) zoning within the Airport Overlay (A-O) zone.

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/658/SEPA-State-Environmental-Policy-Act> or [Public Notices/Current Projects | Ellensburg, WA](#)

Written Comments: The public is encouraged to review and comment on the proposed project. **Written comments must be received via email, or postmarked, by 5:00 pm on Tuesday, April 16, 2024.**

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

Staff contact:

SEPA & Subdivision: Shannon Johnson, Senior Planner johnsons@ellensburgwa.gov

Environmental Review (SEPA): This Preliminary Mitigated Determination of Non-significance (MDNS) is issued using the standard MDNS process under WAC 197-11-350. The lead agency will not act on this proposal for 21 days from the date of the issuance. Comments must be submitted by 5:00 p.m. on Tuesday April 16, 2024.

Please Publish: **Tuesday, March 26, 2024**

P24-115

P24-116

ADVERTISING RECEIPT

401 N Main St,
Ellensburg, WA 98926
Ph. (509) 204-8237 Fax: (907) 452-5054

BILLING DATE:	ACCOUNT NO:
03/28/24	50080

RECEIVED

APR 02 2024

COMMUNITY DEVELOPMENT

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

AD #	DESCRIPTION	START	STOP	TIMES	AMOUNT
495114	N: SEPA Case #P23-11	03/26/24	03/26/24	2	\$191.75

Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount
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Discount: \$0.00
Surcharge: \$0.00
Credits: \$0.00

Gross: \$191.75
Paid Amount: \$0.00

Amount Due: \$191.75

We Appreciate Your Business!

495114

P24-115
P24-116

RECEIVED

APR 02 2024

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
N: SEPA Case #P23-116 & Case #P23-115

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.

03/26/24

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 \$191.75 the rate of \$13.75 per column inch for each insertion.

August Rose Gallo

Subscribed to me this date: 03/28/24

BRITTANY GONZALES
Notary Public
State of Washington
Commission # 22011993
My Comm. Expires Mar 12, 2026

Brittany Gonzales

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

Signed Name

NOTICE OF TRUSTEE'S SALE OF COMMERCIAL LOAN

Document Title: NOTICE OF TRUSTEE'S SALE OF COMMERCIAL LOAN
 Grantor: ELLENBURG COLD STORAGE BUILDING LLC, a Washington limited liability company
 Current Beneficiary of the Deed of Trust: SORTIS INCOME FUND REIT, INC., a Maryland corporation
 Current Trustee of the Deed of Trust: DENORMANDIE, SIDLO & ASSOCIATES PLLC, a Washington professional limited liability company
 Current Mortgage Servicer of the Deed of Trust: SORTIS INCOME FUND REIT, INC., a Maryland corporation
 Reference Number of Deed of Trust: 202112220051
 Tax Account No.: 061334 and 955940

Approximate Legal Description: Parcel A, Book 43 of Surveys, page 235 and 236, pin of Lot 1, COE DOLARWAY SHORT PLAT, Book 1 of Short Plats, page 104 and 105, pin of 1/4 of Section 3, Township 17 N, Range 10 E, W.M., and Parcel 1/4, Book 41 of Surveys, page 52, pin of Gov. Lots 2 and 3, Section 3, Township 17 N, Range 10 E, W.M.
 I, NOTICE IS HEREBY GIVEN that the undersigned trustee, DENORMANDIE, SIDLO & ASSOCIATES PLLC, will on the 28th day of April, 2024, at the hour of 9:30 A.M., at the Kiltas County Courthouse, 205 W. 5th Ave., #201, in the City of Ellensburg, State of Washington, sell at public auction to the highest and best bidder, payable at the time of sale, the following described real property, situated in the County of Kiltas, State of Washington, to-wit:

SEE ATTACHED EXHIBIT A

Which is subject to that certain Deed of Trust, Assignment of Rents and Leases, Security Agreement and Fixture Filing dated December 22, 2021, recorded December 22, 2021, under Auditor's File No. 202112220051, records of Kiltas County, Washington, from Ellensburg Cold Storage Building LLC, a Washington limited liability company, as Grantor, to Sortis Income Fund REIT, LLC, a Washington limited liability company, as Grantee (original Trustee), to secure an obligation in favor of Sortis Income Fund REIT, LLC, a Maryland corporation (the Sortis REIT, Inc.), a Maryland corporation as Beneficiary, the beneficial interest of which was assigned by SORTIS, LLC, an Oregon limited liability company, under an Assignment of Deed of Trust recorded under Auditor's File No. 202112220051, records of Kiltas County, Washington.

If no action commenced by the Beneficiary of the Deed of Trust is now pending to seek satisfaction of the obligation in any Court by reason of the Borrower's or Grantor's default on the obligation secured by the Deed of Trust.

III. The default(s) for which this foreclosure is made is/are as follows:

SEE ATTACHED EXHIBIT B

IV. The sum owing on the obligation secured by the Deed of Trust is: \$3,250,000.00, together with interest as provided in the note or other instrument secured from the 22nd day of December, 2021, and such other costs and fees as are due under the note or other instrument secured, and as are provided by statute.

V. The above-described real property will be sold to satisfy the expense of sale and the obligation secured by the Deed of Trust as provided by statute. The sale will be made without warranty, express or implied, regarding title, possession, or encumbrances on the 28th day of April, 2024. The default(s) referred to in paragraph III must be cured by the 15th day of April, 2024 (11 days before the sale date); to cause a discontinuance of the sale. The sale will be discontinued and terminated if at any time on or before the 15th day of April, 2024 (11 days before the sale date), the default(s) are not cured in paragraph III and the Trustee's fees and costs are paid. The sale may be terminated any time after the 15th day of April, 2024 (11 days before the sale date), and before the sale by the Borrower, Grantor, any Guarantor, or the holder of any recorded junior lien or encumbrance paying the entire principal and interest secured by the Deed of Trust, plus costs, fees, and advances, if any, made pursuant to the terms of the obligation and/or Deed of Trust, and curing all other defaults.

VI. A written notice of default was transmitted by the Beneficiary or Trustee to the Borrower and Grantor at the following addresses:

Ellensburg Cold Storage Building LLC
 41827th Ave SE, Ste 310
 Ellensburg, WA 98920-0551
 Attention: John J. Buckman

Ellensburg Cold Storage Building LLC
 44125 Riverside Ln
 P.O. Box 90281
 Attention: John J. Buckman

By both first-class and certified mail on the 29th day of November, 2023, proof of which is in the possession of the Trustee, and the Borrower and Grantor were personally served on the 8th day of December, 2023, with said written notice of default or the written notice of default was posted in a conspicuous place on the real property described in paragraph I above, and the Trustee has possession of proof of such service or posting.

VII. The Trustee whose name and address are set forth below will provide in writing to anyone requesting it, a statement of all costs and fees due at any time prior to the sale.

VIII. The effect of the sale will be to deprive the Grantor and all those who hold title through or under the Grantor of all their interest in the above-described property.

IX. Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the sale pursuant to RCW 61.24.130. Failure to bring such a lawsuit may result in a waiver of any proper grounds for invalidating the Trustee's sale.

X. NOTICE TO OCCUPANTS OR TENANTS

The purchaser at the trustee's sale is entitled to possession of the property on the 20th day following the sale, as against the grantor under the deed of trust (the owner) and anyone having an interest junior to the deed of trust, including occupants who are not tenants. After the 20th day following the sale, the purchaser has the right to evict occupants who are not tenants by summary proceedings under chapter 59.12 RCW. For tenants-occupants on property, the purchaser shall provide a tenant with written notice in accordance with RCW 61.24.080.

NOTICE TO GUARANTORS

Any guarantor of the obligation secured by the Deed of Trust may be liable to a deficiency judgment to the extent the sale price obtained at the Trustee's sale is less than the debt secured by the Deed of Trust. All guarantors have the same rights to reinstate the debt, cure the default or repay the debt as is given to the Grantor and Borrower in order to avoid the Trustee's sale. Any guarantor will have no right to rescind the Property after the Trustee's sale. Subject to those longer periods as are provided in the Washington Uniform Trust Act, Chapter 61.24 RCW, any action brought to enforce a guaranty must be commenced within one year after the trustee's sale, or the last trustee's sale, unless any deed of trust guarantor secure the same debt. In any action for a deficiency, a guarantor will have the right to establish the fair value of the Property as of the date of the Trustee's sale, less prior liens and encumbrances, and to limit the guarantor's liability for a deficiency to the difference between the debt and the greater of such fair value or the sale price paid at the Trustee's sale, plus interest and costs.

DATED as of the 24 day of January, 2024.

DENORMANDIE, SIDLO & ASSOCIATES PLLC,
 a Washington professional limited liability company
 By: _____

Richard L. denormandie
 Managing Member
 107 Spring Street, Sozoid, WA 98044
 206-805-2700

EXHIBIT A
LEGAL DESCRIPTION

TRACT 1: Parcel A, as shown on the Survey as recorded Page 235, 236, in Book 43 of Surveys, page 235 and 236, under Auditor's File No. 202112220051, records of Kiltas County, Washington, being a portion of Lot 1 of COE DOLARWAY SHORT PLAT, Book 1 of Short Plats, page 104 and 105, under Auditor's File No. 202112220051, records of Kiltas County, State of Washington, being a portion of Gov. Lots 2 and 3, Township 17 N, Range 10 E, W.M.

For information and purposes only
 T-111111-1 261214

TRACT 2: Parcel A, as shown on the Survey as recorded November 2, 2012, in Book 41 of Surveys, page 52, under Auditor's File No. 202112220051, records of Kiltas County, Washington, being a portion of Gov. Lots 2 and 3, Township 17 N, Range 10 E, W.M., in the County of Kiltas, State of Washington.

For information and purposes only
 T-111111-1 255940

EXHIBIT B
AMOUNTS OWED

Be sure to pay when due the following amounts which are now in arrears:

Unpaid Principal Amount	\$3,250,000.00
Accrued Interest	\$213,999.33
Costs Fee	\$61,180.21
Accrued Legal Expenses (estimated)	\$45,000.00
TOTAL DUE AS ON JANUARY 26, 2024	\$3,569,079.54

Plus default property taxes, if any, cost of foreclosure report; attorney's fees and costs; together with any other sums due or that may become due under the Note or by reason of this foreclosure and any further advances made by Beneficiary as allowed by the Note and Deed of Trust.

PUBLISH: Daily Record: March 26 & April 10, 2024 / Legal 4483057

Legals

Legals

NOTICE OF PRELIMINARY SEPA DECISION
Case # P23-118AND
NOTICE OF SUBDIVISION APPLICATION
Case # P23-115

Notice is hereby given that the City of Ellensburg has received a SEPA Environmental Checklist (P23-118) and Subdivision Request (P23-115) for the following project that may be of interest to you. The Hearings Examiner for the City of Ellensburg will hold an open record public hearing to be held at a later date, to consider the proposed long plat application. You are invited to comment on this proposal.

Date of application: October 19, 2023
 Date of notice of complete SEPA and Plat application: February 23, 2024
 SEPA and Plat Comments due date: April 16, 2024
 Subdivision Hearing Date: To Be Announced At A Later Date

Project Description: Case # P23-118 and a P23-115 A SEPA Environmental Checklist and Subdivision Preliminary Plat Request submitted by Bruce & Pezham Pothani, P&P Homes, LLC, property owners. This is for the proposed 44 lot long plat subdivision, Parcel 1st. The proposed plat includes two parcels totaling approximately 18.17 acres and includes 44 lots for single family dwelling units. The project site has wetlands and wetland buffers associated with Vesper Creek, which runs north-south and includes 100-year floodplain within the eastern portion of the parcel. Main access is proposed off Airport Road, with plans to connect to and extend Beech Road. The applicant has submitted the Coordinated Preliminary Long Plat Application with various studies including a Clinical Area Report, and Traffic Impact Study.

Project Location: The proposed subdivision is located along the east side of Airport Road, north of County Road 400, south of Falcon Road. The proposed work is located on two parcels of 126233 & 959777 in Residential Subdivision (R-S) zoning within the Airport Overlay (A-O) zone.

Materials Available for Review: The submitted application and documents may be examined by the public by visiting the City of Ellensburg Community Development Department webpage at <http://www.cityofellensburgwa.gov/2024/05/15/Static-Environmental-Checklist-Article> or by visiting the project page at <http://www.cityofellensburgwa.gov/2024/05/15/Static-Environmental-Checklist-Article>.

Written Comments: The public is encouraged to review and comment on the proposed project. Written comments must be received via email, or postmarked, by 5:00 pm on Tuesday, April 16, 2024.

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

Staff contact: SEPA & Subdivision:
 Shannon Johnson, Senior Planner
 shannon.johnson@cityofellensburgwa.gov

Environmental Review (SEPA): The Preliminary Mitigated Determination of Non-significance (MDNS) is issued using the standard MDNS process under WAC 107-11-350. The lead agency will not act on this proposal for 21 days from the date of the issuance. Comments must be submitted by 5:00 p.m. on Tuesday, April 16, 2024.

PUBLISH: Daily Record: March 26, 2024 /
 LEGAL #495114

Notice of Public Hearing
Honest Cut Meats LLC
CU-23-0006

NOTICE IS HEREBY given that Kiltas County CDS and the Kiltas County Hearings Examiner will meet at 9:00 a.m. on April 10, 2024, to conduct a virtual public hearing to consider the Honest Cut Meats LLC Conditional Use Permit application (CU-23-0006). The proposed project is for a modification to the use existing Honest Cut Meats LLC agricultural processing and sales facility. The proposal includes adding a modular harvest component and modular dnu cooler component to meet USDA requirements. The proposed use may be permitted in this zoning jurisdiction with a Conditional Use Permit under KCC 17.15.060. This use is allowed with a conditional use permit in Agriculture 20 under KCC 17.15.010.1

All interested parties are encouraged to attend the virtual public hearing. Please contact staff for virtual meeting details.

Instructions for how to participate in virtual public hearings may be found at:

<https://www.cityofellensburgwa.gov/2024/05/15/Static-Environmental-Checklist-Article>

Anyone with an interest in this matter is urged to attend the virtual public hearing where testimony will be taken. Written comments will also be received. Documents may be viewed at <http://www.cityofellensburgwa.gov/2024/05/15/Static-Environmental-Checklist-Article>. Under "Conditional Use" "View Active Applications" and then the number CU-23-0006 Honest Cut Meats LLC, at the Kiltas County Community Development Services, 411 N. Ruby St., Suite 2, Ellensburg, WA 98925 during regular business hours prior to the hearing. Interested persons are encouraged to verify date and time prior to attending.

PUBLISH: Daily Record: March 26 & April 2, 2024 /
 LEGAL #491365

TICKET

Classifieds are your ticket to savings!

VANBUSKIRK, TERRY E JR
821 E SANDERS RD
ELLENSBURG WA 98926-9349

WALKER, RICHARD BRUCE & SHARRYN
923 E SANDERS RD
ELLENSBURG WA 98926-9350

ZACHARIAS, DONALD E & KARRIE K
11070 HWY 10
ELLENSBURG WA 98926-8309

Kittitas County Public Works
411 N Ruby St. Ste 1
Ellensburg, WA 98926

Kittitas County Community Dev
411 N Ruby St. Ste 2
Ellensburg, WA 98926

P23-116/P23-115
CERTIFICATE OF TRANSMITTAL

On this day, the undersigned sent to
the addressee(s) the original
document(s) by U.S. Mail.

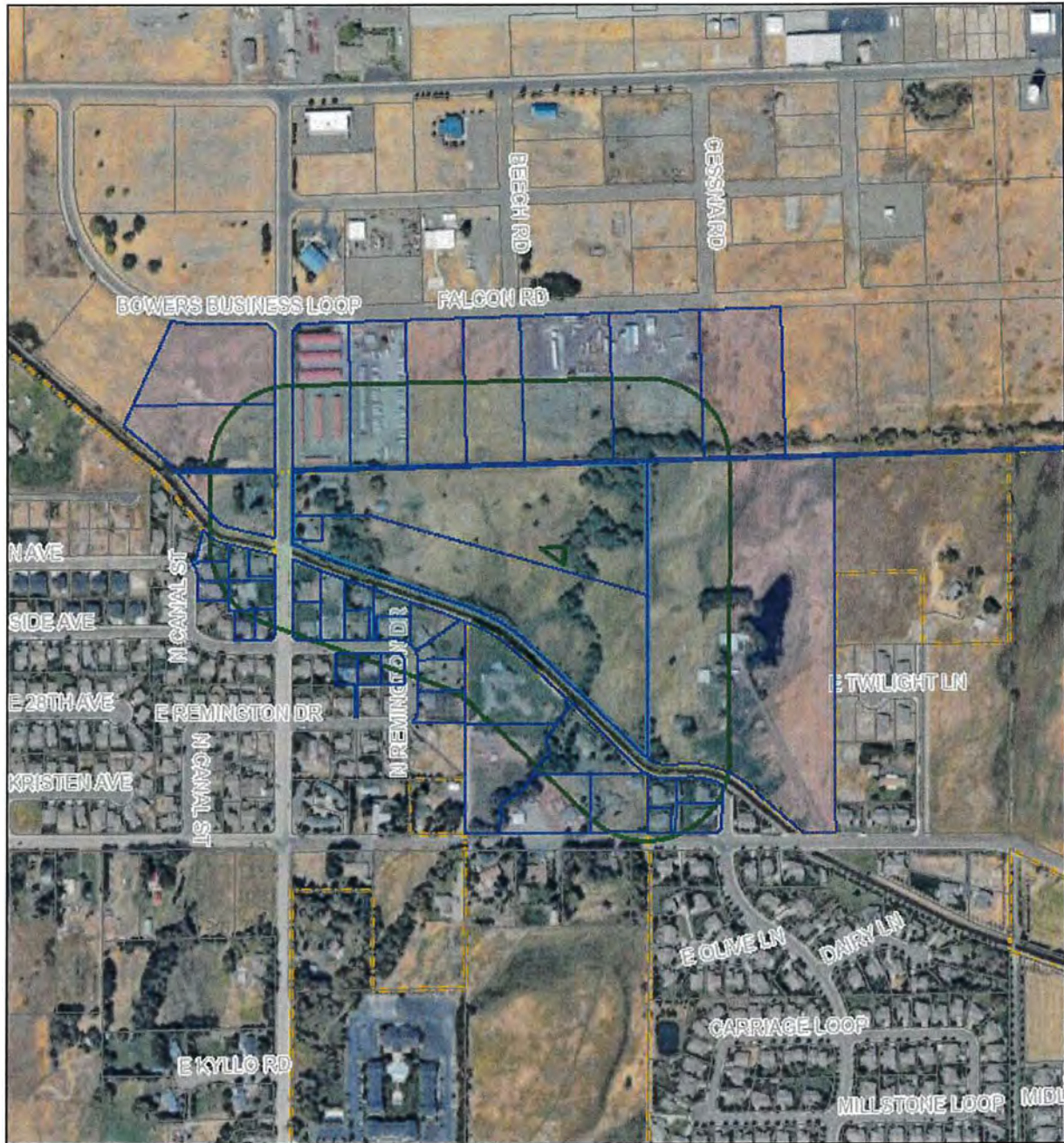
I certify under penalty of perjury
under the laws of the State of WA
that ~~the~~ foregoing is true and ~~correct~~.

Date *3/25/24* Signed

Ventura Boots

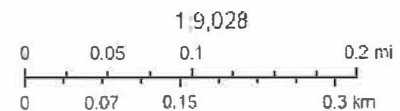
BARBERA, ADAM 7302 100TH ST E PUYALLUP WA 98373-1222	DROTTZ, JAMES FRED 705 E COUNTRY SIDE AVE ELLENSBURG WA 98926-6882	FORD, ROBERT A II ETUX 1507 SANDERS RD ELLENSBURG WA 98926-9356
GANO, KENNETH M & KAREN 110 W 6TH AVE #254 ELLENSBURG WA 98926	KITTITAS CO (AIRPORT) 205 W 5TH AVE STE 105 ELLENSBURG WA 98926-2891	KLUCKING, JOEL E & TABITHA PO BOX 773 ROSLYN WA 98941
KRUEGER, FREDERICK E 1100 S ROSEWOOD DR UNIT 211 ELLENSBURG WA 98926-3886	LAFRANCE, EDWARD 2813 N AIRPORT RD ELLENSBURG WA 98926-9336	LANPHERE, DUANE MICHAEL 2818 N CANAL ST ELLENSBURG WA 98926-6849
LOGWOOD, JOHN 2808 N REMINGTON DR ELLENSBURG WA 98926-6881	LUNDIN, MICHAEL A 609 COUNTRYSIDE AVE ELLENSBURG WA 98926	MARTIN, RAY & JACKIE 807 SANDERS RD ELLENSBURG WA 98926-9349
MARTIN, RAYMOND D & JACQUELINE L 807 SANDERS RD ELLENSBURG WA 98926-9349	MARTINSON, MATTHEW L & EFFANY 717 E COUNTRY SIDE AVE ELLENSBURG WA 98926-6882	MILLER, KIP 2703 N ALDER ST ELLENSBURG WA 98926-5404
NICOULIN, LYNDA ET VIR 3018 N PIONEER RD ELLENSBURG WA 98926-9493	NOLAN, PATRICK FRANCIS & KATERYNA 2819 N AIRPORT RD ELLENSBURG WA 98926-9336	P&P HOMES LLC 210 STRANDE RD ELLENSBURG WA 98926-6557
PATRY, ANDREW & KATHERINE 3741 S FERGUSON RD ELLENSBURG WA 98926-9197	PATRY, ANDREW & KATHERINE 3744 S FERGUSON RD ELLENSBURG WA 98926	PATRY, KATHERINE E 2401 N LILAC WAY ELLENSBURG WA 98926-2322
PFEIFLE, ROD W JR 715 E COUNTRYSIDE AVE ELLENSBURG WA 98926-6882	PULIDO, JORGE ETUX 701 COUNTRYSIDE AVE ELLENSBURG WA 98926	REYNOLDS, MARY K M 921 E SANDERS RD ELLENSBURG WA 98926-9350
ROOHANI, POOYA & PEZHMAN 210 STRANDE RD ELLENSBURG WA 98926-6557	ROSS, CHRISTAIN L & ANDRE D PO BOX 83 ELLENSBURG WA 98926-1909	SECHREST, JOSHUA & TRUDIE 2705 N ALDER ST ELLENSBURG WA 98926
STANDISH, DAVID 2905 N AIRPORT RD ELLENSBURG WA 98926-9337	TOWER, LES & JOANNE A 1001 SANDERS RD ELLENSBURG WA 98926-9351	ULMER, STEPHANIE R 711 E COUNTRYSIDE AVE ELLENSBURG WA 98926

P23-115 & P23-116 Pierce Long Plat & SEPA 300' Buffer Map



2/14/2024, 9:25:47 AM

- | | | |
|----------------|-----|-------------------|
| Road Names | --- | Lots |
| County Parcels | --- | City Limits |
| Parcels | --- | Urban Growth Area |



COE GIS, Google Maps

Google Maps | Hexagon, MaTech, Kittitas County GIS | Kittitas County Public Works | COE GIS | Kittitas County Auditor | Esri Community Maps Contributors, City Of Ebersburg GIS, City Of Yakima



COMMUNITY DEVELOPMENT DEPARTMENT

501 N. Anderson St., Ellensburg WA 98926

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

Dan Carlson, Director

Phone: (509) 925-8653 Fax: (509) 925-8655 E-Mail: CarlsonD@ci.ellensburg.wa.us

March 25, 2024

RE: Notice of Application: SEPA Environmental Review- Case #P23-116 and Subdivision Request- Case #P23-115.

Dear Property Owner,

Notice is hereby given that the City of Ellensburg has received a SEPA Environmental Checklist and Subdivision Request for the following project that may be of interest to you. As a property owner within three hundred feet (300') of this proposal, you are invited to comment on it.

Date of Application: October 19, 2023

Date of notice of complete SEPA and Plat Application: February 23, 2024

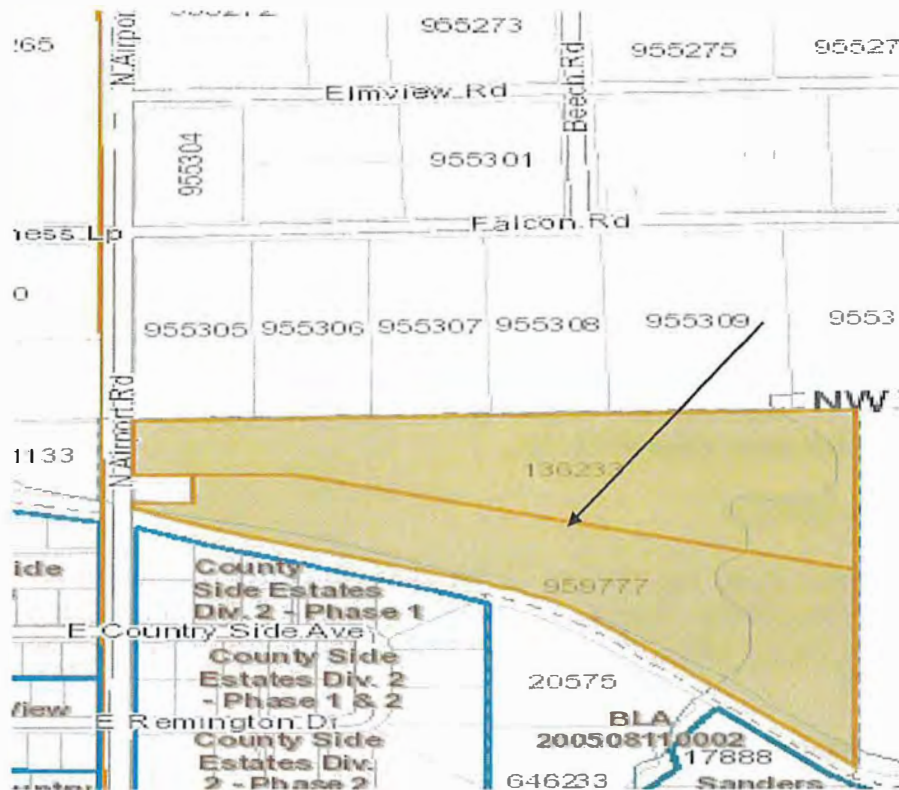
SEPA and Plat Comments due date: April 16, 2024

Subdivision Hearing Date: To Be Announced At A Later Date

Project Description: Case # P23-116 and # P23-115; A SEPA Environmental Checklist and Subdivision Preliminary Plat Request submitted by Pooya & Pezhman Roohani, P&P Homes, LLC, property owners. This is for the proposed Pierce Plat Subdivision. The proposed long plat is located on two parcels totaling approximately 18.17 acres and includes 44 lots for single family dwelling units. The project site has wetlands and wetland buffers associated with Mercer Creek, which runs north-south, and includes 100-year floodplain within the eastern portion of the parcels. Main access is proposed off Airport Road, with plans to connect to and extend Beech Road. The applicant has submitted the Coordinated Preliminary Long Plat Application with various studies including a Critical Area Report, and Traffic Impact Study.

Project Location: The proposed subdivision is located along the east side of Airport Road, north of Countryside Avenue, south of Falcon Road. The proposed work is located on two parcel ID#'s 136233 & 959777, in Residential Suburban (R-S) zoning within the Airport Overlay (A-O) zone.

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/658/SEPA-State-Environmental-Policy-Act>, or [Public Notices/Current Projects | Ellensburg, WA](#)



Written Comments: The public is encouraged to review and comment on the proposed project. **Written comments must be received via email, or postmarked, by 5:00 pm on Tuesday, April 16, 2024.**

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

Staff contact: Shannon Johnson, Senior Planner: johnsons@ellensburgwa.gov

Environmental Review (SEPA): This Preliminary Mitigated Determination of Non-significance (MDNS) is issued using the standard MDNS process under WAC 197-11-350. The lead agency will not act on this proposal for 21 days from the date of the issuance. Comments must be submitted by 5:00 p.m. on Tuesday, April 16, 2024.

Sincerely,

Shannon D. Johnson

Shannon D. Johnson
Senior Planner

**NOTICE OF AN OPEN RECORD PUBLIC HEARING FOR
PRELIMINARY PLAT APPLICATION P23-115**

NOTICE IS HEREBY GIVEN that the Hearing Examiner for the City of Ellensburg will hold an open record public hearing on **Friday, August 2, 2024 at 1:30 pm**, held both in person in the Council Chambers AND virtually via Zoom, to consider Application P23-115, a Preliminary Long Plat application submitted by Pooya & Pezhman Roohani, P&P Homes, LLC, property owners. This is for the proposed 44 lot long plat subdivision, Pierce Plat . The proposed plat is located on two parcels totaling approximately 18.17 acres and includes 44 Lots for single family dwelling units. Main access is proposed off Airport Road, with plans to connect to and extend Beech Road.

Project Location: This proposed subdivision is located along the east side of Airport Road, north of Countryside Avenue, south of Falcon Road. The proposed work is located on two parcel ID#'s 136233 & 959777, in Residential Suburban (R-S) zoning within the Airport Overlay (A-O) zone.

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 **Thursday, August 1**. 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 ADAAccordinator@ci.ellensburg.wa.us.

PUBLISH IN LEGAL: **Tuesday, July 9, 2024**

EXHIBIT 1.19

VANBUSKIRK, TERRY E JR
821 E SANDERS RD
ELLENSBURG WA 98926-9349

WALKER, RICHARD BRUCE & SHARRYN
923 E SANDERS RD
ELLENSBURG WA 98926-9350

ZACHARIAS, DONALD E & KARRIE K
11070 HWY 10
ELLENSBURG WA 98926-8309

STEVE A WILLARD
PO BOX 1359
ELLENSBURG, WA 98926

P23-115
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 7/9/24

Signed

Hatley Boats

BARBERA, ADAM
7302 100TH ST E
PUYALLUP WA 98373-1222

DROTTZ, JAMES FRED
705 E COUNTRY SIDE AVE
ELLENSBURG WA 98926-6882

FORD, ROBERT A II ETUX
1507 SANDERS RD
ELLENSBURG WA 98926-9356

GANO, KENNETH M & KAREN
110 W 6TH AVE #254
ELLENSBURG WA 98926

KITTITAS CO (AIRPORT)
205 W 5TH AVE STE 105
ELLENSBURG WA 98926-2891

KLUCKING, JOEL E & TABITHA
PO BOX 773
ROSLYN WA 98941

KRUEGER, FREDERICK E
1100 S ROSEWOOD DR UNIT 211
ELLENSBURG WA 98926-3886

LAFRANCE, EDWARD
2813 N AIRPORT RD
ELLENSBURG WA 98926-9336

LANPHERE, DUANE MICHAEL
2818 N CANAL ST
ELLENSBURG WA 98926-6849

LOGWOOD, JOHN
2808 N REMINGTON DR
ELLENSBURG WA 98926-6881

LUNDIN, MICHAEL A
609 COUNTRYSIDE AVE
ELLENSBURG WA 98926

MARTIN, RAY & JACKIE
807 SANDERS RD
ELLENSBURG WA 98926-9349

MARTIN, RAYMOND D & JACQUELINE L
807 SANDERS RD
ELLENSBURG WA 98926-9349

MARTINSON, MATTHEW L & EFFANY
717 E COUNTRY SIDE AVE
ELLENSBURG WA 98926-6882

MILLER, KIP
2703 N ALDER ST
ELLENSBURG WA 98926-5404

NICOULIN, LYNDA ETVIR
3018 N PIONEER RD
ELLENSBURG WA 98926-9493

NOLAN, PATRICK FRANCIS & KATERYNA
2819 N AIRPORT RD
ELLENSBURG WA 98926-9336

P&P HOMES LLC
210 STRANDE RD
ELLENSBURG WA 98926-6557

PATRY, ANDREW & KATHERINE
3741 S FERGUSON RD
ELLENSBURG WA 98926-9197

PATRY, ANDREW & KATHERINE
3744 S FERGUSON RD
ELLENSBURG WA 98926

PATRY, KATHERINE E
2401 N LILAC WAY
ELLENSBURG WA 98926-2322

PFEIFLE, ROD W JR
715 E COUNTRYSIDE AVE
ELLENSBURG WA 98926-6882

PULIDO, JORGE ETUX
701 COUNTRYSIDE AVE
ELLENSBURG WA 98926

REYNOLDS, MARY K M
921 E SANDERS RD
ELLENSBURG WA 98926-9350

ROOHANI, POOYA & PEZHMAN
210 STRANDE RD
ELLENSBURG WA 98926-6557

ROSS, CHRISTAIN L & ANDRE D
PO BOX 83
ELLENSBURG WA 98926-1909

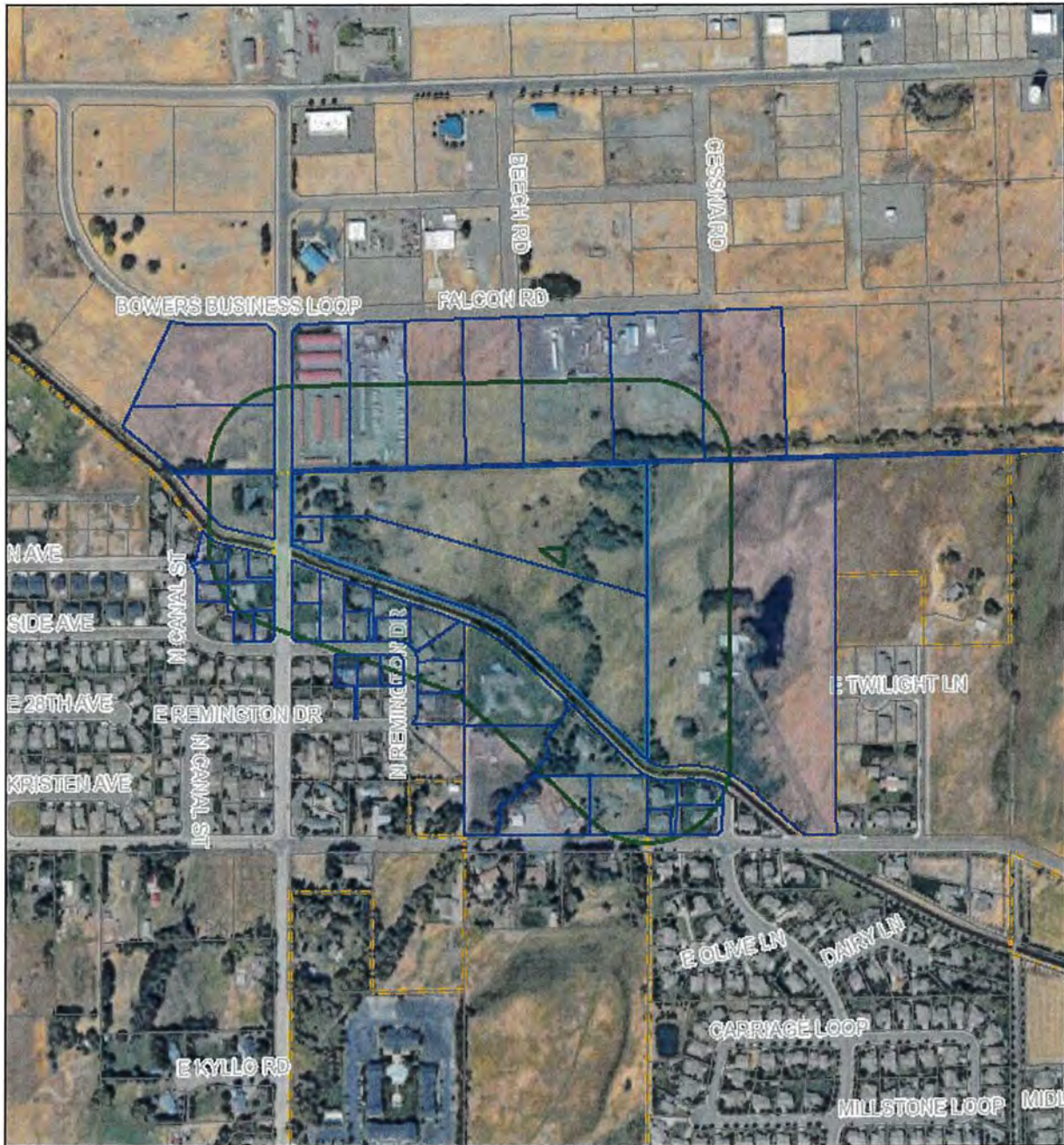
SECHREST, JOSHUA & TRUDIE
2705 N ALDER ST
ELLENSBURG WA 98926

STANDISH, DAVID
2905 N AIRPORT RD
ELLENSBURG WA 98926-9337

TOWER, LES & JOANNE A
1001 SANDERS RD
ELLENSBURG WA 98926-9351

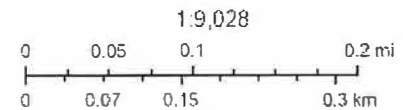
ULMER, STEPHANIE R
711 E COUNTRYSIDE AVE
ELLENSBURG WA 98926

P23-115 & P23-116 Pierce Long Plat & SEPA 300' Buffer Map



2/14/2024, 9:25:47 AM

- | | |
|----------------|-------------------|
| Road Names | Lots |
| County Parcels | City Limits |
| Parcels | Urban Growth Area |



COE GIS, Google Maps

Google Maps | Hexagon, Watech, Kansas County GIS | Kansas County Public Works | COE GIS | Kansas County Auditor | Esri Community Maps Contributors, City Of Ebersburg GIS, City of Yuma, W.LONGMIRE


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 projects requiring Type IV Permit Review to 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: February 13, 2023	PLANNER: Shannon Johnson – Senior Planner
PROJECT NAME AND SUMMARY: Type IV Preliminary Plat Review – HE <u>Open</u> <u>Record Public Hearing</u> for the proposed 44 Lot Long Plat at N Airport Rd, Ellensburg WA 98926.	FILE NUMBER: P23-115

PLEASE COMPLETE THE FOLLOWING:

I, Pooya Roohani, 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 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 post 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.**

Signature

July 11th, 20 24

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@ci.ellensburg.wa.us ;
 Fax: 509-925-8655; or mail to: Community Development Dept., City Hall, 501 N. Anderson St.,
 Ellensburg, WA 98926.

LAND USE ACTION

NOTICE OF OPEN RECORD PUBLIC HEARING FOR PRELIMINARY LONG PLAT APPLICATION

NOTICE IS HEREBY GIVEN that the Hearing Examiner for the City of Elmhurst will hold an open record public hearing on Friday, August 2, 2024 at 1:30 pm, held both in person in the Council Chambers AND virtually via Zoom, to consider Application P23-115, a Preliminary Plat Application submitted by submitted by Pooya & Pashman Roohani, P&P Homes, LLC, property owners. This proposal is located on two parcels totaling approximately 18.17 acres and includes 44 lots for single family dwellings. The project site has wetlands and wetland buffers associated with Mercer Creek, which runs north-south and includes 100-year floodplain within the eastern portion of the parcels. Main access is proposed off Airport Road, with plans to connect to and extend Beach Road. The proposed wetland and floodplain delineation is shown on the attached map. The proposed wetland and floodplain delineation is shown on the attached map. The proposed wetland and floodplain delineation is shown on the attached map.



Interested persons may obtain a copy of the Preliminary Plat Application and the associated maps and documents by visiting the City of Elmhurst Community Development Department website at <https://www.elmhurst.org/development> or by contacting the City of Elmhurst at (708) 326-1100.

NOTICE IS FURTHER GIVEN that all persons who wish to speak at the public hearing must submit a written statement of their comments to the City of Elmhurst at least 48 hours prior to the public hearing. The written statement must be submitted to the City of Elmhurst at the following address: City of Elmhurst, Community Development Department, 100 North La Grange Road, Elmhurst, IL 60120.

Subdivision Required Shall Comply: Submittal Required: P&P Homes, LLC, 100 North La Grange Road, Elmhurst, IL 60120.





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

STAFF REPORT

DATE: August 2, 2024
TO: Andrew Kottkamp, Hearing Examiner
THRU: Jeremy Johnston, Planning Manager, Community Development
FROM: Shannon Johnson, Senior Planner, Community Development
RE: P23-115 Pierce Plat 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 Pierce Plat 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. Other exhibits document that all legal notices and mailings as required by the Ellensburg City Code for the preliminary plat application review processes have been fulfilled.

Citizen and agency comments on this proposed preliminary plat were due no later than 5:00 pm Tuesday, April, 2024. 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 136233 & 959777. The proposed subdivision is located along the east side of Airport Road, north of Countryside Avenue, south of Falcon Road in the City of Ellensburg, WA. A vicinity map and reduced scale preliminary drawing showing the location of the lots and other plat features are included as **Exhibits 1 & 2**.

The subject property is approximately 18.17 acres in size and is currently zoned Residential Suburban (R-S) and located within the Airport Overlay (A-O) zone 6.

Property zoned as Residential Suburban (R-S) allows for detached single-family dwellings as the predominate land use. As per ECC 15.350.040, the project site parcels within zone 6 shall maintain an average maximum residential density of 3 dwelling units per gross acre. The minimum lot size for future subdivisions after annexation shall be 7,000 gross square feet; however, whenever any future subdivision of such property creates a lot that is smaller in size than 14,520 square feet, a note shall be placed on the face of the plat stating that there can be no further subdivision of any parcel created by that subdivision while the property is situated within the airport overlay zone (A-O). The applicant's proposal would create 44 separate residential lots, which is well within the allowable maximum density. The project will be developed as residential lots ranging in size from approximately 7,000 square feet to 9,569 square feet. Mercer Creek and its associated wetlands and wetland buffers, as well as portions of the 100-year floodplain are located on the eastern portion of the proposed development.

The lots will have frontage onto public roadway which will need to be improved as part of this project. Main access is proposed off Airport Road, with plans to connect to and extend Beech Road, as per the Kittitas County Beech Road Connection, Agreement-Resolution dated June 6, 2023 (**Exhibit 3**). Airport Road, as well as all internal roads will be constructed by the applicant to meet the Land Development Code and Public Works Standards.

A Type II Block Length Departure request was submitted as a requirement of the preliminary plat process, and a Decision of Approval was granted on July 2, 2024 (Exhibit 4).

Airport Road, an existing minor arterial street, further classified as a landscaped street provides eastern street frontage. The proposed interior roads will be new local access/landscaped streets. The Public Works Department works with the Ellensburg School District at the time of civil construction review of the plat to ensure that the goals of their "Guide for Planning and Improving School Walk and Bike Routes" are implemented on projects within 1 mile of schools. This particular plat is located outside of the required 1 mile radius for the nearest elementary school, which is Ida Nason Elementary. This means that the school district does not expect children in this area to walk to school, therefore, continued and expanded bus services will be planned for this area. This subdivision project requires the half street construction frontage improvements to Airport Road, and the full street improvements to the interior local access streets to provide neighborhood connectivity and achieve the 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 dedicated to the Kittitas County Airport within the Urban Growth Area which lies along the City Limit Boundary

North: The parcels to the north above and adjacent to the City Limits boundary, are owned and operated by the Kittitas County Airport.

South: The Cascade Irrigation Canal serves as the southern border of the plat and land further south is developed with single family dwelling unit lots within the city limits, and on the east side of the boundary larger residential parcels of land exist within the jurisdiction of Kittitas County.

East: Land to the east has an existing single-family residence on a large parcel located within the Urban Growth Area, along the City Limit boundary and Airport Road.

West: The land to the west is a large parcel with an existing single-family residence located within the jurisdiction of Kittitas County.

SEPA Review

A SEPA checklist was submitted as a requirement of the preliminary plat process, and a SEPA Mitigated Determination of Non-Significance (MDNS) was issued on May 16, 2024 (**Exhibit 8**). No appeals were submitted.

Critical Areas Review

A critical area report was submitted with the SEPA checklist, however, a formal Critical Areas Application Review and Approval will be required prior to final plat submittal.

Preliminary Plat Review

The Peirce Preliminary Plat and associated SEPA application were processed concurrently under a joint comment period. Community Development received comments from the following agencies during the comment period: the Ellensburg Public Works Department, Ellensburg Planning Department, Ellensburg Building Department, Ellensburg Utility Services Light/Electric Department, State of Washington Department of Archaeology & Historic Preservation, Kittitas Reclamation District, Cascade Irrigation District, State of Washington Department of Fish & Wildlife, and the Kittitas County Public Works Department. (**Exhibits 5-13**).

Community Development considered all comments submitted and conditioned this staff report to address all agency regulations and standards noted in the agency comments submitted.

As of the date of this memo, two public comments on the proposed subdivision have been received from neighbors. The comments focus mainly on concerns with irrigation, storm water dust control, and connection to the Palouse to Cascades Trail. See **Exhibits 14-15**.

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.

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 Pierce Plat Subdivision preliminary plat application to City Council subject to the following conditions:

- a) The applicant shall meet the requirements of the Public Works Department discussed in its memorandums dated March 7, 2024, and April 17, 2024, including, but not limited to, the widening and installation of curb gutter and sidewalks on the east side frontage of Airport Road.
- b) The applicant shall meet the requirements of the Energy Services - Light Department discussed in its memorandums dated March 13, 2024, and April 16, 2024.
- c) The applicant shall meet the requirements of the Building Department as per the Building Official's memorandum dated April 19, 2024.
- d) The applicant may be required to obtain an NPDES Construction Storm Water General Permit from the Washington State Department of Ecology. The applicant shall work with DOE to determine if this permit is necessary.
- e) The applicant is responsible for meeting all general development standards required for plat development. Subdivision and land development activities shall follow the requirements of the Ellensburg City Code, including the Design Standards.
- f) All requirements of utility providers, City departments, and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents.
- g) The applicant shall submit a critical areas application to Community Development and receive approval prior to submittal of final plat.
- h) 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.

The applicant shall meet the requirements of the associated Mitigated Determination of Non-Significance (MDNS) (File # P23-116) dated May 16, 2024, as listed below.

- i) 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.

- j) The applicant shall comply with all requirements outlined in the Washington Department of Ecology memo dated 4/12/24, regarding water quality and water resources.
- k) The applicant shall provide a Cultural Resource Survey consistent with DAHP's standards for cultural resource reporting and submit the report to DAHP and the City of Ellensburg. No ground disturbing activities shall take place until the report has been approved in writing by the City of Ellensburg Community Development Department.
- l) 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.

Exhibits:

- 1. Vicinity Location Map
- 2. Preliminary Plat of Pierce Subdivision Plat
- 3. June 6, 2024 Kittitas County Beech Road Connection, Agreement-Resolution
- 4. July 2, 2024 Block Length Departure Approval Decision
- 5. March 7, 2024 and April 17, 2024 memos from City of Ellensburg Public Works Department
- 6. April 15, 2024 Memo from City of Ellensburg Planning Department
- 7. March 5, 2024 Memo from State of Washington DAHP
- 8. April 12, 2024 Memo from State of Washington Department of Ecology
- 9. April 12, 2024 Email from Kittitas Reclamation District
- 10. February 27, 2024 Email from Cascade Irrigation District
- 11. March 13, 2024 and April 16, 2024 memos from City of Ellensburg Light/Electric Department
- 12. April 19, 2024 Memo from City of Ellensburg Building Department
- 13. April 12, 2024 Memo from Washington Department of Fish & Wildlife
- 14. April 12, 2024 Memo from Kittitas County Public Works
- 15. March 28, 2024 Steve Willard Comment Letter
- 16. April 9, 2024 Josh Sechrest Comment Letter
- 17. May 16, 2024 SEPA MDNS Determination
- 18. Legal Notice of Public Hearing
- 19. Area of Notification Map with 300-Foot Buffer Notification List
- 20. Affidavit of posting

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Project Location: The proposed subdivision is located along the east side of Airport Road, north of Countryside Avenue, south of Falcon Road in the City of Ellensburg, WA. in the City of Ellensburg, WA, Kittitas County Assessor's Parcel Numbers: 136233 & 959777.

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 22, 2024**



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PUBLISH: DAILY RECORD: August 22, 2024 /
LEGAL# 549970

Your audience is filled with Republicans. The Democratic convention is underway. How to cover it?

DAVID BAUDER
AP Media Writer

The Democratic convention presents Fox News Channel with a delicate challenge: how to cover a party suddenly enthused about its election chances when much of the network's audience has a different political viewpoint.

During the Democrats' first two days, Fox personalities called the proceedings "boring" and filled with "a lot of hate." There was a focus on demonstrations outside the arena while many of the speakers inside went unheard on the air. Presidential nominee Kamala Harris was given nicknames like "the princess" and "comrade Kamala." "We're at the DNC," Sean Hannity quipped, "so you don't have to be."

Fox's telecast illustrated the challenges inherent in covering news events on networks that are filled with both breaking news and partisan political talk, sometimes mashed up — where opinion personalities like Hannity, MSNBC's Rachel Maddow and CNN's Van Jones freely mix with reporters and blur boundaries. During the GOP convention last month, the liberal-leaning MSNBC cut off Nikki Haley in favor of a discussion about how she debased herself, and ignored Ron DeSantis entirely. The feel-good Republican gathering gave Fox News the biggest convention audience ever for a cable network, a feat at a time when millions of Americans are pulling the plug on subscriptions, and a staggering audience of 10.4 million people for the opening moments of former President Donald Trump's acceptance speech, the Nielsen company said.

No one expects such numbers this week for Fox, where 93



ASSOCIATED PRESS
Former Secretary of State Hillary Clinton speaks during the Democratic National Convention, Monday, Aug. 19, in Chicago.

percent of people who called it their main news source identified as Republican in a 2019 Pew Research Center survey. Fox's audience has shown a marked tendency to tune away from news that doesn't reflect its beliefs, such as the Jan. 6 committee hearings.

For Monday's DNC coverage, Fox had 2.5 million viewers, compared to 6.9 million for the first night of the GOP session a month ago.

NOT MINCING WORDS

Hosts on "The Five," Fox's most-watched show, were nothing if not direct in setting the stage for the Democrats' week. "You can't believe anything the Democrats tell you," Jesse Waters said. "Everything is a lie ... There is no joy here. The only joy is that Joe's gone."

Watters said "no one believes" that the economy is good, or that polls showing Harris rapidly making up ground against Trump since replacing Biden at the top of the ticket are real. Later Monday evening, Watters declared the event boring, saying "this is like a convention your boss makes you go to."

Hannity described the convention as "far-left radical protesters outside and manufactured unity, deception and lying inside."

Fox hosts uniformly rejected the Democrats' interpretation that Biden had committed a selfless act by giving up his re-election bid and called the president's appearance on Monday more humiliating than valedictory. "You had to wrestle this job away from him like it was car keys from a drunk," said Greg Gutfeld, who called former President Obama the "Barack-stabber."

Harris was depicted as an inexperienced, risky choice. Onscreen messages, or chyrons, during Laura Ingraham's show drove home the point: "Dems Overconfident in Their Unproven Backup," read one. Others: "Kamala's All Vibe, No Substance" and "Comrade Kamala Fails Econ 101."

"This is like booking tickets on the Titanic," analyst Keith Kellogg said.

During most of Hannity's show on Tuesday, an onscreen camera was focused on a non-violent protest outside of the

convention. "The convention has been full of a lot of hate," Hannity said, "instead of the politics of joy, which you've been promised."

WHO MADE IT AND WHO DIDN'T

Fox News has made room for Democrats willing to come on its shows this week for interviews, including Harris campaign co-chair Cedric Richmond, Transportation Secretary Pete Buttigieg, U.S. Rep. Debbie Dingel and U.S. Sen. Mark Kelly. Fox said it has seen a 40% increase in bookings of Democrats compared with last year, and that its sister business network presents full coverage of convention speeches.

Fox says it has the same footprint on the ground for the DNC in Chicago as it did for the Republican convention in Chicago last month. It rejects the notion that it is unwilling to show the Democrats' point of view.

"You can't access the engaged and politically diverse audience with the scale that FNC provides anywhere else," Fox said in a statement.

Fox carried Biden's speech in its entirety Monday night, as well as some other moments including Harris' short, surprise address, which occurred during Hannity's show. Both Barack and Michelle Obama were carried on Tuesday night. Speeches by Hillary Clinton and Alexandria Ocasio-Cortez — both deeply unpopular with many in Fox's audience — were also carried in full. Fox's Dana Perino said Ocasio-Cortez made a great speech, "but it didn't make any sense."

Several podium appearances covered elsewhere went unheard on Fox News Channel: Olympics basketball coach Steve Kerr,

UAW President Shawn Fain, Rev. Jesse Jackson, U.S. Rep. Jim Clyburn, U.S. Rep. Jamie Raskin, Senate Majority Leader Chuck Schumer, U.S. Sen. Tammy Duckworth. Fox analyst Brit Hume complained that a group of women who talked about abortion policy went on too long — even though the network did not follow their remarks.

Tim Graham, director of media analysis for the conservative Media Research Center, said Fox programs to its audience in much the same way that Nicolle Wallace and Rachel Maddow say they won't show Trump because of concerns that he'll lie, "but it's because they don't want to watch it."

Brian Stelter, author of "Network of Lies: The Epic Saga of Fox News, Donald Trump and the Battle for American Democracy," said that while Fox News Channel recognized the news importance of the convention, he saw it as reluctant to give its viewers an unvarnished view of what was being said.

"Fox did very little listening and a lot of talking," he said.

Interestingly, there was an effort by the campaigns Monday to reach beyond friendly territory: The Harris campaign ran a commercial on Fox, while Trump advertised on CNN.

Fox has been particularly sensitive about not threatening audience loyalty. Concerns about its audience's anger with Fox following coverage of the 2020 presidential election were cited in evidence presented by Dominion Voting Systems in its defamation suit against Fox. That suit was settled when Fox agreed to pay \$787 million.

David Bauder writes about media for the AP. Follow him at <http://twitter.com/dbauder>.

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Males are 1000 / Females is 1200. 300-dollar deposit to hold.

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Legals

Legals

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PUBLISH: DAILY RECORD: August 22, 2024 / LEGAL# 549970 Page 123 of 193

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COMMUNITY DEVELOPMENT DEPARTMENT

501 N. Anderson St, Ellensburg WA 98926

Land Use Permitting (509) 962-7231

Construction Permitting (509) 962-7239

AFFIDAVIT OF POSTING

The Ellensburg City Code requires that all projects requiring Type IV Permit Review to 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: August 19, 2024	PLANNER: Shannon Johnson – Senior Planner
PROJECT NAME AND SUMMARY: Type IV Preliminary Plat Review – CC <u>Closed</u> <u>Record Public Hearing</u> for the proposed 44 Lot Long Plat at N Airport Rd, Ellensburg WA 98926.	FILE NUMBER: P23-115

PLEASE COMPLETE THE FOLLOWING:

I, _____, 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 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 post 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.**

Signature

August 17th _____, 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: 509-925-8655; or mail to: Community Development Dept., City Hall, 501 N. Anderson St., Ellensburg, WA 98926.



RESOLUTION NO. 2024-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON relating to the preliminary plat approval of the Pierce Subdivision No. P23-115 of property located in Ellensburg, Washington.

WHEREAS, on October 19, 2023 Pooya & Pezhman Roohani, and P&P Homes, LLC, property owners, filed a preliminary plat application (P23-115) for forty-four (44) lots to be developed on Kittitas County Assessor Parcel ID #'s 136233 & 959777 (18.17 total acres) located at Airport Road, commonly referred to as the "Pierce Subdivision"; and

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

WHEREAS, on May 16, 2024 the City's SEPA Responsible Official issued a Mitigated Determination of Non-Significance (MDNS) for the preliminary plat;

WHEREAS, following a duly noticed open record public hearing held before the Hearing Examiner on August 2, 2024 to consider the preliminary plat application for the Pierce Subdivision, as provided by Chapter 15.260 ECC, the Hearing Examiner received exhibits and testimony into evidence, and issued his August 13, 2024 (revised on August 27, 2024 to correct an erroneous omission of an exhibit) 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 16, 2024, regarding the preliminary plat application for the Pierce Subdivision application, the City Council approved the preliminary plat subject to certain conditions;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ellensburg, Washington, 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 August 27, 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 Airport Road, commonly referred to as the Pierce Subdivision, and legally described as follows:

PARCEL B :

LOT 3 OF THAT CERTAIN SURVEY AS RECORDED DECEMBER 30, 2009, IN BOOK 36 OF SURVEYS, PAGES 186-194, UNDER AUDITOR'S FILE NO. 200912300035, RECORDS OF KITTITAS COUNTY, STATE OF WASHINGTON; BEING A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 18 NORTH, RANGE 18 EAST, W.M, IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

PARCEL C:

LOT 1 OF THAT CERTAIN SURVEY AS RECORDED DECEMBER 30, 2009, IN BOOK 36 OF SURVEYS, PAGES 186-194, UNDER AUDITOR'S FILE NO. 200912300035, RECORDS OF KITTITAS COUNTY, STATE OF WASHINGTON; BEING A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 18 NORTH, RANGE 18 EAST, W.M, IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

SITUATED IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

APN/Parcel(s): 959777, 136233

Section 3. The preliminary plat of the Pierce Subdivision (P23-115) 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 shall meet the requirements of the Public Works Department discussed in its memorandums dated March 7, 2024, and April 17, 2024, including, but not limited to, the widening and installation of curbs, gutters and sidewalks on the east side frontage of Airport Road.

2. The applicant shall meet the requirements of the Energy Services - Light Department discussed in its memorandums dated March 13, 2024, and April 16, 2024.

3. The applicant shall meet the requirements of the Building Department as per the Building Official's memorandum dated April 19, 2024.

4. The applicant may be required to obtain an NPDES Construction Storm Water General Permit from the Washington State Department of Ecology. The applicant shall work with DOE to determine if this permit is necessary.

5. The applicant is responsible for meeting all general development standards required for plat development. Subdivision and land development activities shall follow the requirements of the Ellensburg City Code, including the Design Standards.

6. All requirements of utility providers, City departments, and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents.

7. The applicant shall submit a critical areas application to Community Development and receive approval prior to submittal of final plat.

8. 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.

9. The applicant shall meet the requirements of the associated Mitigated Determination of Non-Significance (MDNS) (File # P23-116) dated May 16, 2024, as listed below.

10. 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.

11. The applicant shall comply with all requirements outlined in the Washington Department of Ecology memo dated 4/12/24, regarding water quality and water resources.

12. The applicant shall provide a Cultural Resource Survey consistent with DAHP's standards for cultural resource reporting and submit the report to DAHP and the City of Ellensburg. No ground disturbing activities shall take place until the report has been approved in writing by the City of Ellensburg Community Development Department.

13. As per ECC 15.350.040, because this subdivision creates a lot that is smaller in size than 14,520 square feet, a note shall be placed on the face of the plat stating that there can be no further subdivision of any parcel created by that subdivision while the property is situated within the airport overlay zone (A-O). Additionally, when any division of land including short plats, plats, subdivisions, planned unit developments, or boundary line adjustments occurs on any land within the airport overlay zone (A-O) safety zones 1 through 6, a note shall be recorded with the county auditor as follows: "This property is located within the airport overlay zone in which a variety of airport aviation activities occur. Such airport aviation activities may impact the use of your property."

14. 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 by the City Council of the City of Ellensburg this ____ day of _____,
2024.

Mayor

Attest:

City Clerk



Meeting Date: September 16, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Public Hearing (Legislative) for First Reading of Ordinance 4944, to repeal Ordinance 3895, Codified as Chapter 1.62 of the Ellensburg City Code, Dissolving the Ellensburg Business Development Authority (EBDA), dba CenterFuse

Submitted by: Heidi Behrends Cerniwey, City Manager

Department: City Manager

Suggested Motion/Action:

Move to conduct first reading of Ordinance 4944, repealing Ordinance 3895, codified in Ellensburg City Code (ECC) Chapter 1.62, dissolving the Ellensburg Business Development Authority, dba CenterFuse.

Background/Summary:

After more than 30 years of operation, the Board of the Ellensburg Business Development Authority (EBDA), dba CenterFuse, requested to transition away from the City-chartered public development authority and ultimately settled on merging with the Kittitas County Chamber of Commerce. The merge is intended to break down historic silos, remove barriers to information sharing, and offer efficiencies for countywide coordination and economic development services. This action came after nearly a year of ongoing facilitated discussions with representatives from the EBDA, Chamber of Commerce, City, Kittitas County, and Central Washington University (CWU) to redefine roles of economic development organizations to provide better coordination and collaboration in regional and countywide economic development services as outlined in the adopted Countywide Economic Development Strategic Plan.

To complete the merge of EBDA with the Chamber and transfer current projects, brand, intellectual assets and services to continue benefits for which they were developed, the City of Ellensburg must dissolve the Ellensburg Business Development Authority through repealing the authorizing Ordinance 3895 (1993) and per the Ordinance, arrange for transfer of EBDA assets and real property to fulfill the purposes for which the authority was chartered—economic development.

The EBDA was created in 1993, Ordinance 3895, with Charter and Bylaws which have been amended over the years. The EBDA has been through a number of administrative, board, asset ownership, leadership, name, and oversight transitions.

Previous Council Action:

- Ordinance 3895 (1993) created the Ellensburg Business Development Authority (EBDA), codified in Ellensburg City Code (ECC), Chapter 1.62

- In 1999, EBDA obtained a loan from the Community Economic Revitalization Board (CERB) to allow for the construction of a “business incubator” building which was constructed on property owned by Kittitas County, Parcel No. 955272
- City and Kittitas County entered into an Interlocal Agreement (“ILA”) on January 23, 2013, to extend the EBDA’s jurisdiction to the City’s Urban Growth Area (which terminates with the dissolution of the EBDA)
- The EBDA board approved Resolution 2019-2, January 9, 2019, approving EBDA continued operation doing business as “CenterFuse”
- Council adopted Ordinances 4623 (November 2012) and 4778 (November 2017) amending the EBDA charter as recommended by the board
- Resolution 2021-16, sold City Incubator Building, 1000 Prospect Street, in June 2021 for \$710,000; revenue from the sale was deposited into City Economic Development Fund (127) for one-time projects
- Resolution 2023-07, March 6, 2023, adopting Countywide Economic Development Strategic Plan and committing to work in partnership to implement the Plan
- Interlocal Agreement between the City and EBDA for economic development services in the City approved January 3, 2023. The City provided notice pursuant to the Agreement on July 26, 2024, that it was terminating the current agreement effective August 31, 2024

Analysis:

According to the Municipal Research and Services Center (MRSC): “Cities, towns, and counties may form public development authorities (PDAs), sometimes known as “public corporations,” to assist in administering federal grants or local programs, enhance governmental efficiency and service provision, and/or improve a municipality’s living conditions. These PDAs are special purpose quasi-municipal corporations that are primarily authorized under RCW 35.21.730-.759, which allows local governments to create or contract with “public corporations, commissions, or authorities.” [RCW 35.21.745](#) requires any city, town, or county that creates a PDA to control and oversee the PDA’s operation and funds in order to ensure that the PDA is reasonably accomplishing its purpose and correct any deficiencies. [MRSC - Public Development Authorities \(PDAs\)](#).

Per State law, a primary requirement of a PDA is to serve within the physical boundaries of the chartering City or municipal entity. Although the boundaries of the EBDA were extended to include the urban growth area (UGA) with an interlocal agreement between the City and County in 2013, in recent years the EBDA board expressed an interest in expanding to provide county-wide services to fulfill a perceived gap.

The adopted Kittitas County Economic Development Strategic Plan (2023) identified the need for increased countywide economic development capacity and better collaboration among agencies as an important strategy. As organizations embarked on implementation actions last year, the unclear roles of EBDA and the Kittitas County Chamber of Commerce—the County’s current designated associate development organization (ADO) as of this date—began to emerge as barriers to forward progress as identified by the lead agencies in the economic development ecosystem.

Challenges with Public Development Authority

Managing the EBDA as a quasi-municipal organization requires ongoing City oversight for compliance with public laws which at times can be inconsistent with the needs of PDA activities because requirements of a public entity can conflict with private business interests in economic development. Over the years, the EBDA encountered challenges with legal requirements and operational coordination in several areas:

- PDA requirements to follow all public bidding and prevailing wage laws (EBDA follows standards for Washington Code Cities), etc. for all projects
- non-disclosure agreements (NDAs) which are common for early business inquiry and contradictory to sunshine laws
- public records act requirements for PDAs to disclose communications and records
- activities to assist business to start, grow, and prosper overlapping Chamber business support initiatives
- aligning activities with jurisdictional goals and priorities and communicating and working collaboratively with the City and other partners
- conducting business only within the boundaries of the City and UGA

As a standard practice, PDAs are established for site-based public development projects—to construct and manage sites with public interest. It is unusual for a PDA to provide business attraction (start, grow, and prosper) and development services espoused by the EBDA.

In 2023, CenterFuse began working with a consultant to explore other types of organizational structures (outside the Business Development Authority model) to serve beyond the boundaries of Ellensburg and its UGA. Earlier that year, EBDA Board members expressed interest in transition to an alternative structure.

Task Force on Economic Development

Given broader interests in effective local and regional economic development, in November 2023, the City initiated a Task Force on Economic Development to address the ongoing barriers created by unclear differentiation of roles and to inform and assist in evolving the future organizational structure of CenterFuse, among others.

The task force was facilitated by Johnny Graf and Phil Backlund through a professional service agreement with the City, and met numerous times as a full group and in individual and small facilitated meetings to explore issues and structures for ongoing economic development success in the region. The task force included two members from each organization:

- CenterFuse/EBDA – Executive Director Kristine Miller and Garrett Poshusta, Board Chair (and other board members)
- Kittitas County Chamber of Commerce – CEO Amy McGuffin and Charlie Smith, Board President (and other board members)
- Kittitas County – Commissioner Wright and Auditor Bryan Elliott
- City of Ellensburg – City Manager Behrends Cerniwey and Mayor Rich Elliott
- Central Washington University – VP for University Relations Andrew Morse and Executive Director for the Center, Business and Community Services Rob Ogburn

The dissolution and related actions proposed to the City Council in this item represent many months of work between parties to reframe economic development structures to better serve the City, Kittitas County, and Central Washington University's goals for collaboration, economic resilience, balanced growth, community investment, and preservation to implement the City's adopted Economic Development Strategic Plan.

On June 6, 2024, EBDA and the Chamber signed a Memo of Understanding to merge services, board structures, and staff under the Chamber umbrella. See attached MOU. Since that time, the two organizations have held a joint EBDA (CenterFuse) and Chamber Board meeting to continue to establish relationships. To effectuate this merge, the City must dissolve the EBDA, pursuant to ECC Chapter 1.62 and other local, state, and federal laws.

Future Economic Development Roles in Ellensburg and Kittitas County

Merging the EBDA with the Chamber enables a combined structure to work in the City and County economic development ecosystem and is intended to increase collaboration between the boards and staff to better serve the community. Under the merger agreement, the Chamber Board will expand to include current EBDA Board members. The Chamber will merge the functions of EBDA/CenterFuse to provide a more comprehensive and relevant set of business retention and expansion (BRE) services, small business and entrepreneur supports with an enhanced business attraction platform for more seamless services.

The City Arts & Economic Development Manager (position added in the 2023-2024 Biennial Budget) will continue to focus on growth of the creative sector, support advancement of City-specific initiatives, and convene partners to continue collaborative work. The incumbent will work closely with Chamber staff and other stakeholders to advance City and regional interests.

Central Washington University (CWU) launched Business and Community Services, a new organization at CWU focused on supporting economic and community development activities in partnership with local, regional, and statewide economic and workforce development networks in ways that are complementary, additive, and demand driven. In addition, CWU has been actively pursuing a number of initiatives outlined in the Countywide Economic Development Strategic Plan and expanding its relevance in their state role as a regional comprehensive university to better serve the needs of Central Washington. These include expanding their behavioral health program, investing in their flight program, and assisting with the development of a comprehensive economic development strategy (CEDS) to increase community access to major economic development grant programs, to name a few.

Kittitas County continues to redefine investment opportunities at the Airport facility and Bowers Field Industrial Park for economic benefit. Kittitas County receives and distributes Rural County Sales Tax Credit funding to advance countywide initiatives.

The Kittitas County Conference of Governments (COG) has been exploring models for regional planning and cooperation, including redefining the role of oversight and accountability the COG may play in economic development investments and activities into the future.

Ordinance 4944 - Process for Dissolution of EBDA

As proposed, Ordinance 4944 repeals Ordinance 3895, codified in Ellensburg City Code (ECC) Chapter 1.62, dissolving the Ellensburg Business Development Authority, dba CenterFuse.

The dissolution process is outlined in Section 1.62.240 of the Ellensburg City Code (ECC), and sets out requirements to hold a duly noticed public hearing held during a regularly scheduled Ellensburg City Council meeting. The Ellensburg City Council must vote to repeal the enabling Ordinance 3895 by a two-thirds majority of the Council. Per ECC Chapter 1.162.240:

- A. If the city council makes an affirmative finding that dissolution is warranted for any reason, the existence of the public authority may be terminated by ordinance adopted by a two-thirds majority of the council at or after a public hearing, held with notice to the public authority and authority directors and affording them a reasonable opportunity to be heard and present testimony. Dissolution shall be accomplished as provided in the charter, and shall not take effect until proper provision has been made for disposition of all authority assets.
- B. Upon satisfactory completion of dissolution proceedings, the city clerk shall indicate such dissolution by inscription of "charter canceled" on the original charter of the public authority on file with the city and, when available, on the duplicate original of the public authority, and the existence of the public authority shall cease. The city clerk shall give notice thereof pursuant to state law and to other persons requested by the public authority in its dissolution statement.
- C. Upon dissolution of the authority or the winding up of its affairs, title to all remaining assets or property of the authority shall vest in the city unless the city council or trustee or court has provided for the transfer of any authority rights, assets or property to a qualified entity or entities which will fulfill the purposes for which the authority was chartered.

Although EBDA is an independent authority, the City retains some accountability for its impacts, decisions, and liabilities. Thus, when the EBDA is dissolved, the City becomes the responsible party for settling debt, accepting and distributing assets, and for financial transparency and accountability for actions of the EBDA.

Pursuant to the dissolution process codified in ECC 1.62.240(C), the City seeks to assign relevant economic assets which were created with public funds to continue to be utilized for economic development purposes.

Real Property Asset Transfer Agreement - Action under Item 11.A. on this Agenda

EBDA obtained a loan from the Community Economic Revitalization Board (CERB) in 1999 to allow for the construction of a "business incubator" building which was constructed on property owned by Kittitas County, Parcel No. 955272, and included direct and indirect financial contributions from the City and Kittitas County. The CERB loan was paid off in 2018 and generates lease revenue which has been used for EBDA operations expenditures.

Dissolution of the EBDA and distribution of assets creates an opportunity for a mutually beneficial exchange of properties between Kittitas County, the City of Ellensburg, and Central Washington University that benefits long-term local and regional public interest of all

parties. Therefore, the parties have developed an Interlocal Agreement between the City of Ellensburg, Kittitas County, and Central Washington University for economic development real property exchanges, which include:

- Kittitas County is committed long-term viability and investment in the Bowers Field Industrial Park properties and desires to increase certainty that building and infrastructure investments in the Industrial Park property will ultimately benefit the County's airport and regional area as an economic generator. As a result, through the dissolution, the City will work with EBDA to transfer the Economic Development Building at Bowers Field Industrial Park, 3110 Airport Road, Ellensburg, to Kittitas County and assign current tenant leases to Kittitas County.
- Central Washington University seeks to expand their Aviation program for workforce training and economic development through investment locally in the Airport Hanger Facility, currently owned by Kittitas County. The County will take steps to surplus and transfer title of the Airport Hanger located on a portion of Lot H-21 of the Bowers Field Airport Binding Site Plan 2nd Amendment to Central Washington University to be used to expand Aviation program offerings and enhance investments.
- A priority of the City of Ellensburg and Kittitas County is affordable housing. The City of Ellensburg is best positioned to partner for residential development of affordable housing on underutilized property within the community to serve the City's long-term housing interests. Therefore, CWU will take the necessary steps to surplus an approximately 6.2-acre parcel of undeveloped real property located at 18th and Helena Street and transfer ownership of the parcel to the City for use as affordable housing or other authorized municipal purposes. The parcel shall be created through any legal means available to CWU.

The Interlocal Agreement Between the City of Ellensburg, Kittitas County, and Central Washington University for Economic Development Property Exchanges is part of this meeting agenda, #11.A.

Agreement with Chamber to Transfer Attractive Assets - Action under Item 11.B. on this Agenda

To transfer EBDA's other small and attractive assets (less than \$5,000 value), intellectual assets, and outline ongoing responsibility for work, an Agreement Between the City Of Ellensburg and Kittitas County Chamber of Commerce for Transfer of Ellensburg Business Development Authority Assets and Services has been developed.

Although EBDA Board has taken action on several items, it is recommended that the City, as the chartering entity, confirm the transfer and outline future accountability for items that were developed with public funding.

EBDA Board Actions for Merge and Dissolution

The EBDA Board enacted several Resolutions in 2024 to initiate the merge with the Chamber.

- EBDA Board Resolution 2024-01 adopting 2024 Budget
- EBDA Board Resolution 2024-02 authorize acceptance of USDA-RBDG grant

- EBDA Board Resolution 2024-03 authorized initiation of formal negotiations with the Kittitas County Chamber of Commerce regarding a merger
- EBDA Board Resolution 2024-04 authorized the Executive Director to take all necessary actions to:
 1. Dissolve the existing Public Development Authority (PDA) status of CenterFuse, including but not limited to, legal, financial, and regulatory steps required for dissolution;
 2. Dissolve the 501(c)(3) and 501(c)(6) entities of CenterFuse;
 3. Negotiate, finalize, and execute the merger/acquisition agreement with the Kittitas County Chamber of Commerce;
 4. Manage the redistribution of CenterFuse assets in accordance with the terms of the merger/acquisition agreement, including but not limited to the airport building at 3110 Airport Rd, Ellensburg, WA 98926, Cashmere Valley Bank checking and savings accounts, and the CenterFuse brand and intellectual property;
 5. Terminate contracts with vendors and the office space lease;
 6. Communicate and coordinate with relevant stakeholders, including the city, county, and Chamber, to ensure a smooth transition;
 7. Address any other tasks deemed necessary to facilitate the dissolution of the PDA, 501(c)(3), and 501(c)(6) entities, and the merger/acquisition with the Chamber.
 8. Any major fiduciary transactions involving the sale, transfer, or significant reallocation of assets, including but not limited to the airport building at 3110 Airport Rd, Ellensburg, WA 98926, Cashmere Valley Bank checking and savings accounts, and the CenterFuse brand and intellectual property, shall require: 1) Prior approval from the Board of Directors through a board resolution; and 2) The joint signatures of both the Board Chair and the Treasurer.
- EBDA Board Resolution 2024-05 authorized the surplus, disposal, or donation of "Attractive Assets" including, furniture, electronics and accessories, office supplies, marketing collateral, and documents to the Chamber of Commerce.
- EBDA Board Resolution 2024-07: Transfer of Intellectual Property and Brand Assets to Kittitas County Chamber of Commerce (approved at 9/11/2024 EBDA Board meeting)
- EBDA Board 2024-08: Executive Director Separation Agreement (approved at 9/11/2024 EBDA Board meeting)

Other Dissolution Actions

Dissolution of EBDA requires significant time and resources, some of which EBDA staff and Board will accomplish and others that will require City oversight and potential future action:

- **Preparation and Financial Documentation** - Gathering essential financial records, including recent financial statements, bank statements, and agreements. Preparing and filing the necessary dissolution forms with state and federal agencies. Some items have been transferred to the City, some are pending.
- **501(c)(3) and 501(c)(6) Dissolution** – Working closely with an accountant on the dissolution of the 501(c)(3) entity and preparing for the dissolution of the 501(c)(6) entity. This includes filing specific forms with the IRS, Secretary of State, preparing

articles of dissolution, and notifying relevant state departments. This entity was created without authority and may require follow-up reporting.

- **Operational Handover** - Overseeing the termination of the office lease, inventorying and preparing to transfer all office equipment, and notifying vendors, partners, stakeholders, and clients about the transition. Some items have been completed, some are ongoing.
- **Asset Transfers** - Coordinating the appraisal, legal review, and transfer of both physical and intellectual assets to appropriate entities, ensuring all transfers comply with legal and regulatory requirements. Actions to transfer the Airport Incubator Building will begin following adoption of the Interlocal Agreement for Property Exchange. Tenants have been notified by EBDA.
- **Legal and Financial Compliance** - Tasks include completing final federal and state payroll tax returns, conducting audits, preparing final financial statements, and ensuring all documents are inventoried, archived, and stored securely.
- **Stakeholder Management and Communication** - Providing regular updates to stakeholders, organizing meetings, and developing a comprehensive communications plan that includes public messaging, FAQs, and press releases. EBDA and Chamber are working on this transition.
- **Post-Dissolution Support** - Establishing support systems to handle ongoing needs post-dissolution, ensuring all records are maintained and transferred appropriately, and confirming secure storage of digital records. Financial statements and accountability audits will be completed by the State Auditor's Office and the City will ensure EBDA prepares and transfers the appropriate data, forms, and information for these actions.
- **Transfer of Public Records** - All digital and paper public records, including all email, communications, financial data, etc. must be transferred to the City upon dissolution. City and EBDA staff will work on making this transfer.

Dissolution of the EBDA will transfer some liability to the City and staff will work closely with EBDA Board and staff to resolve any issues prior to the effective date of the dissolution.

Financial Impact:

Since 2020, the City has enacted an interlocal agreement for economic development services with EBDA. The most recent interlocal provided for \$60,000 in annual payment to EBDA for services. Notice was given on July 26, 2024 that the agreement would be terminated as of 8/31/2024, pursuant to dissolution. The City will advocate for the Chamber to receive continued funding from the Distressed County Sales Tax Funding Economic Development Program administered by the Kittitas County Board of County Commissioners or other allowable sources authorized by law to support ongoing collaborative and aligned efforts to achieve shared goals. The City may desire Chamber to perform economic development work or services. Such work shall be addressed in a separate written Agreement.

Transfer of the EBDA Economic Development Building at Bowers Field Industrial Park is addressed in the proposed properties identified in the Interlocal Agreement between the City, Kittitas County, Central Washington University for Economic Development Real Property Exchanges (Item 11.A.) which have been negotiated and include consideration of both

tangible and intangible factors, including but not limited to, the appraised property values, the economic development potential, and the public benefit of increased housing stock. Therefore, no direct payments will be exchanged under the terms of the Agreement. Costs for each property transfer shall be equally shared by each party to the individual transaction necessary to complete legal transfer of title to the property. This will require minimal adjustments to the 2023/2024 Biennial Budget.

Cash Assets are currently \$642,303 (as of 8/31/2024, per EBDA Board packet 9/11/2024). When all EBDA debts and liabilities are settled, cash assets will be transferred to the City to be deposited into an account for one-time economic development activities or investments.

Budget Adjustment: Yes

Attachments:

1. Ordinance 4944 - Repealing Ordinance 3895 and Dissolving the EBDA-CenterFuse (Draft 09-09) (003)
2. EBDA and Chamber MOU for Merge 6-6-2024
3. EBDA Resolution_2024-01 Adopting 2024 Budget
4. EBDA Resolution_2024-02 USDA RBDG Grant
5. EBDA Resolution_2024-03 Chamber Merger
6. EBDA Resolution_2024-04 Vote To Grant Authority to Executive Director for PDA Dissolution and Chamber Merger
7. EBDA Resolution_2024-05 Vote To Transfer Attractive Assets to Chamber
8. EBDA Resolution_2024-06 Executive Director Severance Package
9. EBDA Resolution_2024-07 Transfer of IP (pending)
10. EBDA Resolution_2024-08 Executive Director Separation Agreement (pending)

ORDINANCE NO. 4944

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO ELLENSBURG BUSINESS DEVELOPMENT AUTHORITY DOING BUSINESS AS “CENTERFUSE”, REPEALING ORDINANCE 3895, CODIFIED AS CHAPTER 1.62 “BUSINESS DEVELOPMENT AUTHORITY” OF THE ELLENSBURG CITY CODE, AND DISSOLVING THE ELLENSBURG BUSINESS DEVELOPMENT AUTHORITY.

WHEREAS, the Ellensburg Business Development Authority (“EBDA”) was established in 1993 with the adoption of Ordinance 3895 by the City Council of the City of Ellensburg (“City”) and codified in chapter 1.62 of the Ellensburg City Code (“ECC”), as amended by Section 1 of Ordinance 4203; and

WHEREAS, the EBDA adopted Resolution 2019-2 on January 9, 2019, approving its continued operation doing business as “CenterFuse” (the EBDA and CenterFuse referred hereafter in the singular as “the EBDA”); and

WHEREAS, the EBDA obtained a loan from the Community Economic Revitalization Board in 2000 to allow for the construction of a “business incubator” building which was constructed on property owned by Kittitas County, Parcel No. 955272, and included direct and indirect financial contributions from the City and Kittitas County; and

WHEREAS, the EBDA, City and Kittitas County entered into an Interlocal Agreement (“ILA”) on January 23, 2013 to extend the EBDA’s jurisdiction to the City’s Urban Growth Area, and the ILA provides it shall terminate upon the termination of the EBDA’s existence; and

WHEREAS, the City, the EBDA, and Kittitas County have collectively met and agreed that dissolution of the EBDA is warranted to allow it to adapt its organizational structure to better align with its current strategic goals by being merged with the Kittitas County Chamber of Commerce; and

WHEREAS, the EBDA has provided services to the City through a professional services agreement for a number of years, which have included the promotion of economic development, business recruitment and retention, property management of the city’s former business incubator and providing a physical presence and point of contact for business and industry interested in relocation or establishment in Ellensburg, and the City provided notice pursuant to the EBDA on July 26, 2024 that it was terminating the current agreement effective August 31, 2024; and

WHEREAS, the EBDA entered into a Memorandum of Understanding (“MOU”) with the Chamber on June 6, 2024, whereby the parties agreed the EBDA would be merged and integrated

into the Chamber's organization, with an effective date coinciding with the effective date of this Ordinance; and

WHEREAS, the EBDA adopted Resolution 2024-04 at its August 14, 2024 meeting, which authorized its Executive Director to take all necessary actions to effectuate the dissolution of the EBDA, as further specified in Resolution 2024-04;

WHEREAS, following a duly noticed public hearing held during a regularly scheduled Ellensburg City Council Meeting on September 16, 2024, the Ellensburg City Council voted to repeal Chapter 1.62 of the Ellensburg City Code by the required two-thirds majority of the Council;

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

Section 1. The "Whereas" provisions set forth above are hereby incorporated in this Ordinance as findings in support of the actions authorized in this Ordinance.

Section 2. Dissolution of EBDA. The City Council make the affirmative finding that dissolution of the EBDA created by Ordinance 3895 and codified as Chapter 1.62 of the Ellensburg City Code, as last amended by Ordinance 4750, is warranted and shall be and is hereby dissolved. Ordinance 3895 together with the Charter of the EBDA, as of the effective date provided in Section 7 of this Ordinance, is repealed in its entirety.

Section 3. Disposition of EBDA Assets. All assets of the EBDA, including but not limited to real and personal property, leasehold interests, bank, savings and investment accounts, shall be transferred to the City upon adoption of this Ordinance. Thereafter, the assets may be allocated to the City and/or disposed of in such a manner to be in the City's best interests as determined by the City Manager, subject to City Council or other approval as required by local, state or federal law.

Section 4. Authorization of the City Manager. The City Manager or their designee is authorized directed to prepare, execute, and have executed, all documents necessary to facilitate the filing of Articles of Dissolution with the State of Washington in accordance with the requirements of RCW 24.03A.910, including but not limited to, obtaining a Tax Clearance Certificate for the EBDA as required under RCW 82.32.260. The City Manager, or their designee, shall also have full authority to exercise all powers necessary to continue the operation of those facilities of the EBDA which shall devolve back to the possession and control of the City or transfer assets of the EBDA to third parties as a result of this dissolution and in accordance with Ordinance No. 3985 and the Charter and proper provision has been made for the disposition of all EBDA assets in compliance with all local, state and federal laws and regulations.

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

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

Section 7. Effective Date. This ordinance shall be in force five (5) days after its passage, approval, and publication and shall take effect upon conclusion of the transfer of all assets from the EBDA to the City, or by October 31, 2024, whichever occurs first. Thereafter, the City Clerk shall provide notice of the effective date pursuant to state law and to other persons requested by the EBDA to be notified of the dissolution.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 7th day of October, 2024.

MAYOR

ATTEST:

CITY CLERK

Approved as to form:

CITY ATTORNEY

Publish:

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4944 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4944 was published as required by law.

BETH LEADER

Memorandum of Understanding (MOU)- Employment agreement with Kristine Miller
Between Kittitas County Chamber of Commerce (Chamber) and Centerfuse
Regarding Economic Development Services Integration and Brand Merger

I. Purpose

This Memorandum of Understanding (MOU) outlines the terms and framework for the integration of Centerfuse into the Kittitas County Chamber of Commerce as a distinct house brand under the Chamber's 501(c)(3) umbrella. The purpose of this MOU is to establish the operational and strategic framework for this integration, preserving the identity of Centerfuse while leveraging the resources and infrastructure of the Chamber.

II. Integration and Brand Identity

1. Merger and Organizational Structure:

- Centerfuse will merge into the Chamber's organizational structure and will operate as a distinct entity or "house brand" known as Centerfuse, focusing on specific economic development initiatives.

- Centerfuse will maintain its brand identity, operating principles, and mission under the strategic direction of the Chamber. 501(c)(3) board will direct specific strategic and operational policies.

2. Role of the Director of Economic Development:

- The current at-will full-time employee of Centerfuse will assume the role of Director of Economic Development under the Chamber.

- The Director of Economic Development will lead Centerfuse's operations, focusing on specialized economic development programs, maintaining its brand integrity, and aligning its strategic goals with the broader objectives of the Chamber.

- The employment terms and conditions for the Director of Economic Development, as previously negotiated and agreed upon, shall remain unchanged until annual performance review. Modifications will be determined at the discretion of the board.

3. Office and Resource Allocation:

- The Director of Economic Development will be provided with an office and necessary resources within the Chamber's main building to facilitate effective management and operations of Centerfuse.

- The Chamber will ensure that Centerfuse has access to administrative, technological, and logistical support necessary to fulfill its operational requirements.

III. Responsibilities and Expectations

1. Economic Development Initiatives:

- The Director of Economic Development will spearhead initiatives aimed at business recruitment, retention, and expansion under the Centerfuse brand.

- They will manage relationships with stakeholders, local businesses, and government entities to promote economic growth within Kittitas County.

2. Resource Management and Reporting:

- The Director of Economic Development will manage the budget and resources allocated for Centerfuse activities, ensuring compliance with the financial and operational policies of the Chamber's 501(c)(3).
- Regular reporting on Centerfuse's activities, outcomes, and strategic developments will be required for review by the Chamber's CEO and Chamber's 501 (c)(3) Board of Directors.

3. Public Relations and Community Engagement:

- The Director of Economic Development will manage Centerfuse's public relations strategies and community engagement efforts, maintaining the brand's visibility and active role in the community.
- They will represent Centerfuse in public events, media engagements, and collaborations with other economic development entities.

IV. Commitment to Collaborative Success

Both parties commit to a collaborative relationship based on mutual respect and shared goals for enhancing economic development in Kittitas County. The Chamber and Centerfuse will work together to leverage their combined resources and networks to maximize impact.

V. Duration of MOU

This MOU is effective upon signing, and officially in effect by the date of the repeal of Ellensburg City Council's Ordinance 3895 (1993) which chartered the Ellensburg Business Development Authority (EBDA), now dba CenterFuse. Disposition of CenterFuse assets will be determined through subsequent agreement with the City. This MOU will be in effect indefinitely. Term expressed in section I-IV of the MOU may be reviewed at the discretion of the board.

VI. Signatures



Amy McGuffin, CEO/President
Kittitas County Chamber of Commerce



Date



Kristine Miller, Executive Director
EBDA, DBA Centerfuse



Date

This revised MOU incorporates the merger specifics, the distinct maintenance of the Centerfuse brand, and the role of the current employee as the Director of Economic Development. This draft can further be adjusted to align with the strategic goals and operational nuances of both entities more precisely.



CENTERFUSE

ELLENSBURG BUSINESS DEVELOPMENT AUTHORITY (EBDA) BOARD RESOLUTION 2024 – 1

WHEREAS, the CenterFuse/EBDA Board of Directors desires to provide the highest level of economic development services for the City of Ellensburg, and

WHEREAS, the CenterFuse/EBDA Board of Directors has reviewed and adopted the following revenue and expenditures for the 2024 budget as follows:

	Proposed Budget 2024
INCOME	
Local Grants and other Payments	\$ 287,000.00
Other: Interest earned, late fees	\$ 6,000.00
Tenant Rental Income-Airport	\$ 85,000.00
TOTAL INCOME	\$ 378,000.00
 EXPENSES -General Operations	
Office	\$ 25,740.00
EBDA Building	\$ 23,700.00
Personnel	\$ 136,560.00
TOTAL EXPENSES General Operations	\$ 186,000.00
 EXPENSES - PROJECT/PROGRAM/OBLIGATED	
Advertising/promotion	\$ 5,000.00
Marketing	\$ 30,000.00
Other Business Exp - Ops	\$ 7,000.00
Professional Fees - Ops	\$ 150,000.00
TOTAL EXPENSES PROJECT/PROGRAM/OBLIGATED	\$ 192,000.00
TOTAL ALL EXPENSES	\$ 378,000.00

Adopted by the CenterFuse/EBDA Board of Directors on the 10th day of January 2024

Garrett Poshusha, Chair

Del Bankston, Secretary





ELLENSBURG BUSINESS DEVELOPMENT AUTHORITY (EBDA) BOARD RESOLUTION 2024 – 02

WHEREAS, the Board of Directors desires to provide the highest level of economic development services for the Kittitas Valley region with emphasis on the City of Ellensburg, and

WHEREAS, staff are tasked with diversifying funding sources to carry out priority work, and

WHEREAS, the U.S. Department of Agriculture's Rural Business Development Program (USDA RBDG) seeks grant applications for either enterprise or opportunity grants, and

WHEREAS, the EBDA believes itself to be qualified, and is willing and able to carry out all activities described in the grant application, and

WHEREAS, staff will consult with USDA RBDG regional staff regarding potential projects in need of funding and that meet the grant program criteria to create jobs that align with development priorities. Eligible project activities include strategic business planning, building renovation for business expansion, and technical assistance. The grant request for a one-year project will not exceed \$50,000 and non-federal match is encouraged, and

IT IS THEREFORE RESOLVED THAT: the board directs staff to prepare a grant application to the U.S. Department of Agriculture's Rural Business Development Program on or before 4:30 PM on February 28, 2024, in the amount not to exceed \$50,000, and

HEREBY AUTHORIZES the Executive Director to act on behalf of EBDA to submit and sign grant applications to the U.S. Department of Agriculture's Rural Business Development Program, and for the Executive Director to be the authorized representative to act on behalf of the CenterFuse to sign the grant agreement when grant funds are awarded after board review and approval.

Adopted by the Board of Directors on the 24th day of January 2024

Garrett Poshusta
Garrett Poshusta, Board Chair

Del Bankston
Del Bankston, Board Secretary





Completed Document Audit Report

Completed with SignWell.com

Title: Resolution 2024-02 USDA RBDG grant

Document ID: 852ebf74-57a8-4439-b581-7aee0d89dfd9

Time Zone: (GMT+00:00) Coordinated Universal Time

Files

Resolution 2024-02 USDA RBDG grant.pdf

Feb 21, 2024 17:59:44 UTC

Activity

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	Del Bankston IP: 2600:6c54:4e00:581:9f6b:53cf:e053:44a8	first viewed document	Feb 21, 2024 20:26:42 UTC
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	Garrett Poshusta IP: 66.196.2.93	first viewed document	Feb 25, 2024 02:00:31 UTC
	Garrett Poshusta IP: 66.196.2.93	signed the document	Feb 25, 2024 02:00:44 UTC



ELLENSBURG BUSINESS DEVELOPMENT AUTHORITY (EBDA) BOARD RESOLUTION 2024 – 03

WHEREAS, the Board of Directors is committed to enhancing economic development opportunities within the Kittitas Valley region;

WHEREAS, the Ellensburg Business Development Authority (EBDA) recognizes the need to explore strategic partnerships to strengthen its mission and operational capacity;

WHEREAS, the Kittitas County Chamber of Commerce has shown potential as a strategic partner to achieve these objectives through a merger;

WHEREAS, engaging in formal negotiations with the Kittitas County Chamber of Commerce presents an opportunity to combine resources and expertise for greater economic impact;

WHEREAS, the Board acknowledges that a merger with the Kittitas County Chamber of Commerce could enhance the delivery of economic development services and benefit the broader community;

IT IS THEREFORE RESOLVED THAT: the Board authorizes the initiation of formal negotiations with the Kittitas County Chamber of Commerce regarding a merger, with the intent to enhance economic development services in the Kittitas Valley region;

HEREBY AUTHORIZES the Executive Director to act on behalf of EBDA to lead and conduct these negotiations, ensuring that any proposed merger aligns with the strategic goals of EBDA and is subject to final board review and approval.

Adopted by the Board of Directors on the 8th day of May 2024

Garrett Poshusta

Garrett Poshusta, Board Chair

Jennifer Lubanski

Jennifer Lubanski, Board Secretary





Completed Document Audit Report
Completed with SignWell.com

Title: CenterFuse Resolution 2024-03 Chamber Merger

Document ID: 117b63d4-ac04-4438-80a2-981e832ef456

Time Zone: (GMT+00:00) Coordinated Universal Time

Files

CenterFuse Resolution 2024-03 Chamber Merger.pdf

May 13, 2024 20:31:11 UTC

Activity

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 Jennifer Lubanski IP: 64.146.186.168	signed the document	May 13, 2024 21:40:47 UTC
 Garrett Poshusta IP: 208.117.251.117	first viewed document	May 14, 2024 01:38:43 UTC
 Garrett Poshusta IP: 2600:6c54:4e00:ca3:2d2a:cafb:527c:27b6	signed the document	May 17, 2024 02:53:39 UTC



ELLENSBURG BUSINESS DEVELOPMENT AUTHORITY (EBDA) BOARD RESOLUTION 2024 – 04

WHEREAS, the Board of Directors is committed to enhancing economic development opportunities within the Kittitas Valley region;

WHEREAS, the Ellensburg Business Development Authority (EBDA) dba CenterFuse recognizes the need to adapt its organizational structure to better align with current strategic goals and partnerships;

WHEREAS, in light of the city's intention to dissolve the Public Development Authority (PDA), the Board has determined that the integration with the Kittitas County Chamber of Commerce is a necessary step to streamline operations and support the strategic objectives of the CenterFuse brand and the Kittitas County Chamber of Commerce;

WHEREAS, the Board acknowledges the complexity and breadth of tasks required to achieve the dissolution of the PDA, the 501(c)(3), and the 501(c)(6) entities and the merger/acquisition with the Chamber, necessitating flexible and comprehensive authority for the Executive Director while ensuring proper oversight and risk management;

IT IS THEREFORE RESOLVED THAT: the Board authorizes the Executive Director to take all necessary actions to:

1. Dissolve the existing Public Development Authority (PDA) status of CenterFuse, including but not limited to, legal, financial, and regulatory steps required for dissolution;
2. Dissolve the 501(c)(3) and 501(c)(6) entities of CenterFuse;
3. Negotiate, finalize, and execute the merger/acquisition agreement with the Kittitas County Chamber of Commerce;
4. Manage the redistribution of CenterFuse assets in accordance with the terms of the merger/acquisition agreement, including but not limited to the airport building at 3110 Airport Rd, Ellensburg, WA 98926, Cashmere Valley Bank checking and savings accounts, and the CenterFuse brand and intellectual property;
5. Terminate contracts with vendors and the office space lease;
6. Communicate and coordinate with relevant stakeholders, including the city, county, and Chamber, to ensure a smooth transition;
7. Address any other tasks deemed necessary to facilitate the dissolution of the PDA, 501(c)(3), and 501(c)(6) entities, and the merger/acquisition with the Chamber.



FURTHER RESOLVED THAT: Any major fiduciary transactions involving the sale, transfer, or significant reallocation of assets, including but not limited to the airport building at 3110 Airport Rd, Ellensburg, WA 98926, Cashmere Valley Bank checking and savings accounts, and the CenterFuse brand and intellectual property, shall require:

1. Prior approval from the Board of Directors through a board resolution; and
2. The joint signatures of both the Board Chair and the Treasurer.

FURTHER RESOLVED THAT: The Executive Director shall provide regular updates to the Board of Directors on the progress of the PDA dissolution and the Kittitas County Chamber of Commerce merger/acquisition, including detailed reports on any significant actions taken or planned.

HEREBY AUTHORIZES: the Executive Director to act on behalf of EBDA dba CenterFuse to ensure that any actions taken align with the strategic goals of EBDA dba CenterFuse with major fiduciary transactions, as defined above, subject to final board review and approval.

Adopted by the Board of Directors on the 23rd day of July 2024

Garrett Poshusta

Garrett Poshusta, Board Chair

Jennifer Lubanski

Jennifer Lubanski, Board Secretary





Completed Document Audit Report

Completed with SignWell.com

Title: Resolution 2024-04 Vote To Grant Authority to Executive Director for PDA Dissolution and Chamber Merger

Document ID: 191918f7-3ab1-4b01-815e-90971fa070d3

Time Zone: (GMT+00:00) Coordinated Universal Time

Files

Resolution 2024-04 Vote To Grant Authority to Exec.docx

Aug 19, 2024 15:25:09 UTC

Activity

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IP: 2a02:a31d:a241:fc80:31e5:1685:836c:96ec			
	Jennifer Lubanski	first viewed document (jenlubanski@me.com)	Aug 19, 2024 15:47:41 UTC
IP: 66.243.246.225			
	Jennifer Lubanski	signed the document (jenlubanski@me.com)	Aug 19, 2024 15:47:58 UTC
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	Garrett Poshusta	first viewed document (garrett.poshusta@gmail.com)	Aug 19, 2024 16:10:25 UTC
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	Garrett Poshusta	signed the document (garrett.poshusta@gmail.com)	Aug 19, 2024 16:10:41 UTC
IP: 2600:6c54:4e00:9b0:799b:77ce:f667:1b31			



ELLENSBURG BUSINESS DEVELOPMENT AUTHORITY (EBDA) BOARD RESOLUTION 2024 – 05

WHEREAS, the Ellensburg Business Development Authority (EBDA), doing business as CenterFuse, is committed to ensuring the responsible and transparent disposition of its assets as part of the Public Development Authority (PDA) dissolution by the City of Ellensburg and the integration process with the Kittitas County Chamber of Commerce;

WHEREAS, the Board of Directors recognizes the necessity of surplus, disposal, or donation of certain assets to facilitate the PDA dissolution and ensure the effective transition of resources;

WHEREAS, a detailed inventory of CenterFuse's "Attractive Assets" has been compiled, listing various furniture, electronics, office supplies, marketing collateral, and documents;

WHEREAS, the Board acknowledges that the listed inventory is to the best of the current knowledge and may include additional small and sundry attractive assets not explicitly mentioned;

WHEREAS, the Board seeks to ensure all actions comply with applicable legal and regulatory requirements in Washington State for quasi-municipal entities;

IT IS THEREFORE RESOLVED THAT:

1. The Board of Directors authorizes the surplus, disposal, or donation of the following "Attractive Assets" as listed in the inventory attached hereto, which includes but is not limited to:

Furniture: Gray corner desk, Dark grey Hon two-drawer filing cabinet

Electronics and Accessories: HP Color LaserJet Pro, LG Gram Notebook PC, chargers, mouse, USB drive, Jabra Speaker, Razer Kiyo Pro USB Camera, tripod, laptop port, power strip, assorted electronics cords

Office Supplies: Staplers, hole punch, scissors, paperclip holder, writing instruments, markers, labels, staples, tape refills, file holders, paper trays, thumbtacks, power duster, printer paper, file folders, Post-Its, envelopes, recycling bin, Bankers Boxes

Marketing Collateral: CenterFuse floor banner, tablecloth, sandwich board, toys, grass table runner, activity supplies, sign holders, card holders, business cards, thank you cards, rack cards, branded baseball cap, t-shirts, event posters and signs, office signage

Documents: Bankers Boxes of documents, binders, legal pads, file cabinet drawer, checks, check deposit slip pack, bank bag



2. The Board authorizes the transfer of the listed assets to the Kittitas County Chamber of Commerce, along with any other small and sundry attractive assets not explicitly listed but identified during the transition process.
3. The Executive Director is hereby authorized and directed to take all necessary actions to facilitate the surplus, disposal, donation, and transfer of the aforementioned assets, ensuring compliance with all relevant legal and regulatory requirements.

Adopted by the Board of Directors on the 14th day of August 2024

Garrett Poshusta

Garrett Poshusta, Board Chair

Jennifer Lubanski

Jennifer Lubanski, Board Secretary





Completed Document Audit Report

Completed with SignWell.com

Title: Resolution 2024-05 Vote To Transfer Attractive Assets to the Chamber of Commerce

Document ID: ccfa7ef5-e557-4068-9d9c-cbe62e20f075

Time Zone: (GMT+00:00) Coordinated Universal Time

Files

Resolution 2024-05 Vote To Transfer Attractive Ass.pdf

Aug 19, 2024 15:28:04 UTC

Activity

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	Centerfuse Director	sent the document to garrett.poshusta@gmail.com and jenlubanski@me.com	Aug 19, 2024 15:29:17 UTC
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	Jennifer Lubanski	first viewed document (jenlubanski@me.com)	Aug 19, 2024 15:48:14 UTC
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	Jennifer Lubanski	signed the document (jenlubanski@me.com)	Aug 19, 2024 15:48:41 UTC
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	Garrett Poshusta	first viewed document (garrett.poshusta@gmail.com)	Aug 19, 2024 16:11:10 UTC
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	Garrett Poshusta	signed the document (garrett.poshusta@gmail.com)	Aug 19, 2024 16:11:22 UTC
IP: 2600:6c54:4e00:9b0:799b:77ce:f667:1b31			



ELLENSBURG BUSINESS DEVELOPMENT AUTHORITY (EBDA) BOARD RESOLUTION 2024 – 06

WHEREAS, the Board of Directors of the Ellensburg Business Development Authority (EBDA) dba CenterFuse (hereafter "EBDA") recognizes the significant contributions of the Executive Director of the EBDA (hereafter "Executive Director"), especially during the transition period involving the dissolution of the Public Development Authority (hereafter "PDA") and the merger with the Kittitas County Chamber of Commerce (hereafter "the Chamber");

WHEREAS, the Board acknowledges the need to ensure a smooth transition and the importance of retaining the Executive Director through this critical period.

WHEREAS, the Board has been advised by Fully Integrated Team HR, an independent HR consulting agency, on the importance of providing a severance package to the Executive Director to ensure focus and continuity during the merger process;

IT IS THEREFORE RESOLVED THAT; the Board of Directors agrees to provide the Executive Director with a severance package under the following conditions:

1. Post-Merger Transition Period:

- The Executive Director agrees to remain until the official dissolution of the PDA, with an anticipated effective dissolution date of September 30, 2024, to ensure continuity and successful integration. The severance package provisions outlined in item 5 below will be paid out in full within 10 business days of the official dissolution of the PDA.

2. Protection in Case of the Chamber's Decision:

- Should the Chamber decide not to retain the Executive Director beyond the time period outlined in item 1 above, or if the Chamber terminates the Executive Director without cause, the Executive Director will still be entitled to the severance package provisions outlined in item 5 below. This ensures that the Executive Director is not penalized for circumstances beyond their control.

3. Severance if the Executive Director Accepts a Chamber Role:

- If the Executive Director decides to accept a role with the Chamber following the official dissolution of the PDA and the merger with the Chamber, whether as an employee or a contractor, the Executive Director shall still receive the severance package provisions.



4. Severance Package Provisions:

- The severance package shall include:
 - Three (3) months of base pay plus a matching timeframe for the continuation of any health benefit stipends.
 - Agreement to uncontested unemployment claims for unemployment benefits.
 - A Professional Development and Support Stipend: A lump sum of \$5,000 will be provided to the Executive Director for the purpose of professional development and support. This stipend is intended to assist the Executive Director in enhancing skills and professional opportunities during this period of organizational change.

FURTHER RESOLVED THAT, this resolution authorizes the Executive Director to work with the organization's attorney to finalize the severance agreement in legal terms, ensuring it adheres to the outlined conditions and is enforceable.

Garrett Poshusta, Board Chair

Jennifer Lubanski, Board Secretary





**ELLENSBURG BUSINESS DEVELOPMENT AUTHORITY (EBDA)
BOARD RESOLUTION 2024 – 07**

WHEREAS, the City of Ellensburg has stated its intent to dissolve the Public Development Authority (PDA) that created the Ellensburg Business Development Authority (EBDA), which does business as CenterFuse, and the CenterFuse brand will merge into the Kittitas County Chamber of Commerce as their in-house economic development brand;

WHEREAS, as part of this dissolution and merger process, certain intellectual property (IP), brand assets, and other proprietary materials must be transferred to the Kittitas County Chamber of Commerce to ensure a seamless continuation of economic development efforts, and;

WHEREAS, the Board of Directors of CenterFuse acknowledges the need to formalize the transfer of these assets, including but not limited to domain names, websites, social media accounts, and strategic documentation, and;

WHEREAS, the transfer of certain client relationships, project documentation, and operational processes will be subject to confidentiality provisions and written agreements from clients, and;

WHEREAS, this resolution serves to approve the transfer of intellectual property and brand assets as detailed in the inventory attached as Exhibit A to this resolution;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Ellensburg Business Development Authority dba CenterFuse as follows:

1. Approval of Transfer: The Board hereby approves the transfer of all intellectual property, brand assets, and associated documentation to the Kittitas County Chamber of Commerce, as outlined in Exhibit A, subject to any necessary approvals and confidentiality agreements.
2. Execution of Transfer: The Executive Director of CenterFuse is authorized to execute all documents necessary to complete the transfer, including but not limited to login credentials for website hosting, domain registration, and social media accounts, no later than September 30, 2024.
3. Client Relationships: The transfer of client relationships shall be subject to the written consent of clients. These relationships will not be finalized until all necessary agreements are in place and consent has been obtained.
4. Disclaimer: A disclaimer, as provided in Exhibit A, will accompany the transfer, acknowledging that certain assets may not be fully inventoried or identified at the time of transfer. Any additional assets discovered post-transfer will be disclosed and transferred accordingly.



5. Effective Date: This resolution shall take effect immediately upon its adoption.

Adopted by the Board of Directors on the 11th day of September 2024

Garrett Poshusta, Board Chair

Jennifer Lubanski, Board Secretary



**ELLENSBURG BUSINESS DEVELOPMENT AUTHORITY DBA CENTERFUSE (EBDA)
RESOLUTION NO. _____**

EXECUTIVE DIRECTOR SEPARATION AGREEMENT

WHEREAS, the EBDA is dissolving as an entity and winding down its operations;

WHEREAS, to effectuate a complete wind-down and dissolution, the EBDA desires to enter into a separation agreement with the Executive Director, whereby the Executive Director shall release the EBDA from all potential liability for known and unknown claims; and

WHEREAS, to ensure an efficient wind-down and dissolution, the EBDA desires that the Executive Director remain employed with the EBDA through the dissolution date and be incentivized to not terminate employment with the EBDA prior to the dissolution date.

NOW, THEREFORE, BE IT HEREBY RESOLVED, as follows:

1. The EBDA approves the Separation Agreement attached hereto as Exhibit A.
2. The EBDA authorizes the Board Chair to execute the Separation Agreement on behalf of the EBDA and to present the Agreement to the Executive Director.

ADOPTED by the Board of Directors of the Ellensburg Business Development Authority, at an open public meeting thereof this 11th day of September, 2024, of which notice was given in the manner provided by law, the following Directors being present and voting.

**ELLENSBURG BUSINESS DEVELOPMENT
AUTHORITY**

By: Garrett Poshusta
Its: Board Chair

By: Grant Clark
Its: Treasurer

By: Dawn Alford
Its: Vice Chair

By: Jared Vallejo
Its: Board Member

By: John Perrie
Its: Board Member

By: James Jankowski
Its: Board Member

ATTEST:

By: Jennifer Lubanski
Its: Board Secretary

EXHIBIT A

SEPARATION AGREEMENT

THIS AGREEMENT CONTAINS A GENERAL AND SPECIFIC RELEASE OF ALL KNOWN AND UNKNOWN CLAIMS

THIS SEPARATION AGREEMENT (the "Agreement") is made and entered into by and between the **ELLENSBURG BUSINESS DEVELOPMENT AUTHORITY DBA CENTERFUSE** (the Employer"), and **KRISTINE MILLER** ("You").

WHEREAS, the Employer has most recently employed You in the position of Executive Director; and

WHEREAS, You and the Employer will end the employment relationship effective September 30, 2024 (the "Separation Date").

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

1. Definitions.

- 1.1 The terms "You" and "Your," as used herein, means Kristine Miller and any and all heirs, representatives, successors, and assigns.
- 1.2 The term "the Employer," as used herein, means the Ellensburg Business Development Authority DBA Centerfuse.
- 1.3 The term "Released Parties," as used herein, means the Employer, as well as their officials, current and former commissioners, employees, customers, contractors, and agents, as all such Released Parties exist as of the Separation Date.
- 1.4 The term "Effective Date" means the date this Agreement is signed by You.

2. Separation. The Parties confirm that You are separating from employment on the Separation Date.

3. Severance. In full consideration of this Agreement and the releases contained herein, the Employer agrees to the following Severance:

- Pay You five (5) month's salary at Your current salary rate, less applicable taxes and other required payroll withholding amounts, to be paid concurrently with the Employer payroll immediately following the Separation Date.

4. Full Payment. Except for your final paycheck for work performed through the Separation Date, You agree that no further payment of any type or amount or any benefit is due to You by the Employer, its officers, members, affiliates, or agents, arising from Your employment. You also represent and warrant that You know of no facts and have no reason to believe that Your rights under the Fair Labor Standards Act have been violated.

5. **Return of Equipment and Property.** Not later than 5:00 p.m. on the Separation Date, You agree to return all the Employer's property, documents, supplies, and equipment which may be in Your possession; such property shall be in the condition in which it was received, less ordinary wear and tear. Return of such Property is a condition precedent to receiving the Severance. If You have in your possession any computers, digital tablets, or other electronic devices belonging to Employer, it shall be a condition precedent to receiving such Severance that such devices are returned in an unaltered status and that all files and records have been maintained on such devices in the normal course of employment.
6. **General and Specific Release and Waiver.** Except as to a breach of this Agreement, You hereby fully and forever release and discharge the Employer and the Released Parties from any and all claims arising out of Your employment with the Employer or Your separation from employment with the Employer. This Release includes, without limitation, the following specific claims:
- a. Any employment-related claims regarding Your employment with the Employer or Your separation from employment;
 - b. Civil Rights Act of 1964;
 - c. Civil Rights Act of 1991;
 - d. Age Discrimination Employment Act of 1967, as amended, including the Older Workers Benefit Protection Act;
 - e. Americans with Disabilities Act;
 - f. Washington State Law Against Discrimination, Ch. 49.60 RCW;
 - g. Washington State Minimum Wage Act, Ch. 49.46 RCW;
 - h. Ch. 49.12 RCW (Labor Regulations/Industrial Welfare);
 - i. Ch. 49.48 RCW (Labor Regulations/Wages-Payment-Collection);
 - j. Ch. 49.52 RCW (Labor Regulations/Wages-Deductions-Contributions);
 - k. Fair Labor Standards Act;
 - l. Family Medical Leave Act;
 - m. The U.S. or Washington State Constitution;
 - n. Claims for contract benefits or severance benefits (actual or implied);
 - o. Tort claims; or
 - p. Equitable claims.
- 6.1 The foregoing release includes all claims, whether known or unknown, that You may have against the Employer or the Released Parties, including all claims that were or could have been asserted in a lawsuit or in an administrative charge, with the sole exception of industrial insurance claims arising from workplace injuries.
- 6.2 It is the intent of the Parties that the foregoing release be given its broadest possible interpretation and that all ambiguities be resolved in favor of releasing all claims and causes of action, including claims for retaliation.
- 6.3 This release is not intended to prohibit You from filing for unemployment compensation.
7. **Knowledge of Claims.** Except as to any claims listed on **Exhibit A**, attached hereto, You hereby represent and warrant that, to the best of Your knowledge and belief, You have no claims of any kind against the Employer. You also represent and warrant that

You have reported to the Employer all on-the-job injuries sustained by You while You were employed by the Employer.

8. **No Report or Complaint.** You represent and warrant that You have not filed and will not file a complaint, report, claim, or other administrative action or lawsuit with any governmental agency or court against the Employer or the Released Parties. To the extent You have already filed such a complaint, report, or claim, You hereby direct that it be withdrawn or dismissed, and You give Your consent to the Employer to provide a copy of this Agreement to the appropriate agency as evidence thereof. In the event such claim is not dismissed, You hereby direct that no damages or penalties should be awarded.
9. **Drafting.** No presumption or other rules of construction which would interpret the provisions of this Agreement in favor of or against the party preparing the same shall be applicable in connection with the construction or interpretation of any of the provisions of this Agreement.
10. **Unemployment.** The Employer agrees not to contest a claim by You for unemployment benefits. The Employer acknowledges that Your separation from the Employer is a result of the winding up and dissolution of the Employer.
11. **Captions.** The captions of this Agreement are for convenience and reference only and in no way define, limit, or describe the scope or intent of this Agreement.
12. **Severability.** If any provision of this Agreement or the application thereof to any person or circumstance shall be invalid, illegal, or unenforceable, to any extent, the remainder of this Agreement shall not be affected and shall be enforceable to the fullest extent permitted by law.
 - 12.1 If the release of any claim set forth above is invalid, illegal, or unenforceable, the remaining releases of claims shall not be affected and shall be enforceable to the fullest extent permitted by law.
13. **Understanding of Agreement.** Each party acknowledges that such party has read this Agreement and understands its contents, that such party has had the opportunity to have this Agreement reviewed by an attorney of such party's choice, and that such party either has consulted with an attorney or voluntarily has chosen not to consult with an attorney before signing this Agreement.
13. **Applicable Law.** This Agreement shall be deemed to have been made in the State of Washington and shall be governed by the laws of the State of Washington, without regard to the laws pertaining to choice of law. Jurisdiction and venue for this Agreement shall lie exclusively in the Superior Court of Kittitas County, Washington. Each party expressly waives the right to a jury trial.
14. **Waiver.** No waiver of any of the provisions of this Agreement shall be valid unless it is in writing and signed by the party against whom such claim or waiver is sought to be enforced. Nor shall failure to enforce any right hereunder constitute a continuing waiver of the same or a waiver of any other right hereunder.

14.1 No waiver of any of the provisions of this Agreement shall affect rights and claims that may arise after the date on which the waiver is executed.

15. **YOU AFFIRM THAT:**

- A. **YOU HAVE CAREFULLY READ THE FOREGOING AGREEMENT AND RELEASE, KNOW AND UNDERSTAND THE CONTENTS THEREOF;**
- B. **YOU UNDERSTAND YOU ARE RELEASING ALL CLAIMS YOU MAY HAVE ARISING FROM YOUR EMPLOYMENT BY THE EMPLOYER;**
- C. **YOU HAVE BEEN ADVISED TO CONSULT WITH, AND YOU HAVE DISCUSSED THIS AGREEMENT WITH, LEGAL COUNSEL OF YOUR CHOICE OR HAVE VOLUNTARILY CHOSEN NOT TO CONSULT WITH LEGAL COUNSEL; AND**
- D. **YOU ARE SIGNING THIS AGREEMENT AS YOUR FREE AND VOLUNTARY ACT AND DEED.**

16. **Entire Agreement.** This Agreement: (i) represents the entire understanding of the Parties with respect to the subject matter covered; (ii) supersedes all prior and contemporaneous oral understandings or agreements with respect to such subject matter; (iii) may only be amended in writing signed by each party; and (iv) may be executed in two (2) or more counterparts so that each party may retain a fully executed original.

THIS DOCUMENT CONTAINS A RELEASE OF CLAIMS.

IN WITNESS WHEREOF, the Parties have executed and entered into this Agreement on the dates set forth below.

KRISTINE MILLER

**ELLENSBURG BUSINESS DEVELOPMENT
AUTHORITY DBA CENTERFUSE**

By: Garrett Poshusta, Board Chair

Dated: _____

Dated: _____

EXHIBIT A

[CLAIMS]

NONE.



Meeting Date: September 16, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Interlocal Agreement Between the City of Ellensburg, Kittitas County, and Central Washington University for Economic Development Property Exchanges (Public Comment Opportunity)

Submitted by: Heidi Behrends Cerniwey, City Manager

Department: City Manager

Suggested Motion/Action:

Move to authorize the Mayor to sign the Interlocal Agreement between the City of Ellensburg, Kittitas County, and Central Washington University for economic development real property exchanges and authorize the City Manager to take necessary actions to complete property transfers and approve the necessary budget adjustments.

Background/Summary:

Please refer to Item 8.B. on the Agenda for Background/Summary, Previous Council Action, and a full Analysis.

Previous Council Action:

Please refer to Item 8.B. on the Agenda for Background/Summary, Previous Council Action, and a full Analysis.

Analysis:

Please refer to Item 8.B. on the Agenda for Background/Summary, Previous Council Action, and a full Analysis.

Real Property Asset Transfer Agreement

EBDA obtained a loan from the Community Economic Revitalization Board (CERB) in 1999 to allow for the construction of a "business incubator" building which was constructed on property owned by Kittitas County, Parcel No. 955272, and included direct and indirect financial contributions from the City and Kittitas County. The CERB loan was paid off in 2018 and generates lease revenue which has been used for EBDA operations expenditures.

Dissolution of the EBDA and distribution of assets creates an opportunity for a mutually beneficial exchange of properties between Kittitas County, the City of Ellensburg, and Central Washington University that benefits long-term local and regional public interest of all parties. Therefore, the parties have developed an Interlocal Agreement between the City of Ellensburg, Kittitas County, and Central Washington University for economic development real property exchanges which include:

- Kittitas County is committed long-term viability and investment in the Bowers Field Industrial Park properties and desires to increase certainty that building and infrastructure investments in the Industrial Park property will ultimately benefit the County's airport and regional area as an economic generator. As a result, through the dissolution, the City will work with EBDA to transfer the Economic Development Building at Bowers Field Industrial Park, 3110 Airport Road, Ellensburg, to Kittitas County and assign current tenant leases to Kittitas County.
- Central Washington University seeks to expand their Aviation program for workforce training and economic development through investment locally in the Airport Hanger Facility, currently owned by Kittitas County. The County will take steps to surplus and transfer title of the Airport Hanger located on a portion of Lot H-21 of the Bowers Field Airport Binding Site Plan 2nd Amendment to Central Washington University to be used to expand Aviation program offerings and enhance investments.
- A priority of the City of Ellensburg and Kittitas County is affordable housing. The City of Ellensburg is best positioned to partner for residential development of affordable housing on underutilized property within the community to serve the City's long-term housing interests. Therefore, CWU will take the necessary steps to surplus an approximately 6.2-acre parcel of undeveloped real property located at 18th and Helena Street and transfer ownership of the parcel to the City for use as affordable housing or other authorized municipal purposes. The parcel shall be created through any legal means available to CWU.

Financial Impact:

Transfer of the EBDA Economic Development Building at Bowers Field Industrial Park is addressed in the proposed properties identified in the Interlocal Agreement between the City, Kittitas County, Central Washington University for Economic Development Real Property Exchanges which have been negotiated and include consideration of both tangible and intangible factors, including but not limited to, the appraised property values, the economic development potential, and the public benefit of increased housing stock. Therefore, no direct payments will be exchanged under the terms of the Agreement. Costs for each property transfer shall be equally shared by each party to the individual transaction necessary to complete legal transfer of title to the property. This will require minimal adjustments to the 2023/2024 Biennial Budget.

Budget Adjustment: Yes

Attachments:

1. Interlocal - Kittitas Co - City - CWU - Economic Development Property Exchange

**INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF
ELLENSBURG, KITTITAS COUNTY, AND CENTRAL WASHINGTON UNIVERSITY
FOR ECONOMIC DEVELOPMENT REAL PROPERTY EXCHANGES**

This INTERLOCAL AGREEMENT (“Agreement”) is entered into on this _____ day of September, 2024 (“Effective Date”), by and between the City of Ellensburg, a municipal corporation of the State of Washington (hereinafter referred to as “City”), Kittitas County, a municipal corporation of the State of Washington, (hereinafter the “County”), and Central Washington University, a regional, comprehensive public university of the State of Washington (hereinafter referred to as “CWU”), and sometimes referred to collectively herein as “the Parties.”

WHEREAS, the Interlocal Cooperation Act, chapter 39.34 RCW, allows public agencies to make the most efficient use of their powers by enabling them to cooperate with each other on the basis of mutual advantage to provide services and facilities that will best fit the needs of each community; and

WHEREAS, the Kittitas County, the City of Ellensburg, and Central Washington University desire a mutually beneficial collaboration to develop a coordinated exchange of real property assets that benefits long-term local and regional public interest of all parties; and

WHEREAS, the City of Ellensburg established the Ellensburg Business Development Authority, dba as CenterFuse, in 1993 by Ordinance No. 3895, codified in Ellensburg City Code (ECC) Chapter 1.62 –Business Development Authority and subsequent Charter and Bylaws guiding operations of the entity with the purpose of promoting economic development within the City of Ellensburg; and

WHEREAS, after more than 30 years of operation, the CenterFuse Board of Directors has requested to merge with the Kittitas County Chamber of Commerce to provide better coordination and collaboration in regional and countywide economic development services , and the City of Ellensburg therefore will be dissolving the Business Development Authority and guarantee transfer of assets and real property to fulfill the purposes for which the authority was chartered; and

WHEREAS, the City of Ellensburg and Kittitas County enacted an Interlocal Agreement on May 10, 1999, to guarantee a Washington State Community Economic Revitalization Board (“CERB”) Loan for construction of a building located at Bowers Field Industrial Park, 3110 Airport Road, Ellensburg, Washington 98926-9345, for which a 35-year lease agreement was signed with Kittitas County for lease of the land, and subsequent changes to lease terms, now ending in December 31, 2035; and

WHEREAS, a priority of the City of Ellensburg and Kittitas County is affordable housing, underutilized property offers residential development opportunities that serve the community’s long-term interests, and the City of Ellensburg is best positioned to partner for development of affordable housing; and

WHEREAS, Kittitas County is committed to investment in the Bowers Field Industrial Park properties and desires to increase certainty that financial investments in the Industrial Park property will ultimately benefit the County's airport and regional area; and

WHEREAS, Central Washington University seeks to expand their flight program for workforce training and economic development through investment locally in the Airport Hanger; and

WHEREAS, Central Washington University owns undeveloped land which is surplus to their long-term development plans, and desire to use real property resources for their highest and best use; and

WHEREAS, the above-named municipal corporations and State university desire to enter into an Interlocal Agreement to facilitate the future exchange of real properties with relatively comparable values;

NOW THEREFORE, IT IS AGREED AS FOLLOWS:

1. PURPOSE. To provide for the potential future agreement for exchange of real properties between Kittitas County, City of Ellensburg, and Central Washington University for creation of a coordinated economic development strategic plan with implementation actions.

2. RESPONSIBILITIES. The parties agree to the following:

a. City of Ellensburg. The City will take necessary steps to surplus and transfer the City/CenterFuse Economic Development Building at Bowers Field Industrial Park, 3110 Airport Road, Ellensburg, to Kittitas County and assign current tenant leases to Kittitas County.

b. Kittitas County. The County will take necessary steps to surplus and transfer title of the Airport Hanger located on a portion of Lot H-21 of the Bowers Field Airport Binding Site Plan 2nd Amendment to Central Washington University to be used to expand flight school offerings and enhance investments.

c. Central Washington University. CWU will take necessary steps to surplus an approximately 6.2-acre parcel of undeveloped real property located at 18th and Helena Street and transfer ownership of the parcel to the City for use as affordable housing or other authorized municipal purposes. The parcel shall be created through any legal means available to CWU.

3. TERM OF AGREEMENT: The term of this Agreement shall begin from the Effective Date.

4. ADMINISTRATION: No new or separate legal or administrative entity is created to administer the provisions of this Agreement. This Agreement shall be administered jointly by

the City of Ellensburg, Kittitas County Board of County Commissioners, and Central Washington University.

5. NEGOTIATION OF PROPERTY VALUES AND PAYMENTS: The Parties have previously agreed that the value of the properties to be exchanged as set forth in Section 2, above, have been negotiated and include consideration of both tangible and intangible factors, including but not limited to, the appraised property values, the economic development potential, and the public benefit of increased housing stock. Therefore, no direct payments will be exchanged under the terms of this Agreement. Costs for each property transfer shall be equally shared by each party to the individual transaction necessary to complete legal transfer of title to the property.

6. TREATMENT OF ASSETS AND PROPERTY: All real property transactions will be cooperatively transferred pursuant to the general terms of this Agreement and as otherwise required by law.

7. INDEMNIFICATION: Each party agrees to be responsible and assume liability for its own wrongful and/or negligent acts or omissions or those of their officials, officers, agents, or employees to the fullest extent required by law. The parties do not assume responsibility to the any other party for the consequences of any act or omission of any person, firm or corporation not a party to this Agreement, and further agrees to save, indemnify, defend, and hold the other party harmless from any such liability.

8. TERMINATION: This Agreement may only be terminated by mutual written agreement of all parties executed in the same manner as this Agreement. 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.

9. CHANGES, MODIFICATIONS, AMENDMENTS, AND WAIVERS: This Agreement may be changed, modified, amended, or waived only by written agreement executed by the parties hereto. Waiver or breach of any term or condition of this Agreement shall not be considered a waiver of any prior or subsequent breach.

10. SEVERABILITY: In the event any term or condition of this Agreement or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other terms, conditions or applications of this Agreement which can be given effect without the invalid term, condition, or application. To this end, the terms and conditions of this Agreement are declared severable.

11. ENTIRE AGREEMENT: This Agreement contains all the terms and conditions agreed upon by the parties. All items incorporated herein by this reference are attached. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.

12. EXECUTION: Each party to this Agreement may bind itself with all other parties to this Agreement by signing a duplicate original of this Agreement and submitting such signed duplicate original for filing by the Kittitas County Auditor pursuant to Section thirteen (14). It is

understood that such execution shall not require one original Agreement be signed by all parties to this Agreement, but that there will be several duplicate originals signed by each party to this Agreement. The purpose of this provision is to facilitate the signing of the Agreement and to avoid undue delay in the execution of the Agreement. This Agreement, however, shall be executed on behalf of each party by its authorized representative and pursuant to the appropriate motion, resolution or ordinance of each party. Each party to this Agreement shall be bound to it as of the date it is signed by that representative of the party.

13. FILING: Executed copies of this Agreement shall be filed as required by RCW 39.34.040 or listed by subject on the party's website.

DATED this ____ day of September, 2024.

CITY OF ELLENSBURG

By: _____
Rich Elliott, Mayor

Attest: _____
Beth Leader, City Clerk

Approved as to form:

City Attorney

DATED at Ellensburg, Washington, this _____ day of September, 2024.

BOARD OF KITTITAS COUNTY
COMMISSIONERS

BRETT WACHSMITH, Chair

LAURA OSIADACZ, Vice-Chair

CORY WRIGHT, Commissioner

ATTEST:

Julie Kjorsvik, Clerk of the Board

DATED this ____ day of September, 2024.

CENTRAL WASHINGTON UNIVERSITY

By: _____
Jim Wohlpert, President

Attest: _____
XX

Approved as to form:

Attorney



Meeting Date: September 16, 2024

**City of Ellensburg
City Council Agenda Report**

Agenda Subject: Agreement Between City and Kittitas County Chamber of Commerce Relating to Disposition of EBDA Assets, Grants, and Services (Public Comment Opportunity)

Submitted by: Heidi Behrends Cerniwey, City Manager

Department: City Manager

Suggested Motion/Action:

Move to authorize the City Manager to sign the Agreement Between the City Of Ellensburg and Kittitas County Chamber of Commerce for Transfer of Ellensburg Business Development Authority Assets and Services and authorize the City Manager to complete necessary disposition activities.

Background/Summary:

Please refer to Item 8.B. on the Agenda for Background/Summary, Previous Council Action, and a full Analysis.

Previous Council Action:

Please refer to Item 8.B. on the Agenda for Background/Summary, Previous Council Action, and a full Analysis.

Analysis:

Please refer to Item 8.B. on the Agenda for Background/Summary, Previous Council Action, and a full Analysis.

Financial Impact:

There is no financial impact to the City with the Agreement.

Budget Adjustment: No

Attachments:

1. Chamber and City Agreement for EBDA Assets and Services

**AGREEMENT BETWEEN THE CITY OF ELLENSBURG
AND KITTITAS COUNTY CHAMBER OF COMMERCE
FOR TRANSFER OF ELLENSBURG BUSINESS DEVELOPMENT AUTHORITY
ASSETS AND SERVICES**

THIS AGREEMENT is made and entered into this _____ day of September 2024 ("Effective Date"), by and between THE CITY OF ELLENSBURG, a municipal corporation of the State of Washington, (hereinafter called the "CITY"), and Kittitas County Chamber of Commerce, a Washington non-profit organization authorized to do business in the state of Washington (hereinafter called the "CHAMBER"), sometimes individually referred to herein as a "Party" and together may be collectively referred to herein as the "Parties."

WHEREAS, the City of Ellensburg established the Ellensburg Business Development Authority, dba as CenterFuse (hereinafter called the "EBDA"), in 1993 by Ordinance No. 3895, codified in Ellensburg City Code (ECC) Chapter 1.62 –Business Development Authority and subsequent Charter and Bylaws guiding operations of the entity with the purpose of promoting economic development within the City of Ellensburg; and

WHEREAS, after more than 30 years of operation, the CenterFuse Board of Directors has requested to merge services with the Kittitas County Chamber of Commerce to provide better coordination and collaboration in countywide and regional economic development services, and the City of Ellensburg therefore seeks to dissolve the Business Development Authority and finalize transfer of intellectual assets, attractive assets (under \$5,000 value), and minor equipment to fulfill the purposes for which the authority was chartered: economic development activities; and

WHEREAS, Kittitas County Chamber of Commerce is an economic development organization and serves as the designated Associate Development Organization for Kittitas County; and

WHEREAS, the City, the EBDA, and Kittitas County have collectively met and agreed that dissolution of the EBDA is warranted to allow it to adapt its organizational structure to better align with its current strategic goals by being merged with the Kittitas County Chamber of Commerce; and

WHEREAS, the EBDA Board and Kittitas County Chamber of Commerce signed a Memorandum of Understanding (MOU) on June 6, 2024, outlining intent and terms to merge EBDA with the Kittitas County Chamber of Commerce and, "agreed to commit to a collaborative relationship based on mutual respect and shared goals for enhancing economic development in Kittitas County...to leverage their combined resources and networks for maximum impact," and the MOU referenced that disposition of EBDA assets would be determined by the City through subsequent agreements; and

WHEREAS, pursuant to the dissolution process codified in ECC 1.62.240(C), the City seeks to assign relevant economic assets which were created with public funds to continue to be utilized for economic development purposes;

NOW THEREFORE, IT IS AGREED AS FOLLOWS:

Section 1. Scope.

- 1.1 Effective Date.** This Agreement is made by and between the Kittitas County Chamber of Commerce and the City of Ellensburg. The Effective Date of this Agreement shall be September 17, 2024. The EBDA's dissolution will be effective subsequent to the effective date of this Agreement to provide increased timeline to transfer assets efficiently.
- 1.2 Purpose.** The purpose of this Agreement is to provide for the disposition of assets resulting from the dissolution of the EBDA to support ongoing collaborative economic development efforts through transfer of intellectual assets, attractive assets (under \$5,000 value), and minor equipment to fulfill the purposes of economic development activities.
- 1.3 Term.** This Agreement shall commence on the Effective Date of this Agreement and shall continue until terminated as provided herein.
- 1.4 Termination.** This Agreement may be terminated by mutual written consent of both parties.
- 1.5 Amendments.** This Agreement may be amended upon written agreement of the Parties executed in the same manner as provided by law for the execution of this Agreement.

Section 2. Definitions.

- 2.1 Attractive Assets.** Attractive Assets include small tools, office supplies, furniture, and computers, printers, and office equipment. No individual item will exceed \$5,000 in value. Disposition of Attractive Assets are outlined in Exhibit "A" Attractive Assets, attached hereto and incorporated herein.
- 2.2 Intellectual Assets.** Intellectual Assets include CenterFuse branding materials, logo, trademarks, taglines, and marks, marketing collateral, , online marketing and communications such as website, social media accounts, and other branded communications and marketing supplies and materials. Disposition of Intellectual Assets are outlined in Exhibit "B" Intellectual Assets, attached hereto and incorporated herein.
- 2.3 Grants and Reporting.** Any planning projects or events which were funded by grants and are not completed and fulfilled by the effective date of the EBDA dissolution will require formal transfer of responsibility for completion of work and ongoing reporting. In some cases, reporting may be required beyond the term of the grant funding. As EBDA is a quasi-municipal agency, some grant agencies

may not be willing to transfer duties to a non-profit organization and will therefore need to be completed by the City. Disposition of grants and reporting is outlined in Exhibit "C" Grants and Reporting, attached hereto and incorporated herein.

Section 3. Duties of the Parties

3.1 City Duties. The City agrees to the following:

- 3.1.1 Mandated Grant Reporting.** EBDA will contact all current and former granting agencies and provide a list to the Parties of grants, reporting agency contacts, and reporting requirements, include deadlines.
- 3.1.2 Cash Assets.** After all EBDA liabilities are settled, the City will hold all remaining cash assets in a fund to be used for one-time economic development activities such as grant matches or infrastructure investments. The Chamber may request grant funding.
- 3.1.3 Funding.** The City will advocate for continued funding from the Distressed County Sales Tax Funding Economic Development Program administered by the Kittitas County Board of County Commissioners or other allowable sources authorized by law to support ongoing collaborative and aligned efforts to achieve shared goals.
- 3.1.4 Additional Work.** The City may desire Chamber to perform economic development work or services. Such work shall be addressed in a separate written Agreement.

3.2 Chamber Duties. The Chamber of Commerce agrees to the following:

- 3.2.1 Acceptance.** The Chamber will accept and transfer ownership of all former EBDA attractive assets and intellectual assets to be used for economic development purposes. Items will be inventoried prior to transfer and a copy of the documentation will remain with EBDA records.
- 3.2.2 Ownership.** The CHAMBER will be solely responsible for transferring ownership of all intellectual assets covered by this agreement to their proper disposition. The Chamber will be solely responsible for the functionality of digital tools. All references to EBDA and its relationship to the City will be removed in a timely manner.
- 3.2.3 Public Records.** All public records and communications relating to EBDA business will be inventoried and transferred to the City in a timely manner upon the effective date of dissolution of EBDA. Documents relating to grants transferred to Chamber for action and reporting will be copied to the City in accordance with public records laws.
- 3.2.4 Use.** The Chamber agrees that use of EBDA assets under this Agreement shall be in accordance with the standards of the profession and in compliance with applicable federal, state, and local laws.
- 3.2.5 Reporting.** The Chamber will provide copies of reports and any business documentation relating to any EBDA grants, active or completed, and reporting to the City for audit and public record purposes as required by law or authorized agency. The Chamber will provide timely notice to the City Manager or designee of challenges or administrative actions related to

EBDA grants and projects that may impact City liability for EBDA activities.

3.2.6 Funding. The Chamber will petition Kittitas County to transfer remaining 2024 funds to the Chamber which were previously allocated to EBDA. The Chamber may continue to seek funding from the Distressed County Sales Tax Funding Economic Development Program administered by the Kittitas County Board of County Commissioners or other allowable sources authorized by law.

3.2.7 Transfer of Assets. The Chamber shall not transfer or assign any of the intellectual assets covered by this Agreement without the written consent of the CITY.

Section 4. Other Provisions.

4.1 Conflicts of Interest. No officer, employee or agent of the City or Chamber who exercises any functions or responsibilities in connection with planning or carrying out of this Agreement shall have any personal financial interest, direct or indirect, in this Agreement. Chamber and the City will take appropriate steps to assure compliance with this provision as well as RCW Chapter 42.23 (Code of Ethics for Municipal Officers).

4.2. Independent Authority. Nothing in this Agreement is intended, or shall be deemed, to constitute a partnership or joint venture between the Chamber and the City. The Chamber shall act independently under the guidance and direction of its Board of Directors, pursuant to its Bylaws.

4.3. Hold Harmless. The Parties to this Agreement shall defend, indemnify, and save one another harmless from any and all claims arising out of the performance of this Agreement, except to the extent that the harm complained of results from the sole negligence of one of the Parties.

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

4.5. Assignment. Any assignment of this Agreement by CONSULTANT without the prior written consent of CITY shall be void.

4.6. Waiver. A waiver of any breach by either party shall not constitute a waiver of any subsequent breach.

4.7. Third-Party Beneficiaries. There are no third-party beneficiaries to this Agreement.

4.8. Severability. In the event any provisions of this Agreement shall be determined to be unenforceable or otherwise invalid for any reason, such provisions shall be enforced and valid to the extent permitted by law. All provisions of this Agreement are severable, and the unenforceability or invalidity of a single provision herein shall not affect the validity of the remaining provisions.

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

Chamber of Commerce:

By: _____

Printed: _____

Date: _____

City of Ellensburg:

By: _____

Printed: _____

Date: _____

Approved as to form:

City Attorney

Exhibit A - Attractive Assets

EBDA dba CenterFuse Inventory of Attractive Assets

As of July 24, 2024

Note: All items are quantity **one (1)** unless otherwise indicated, count of items is a close rough estimate of quantity (i.e. thank you cards and envelopes) and the listed inventory is to the best of the current knowledge and may include additional small and sundry attractive assets not explicitly mentioned below.

Furniture

- Gray corner desk with three drawers (roughly 5' x 6', 2.5' tall, long end is about 2' deep and shorter end with drawers is about 3' deep)
- Dark grey Hon two drawer filing cabinet, roughly 2.5' tall, 3' wide, 2' deep

Electronics and Accessories

- HP Color LaserJet Pro MFP M477 PCL 6
- LG Gram Notebook PC 17Z90N-R.AAC8U1 (Purchased 12/12/2020)
- 2 chargers for LG Gram
- Logitech wired mouse
- Verbatim USB thumb drive
- Jabra Speaker
- Razer Kiyo Pro USB Camera
- Tripod for Razer Kiyo Pro USB Camera
- Aseus 8 in 1 port for laptop
- Belkin Surge Master power strip
- Assorted electronics cords

Office Supplies

- Swingline Stapler
- Bostich Stapler
- Hole Punch
- Scissors
- Paperclip holder
- Various, assorted pencils and pens (roughly 8-10 count)
- Pack of Expo markers
- Various Sharpie markers (roughly 4-6 count)
- 2 Boxes of assorted labels
- 3 boxes of staples
- 2 Boxes Scotch Magic Tape Refills
- Wire rack file folder holder vertical
- 2 stackable paper trays
- Box of thumbtacks
- Power Duster
- Printer paper

- Assorted file folders
- Assorted Post Its
- 25 count Branded business envelopes
- Blue Rubbermaid tall recycling bin
- 4 empty Banker's Boxes

Marketing Collateral

- CenterFuse floor banner
- Tablecloth, green
- Sandwich board
- Melissa and Doug train set
- Melissa and Doug fishing game
- Grass table runner
- Wildflower seeds for seed bomb activity
- Construction paper for seed bomb activity
- 2 8.5 x 11" plastic sign holders for table
- 2 rack card holders
- 2 business card holders
- Box of business cards
- 25 count branded thank you cards and envelopes
- 25 count branded rack cards
- CenterFuse branded baseball cap
- 2 t-shirts
- Event posters and signs
- Office signage

EBDA dba CenterFuse Office Inventory Photos

Note: Zermatt painting and lamp are personal property of Kristine Miller, current EBDA dba CenterFuse Executive Director.



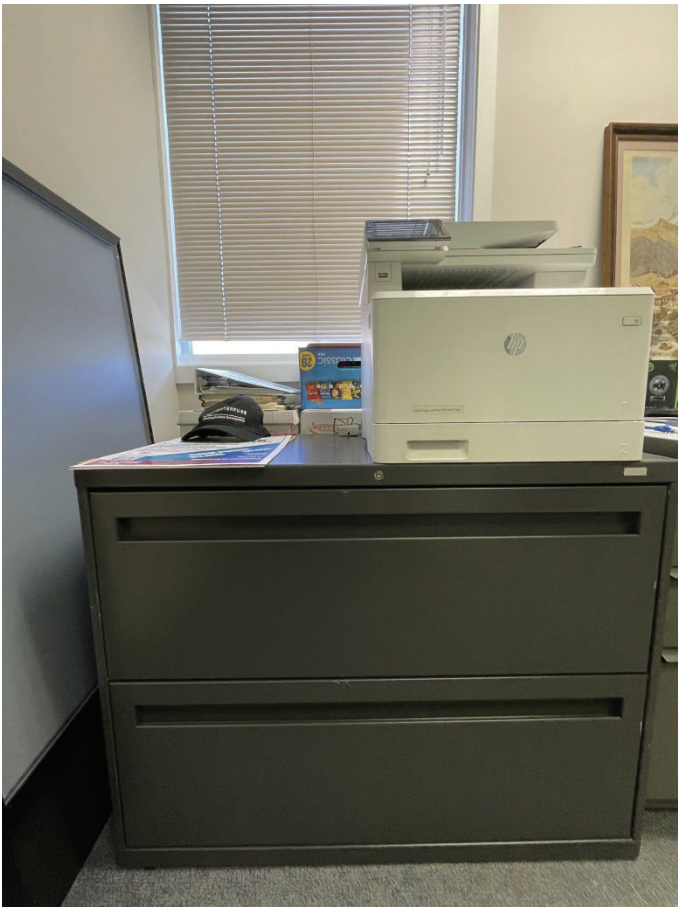


Exhibit B

Intellectual Property

The following have been formally transferred to the Kittitas County Chamber of Commerce for continue advancement of Countywide Economic Development Activities:

Intellectual Property (IP) and Brand Assets

Brand Name: "CenterFuse"

- Registered trade name for the organization's public-facing identity in all economic development activities.

Logo: The official "CenterFuse" logo, including all versions used in marketing, online, and print materials.

Domain Names and Websites:

- **Primary Website:** <https://ellensburgcenterfuse.com>
- **Secondary Website:** <https://startinellensburg.com>
- All content, images, files, databases, and source code associated with these websites.

Social Media Accounts:

- **LinkedIn:** <https://www.linkedin.com/in/ellensburg-centerfuse-91998820b>
- **Facebook:** <https://www.facebook.com/EllensburgCenterFuse>
- **Instagram:** <https://www.instagram.com/ellensburgcenterfuse/>
- All followers, engagement metrics, and associated content for these social media accounts.

Note: As part of the transfer, login credentials for website hosting, domain registration, and social media management (LinkedIn, Facebook, Instagram) will be transferred to the Kittitas County Chamber of Commerce by the end of September 2024, pending final approval of the transfer of intellectual property and brand assets, and in accordance with the overall merger timeline.

Marketing and Promotional Materials:

- All brochures, branded documents, press release templates, digital advertising content, and other promotional assets.

Exhibit C Grants and Reporting

The following is a disposition of grants and reporting from the Ellensburg Business Development Authority (EBDA) with assigned responsibility for seamless transition and advancement of Countywide Economic Development Activities:

1. Projects and Grants (Current and Paused)

Industry Accelerator Program (Cybersecurity)

- **Status:** Paused, as of 9/9/2024
- **Lead:** Washington State Department of Commerce is aware of the EBDA merger and current status.
- Documentation and communications related to the program's planning, execution, and future steps.
- Chamber will assume responsibility.

I-90 Workgroup

- **Status:** Inactive for several months due to the merger.
- Documentation of past meetings, stakeholder engagement, and potential future initiatives.
- Chamber will assume responsibility.

Value-Added Wood Products Project (CERB Feasibility Study)

- **Status:** Active
- Feasibility study funded by CERB, with a presentation scheduled for September 25, 2024.
- All related documentation, reports, and communications.
- City will assume responsibility.

USDA Rural Business Development Grant

- **Status:** Approved, pending transfer.
- Documentation related to the grant application, approval process, and projected project deliverables.
- Chamber will assume responsibility.

2. Grants and Funding Proposals - Completed

- All proprietary grant submissions, including methodologies and completed reports for:

- **CERB (Creative Economy Artist Production & Performance Space Study)**
- **CERB (I-90 West Interchange Private Development Study)**
- **CERB (Value-added Wood Products Expansion Study)**
- **City of Ellensburg (Economic Development Services)**
- **COE (Youth Entrepreneurship)**
- **Kittitas County (Economic Development Activities)**
- **USDA (Non-residential Building/Land Inventory)**
- **USDA (Value Added Wood Products Center)**
- **WA Commerce (Cybersecurity Industry Cluster)**
- **WA Commerce (EV Charging Stations)**
- **WA Commerce (Ramsay Building Remodel)**
- **WA State Microenterprise Association (Microenterprise Support)**
- **Washington State Department of Ecology (Floodplains by Design)**



MANAGER'S REPORT

DATE: September 16, 2024

To: Ellensburg City Council

FROM: Heidi Behrends Cerniwey, City Manager

1. Unity Park Grand Opening Celebration on October 5

See attached flyer.

2. Closed Record Public Hearing on October 7.

Staff would like to advise Council that a closed record public hearing has been set for October 7, 2024, to consider a Type IV Site Specific Rezone application (P24-035) submitted by Matthew Stalder, agent for property owner. The Rezone request is for property identified by Parcel ID #572733, addressed as 2319 N. Airport Rd, Ellensburg. The applicant seeks to have it rezoned from Residential Suburban (R-S) to Residential High (R-H).

3. Gas Purchase.

Staff is notifying Council, as required by Chapter 9.80 of the ECC, of a recent natural gas purchase commitment to Shell Energy North America. The purchase commitment is for 1,000 MMBtus per day starting November 1, 2024, ending March 31, 2025, at \$4.97/MMBtu. Total purchase commitment of 151,000 MMBtus, for a total cost of \$750,470.

4. Waste Management Fall Cleanup Days.

The Waste Management contract with the City of Ellensburg provides for a fall and spring waste disposal coupon program scheduled for October 5th through October 12th. The coupons are valid for each Waste Management customer (one per subscribing household) to self-haul to the County Transfer Station. Customers are required to show proof of residency. Coupons have been mailed out and are also available at City Hall. Waste Management customers within the city limits who are unable to haul garbage to the transfer station because of disability may request curbside collection during Fall Cleanup Days by calling the City of Ellensburg at 509-962-7230.

5. AWC Mayor's Exchange on October 3-4

The Association of WA Cities will be hosting the annual Mayors Exchange in Ellensburg on October 3-4, 2024. They invite mayors from across the state to learn and share insights, experiences, and best practices. City staff and Mayor Elliott will lead a Downtown tour on Thursday, October 3, prior to the opening reception.

6. City Participating in 2024 Kittitas County Hazard Mitigation Plan Update

City staff are working with consultants and representatives from other local jurisdictions and agencies to update the County's Hazard Mitigation Plan with specific section dedicated to Ellensburg. A draft of the plan will be ready in early October and public comment webinars are scheduled for October 9. Details will be forthcoming on how to participate.

7. Urban Flood Workshop on September 26

Are you concerned about flooding in the City of Ellensburg? The City is conducting a study to learn more about flooding and how it impacts the community. The project will assess flooding impacts from creeks, drainages, and other sources, and identify potential solutions. Come to an open house on September 26th at City Hall from 4-6 p.m. At the open house, you'll have the opportunity to talk with City staff about your flooding concerns and questions. See attached flyer.

8. Bite of the Burg and Coffee with Council on September 24

The Kittitas County Chamber of Commerce is putting on the annual Bite of the 'Burg on September 24, 2024, from 2-5 p.m. The annual Bite of the 'Burg is a street festival held the day before Central Washington University classes commence, welcoming new and returning students to Ellensburg. Vendors line the street, offering delicious food, exciting swag and plenty of fun! Check out City of Ellensburg booths, including Coffee with Council, jobs, public safety, and more.

9. Please complete the Homelessness Survey

Your input is needed to help shape Kittitas County's 5-year plan to address homelessness. Your insights are invaluable in guiding our efforts to support those in need and create effective solutions. Please take a few minutes to complete this brief survey. English version available at: [Community Survey on Homelessness: Informing Our 5-Year Plan \(surveymonkey.com\)](https://www.surveymonkey.com/r/P7H5V3B)



Spanish version available at: [Encuesta Comunitaria sobre la Falta de Vivienda: Informando Nuestro Plan de 5 Años. Survey \(surveymonkey.com\)](https://www.surveymonkey.com/r/P7H5V3B)

10. HEAR Grant Offers up to \$30,000 Rebates for Residents and Small Businesses for Energy Efficient Appliance Upgrades

The City is now offering rebates for residents and small businesses to upgrade to energy efficient appliances through the State Home Electrification and Appliance Rebates (HEAR) Program. The City of Ellensburg received \$4,160,788 for the rebate program, through the State Department of Commerce via the State Climate Commitment Act. Low- and moderate-income households and small businesses may be eligible for up to \$30,000 in rebates for appliance and heating upgrades.

Qualification and pre-approval are required. The cost for approved appliances and installation will be reimbursed depending on household and income level. Eligible appliances include: electric heat pump water heaters, electric air-source or ground source heat pumps for space conditioning, commercial or residential induction kitchen equipment, and electric heat pump clothes dryers. Electric service upgrades necessary for the installation of high-efficiency electric equipment such as panel and electric wiring as part of the project is also eligible.

Low-income single- and multifamily households with a household income of 80% or less of Area Median Income (\$79,200 or less) may be eligible for the full cost of approved upgrades. Moderate-income households with income between 80%-150% of Area Median Income (\$79,201-\$149,700), or small businesses with 50 employees or less may be eligible for a 90% rebate of the cost, up to \$30,000. Rebates are available while supplies last. The program ends May 31, 2025.

The Home Electrification and Appliance Rebates Program is supported with funding from Washington's Climate Commitment Act (CCA). 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.

Visit www.ellensburgwa.gov/HEAR to download the application and learn more.



FREE
ADMISSION



UNITY PARK GRAND OPENING CELEBRATION!

Saturday, October 5, 2024

Music starts at 12:30 p.m.

Ceremony at 1 p.m.

Fourth Ave. & Pearl St., Downtown Ellensburg

All are welcome!

Featuring a ribbon cutting, speakers, cultural performances, live music, artists in action, yard games, and fun for the whole family!

Featuring Performances By:

The Sleepers

Little Swans Dancers

Killdeer String Band

Micah J

Mexican Folclorico Dance

Star Anna

Thanks to our Community Partners:



Locate downtown parking:
www.ellensburgwa.gov/parking



ENTRADA
GRATIS



PARQUE DE LA UNIDAD GRAN CELEBRACIÓN DE INAUGURACIÓN!

el sábado, 5 de octubre de
2024

La música comienza a las 12:30 p.m.

Ceremonia a las 1:00 p.m.

Fourth Ave. & Pearl St., Downtown Ellensburg

¡Todos son bienvenidos!

¡Con corte de listón, oradores, presentaciones culturales, música en vivo, artistas en acción, juegos en el jardín y diversión para toda la familia!

Actuaciones de:

The Sleepers

Little Swans Dancers

Killdeer String Band

Micah J

Mexican Folclorico Dance

Star Anna

Gracias a nuestro socios comunitarios:



ELLENSBURG
DOWNTOWN
ASSOCIATION

Localizar estacionamiento en el centro:
www.ellensburgwa.gov/parking

Are you concerned about flooding or stormwater in Ellensburg?



Urban Flooding Open House

Thursday, September 26th | 4-6pm

Ellensburg City Hall
Council Chambers
501 N Anderson Street
Ellensburg, WA 98926

The City of Ellensburg invites you to an Open House where community members can:

- Share their experiences
- Voice concerns about flooding
- Learn about flood risk
- Ask questions about urban flooding

The City of Ellensburg Urban Flood Modeling and Analysis project is funded by a Flood Control Assistance Account Program (FCAAP) grant from the Washington State Department of Ecology.



Unable to attend? Take our survey instead.
<https://www.surveymonkey.com/r/EllensburgFlooding>