

**CITY OF CLE ELUM
REQUEST FOR PROPOSAL FOR PLANNING SERVICES**

I. PURPOSE OF REQUEST.

The City of Cle Elum (“City”) and City Heights Development, LLC (“City Heights”) are parties to the 2011 City Heights Annexation and Development Agreement (“DA”) which authorizes development of up to 962 ERUs of residential housing and related parks, trails, and amenities. After a period of inactivity, the City has recently approved preliminary plat applications for Phase I and Phase II of the development.

The City requests proposals for a professional planner or land use attorney to act as the Project Manager overseeing the processing of land use permits, known as Implementing Approvals, under the DA and related written agreements (“MOUs”) executed by the parties. The City and City Heights remain willing to negotiate whether the Project Manager serves as either a contractor to or employee of the City. Responding proposers are encouraged to state their preference, if selected as the Project Manager. While the City will be the contracting or employing party with the Project Manager, the City and City Heights are working collaboratively to find a Project Manager that is well suited to oversee this development process.

A copy of the DA and related materials can be found at the following address:
<https://cityofcleelum.com/city-services/planning/city-heights/>

II. BACKGROUND.

Under the DA, Implementing Approvals such as preliminary plats are administratively processed and approved. Appendix Q to the DA, as supplemented by the MOUs, describes the administrative process to be used for the review of Implementing Approvals. Below is a description of the process to be used in making a Consistency Determination for Implementing Approvals:

A. Applications for Implementing Approvals not Seeking Minor or Major Modifications

Applications for Implementing Approvals necessary to develop each phase of the approved Master Site Plan shall be processed in accordance with the City Heights Development Agreement Appendix Q in effect on November 11, 2011, and CEMC 17.45.110 subsections D, E and F as in effect on November 11, 2011. Applications for Implementing Approvals shall be processed as set out below.

1. Completeness Review.

To start the Implementing Approval process for any application under Appendix Q, the Project Sponsor shall deliver by email a digital copy of an application for all Implementing Approvals as defined by the DA, and not later than two (2) business days thereafter deliver three (3) hard copies and the payment of the required application fee

to the City. The delivery by email of the digital copy commences the 14-day time period for the City to review the application materials to determine if they are complete (“Completeness Review”). Within 14 days of the delivery of the application, the City shall notify the Project Sponsor by email of its Completeness Review determination.

- a. If deemed complete and ready for processing, the emailed Completeness Review notice to the Project Sponsor shall include the proposed dates for a Review Meeting as set forth in Section A.2.c herein.
- b. If the application is not deemed complete, the emailed notice to the Project Sponsor shall specifically identify the information from the Application Checklist that must be provided. Upon receipt of the information required by the Application Checklist, a new 14-day Completeness Review period shall commence.
- c. If emailed notice of the Completeness Review determination is not provided by the City within 14-days, then the application shall be deemed complete and ready for processing.
- d. In issuing its Completeness Review determination, the City may include preliminary comments or a preliminary request for Additional Information (defined in Section A.2.b below) that the City has already determined it will need to make a Final Determination on an application for Implementing Approval. Such preliminary comments or preliminary requests do not extend or toll any other deadlines in this Memorandum of Understanding (or “MOU” or “this Agreement”).

2. Consistency Review.

The City’s 45-day Review Period established in Step Four of Appendix Q (“Review Period”) commences upon the date the application is deemed complete under Section A.1.a or A.1.c, above. The Review Period is further defined as follows:

- a. In reviewing for consistency and applying the five criteria in Step 4 of Appendix Q, the City shall be guided by the purposes of the DA to efficiently process Implementing Approval applications and to work cooperatively with the Project Sponsor to achieve the mutually agreeable goals as set forth in the DA. To that end, the Parties agree to use good faith efforts to: 1) not increase expenses and complexity of any Implementing Approval application, phase or the Project; and 2) consider suggested alternatives suggested by the Project Sponsor that provide comparable benefit or functional equivalence.
- b. If the City seeks Additional Information, the City will transmit a single request for Additional Information within twenty-one (21) calendar days after the date the application is deemed complete under Section A.1.a or A.1.c, above (“Additional Information Deadline”), which also commences the Project Sponsor Review Period and tolls the City’s Review Period. Additional Information is defined as clarifying questions, comments or information sought by the City in order to address the five

criteria in Step 4 of Section A of Appendix Q, which may include compliance with EIS Mitigating Conditions but may not include items that were already studied or determined in the final EIS, Master Site Plan or DA.

- c. The Parties will conduct a comment review meeting (“Review Meeting”) within ten (10) calendar days following the Additional Information Deadline. The Review Meeting will be scheduled in advance to best ensure availability of all needed personnel and adequate preparation by both Parties for the meeting. To that end, on the date the City provides the Project Sponsor with notice of the Completeness Review determination or upon demand if not received, the City shall propose at least two (2) available dates for the Review Meeting. During the Review Meeting, the Parties shall ensure that knowledgeable personnel are in attendance and prepared to explain the City’s comments and the Project Sponsor’s responses.
- d. Project Sponsor shall prepare a single comprehensive response to all of the City’s comments, which may include any suggested comments to resolve any permissible conditions under the DA sought in the City’s comprehensive comments and submit the response to the City (“Project Sponsor Response Period”). During the Project Sponsor Response Period, the City will exercise its best efforts to respond to Project Sponsor’s inquiries regarding the Additional Information promptly, with the goal being not later than three (3) business days from receipt of the Project Sponsor’s inquiry. During the Project Sponsor Response Period, the Review Period is suspended and all time requirements as set forth in the DA and this MOU are tolled.
- e. Upon receipt of Project Sponsor’s response by email, the City shall have the remainder of the Review Period as such Review Period may have been tolled to confirm that all City comments have been reasonably addressed, and to transmit the Final Decision determination to Project Sponsor (“Final Decision Deadline”).
- f. If the City does not make a request for Additional Information or fails to make a timely request for Additional Information, there shall be no tolling of the Review Period.
- g. The prior EIS process assessed and DA sets out mitigation measures required for the City Heights development. As set out in Section 8.2 of the DA, Implementing Approvals under this MOU shall not impose new Conditions of Approval beyond those in the DA, unless the City sets out findings demonstrating that a) such new Conditions of Approval are required to avoid a serious threat to public health or safety; or b) such new Conditions of Approval are necessary to prevent a violation of applicable state or federal laws or regulations. Further, new Conditions of Approval may not be imposed unless there has been a change in circumstance to the property that did not exist prior to the issuance of the Final EIS. If an issue was studied as part of the EIS process, the mitigation measures identified in the City Heights EIS (or lack thereof) and in the DA control and there shall be no new Conditions of Approval for such issues.

- h. It is the Project Sponsor's responsibility to apply for and obtain any necessary state or federal permits and to not violate state or federal laws or regulations. Unless required by state or federal law, the City shall not initiate involvement with state or federal agencies in the Consistency Review process or impose new Conditions of Approval that seek to supplant the roles of state or federal agencies, but the City may respond to inquiries from such agencies.
- i. The City agrees that requests for Additional Information and Final Decisions will be as concise as reasonably possible under the circumstances, and guided by the terms of the DA, Master Site Plan, Planned Action Ordinance and EIS.
- j. The Master Site Plan roughly delineates the locations of Development Pods. The Parties agree that the Master Site Plan is not a document based on a survey and the Development Pods are not, and have never been, staked. The Parties further agree that determining the precise boundary between Development Pods shown on the Master Site Plan is not possible. Where a complete Development Pod is included in a phase, it may also include additional areas outside of the rough delineation of the Development Pod so long as there is no increase to density, and no change in impacts on critical areas or useable open space.
- k. If the City anticipates its Final Decision will be a denial finding that an application for an Implementing Approval is not within the scope of and materially consistent with the approved Master Site Plan and DA, then the City shall notify the Project Sponsor by email not later than the day prior to the expiration of the Review Period, with an explanation as to the basis for such determination. Within three (3) business days of the receipt of such notice, Project Sponsor is authorized but not obligated to request in writing on one or more occasions that the City withhold or suspend for a defined period of time the issuance of such Final Decision in order to provide the Parties with the opportunity to further meet and discuss the content of the application and further information or documentation that may be requested by the City and provided by the Project Sponsor ("Suspension Request"). The City's reasonable time incurred in response to a Suspension Request by City Heights will be subject to reimbursement as set out in Section E below. If the Project Sponsor does provide a written Suspension Request, then the Review Period is suspended and all time requirements as set forth in the DA and this MOU are tolled until the Parties agree in writing to continue processing the application for an Implementing Approval or the City determines to issue a Final Decision. If the Project Sponsor does not provide a written Suspension Request within three (3) business days of receiving the City's notice, then the Final Decision shall be issued and is appealable as set forth in Appendix Q (Section A, Step Five).
- l. If the City fails to meet either the Additional Information Deadline or the Final Decision Deadline (as either such Deadline may be tolled by receipt of a Suspension Request), Project Sponsor shall immediately and by email advise City that it must satisfy such deadline within two (2) business days. If City thereafter fails to satisfy such deadline, then the City shall be in breach of the DA. Liquidated damages for such a breach are set out in Section I below.

III. SCOPE OF SERVICES

The parties request proposals for a Project Manager to review and process Implementing Approvals in the manner described in Section II in order to promptly and efficiently make Completeness Determinations, Consistency Determinations, and other decisions required in processing applications for Implementing Approvals. The services requested may include the following tasks:

1. Provide leadership and direction to the City's Development Review Team assigned to work on the City Heights project. This includes but is not necessarily limited to:
 - a. City Administrator/Building Official.
 - b. City Consulting Engineer.
 - c. Designated SEPA Official.
 - d. City Public Works Director.
 - e. City Planning Staff and Consultants.
2. Serve as the primary point of contact for the Project Sponsor and its development team.
3. Implement the requirements of the City Heights Development Agreement and related MOUs.
4. Attend meetings with City and City Heights staff in an effort to facilitate the efficient processing of Implementing Approval applications.
5. Draft concise Consistency Determinations and other decisions required under the Development Agreement, including specific citations to the Development Agreement, City Heights FEIS, Cle Elum Municipal Code, or state or Federal law.
6. If a Consistency Determination is appealed, attend and participate in any appeal hearing(s).
7. Participate as needed in mediation and arbitration proceedings that may occur.
8. Initiate code enforcement proceedings as needed to ensure compliance with the Development Agreement, MOUs, or applicable City code.
9. Respond to public inquiries and maintain the Project homepage on the City's website.
10. Provide regular briefings to the Mayor and City Council.

IV. SCHEDULE.

The parties have established the following schedule which may be amended at the parties' discretion:

Issue RFP:	June 16, 2022, or sooner
Deadline for Submittal of Proposals:	July 8, 2022
Interviews:	Week of July 18, 2022, or sooner
Presentation of contract to City Council:	July 25, 2022

V. INSTRUCTIONS TO PROPOSERS.

A. All proposals shall be sent to the following:

City Clerk Kathi Swanson
KSwanson@CleElum.gov
(509) 674-2262

Barbara Rodgers
Barbara@trailsidehomes.com
V.P. Land Development
(425) 923-9610

B. All proposals must be e-mailed and clearly labeled in the subject line. The label shall identify the contents as "RFP for City of Cle Elum and City Heights Planning Services."

C. Proposals should be prepared simply and economically, providing a straightforward, concise description of provider capabilities to satisfy the requirements of the request. Emphasis should be on completeness and clarity of content.

D. Proposals should include the following information:

1. Firm or Person Introduction. Information such as form of organization, length of time in business, office location(s), number of staff, and a general summary of qualifications documenting the strengths of the firm or person, areas of expertise, and licensing.
2. Project Experience. List specific planning and development project management experience that is relevant to the services requested by the parties. If sub-consultants are proposed, include information on joint work and relevant experience of the sub-consultants.
3. Key Staff. Identify who will take the role as Project Manager and key staff. Include resumes for each project member.

4. References. Provide client references for similar projects within the past 5 years, that have working experience with the project team.

5. Budget. Include hourly rates for all staff working on the project.

VI. TERMS AND CONDITIONS.

- A. The City reserves the right to reject any and all proposals, and to waive minor irregularities in any proposal.
- B. The City reserves the right to request clarification of information submitted, and to request additional information from any proposer.
- C. The contract resulting from acceptance of a proposal by the City shall be in a form supplied or approved by the City and shall reflect the specifications in this RFP.