

1 CITY OF CLE ELUM
2 PLANNING COMMISSION MEETING
3 **DRAFT - Meeting Minutes**
4 September 7, 2021 6:00pm Hybrid Meeting
5

6 **1. Call to Order & Roll Call**

7 Chair Berndt called the meeting to order at 6:01pm. Commissioner Graham was absent.
8 Commissioner Torrey motioned and Commissioner Peterson seconded to not excuse
9 Commissioner Graham for the absence.

10 Commission members present: Chair Berndt, Commissioner Torrey,
11 Commissioner Peterson, and Commission Fluegge

12 Commission members absent: Commissioner Graham

13 Staff present: Virgil Amick, Designated City Planner Greg Dohrn, and Planning
14 Consultant Meagan Hayes

15 **2. Set Agenda**

16 A motion was made by Commissioner Torrey and seconded by Commissioner Peterson
17 to accept the agenda as presented; none opposed. The motion carries and the agenda is
18 set.

19 **3. Adoption of Minutes**

20 A motion was made by Commissioner Torrey and seconded by Commissioner Peterson
21 to approve the meeting minutes from July 20, 2021 and August 17, 2021; none opposed.
22 Minutes approved.

23 **4. Citizen Comments on Non-Agenda Items (limited to 5 minutes)**

24 a. Future Land Use Map and Official Zoning Map

25 i. Mark Carol, 195 Columbia Ave.: Received letter from City regarding the
26 proposed zones changes to his property. The proposal states a rezone from
27 residential to commercial. Carol states this property has been in the family for
28 over 25 years and developed with a home and garage. In addition, he owns a
29 vacant and buildable lot and the rezone would disallow him the opportunity to
30 expand or build another residential and/or accessory residential structure.

31 ii. Jeff Stunts: Received letter from the City regarding proposed zone changes to
32 his property, ID number 063034. Stunts stated he purchased the home a
33 couple months ago and was zoned as mixed use. The proposal indicates a
34 rezone to multi-family. Stunts requested explanation on what the rezone
35 meant and stated he wanted to remain aware of the progress surrounding these
36 proposed zone changes.

37 iii. Chris Montgomery: Represented Mike and Marsha Walsh. Montgomery
38 submitted a letter for the record, herein included as Exhibit A. Montgomery
39 presented the letter to the Commission.

40 b. Other public comment related to items not on the agenda

41 i. None presented

42 **5. Staff Report**

43 **6. Unfinished Business**

44 a. Status report on the recommended revisions to CEMC 17.100 Land Use Application
45 Processing Procedures

1 i. Dohrn presented an update on City Council actions, stating that the Mayor and
2 Council had requested additional revisions to Chapter 17.100 CEMC. The
3 changes included: clarifying responsible staff for project types; small editorial
4 changes; proposed hearing procedures; proposed revisions to hearings and
5 procedures regarding short plats; and the creation of an additional type to
6 further clarify certain project types and procedure. Commission Torrey and
7 Commission Fluegge both stated they had no opposition to the proposed
8 changes.

9 1. A motion was made by Commission Fluegge and seconded by
10 Commissioner Peterson to incorporate the discussed revisions as
11 recommended by Council and submit back to Council for final
12 adoption; none opposed. Motion carries.

13 **7. New Business**

14 a. Introduction of proposed amendments to CEMC 15.24 Flood Hazard Prevention

15 i. Dohrn briefly introduced the upcoming revisions to the Flood Hazard
16 Prevention ordinance as required by FEMA. There will be two steps to
17 completing this project:

18 1. Step one will include an interim zoning control ordinance adopted by
19 the City Council to ensure ongoing compliance with FEMA and the
20 Washington State Department of Ecology. The policies adopted in this
21 step will include only the mandatory elements to the flood hazard
22 prevention ordinance.

23 2. Step two is proposed to be a complete review of the interim ordinance
24 adopted by Council, as well as consideration and review of the
25 optional language additions as posed by the Washington State
26 Department of Ecology. Once this step is completed the Commission
27 will hold a duly advertise public hearing and send recommendation
28 back to the City Council.

29 ii. Dohrn explained that staff intends, during this process, to bring consistency
30 and clarity to the Cle Elum Municipal Code and ensure all flood damage
31 prevention regulations are compiled within one title post-completion of this
32 project.

33 iii. Commission members requested the updated flood map be incorporated
34 within the minutes. The updated flood map is herein incorporated as exhibit B.

35 **8. Next Meeting Agenda Development**

36 a. The next meeting will primarily focus on the public hearing related to the proposed
37 Future Land Use Maps and Official Zoning Map. Staff predicts it is unlikely there
38 will be enough time to include other agenda items.

39 b. Commission members and staff continued to clarify the process, including general
40 timeline, hearing process and agenda, in addition to other procedural clarifications.

41 **9. Commissioner Comments and Discussion**

42 a. Commission Torrey added no additional comments for the agenda but thanked staff
43 for the hard work and revisions to the documents. Commission Torrey recommended
44 a sign-in sheet be included for future public meetings to incorporate into the record.

45 b. Commission Fluegge offered appreciation to the public for submitting comments and
46 to staff for efforts regarding these projects.

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10. Adjournment

Commissioner Berndt called for a motion to adjourn. A motion was made by Torrey and seconded by Peterson to adjourn the regular meeting of the Cle Elum Planning Commission at 7:22 pm; none opposed. Meeting adjourned.

Next meeting of the Cle Elum Planning Commission is scheduled for September 21, 2021 at 6:00 pm.

DRAFT

MONTGOMERY LAW FIRM
A Multi-Service Law Firm



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November 5, 2019

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Emailed to: lucy@cityofcleelum.com

Lucy Temple, City Planner
City of Cle Elum
119 West First Street
Cle Elum, Washington 98922

Re: Comments on Proposed Rezone of Parcel No. 401534

Dear Ms. Temple:

I represent Mike and Marcia Walch, owners of Parcel Nos. 401534 and 957002. They have asked me to comment on the Proposed Rezone of their property from Industrial to Planned Mixed Use.

The Walch property is uniquely situated within the City of Cle Elum and is currently landlocked. No City Street or private easement provides access to the Walch property which lies South of the BNSF Mainline Tracks that go through the middle of town and North of Interstate 90. No access is afforded from the Oakes Avenue Exit from Westbound Interstate 90. The only access is from the East across the BNSF elevated unmarked crossing at the Southern terminus of Owens Road. See Letter Dated March 20, 2015 from Blake Jung, Associate Manager – Permits for BNSF denying a permit request by the Walches for a Crossing Permit at Mile Post 23.8, Line Segment 0049. This is the current crossing at the South End of Owens Road North of the BNSF Mainline Tracks. No one, not even the City of Cle Elum, has a crossing permit from BNSF to use this BNSF elevated crossing at the South End of Owens Road North of the BNSF Mainline Tracks to access its sewer lagoons or the other private properties in the area.

The only way to provide safe public access to the Walch property for vehicles and pedestrians would be for the City of Cle Elum to partner with BNSF to remove the unpermitted elevated crossing at the South End of Owens Road and to install a new lighted and gated crossing over the BNSF Mainline Tracks at Yakima Avenue. This would also necessitate the purchase surplus property from BNSF on the South side of its Mainline Track right-of-way for a City Street to the City of Cle Elum Sewer Lagoons. This would provide access to Northeast Corner of the Walch property and for all the remaining properties to the East, ending at the City of Cle Elum Sewer Lagoons.

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The Southeast Corner of the Walch property (Parcel No. 957002) is located in Kittitas County, but within your Urban Growth Area. For this reason the property has two (2) different Tax Parcel Numbers, but it is one contiguous parcel. The proposed Rezone would create a zoning conflict on a single parcel owned by the Walches.

Section 17.36.010 of the Cle Elum Municipal Code defines the purpose and intent of the **Industrial District** as: **"This district is intended to accommodate a broad range of industrial activities and to protect such uses and districts from encroachment by conflicting land uses."** The irony of the proposed Rezone is that the primarily residential property to the East of the Walch property will remain in the Industrial Zone and the property to the West of the Walch property will remain in General Commercial Zone, leaving the Walch property isolated and sandwiched in between the two (2) conflicting Zones, Interstate 90 to the South and the BNSF Mainline Tracks to the North with no legal access. The Kittitas County portion of the Walch property is Zoned Urban Lands which permits light industrial activities compatible with the Cle Elum Industrial Zone.

Section 17.45.010 of the Cle Elum Municipal Code defines the purposes and objectives of the **PMU Planned Mixed Use District**. Subsection A states: **"The PMU district is established to apply to larger parcels of land with significant development potential and to achieve the following purposes:"** Six (6) enumerated purposes follow. I submit to you that none of the six (6) enumerated purposes would be fulfilled by the Proposed Rezone of the Walch property.

Section 17.45.010:

A.1. There is no possible way that the isolated and landlocked Walch property all by itself could ever create a complete and interdependent Cle Elum community.

A.2. Any mixed use development of the Walch property could not possibly encourage pedestrian rather than automotive access to employment opportunities and goods and services. Any such pedestrian travel would be across Interstate 90 which is not only illegal but also impossible. Access across the BNSF Mainline Tracks would be an illegal trespass and extremely dangerous, as there are no public crossings or permitted crossings East of Oaks Avenue and no access, public or private, from the Walch property to Oaks Avenue to the West or Owens Road to the East which terminates at the North right-of-way of the BNSF Mainline Tracks.

A.3. Freeway and BNSF Mainline Track frontage in no way encourages the traditional rural, small town and mountain character of the Cle Elum area.

A.4. The Proposed Rezone of the Walch property would create incompatible land uses by isolating and sandwiching the Walch property in between Interstate 90 to the South, a General Commercial Zone to the East, the BNSF Mainline Tracks to the North and an Industrial Zone to the East.

A.5. Circulation, solid waste disposal, sewer and stormwater systems are not available to the Walch property through any existing City of Cle Elum right-of-ways.

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A.6. The more intense cluster development contemplated by the Planned Mixed Use District would only serve to threaten the water quality of the Yakima River by increased runoff. Additional runoff due to the more intensive cluster development contemplated by the Planned Mixed Use District would increase, not decrease flooding problems.

Section 17.45.010 B contemplates that each proposal for development will advance the achievement of the foregoing purposes of the PMU district as well as the nine (9) enumerated objectives below.

B.1. No open space would be available for enjoyment by the general public due to lack of legal access.

B.2. It would not be pedestrian orientated due to lack of legal access and barriers created by Interstate 90 and the BNSF Mainline Tracks.

B.3. It would not provide access to employment opportunities as it is landlocked with no access to Oaks Avenue, Owens Road or across Interstate 90 or the BNSF Mainline Tracks.

B.4. It would not minimize the necessity for the use of automobiles on a daily basis due to lack of reasonable safe pedestrian access.

B.5. Architectural design and a harmonious use of building materials could be complied with.

B.6. It would not create a variety of street sizes for the convenience of pedestrians due to lack of connectivity to central Cle Elum via Oaks Avenue, Owens Road, Yakima Avenue, Interstate 90, or the BNSF Mainline Tracks.

B.7. As an isolated landlocked parcel the Walch property would not be compatible for the neighborhood and community of adjacent General Commercial and Industrial Zoned properties to the West and East, Interstate 90 to the South and the BNSF Mainline Tracks to the North.

B.8. The landlocked and isolated Walch property would not be compatible for a cluster development, as it has no access to Oaks Avenue to the West, Owens Road or Yakima Avenue to the East or across Interstate 90 or the BNSF Mainline Tracks.

B.9. The landlocked and isolated Walch property would do nothing to maintain the Old Town as the principal retail center for the City of Cle Elum as it is isolated from downtown by the BNSF Mainline Tracks and lacks access to Oaks Avenue, Yakima Avenue or Owens Road.

Copies of the landlocked and isolated Walch Property sandwiched in between Interstate 90 to the South, the BNSF Mainline Tracks to the North, General Commercial property to the West and more Industrial property to the East are transmitted herewith for your visual aid.

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It is respectfully requested that the Walch landlocked and isolated property remain in the Industrial Zone and be removed from the Proposed Rezone to Planned Mixed Use.

Should you have any further questions, please do not hesitate to contact me at your earliest convenience.

Very truly yours,

MONTGOMERY LAW FIRM



By: Chris A. Montgomery

CAM/cm/#2266.19
with transmittals
cc: Mike and Marcia Walch



Jones Lang LaSalle Brokerage, Inc.
4300 Amon Carter Blvd., Suite 100
Fort Worth, Texas 76155
tel +1 817-230-2600, fax +1 817 306-8265

Sent Via Email

March 20th, 2015

Tracking #14-51354

Mike Walch & Marcia Walch
Attn: Mike Walch & Marcia Walch
16131 South East Green Valley
Auburn, Washington 98092

Dear Mike & Marcia Walch:

Our office started processing your application on October 23rd, 2014 requesting approval to be permitted for an existing at-grade private crossing near Cle Elum, Kittitas County, in the State of WA, at Mile Post 23.8, Line Segment 0049.

BNSF Railway Company must deny your request for the following reason:

- 1) The location has an extended right-of-way on the south side consisting of 150 feet, from center line of track and BNSF Railway Company cannot grant a permit at this current time. The extended right-of-way is not a public crossing and currently needs extensive rehab to the approaches and crossing. At BNSF, safety is our highest priority and this has been calculated within the review of the application. Furthermore, the extended right-of-way on the Southside would call for an easement and BNSF Railway Company cannot move forward with granting at this current time.

Please do not hesitate to contact me at (817) 230-2651 you have any questions

Sincerely,

Blake Jung

Blake Jung
Associate Manager – Permits

cc: BNSF Field Safety



FEMA Flood Insurance Rate Map Effective September 24, 2021



**CITY OF CLE ELUM
WASHINGTON**
August 24, 2021



0 0.25 0.5 Miles

Disclaimer The information on this map is intended for general reference use only. The City of Cle Elum, and those operating on their behalf, cannot guarantee the accuracy or usefulness of the information shown. The user of this map assumes all responsibility for inappropriate use of the information provided herein.

LEGEND

Preliminary Flood Hazard Area

Preliminary Flood Hazard Area (2019.10.25)

- Zone A
- Zone AE
- Zone AE (Floodway)
- Zone AO
- Zone X (Shaded)
- Preliminary 1% Annual Chance Water Surface Elevation (2019.10.25)
- City Limits
- Cle Elum Urban Growth Area (UGA) Boundary

Source: ESRI, Kittitas County GIS

