### PLANNING COMMISSION

MAYOR JAY MCGOWAN

CITY ADMINISTRATOR ROBERT OMANS

CITY PLANNER GREGG DOHRN MEAGAN HAYES

CITY CLERK
KATHI SWANSON

Agenda October 5, 2021 6:00 p.m.



119 W FIRST STREET CLE ELUM, WA 98922 PLANNING COMMISSION GARY BERNDT VAN PETERSON MATT FLUEGGE BOBBY GRAHAM ELIZABETH TORREY

CITIZEN ALTERNATE VACANT

Planning Commission meetings are currently conducted as hybrid meetings. You may attend at City Hall or virtually. To attend via Zoom, see the second page of this agenda.

- 1. Call to Order & Roll Call
- 2. Set Agenda
- 3. Adoption of Minutes
  - a. September 7, 2021
- 4. Staff Report
  - a. Dohrn Department report
- 5. Citizen Comments on Non-Agenda Items (limited to 5 minutes)
- 6. Public Appearances
- 7. Business Requiring Open Hearings
- 8. <u>Unfinished Business</u>
  - a. Future Land Use Map and Official Zoning Map Amendments
- 9. New Business
- 10. Next Meeting Agenda Development
- 11. Report of Committees
- 12. Commissioner Comments and Discussion
- 13. Adjournment

Next Regular Commission Meeting: Tuesday, October 19, 2021 at 6:00 pm

## City of Cle Elum is inviting you to a scheduled Zoom meeting.

Topic: Regular Meeting of the Cle Elum Planning Commission Time: Oct 5, 2021 06:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

https://us06web.zoom.us/j/89669907220?pwd=cVRhTERrN0pUekpoK09MdG9ObmJjQT09

Meeting ID: 896 6990 7220

**Passcode: 112896**One tap mobile
+12532158782,,89669907220#,,,\*112896# US (Tacoma)

Dial by your location +1 253 215 8782 US (Tacoma)

Find your local number: https://us06web.zoom.us/u/kiUmGc8N5

1		CITY OF CLE ELUM
2		PLANNING COMMISSION MEETING
3		<b>DRAFT - Meeting Minutes</b>
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		Aa 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. <u>Jeff Stunts:</u> 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. <u>Chris Montgomery:</u> 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	<b>6.</b>	Unfinished Business
-5 44	•	a. Status report on the recommended revisions to CEMC 17.100 Land Use Application
45		Processing Procedures

1 2		<ol> <li>Dohrn presented an update on City Council actions, stating that the Mayor and Council had requested additional revisions to Chapter 17.100 CEMC. The</li> </ol>
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
_		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	0.	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
41 42	٦,	a. Commission Torrey added no additional comments for the agenda but thanked staff
42 43		for the hard work and revisions to the documents. Commission Torrey recommended
45 44		a sign-in sheet be included for future public meetings to incorporate into the record.
44 45		b. Commission Fluegge offered appreciation to the public for submitting comments and
45 46		to staff for efforts regarding these projects.
40		to start for efforts regarding these projects.

1		
2	10.	<b>Adjournmen</b>
3		Commissione
1		seconded by

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.

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



CHRIS A. MONTGOMERY\*

MONTGOMERY LAW FIRM A Multi-Service Law Firm

> 287 EAST ASTOR AVENUE P.O. BOX 269 COLVILLE, WA 99114-0269

PARALEGAL: JEANNE L. NIXON

LEGAL ASSISTANTS: JEANETTE M. SMITH KATY M. HARCOURT

ATTORNEY AT LAW

\*Admitted in Washington & Idaho

TEL (509)684-2519 FAX (509)684-2188 Email: <u>mlf@cmlf.org</u>

November 5, 2019

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.

Lucy Temple, City Planner City of Cle Elum November 5, 2019 Page - 2

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.

Lucy Temple, City Planner City of Cle Elum November 5, 2019 Page - 3

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.

Lucy Temple, City Planner City of Cle Elum November 5, 2019 Page - 4

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 & Marcla Walch:

Our office started processing your application on October 23<sup>rd</sup>, 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.

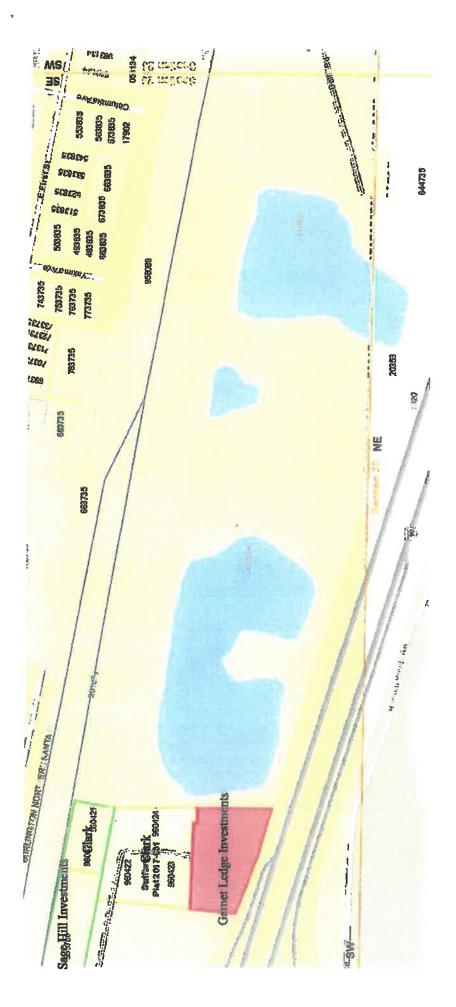
Please do not hesitate to contact me at (817) 230-2651 you have any questions

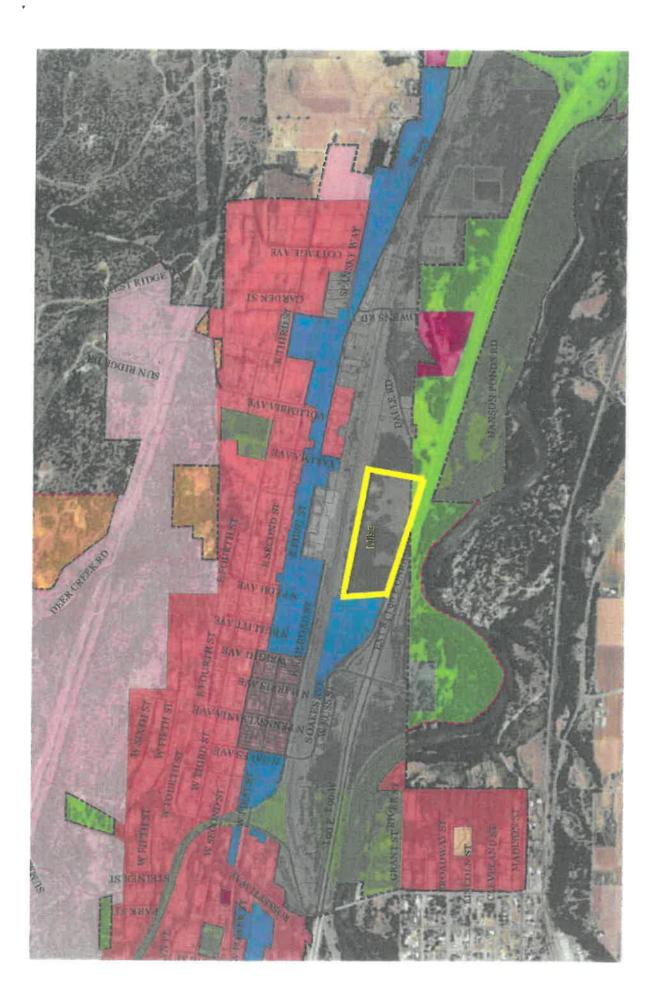
Sincerely,

Blake Jung

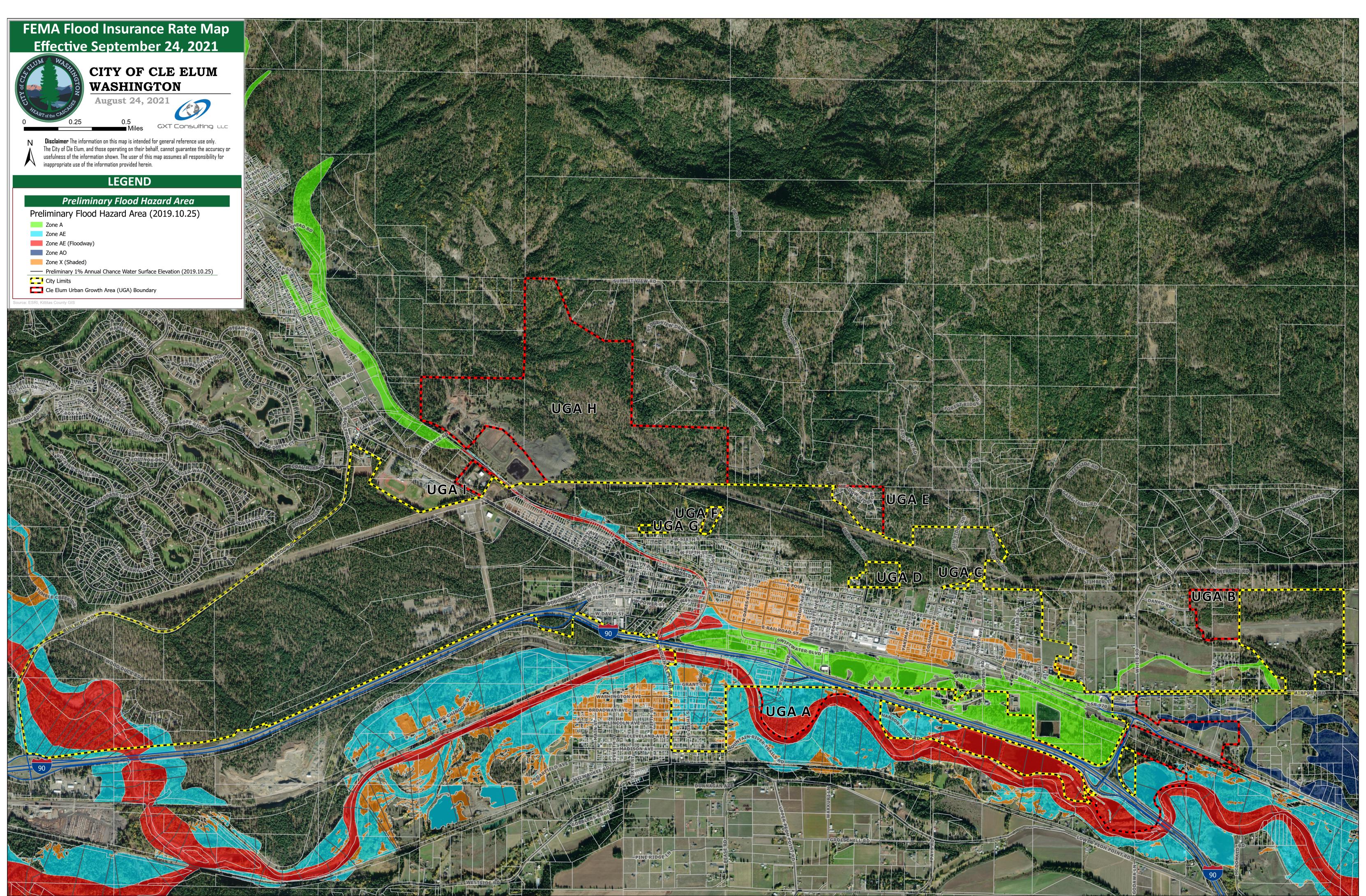
Blake Jung Associate Manager – Permits

BNSF Fleid Safety









# G. R. Dohrn and Associates

## Memorandum

Date: September 28, 2021

To: Cle Elum Planning Commission

From: Gregg Dohrn

**Subject:** Future Land Use/Official Zoning Map Revisions

At your October 5<sup>th</sup> meeting we will start to review the public comments on the proposed revisions to the Future Land Use and Official Zoning Maps. To facilitate this discussion, we have prepared the attached spreadsheet that identifies the issues raised, highlights policy questions for further discussion, and Staff recommendations for your consideration. the comments with a particular emphasis on those expressing opposition to proposed revisions.

In addition, we have prepared an alternative Official Zoning Map that we have prepared that illustrates the effect of our recommendations. In addition, we'll use this map to further our previous discussions regarding the existing multi-family developments in the Downtown Commercial Zone.

We look forward to seeing you next week.

Name	Parcel Number	Site Address	Land	Future Lan Current	d Use Proposed	Current	Zoning Proposed	Comments	Staff Recommendation	Commission Recommendation
1 A Kittitas Co. Public B Works		NW corner of E Third and Short Avenue		Industrial Industrial	Public Use Public Use	Industrial Industrial	Public Use Public Use	Supportive of revisions.	No action required.	
2 A Mike Walch B C	401534 957002 20353	Vicinity of Owens RD south of the BNSF tracks.	91	Planned Mixed Use Planned Mixed Use Planned Mixed Use	Industrial Industrial Industrial	Industrial N/A N/A	Industrial N/A N/A	The proposed revisions are acceptable. May be interested in sellingproperty to the City for public use. Will also support efforts to improve access.	Industrial Industrial Industrial	
3 A Hope Source B C	123034 113034 283034	Vicinity of E Fourth and Floral/Short.		Residential	Residential	Residential	Single Family Residential	Requesting Multi-Family Residential	Multi-Family Residential	
4 Jim/Patti Eidemiller	23435	109 W 3rd ST		Residential	Residential	Residential	Multi-Family Residential	Retain SFR zoning on 3rd Street corridor.	Retain SFR except where existing use is MFR or property owner has requested. All others can request a rezone to MFR in the future.	
5 Mickey Rosatto	383735	617 E 2nd ST		Residential	Residential	Residential	Multi-Family Residential	Retain SFR zoning.	Same as above.	
6 Jeff Stunts	63034	E Third ST	91	Planned Mixed Use	Residential	Planned Mixed Use	Multi-Family Residential	???	Same as above.	
7 Stan Slater	863835	205 S Pennsylvania		Planned Mixed Use	Commercial	Industrial	General Commercial	Requests that Industrial Zoning be retained.	General Commercial.	
8 Mark Carroll	17902	105 Columbia AV	91	Residential	Commercial	Residential	General Commercial	??	General Commercial.	
9 Vanessa Boys Smith	014135	508 W 1st ST	11	Commercial	Residential	Entryway Commercial	Single Family Residential	Retain Commercial.	Has access from 1st, but neighboring properties all residential. Corrects spot zone.	
10 Brett Allen	874135	416 W First ST	11	Commercial	Residential	General Commercial	Single Family Residential	Requests that commercial zoning be retained.	Access will be difficult if not impossible. Same as 14 F.	
11 Katie/Jacob Odiaga Zehm Dalle	11462 13134 644735	480 Dalle RD 500 Dalle RD	91	Planned Mixed Use Planned Mixed Use Planned Mixed Use	Industrial Industrial Industrial	Industrial Industrial N/A	Industrial Industrial N/A	No intention of Industrial Development.	Industrial Industrial Industrial	
12 A Pat Daneen B C Surinderjeet Singh D E F G	113935	In the vicinity of W First Street and N Billings Avenue.	16	Commercial Commercial Commercial Commercial Commercial Commercial Commercial	Commercial Commercial Commercial Commercial Commercial Commercial	General Commercial	Downtown Commercial		Discuss western boundary of the downtown. Review and update the Table of Permitted Uses (TOPU).	
13 A Brad Page B C D E	513335 653835 663835 823635	820 E 1st ST 215 E Railroad ST E Railroad ST E Railroad ST 212 Peogh AV 420 W 1st ST	64 91 91 64	Residential Commercial Planned Mixed Use Planned Mixed Use Commercial Commercial	Commercial Commercial Commercial Commercial Residential	General Commercial Old Town Commercial Industrial Industrial General Commercial General Commercial	General Commercial Downtown Commercial General Commercial General Commercial Downtown Commercial Single Family Residential		FLUM: Commercial Downtown Commercial General Commercial General Commercial Downtown Commercial Single Family Residential	

