

1 CITY OF CLE ELUM  
2 PLANNING COMMISSION MEETING  
3 **DRAFT - Meeting Minutes**  
4 March 1, 2022 6:0pm Zoom Meeting  
5

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

7 Chair Berndt called the meeting to order at 6:01pm.

8 Commission members present: Chair Berndt, Commissioner Torrey,  
9 Commissioner Kurtz, and Commission Fluegge

10 Commission members absent: None

11 Staff present: Meagan Hayes and Gregg Dohrn

12 **2. Set Agenda**

13 A motion was made by Commissioner Torrey and seconded by Commissioner Kurtz to  
14 accept the agenda as presented; none opposed. Motion carries and the meeting agenda is  
15 set.

16 **3. Adoption of Minutes**

17 A motion was made by commission Kurtz and seconded by Commissioner Torrey to  
18 approve the February 1, 2022, and February 15, 2022 meeting minutes as presented; none  
19 opposed. Minutes approved.

20 **4. Staff Report**

21 a. Mr. Gregg Dohrn, Designated City Planner

22 i. Mr. Dohrn provided an update to the upcoming Comprehensive Plan and  
23 Development Regulation docketing process, noting that the opportunity to  
24 submit will officially open on March 3, 2022. Mr. Dohrn informed the  
25 commission that there are at least three predicted docket requests to be  
26 submitted, but a final docket list will not be available until the submittal  
27 period ends. It is anticipated that the commission will be presented with all  
28 received dockets at the first meeting in April.

29 ii. Mr. Dohrn informed the commission that a Notice of Decision was issued for  
30 the City Heights development project. The Notice of Decision was for the  
31 “Approval for City Heights Phase 1 Clearing, Grading, and Infrastructure  
32 Plans and Issuance of Updated Clearing, Excavation, and Land Filling  
33 Permit”.

34 **5. Unfinished Business**

35 a. Draft Critical Areas Ordinance Review and Discussion

36 i. Mr. Dohrn presented the updated draft to the Critical Areas Ordinance,  
37 specifically identifying changes made in following the direction received from  
38 the Planning Commission at the previous meeting.

39 o Commissioner Torrey offered support of the proposal to leave the  
40 Flood Hazard Prevention Regulations and the Frequently Flooded  
41 Areas regulation as separate chapters, recognizing that while they do  
42 regulate the same lands, generally, they would be inappropriate to  
43 combine. Commissioner Torrey also offered support of the Critical  
44 Areas Checklist added within the draft and requested that a draft  
45 checklist be available to review at the next meeting.

- Commissioner Berndt presented numerous questions or clarifications in review of the draft.
  - a. Financial guarantees: Commissioner Berndt offered concern that 125% of the total value may not be enough. Staff will offer language alternatives to the next draft for consideration.
  - b. Mitigation banking: Commissioner Berndt requested information regarding the applicability of this proposed section. Commissioner Torrey responded, stating that while there are no active mitigation banks, the standard should be included. Additionally, it was noted that the language offers mitigation as an “optional” provision, and that applicants have to prove effectiveness of their proposals.
  - c. The definition of development wetlands were requested to be reviewed. Staff will confirm accuracy.
  - d. Onsite sewage systems and wells: Commissioner Berndt requested clarification on the proposed language. Staff responded that this language is not applicable to the City based on existing standards, but is an oversight that should have been removed from the County’s CAO. Staff will update.
- Commissioner Torrey offered additional insight regarding Best Available Science as it relates to Riparian Management Zone buffers. Current BAS does not segregate by stream type and manage differently based on that typing; rather, all streams are buffered by the “site potential tree height”. If the City proceeds pursuing buffering options that are not BAS, then the City will need to document rationale and justification for doing so.

6. **Next Meeting Agenda Development**

- a. The next agenda will include:
  - i. Critical Areas Ordinance
    - Will incorporate revisions/discussions from meeting as well as updating buffer information
  - ii. Critical Areas Checklist
  - iii. Staff report running items:
    - Update to City Planner position
    - Update to vacant Planning Commission positions

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

Larry Stauffer, 2661 Lower Peoh Pt. Rd., Cle Elum, WA

Mr. Larry Stauffer provided the following comments related to the text amendment he submitted in December. Mr. Stauffer reminded the Commission that he submitted a code amendment proposal in mid-December to prohibit the development of mobile home parks within the City of Cle Elum. Since the last meeting, where he received direction from staff that the proposal would need to be considered during the annual amendment cycle, he again spoke with his attorney regarding the matter. Both Mr. Stauffer and his attorney agree that the text amendment should not be required to go through the docketing process, as there are no proposed amendments to the Comprehensive Plan. Mr. Stauffer

1 also noted that he received a letter from the Mayor which directed him to contact the City  
2 Attorney with further questions. Overall, the City Attorney informed Mr. Stauffer that the  
3 decision to proceed in this route was in following direction from the Mayor. Mr. Stauffer  
4 read from a letter from his attorney which he provided to the City on February 25, 2022,  
5 which is attached hereto and incorporated by reference. Mr. Stauffer shared with the  
6 Commission that he continues to feel that his request is being kicked down the road and  
7 shared his concerns that the text amendment is time sensitive and should be reviewed and  
8 considered in a timely manner. Mr. Stauffer also informed the Commission that there was  
9 a typo on the City Website that said the City was *not* accepting applications – staff  
10 addressed immediately.

11 L. Sullivan, opted to not provide address or clarify first name

12 Mr. Sullivan offered support to Mr. Larry Stauffer’s comments.

13 Jade Koskela, 22 Eagle Crest Court, Cle Elum

14 Mr. Koskela offered support to Mr. Larry Stauffer’s comments.

15 *All digital messaging from the Zoom meeting is herein attached and incorporated into the*  
16 *record by reference.*

17 **8. Reports of Committees**

- 18 a. Commissioner Torrey clarified what committees there were to discuss.  
19 Commission Berndt stated he was working on the Fire Wise Committee.  
20 Commissioner Fluegge offered additional insight to standing committees.

21 **9. Commissioner Comments and Discussion**

- 22 a. Commissioner Kurtz requested clarification on any changes to upcoming meeting  
23 type based on the upcoming changes to gatherings. Commissioner Berndt was  
24 unaware at the time of any upcoming changes. Staff will ensure that the  
25 Commission is notified should any changes to meeting venue be enabled as  
26 directed by the Mayor.  
27 b. Commissioner Torrey requested an update to the City Planner position. Staff  
28 informed the Commission that no applications have been received as of yet.  
29 Commissioner Torrey requested that this item be a standing item in the Staff  
30 Report as the position remains open. Commission members recommended that a  
31 wider recruitment breadth be explored and recommended the job posting be  
32 posted on organizational websites. Mr. Dohrn informed the Commission that staff  
33 has recommended to the City Administrator to post the job announcement on  
34 planning association pages to expand the search.  
35 c. Commissioner Fluegge requested an update on the vacant Planning Commission  
36 positions. Commissioner Berndt will follow up with the Mayor and provide an  
37 update at the next regular meeting.  
38 d. Commissioner Fluegge reminded the Commission that he will not be at the March  
39 15, 2022 meeting; Commissioner Berndt stated that the absence would be  
40 excused.

41 **10. Adjournment**

42 Chair Berndt called for a motion to adjourn. A motion was made by Kurtz and seconded  
43 by Fluegge to adjourn the regular meeting of the Cle Elum Planning Commission at 7:07  
44 pm; none opposed. Meeting adjourned.

**From:** [Larry Stauffer](#)  
**To:** [Gregg Dohrn](#); [Gary Berndt](#); [Meagan Hayes](#)  
**Subject:** Carmody Letter-2  
**Date:** Friday, February 25, 2022 9:37:08 AM  
**Attachments:** [MX-6070N\\_20220225\\_111103.pdf](#)

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Gary/Gregg/Megan

Attached is a letter from James Carmody. I ask that this letter and my previous correspondence be incorporated into the the upcoming Planning Commision agenda for discussion.

I also ask that this email be forwarded on to the Planning Commision members in advance.

Sincerely  
Larry Stauffer

Sent from my iPhone

**MEYER, FLUEGGE & TENNEY, P.S.**

ROBERT C. TENNEY  
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JEROME R. AIKEN\*  
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PETER M. RITCHIE\*\*  
JAMES C. CARMODY

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February 24, 2022

***Via email***

Honorable Jay McGowan, Mayor  
City of Cle Elum  
119 West First Street  
Cle Elum, WA 98922  
[jmcgowan@cleelum.gov](mailto:jmcgowan@cleelum.gov)

Gary Berndt, Chairman  
Cle Elum Planning Commission  
City Hall – Attn: City Planner  
119 West First Street  
Cle Elum, WA 98922  
[gberndt@cleelum.gov](mailto:gberndt@cleelum.gov)

Re: Manufactured/Mobile Home Community Zoning Study

Dear Mayor McGowan and Chairman Berndt:

We are writing as a follow-up to our correspondence of February 14, 2022 concerning a request that the Cle Elum Planning Commission consider text amendments to the zoning ordinance as it relates to Mobile Home Parks, Manufactured Housing Communities and Manufactured/Mobile Home Communities. While we did not receive a response to our correspondence we have been advised that our request for consideration of the zoning ordinance be tabled and considered at a later point and time in the context of the City's annual amendment process related to the comprehensive plan. We believe that the amendments are appropriate for current consideration and are not appropriate for the annual review process.

The proposal that has been made relates to a text amendment to the zoning ordinance. It does not involve an amendment to the comprehensive plan. The annual amendment process applies only to "...[a] change or revision in text or the goals, policies and objective principles or standards of the comprehensive plan." CEMC 17.122.030.

On the other hand, a text amendment to the zoning ordinance may be initiated by the City Council or a petition filed by property owner(s). The text amendment is considered through a public hearing with the City Council retaining authority for final amendment determinations. The established practice has been to provide the public hearing before the Cle Elum Planning Commission. The City has made numerous text amendments to the zoning ordinance following exactly this same process in recent times. We believe it is appropriate for the same process to be applied to this proposed amendment.

As a final point, the requested amendment does not change the current zoning ordinance prohibition on mobile home and/or manufactured home parks within municipal boundaries. As we previously noted, existing mobile homes are protected as nonconforming uses and structures. The text amendment simply clarifies the existing ordinance provisions so that there is no basis for misunderstanding or misinterpretation.

We appreciate your consideration of the request for the text amendment. We would be happy to discuss any aspect of our request with you at your convenience.

Very truly yours,  
MEYER, FLUEGGE & TENNEY, P.S.

  
James C. Carmody

cc: Client

17:54:54 From City of Cle Elum to Everyone:

Good evening. Due to the technical difficulties we experienced at the last meeting with Live Streaming I opted to start the meeting early to give myself ample opportunity to get everything lined out. Fortunately no issues tonight! :)

We are up and running and will start the meeting at 6:00 pm. - Meagan Hayes

17:57:59 From City of Cle Elum to Everyone:

(repeating message for folks who recently joined): Good evening. Due to the technical difficulties we experienced at the last meeting with Live Streaming I opted to start the meeting early to give myself ample opportunity to get everything lined out. Fortunately no issues tonight! :)

We are up and running and will start the meeting at 6:00 pm. - Meagan Hayes

18:07:34 From Lynnea (Nilson) Thibodaux to Everyone:

Let's get rid of that one!

18:07:52 From Lynnea (Nilson) Thibodaux to Everyone:

Thank you....

18:10:15 From Lynnea (Nilson) Thibodaux to Everyone:

FYI, the last WSU webinar I attended (re forestry) required us to enter the Meeting ID # from a previously distributed email rec'd after registering to try to avoid the scammer/spammers...Phil Hess was there for those. Hi Phil!

18:46:22 From City of Cle Elum to Everyone:

I will also reach back out to the County and check in on the checklist.

18:46:45 From City of Cle Elum to Everyone:

Final draft will be presented at next regular meeting.

19:00:09 From Ingrid Vimont to Everyone:

will the zoom link be the same every week? I did not see an agenda for this evening's meeting on the Planning Commission website

19:01:48 From City of Cle Elum to Everyone:

Hi Ingrid. The Zoom link changes for each meeting. The agendas are posted at least 5 days prior to the meeting online here: <https://cityofcleelum.com/boards-commissioners/planning-commission/planning-commission-meeting-agenda-and-minutes/>

19:03:01 From Ingrid Vimont to Everyone:

Oh, lookie there! It is listed in 2021, so I didn't refer to that. Thank you!

19:05:52 From City of Cle Elum to Everyone:

Ingrid, it's under 2022. The left bar shows the different years, and the first window that pulls up should be 2022. If there are any issues with the website please let me know, and I can either refer the issue to the website admin or update the page if it's a simple slip/