City Heights Development Standards Compliance

The information that follows originated from the City Heights Developer's Agreement, adopted November 8, 2011 under Cle Elum City Ordinance 1352. This document was created with the intention of helping City Staff conduct their reviews efficiently by gathering applicable development standards into one document to be used as a reference. Information provided in **bold** is meant to work in partnership with submittal plans to demonstrate compliance with the related development standard. A compliance document will be submitted with each project proposal during the City Heights Buildout Period.

Proposals should be reviewed utilizing the development standards in place as of November 8, 2011, unless otherwise explicitly addressed within the DA.

ZONING: **Planned Mixed Use**

PHASE: **Phase 2**

According to the Developer's Agreement (DA), *"The Phasing of the Project is expressly provided to occur over the Buildout Period. The Ridge Entities may proceed with development of the Property according to whatever phasing or parcel development plan the Ridge Entities deem appropriate, provided that: (a) any phase of development includes a complete Development Pod, (b) prior to final plat approval of any plat of or within a Development Pod, a Collector Road sufficient to access the Development Pod from outside of the Project has been completed or adequate financial assurances given therefore; ad (c) prior to final plat approval of a Development Pod or Development Area, the of-site utility infrastructure improvements necessary to serve the Development Pod. or Development Area at issue have been completed or adequate financial assurances given therefore in accordance with applicable CEMC provisions for sureties and financial assurances."*

See Section 7, *Phasing*, of the DA for reference.

DEVELOPMENT AREA: **Development Pods B4-B6**

According to the DA, *"Adoption of the ordinances set forth in Section 4.1 shall constitute approval of the Master Site Plan, mixed use approval for City Heights, and the framework within which actual applications for development within City Heights will be reviewed. The Master Site Plan and mixed use approval shall remain effective for the Buildout Period, and any such extensions as the City may approve, upon a finding of good cause, prior to the expiration of the effective period of the Master Site Plan."*

See Section 8.1, *Mixed use and Master Site Plan Approval,* of the DA for reference.

According to the DA, *"City Heights may be developed for a mix of public and private uses, consistent with the City's Master Site Plan and terms set forth in this Agreement. The Project shall consist of Development Areas shown on Exhibit 3, within which may be situated one or more Development Pods. Changes to units, densities and mixes set forth in Appendix A may occur without the need for additional environmental review or mitigation, provided the end development proposed is within the scope of the Project that was subject to the environmental review described in Section 1.6."*

See Section 5.2, *Allowable Development*, of the DA for reference.

See the approved *Master Site Plan*, Exhibit 3 of the DA for reference.

DEVELOPMENT STANDARDS: See below for information regarding the development standards applicable to **Phase 2.**

According to the DA, *"The Project shall vest under the laws and regulations in effect on the Vesting Date. Except as expressly stated herein, the Project shall not be subject to any mitigation, impact fee (whether adopted pursuant to RCW 82.02.050-090 or otherwise), development standard, connection fee or condition that has not been adopted, implemented, and in effect by the Vesting Date* [November 8, 2011 – Cle Elum City Ordinance 1352]*. To the extent this Agreement does not establish Development Standards covering a certain subject, element or condition, then City Heights shall be governed by the city codes and standards in effect on the Vesting Date…"*

See Section 8.2, *Vesting of Development Standards and Mitigation*, of the DA for reference.

DENSITY AND PERMITTED USE:

According to the DA*, "Changes to units, densities and mixes set forth in Appendix A may occur without the need for additional environmental review or mitigation, provided the end development proposed is within the scope of the Project that was subject to the environmental review described in Section 1.6* [Environmental Review]."

Development Area	Allowed Density	Proposed Density	Remaining Density	Allowed Product Type	Proposed Product Type
C (Phase I)	**C 50 ERUs**	**40**	**10**	**Detached & Attached Residential**	**Detached & Attached Residential**
B7 (Phase I)	**B1-B7 215 ERUs**	**28**	**187**	**Detached & Attached Residential & Commercial**	**Detached Residential**
B4-B6 (Phase 2)	**B1-B7 215 ERUs**	**69**	**118**	**Detached & Attached Residential & Commercial**	**Detached & Attached Residential**

See Appendix A, *Allowable Development and Densities*, Section A, *Land Uses, Units, Densities, and Mix* for reference.

SUBDIVISION DESIGN:

According to the DA, *"In furtherance of the objectives of PMU zoning, except as otherwise provided herein, City Heights shall not be subject to the standards for lot size, block size, the shape and orientation of lots, and subdivision design set forth in CEMC 16.12A.060(A) (1), (5), (8), and (12). In lieu thereof, the following standards shall apply to City Heights."*

Lot Access and Configuration: *"Lots may be accessed from Collector Roads and Internal Roads. Front property lines may abut Internal Roads, and rear property*

lines may abut either or both Collector Roads or/and Internal Roads."

All proposed lots are accessed by either a Collector or an Internal Road, other than those lots accessing from private access as allowed under Appendix B, *Development Standards*, under subtitle *Subdivisions (Title 16)*, #5, *Streets*, of the DA. All proposed lots have front or rear property lines that abut either Collector or Internal Roads, other than those lots accessing from alleys. See site plan for details regarding lot access and configuration.

"All lots shall abut an improved public road that is dedicated (or will be dedicated to the City in accordance with Appendix I) for at least fifteen (15) feet or be served by an easement for ingress and egress not less than twenty (20) feet in width that abuts a dedicated public road (or one that will be dedicated in accordance with Appendix I)."

All lots abut roadways or private roads for no less than 15 feet or are served by an easement for ingress and egress no less than 20 feet in width.

Trees: *"Trees with a diameter in excess of thirty (30) inches, measured four feet above grade, in any open space or planned public area, shall not be removed prior to creation of a vegetation management and revegetation and plating plan completed by a certified arborist."*

Phase 2 is not currently proposing to remove trees in open spaces or planned public areas at this time. During final design of the open space and planned public areas it is possible that select trees will be removed to create view corridors or otherwise enhance public amenities. In the event trees are to be removed a vegetation management and revegetation and planting plan will be created.

Impervious Area: *"Individual lot impervious area may vary, provided the total artificial and native impervious surface within any given Development Pod does not exceed eighty five percent (85%)."*

The limits of Phase 2 totals 25.79 acres. About 34% of the Phase 2 area will be covered with impervious surfaces, totaling 8.87 acres.

Allowed Development: *"Lots within any given Development Pod may be clustered, rely on zero lot lines, and contain any mix of townhomes, cottages, condominiums, multifamily units and single family detached units, consistent with the Allowable Development."*

Phase 2 – Development Pods B4-B6 proposes attached and detached single-family units.

Structure Setbacks: *"Structures on lots shall be set back at least five feet from all property lines unless the plat is clustered or involves zero lot lines."*

Structures on lots will be set back at least 5 feet from all property lines lot lines. Structures are not formally proposed at this time, as this is a land use application. Compliance will be made clear on building permit plans.

Ingress/Egress: *"Ingress and egress for each Development Area and Development Pod shall be consistent with the Master Site Plan."*

Ingress and egress for each Development Area and Development Pod is consistent with the approved Master Site Plan. See site plan for reference.

See Appendix B, *Development Standards*, under subtitle *Subdivisions (Title 16)*, #3, *Design*, of the DA for reference.

Road Design: *"Due to topographical limitations and the objectives of the PMU Zoning, compliance with the provisions of CEMC 16.12A.060(C) shall not be required in City Heights, provided that: all streets within City Heights shall comply with the design standards set forth in Appendix I."*

"Alleys for accessing lots or improvements within Development Areas shall be permitted, but not required. While connectively within Development Areas is encouraged, cul-de-sacs and dead ends shall be allowed to the extent that such alterative design is practical in light of terrain, access, development costs, and site constraints. Road grades within City Heights may be up to twelve percent (12%) for segments less than one thousand (1000) feet, where the Ridge Entities provide certification from a professional engineer that such grade is reasonably necessary given terrain or other site constraints. Due to terrain and other physical limitations of the Property, intersections of Collector Roads and Internal Roads may be constructed at angles less than ninety degrees, provided such angle will not result in a traffic hazard. Standards for roads within City Heights shall be as set forth in Appendix I, and curbs, sidewalks and gutters shall not be required within City Heights."

Phase 2 does not utilize alleys. None of the proposed roads exceed 12% for segments of more than 1,000 feet. Phase 2 includes private roads which are also less than 12%. Intersection angles will not create any traffic hazards.

Condition of Approval 39 from City Heights Phase 1 Preliminary Plat

In any case the Montgomery connection may be constructed in phases provided that:

ii. The final road complies with the standards in the City Heights Development Agreement including provisions of the International Fire Code as modified by the City.

iii. Until the later of October 31, 2022 or the 70th certificate of occupancy issued for City Heights the road surface may be gravel surfacing capable of supporting fire apparatus vehicles.

See Appendix B, *Development Standards*, under subtitle *Subdivisions (Title 16)*, #5 *Streets*, of the DA for reference.

ZONING:

According to the DA, *"Development within City Heights shall not be subject to the site and design review requirements of CEMC 17.76, but rather reviewed pursuant to the provisions of CEMC Title 16 (as modified herein) and CEMC 17.45 .110 (subsequent approvals and permits in the PMU zone)."*

See Appendix B, *Development Standards*, under subtitle *Zoning (Title 17),* of the DA for reference.

See Appendix B, *Development Standards*, under subtitle *Zoning (Title 17)* #10 of the DA for reference.

Open Space: *"At least thirty five percent (35%) of the Property (approximately one hundred twenty-five (125) acres, inclusive of areas within power line easements) shall be dedicated to open space, natural areas, parks, recreation areas, village greens, commons, or public assembly areas."*

Phase 2 proposes approximately 12.62 acres of open space to be counted towards the approximately 125 acres required within the City Heights development. Bringing the total acreage of open space for Phase 1 and Phase 2 to 29.78 acres of the 125 acres of required open space.

Condition of approval City Heights Phase 1 Preliminary Plat:

"The addition of this Memorial Park in lieu of Park 2 is deemed approved and no further approval shall be required, including but not limited to, a minor or major modification for this or other plat applications."

The addition of this Memorial Park in lieu of Park 2 is deemed approved and no further approval shall be required, including but not limited to, a minor or major modification for this or other plat applications

See Appendix B, *Development Standards*, under subtitle *Zoning (Title 17)* #3 of the DA for reference.

See Appendix N, *Parks and Recreation*, of the DA for reference.

Parking: *"Parking for residential single family development with lots less than five thousand (5,000) square feet in size including clusters, zero lot line and cottage style homes, shall be allowed to meet the parking requirements both by on-street and of-street parking including Designated Group Parking Areas."*

All residential units will have garages that can accommodate two vehicles. Internal Road B, C, and F have been designed to allow for on-street parking along one side of the roadway to accommodate +/- 70 additional spaces, assuming a length of 20 feet for each space.

Proposed Use	# of proposed units or proposed SF	Multiplier	Required Parking	Proposed Parking
Residential Single Family	**46 units**	**2 spaces per unit**	**92 spaces**	**92 spaces**
Residential Attached – Two bedroom	**23 units**	**1.5 spaces per unit**	**34.5 spaces**	**46 spaces**

See Appendix B, *Development Standards*, under subtitle *Zoning (Title 17)* #6 of the DA for reference.

"Asphalt shall be permitted as a paving material for parking facilities. For all single-family detached dwellings, the parking spaces shall be located on the same lot being served unless the plat design includes cottage homes, zero lot line homes, clusters, or similarly designed plats. In these cases, parking may be provided in Designated Group Parking Areas. Bumper stops ad concrete curbs shall not be required for residential parking areas/driveways."

All required parking spaces are located on the same lot being served, as each proposed home will have a two-car garage.

See Appendix B, *Development Standards*, under subtitle *Zoning (Title 17)* #8 of the DA for reference.

Landscape Requirements: "Landscaping for City Heights shall be consistent with the standards set forth in CEMC 17.64, with the following modifications ad clarifications…"

See Appendix B, *Development Standards*, under subtitle *Zoning (Title 17)* #9 of the DA for reference.

Significant Trees: *"The definition of 'significant trees' set forth in CEMC 17.64.040 pertains only to trees within wetlands, fish and wildlife conservation areas, frequently flooded areas, and geologically hazards areas. Such trees may be removed from these areas where such removal is mitigated through relocation or revegetation pursuant to a critical area mitigation plan consistent with applicable law."*

Tree removal from critical areas will be minimized. If trees are removed, proper mitigation will be provided.

See Appendix B, *Development Standards*, under subtitle *Zoning (Title 17)* #9.1 of the DA for reference.

Shrub Size: *"Medium and tall shrubs required under CEMC 17.64 shall be at least eighteen inches in height at time of planting."*

A landscape plan, complying with all landscape requirements outlined in the DA, will be prepared for city staff review during final subdivision design.

See Appendix B, *Development Standards*, under subtitle *Zoning (Title 17)* #9.3 of the DA for reference.

Tree Sizing: *"Single-stemmed trees required pursuant to CEMC 17.64 shall, at the time of planting, be a height of at least ten (10) feet when deciduous trees. Conifers ad evergreens shall be at least six feet in height. Groundcover required under CEMC 17.64 shall not be subject to planting height requirements, provided such groundcover is planted and spaced to result in the required coverage within three years."*

A landscape plan, complying with all landscape requirements outlined in the DA, will be prepared for city staff review during final subdivision design.

See Appendix B, *Development Standards*, under subtitle *Zoning (Title 17)* #9.4 of the DA for reference.

CRITICAL AREAS:

According to the DA, *"The critical area designations and delineations set forth in the EIS shall be deemed the final determination of the identification, designation, ad extent of critical areas and boundaries for purposes of applying and implementing the provisions of the City's critical area ordinance(s) set forth in Title 18 of CEMC."*

See Appendix B, *Development Standards*, under subtitle *Critical Areas (Title 18)* #1 of the DA for reference.

Wetland Buffers: *"If wetland buffer areas are disturbed, buffer averaging will be allowed. Wetlands within City Heights, as designated in the EIS, shall be subject to the following buffers and mitigation ratios…"*

Classification	Required Buffer
Type I	100 feet
Type II	100 feet
Type III	50 feet
Type IV	25 feet

Impacts to wetland buffers are addressed in the Phase 2 Report by Sewall Wetland Consulting.

See Appendix B, *Development Standards*, under subtitle *Critical Areas (Title 18)* #2 of the DA for reference.

Trails: *"Recreational trails may be installed across wetlands, streams and buffers, provided applicable permits are obtained for such trail construction."*

Recreational trails are proposed in this phase but do not cross wetlands, streams, or their buffers. However, trails are proposed within steep slope areas and their associated buffers. See plan set for conceptual location of proposed trails. All applicable permits will be obtained for trail construction.

See Appendix B, *Development Standards*, under subtitle *Critical Areas (Title 18)* #3 of the DA for reference.

EARTH, SOILS, AND CRITICAL AREAS:

See Appendix G, *Earth*, Soils*, and Critical Areas* of the DA for reference.

1. No development, earthmoving activity, or deposit of spoils or drainage shall occur on the Red Rock Pak delineated on the Master Site Plan, except as specifically authorized by the City for purposes of improving slope stability or enhancing the recreational aspects of the Red Rock Park.

Phase 2 does not encompass Red Rock Park.

2. No development shall be performed in proposed Development Area A until the Ridge Entities have performed geotechnical investigations that identify engineering and construction practices that are necessary and sufficient to support the nature of structures or development being proposed by the Ridge Entities for Development Area A, and comply with such practices.

A portion of the watermain extension is located adjacent to coal waste piles in development pod A. Soils will be evaluated during installation of the water main to determine adequacy to support the proposed underground pipe. Additional recommendations for pipe support may or may not be required. No structures are proposed in Pod A at this time.

3. In addition to complying with all applicable provisions of the CEMC, construction on slopes shall conform to Washington Industrial Safety and Health Act requirements for excavation and trenching.

All slope construction will conform to Washington Industrial Safety and Health Act requirements for excavation and trenching.

4. Cut slopes shall be no steeper than 2H:1 V or, upon recommendation of the Ridge Entities' licensed geotechnical engineer, approved by the City Engineer.

No cut slopes are steeper than 2H:1V.

5. No vegetation shall be removed from slopes with a grade in excess of thirty-five percent (35%) unless, upon recommendation of the Ridge Entities licensed Geotech engineer, the City Engineer determines vegetation removal is necessary to complete road, trail or utility corridors and appropriate measures are undertaken to ensure slope stability.

Vegetation removal is needed for construction of trails and shall be done in accordance with geotechnical recommendations.

6. On slopes exceeding thirty five percent (35%), no clearing or grading shall occur within 25 feet from the top of any slope, unless, upon recommendation of a geotechnical report

from the Ridge Entities licensed geotechnical engineer demonstrating that such work will not adversely affect slope stability, the City Engineer determines that such work will not adversely affect slope stability.

The June 2020 geotech report by Terra Associates approves a reduction in buffer from 25' to 15'. Notes to this effect have been placed on the preliminary engineering plans.

7. On slopes exceeding thirty five percent (35%) earthmoving or clearing activities would only be allowed by the City Engineer after review of recommendations therefore by the Ridge Entities' licensed geotechnical engineer.

No earthwork is proposed on slopes exceeding 35%. In the event it is needed further geotechnical recommendations would be provided.

8. No disturbance shall occur within any area designated as a wetland and associated buffer on map attached to this Agreement as Exhibit 5 unless approved by the appropriate legislative body. Prior to the start of construction in any area where wetlands have been delineated on Exhibit 5, the Ridge Entities shall flag wetland boundaries and install silt fencing for the purpose of alerting contractors to the "no disturbance" requirements for such areas. Buffer averaging shall be allowed.

Disturbances to wetland buffers are mitigated utilizing buffer averaging. Refer to Phase 2 report by Sewall Wetland Consulting for details. Notes requiring flagging of critical areas have been added to the preliminary engineering plans.

Wildlife and Habitat:

See Appendix H, *Wildlife and Habitat,* of the DA for reference.

1. The Ridge Entities shall identify at least one hundred twenty-five (125) acres (thirty-five percent 35% of the total acreage within City Heights) as open space, natural areas, parks, recreation areas, village greens, commons or public assembly areas, or otherwise undeveloped space. Such acreage set aside for open space, recreation, and otherwise may include right-of-way or easement area beneath powerlines on site.

See above under "Zoning" for provided open space.

2. Land development and exterior construction activities shall be limited to 7 AM to 8PM Monday thru Saturday to prevent possible disturbance of wildlife within adjacent, undeveloped areas.

Construction activities will adhere to these hours of operation.

3. The Ridge Entities shall record Conditions, Covenants, and Restrictions that: (a) will provide for revegetation with native plant species of all areas where native vegetation is disturbed during construction or development with the exception of the following areas: (i) areas containing built product; (ii) public areas planned for parks, recreation areas, or other areas otherwise managed for uses other than only forested open space, and (iii) areas planed for lawn, managed plantings, or otherwise landscaped areas that ae planned for manicured vegetation and ongoing maintenance; (b) prevent noxious weed introduction and proliferation; (c) prohibit hunting and the discharge of firearms; and (d) require all garbage cans to have tight fitting lids or be wildlife-proof, and require all garbage cans to be kept in a protected area except when set out for pick-up.

When the time is appropriate to draft CC&Rs for City Heights, the requirements listed above will be included.