City of Cle Elum
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City Heights Master Site Plan and Development Agreement
Notice of Application
Phase 1 Preliminary Plat Minor Modifications Request

Notice of Application Issued: Thursday, April 8, 2021.

Deadline for Written Comments on the Minor Modifications: Friday, April 23, 2021.

Project File Number(s): SUB 20-001.

Project Name: City Heights Phase 1.

Applicant: City Heights Holdings, LLC. Sean Northrop, Managing Partner.

Application Contact Person: Sean Northrop
116 ½ S Washington Street
Seattle, WA 98104
(206) 388-3121

Project Site: Parcels 956732/956733, 956734/956735, and 493395.

Project Description: In November of 2011 the Cle Elum City Council approved a Master Site Plan, an Annexation and Development Agreement, and a Planned Action Ordinance for City Heights, a planned mixed-use development that includes the development of up to 962 dwelling units on 358 acres in the City of Cle Elum generally located north of 6th Street. Until recently, no actions have been taken to implement this approved Master Site Plan.

The City has received and is now processing the first application to implement the approved Master Site Plan, a proposed subdivision that would create 68 residential lots on 33-acres within City Heights Development Pods B7 and C, which are generally located north of the intersection of 6th Street and Steiner Street. This Phase 1 application also includes proposed improvements to Summit View Drive, Stafford Street, the construction of several internal streets and alleys, the construction of trails and a park, the installation of water, sewer, and stormwater improvements, and private amenities for the residents of the subdivision.

With the preliminary plat application, the Project Sponsor has requested the following modifications to the approved Master Site Plan and Development Agreement:

1. The proposed relocation of Summit View Drive; and

2. The proposed inclusion of a private recreation amenity within Park # 3 Red Rock Open Space.

The Project Sponsor has proposed to relocate Summit View Drive, the collector road that will serve as the primary access to the proposed Phase 1 development. This road is depicted on the approved Master Site Plan as following the current alignment for the privately owned Summit View Road along the western boundary of the Red Rock Open Space and Development Area C, and intersecting 6th Street in between Steiner and Reed Streets. The proposed realignment relocates Summit View Drive to the east so that it intersects with 6th Street at the intersection with Reed Street. This proposed realignment is consistent with the following provision in Appendix I to the City Heights Development Agreement:

> ***10. Summit View Drive Single Access Goal.*** *The Ridge Entities agree that, if lega1ly permissible, they will provide for a single access from the intersection of Sixth Street and Reed Street or from the intersection of Sixth Street and Steiner Street through City Heights to connect to Summit View Drive.*

However, this proposed realignment of Summit View Drive passes through the area designated on the approved Master Site Plan as the Red Rock Park Open Space and would result in impacts and disturbance that conflict with other conditions of approval in the City Heights Development Agreement, including but not limited to the following found in Appendix G Earth, Soils, and Critical Areas:

> *1. No development, earthmoving activity, or deposit of spoils or drainage shall occur on the Red Rock Park 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.*
>
> *2. 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.*

In conjunction with the proposed realignment of Summit View Drive, the Project Sponsor has also requested to reconfigure the boundaries of the Red Rock Park Open Space. In doing so, the Project Sponsor has proposed to relocate authorized private recreation amenities into the park. While the Development Agreement authorizes the construction of a community center in any designated Development Area and commercial development in certain Development Areas, neither are authorized within the Red Rock Park Open Space, which is to be left in its natural state with some improvements added. As a result, the proposed inclusion of a privately owned recreation amenity within the Red Rock Park Open Space Area would also require a modification of the approved Master Site Plan and Development Agreement.

Required Permits and Approvals: In addition to the requested modifications, the proposed Phase 1 preliminary plat application is subject to City review and approval. Actions on the requested modifications and the Phase 1 preliminary plat application are subject to appeal to the Cle Elum City Council. Upon approval of the preliminary plat application and the resolution of any appeals, project specific permits for all infrastructure improvements, such as the construction of roads or trails, water and sewer improvements, and the construction of stormwater management facilities shall be required by the City. Local, and potentially state and federal permits or approvals will also be required for any construction activities such as infrastructure improvements proposed in designated environmentally sensitive areas and their buffers, such as streams, wetlands, and steep slopes. A Forest Practices Act permit will be required from the Washington State Department of Natural Resources as will a City Clearing and Grading Permit(s). Upon completion of all required infrastructure approval, the Project Sponsor will submit an application for final plat approval to the City. Following final plat approval, City building permits must be obtained prior to constructing any dwellings or buildings.

It should also be noted that the requested modifications only pertain to the proposed Phase 1 preliminary plat application. It is anticipated that the remainder of the City Heights project will be implemented in phases and the applications submitted to implement each subsequent phase shall be subject to a similar review and approval process as the proposed Phase 1 preliminary plat.

Environmental Review: A final environmental impact statement (FEIS) for the proposed City Heights Master Site Plan was issued by the City in 2010. The Cle Elum City Council subsequently approved Ordinance 1353 on November 11, 2011 which designated City Heights as a Planned Action in accordance with the provisions of the Washington State Environmental Policy Act. As a result, the requested modifications shall be reviewed to determine if they are within the scope of the FEIS and Planned Action Ordinance and whether additional environmental review is required or not.

Application Review Process: It appears that the requested modifications meet the criteria for consideration as Minor Modifications in accordance with the provisions of Appendix R of the City Heights Development Agreement. As a result, the requested modifications are being processed as a Type 2 application which includes a 15-day public comment period. The Project Sponsor shall be provided a seven-day period to respond to comments received by the City. Upon review of the comments and the responses, an administrative decision shall be made by the Designated City Planner to approve, approve with conditions, or deny the requested modifications. Included in this decision will be a determination by the Designated SEPA Responsible Official as to whether the requested modifications are within the scope of the City Heights FEIS and Planned Action Ordinance.

Following a review requested by the Project Sponsor, an Arbitrator has ruled that the Phase 1 preliminary plat application is only subject to an administrative review by City staff and consultants. As a result, there will be no public hearing on the proposed Phase 1 preliminary plat application before the City Planning Commission and the preliminary plat application will

not be subject to review and approval by the City Council as is typically the case. It is anticipated that the administrative decision on the requested modifications will be combined with the administrative decision on the preliminary plat application. Accordingly, a single Notice of Decision on the preliminary plat and the application and the requested modifications will be issued by the City. Following the issuance of this consolidated Notice of Decision there will be a 14-day period to file an appeal with the City Council.

Application Materials Available for Review: The Phase 1 application as well documents associated with the previous approval of the City Heights Master Site Plan, Annexation and Development Agreement, and the Planned Action Ordinance, including the City Heights EIS, are available for review online at the City website *www.cityofcleelum.com*. These documents are also available for review at Cle Elum City Hall, but due to COVID 19 restrictions, by appointment only. Please contact Cle Elum City Clerk Kathi Swanson at (509) 674-2262 x 103 or *kathi@cityofcleelum.com* to make an appointment to review these documents.

For More Information About the City Heights Project: Due to COVID 19 restrictions, it is not known when Cle Elum City Hall will re-open to the public. As a result, please refer to the City's website *www.cityofcleelum.com*, for up-to-date information regarding the City Heights Phase 1 Application. In addition, all persons who submit written comments or that request to be a Party of Record for the Phase 1 application, will receive direct notifications and announcements. Inquiries may be submitted by calling and leaving a message at 509-674-2262, x102 or by sending an email to *planning@cityofcleelum.com*. Please be sure to clearly provide your name, address, and information on how to respond to your inquiry and we will make every effort to respond in a timely manner.

Written Comments: Written comments on the requested modifications to the City Heights Master Site Plan and Development Agreement in conjunction with the Phase 1 preliminary plat application are now being accepted by the City and may be hand delivered, mailed, or emailed, **provided that all comments must be received by the City, or post marked no later Friday April 22, 2021.** All comments must clearly identify the name and address of the person(s) submitting the comments. No comments may be submitted through social media such as Facebook, Instagram, and the like.

- Comment letters may be mailed to: City of Cle Elum, Attention: Planning Department/City Heights, 119 West First Street, Cle Elum, WA 98922.

- Emails may be sent to *planning@cityofcleelum.com*. Please include City Heights in the subject line; or

- Written comments addressed to Planning Department/City Heights may be hand delivered to Cle Elum City Hall, 119 West First Street, and placed in the Drop Box located outside of the Customer Entrance on Oakes Avenue.