

*City of Cle Elum*  
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**City Heights Master Site Plan / Planned Action  
Pre-Application Meeting Summary and Analysis  
March 25, 2020**

*The Cle Elum Municipal Code Chapter 17.100.050 requires that a Project Sponsor schedule a pre-application review meeting with City staff prior to submitting Type 2, 3, or 4 applications. The purpose of this meeting is to provide the City with a better understanding of the proposed project and to discuss the application requirements and permit processing schedule. The following is a summary of the meeting as well as additional information provided by the City. This information is advisory and subject to revision as additional research is conducted and/or additional information is provided by the Project Sponsor. The City's formal review of the project will be undertaken by the City in the normal course as applications to implement the City Heights Master Site Plan/Planned Action are submitted.*

On Wednesday March 18, 2020, representatives of the City Heights Development Team participated in a conference call with representatives of the City of Cle Elum to discuss the first application(s) being prepared to for submittal to the City to implement the approved Master Site Plan. Participants in this pre-application meeting included:

City Heights:

Sean Northrop, Owner/Project Sponsor  
Brett Pudists, Blueline  
Marc Kirkpatrick, Encompass Engineering  
Murray Hutchins, GCH  
Robie Willis, GCH

City of Cle Elum:

Jay McGowan, Mayor  
Rob Omans, City Administrator  
Lucy Temple, City Planner  
Mike Engelhart, Public Works Director  
Ben Annen, HLA, City Engineer  
Richard Weinman, City SEPA Consultant  
Gregg Dohrn, City Planning Consultant

**Project Summary:**

Background Information

In November of 2010 the City of Cle Elum issued a Final Environmental Impact Statement for a proposed development known as City Heights. In November of 2011 the City then approved a Master Site Plan, Annexation and Development Agreement, and Planned Action Ordinance for this proposed development. At that time, most of the subject property was in the unincorporated

portion of the Cle Elum Urban Growth Area and it has since been annexed into the City. Recently, Sean Northrop, one of the property owners and Project Sponsor, advised the City that he was ready to initiate actions to implement the approved Master Site Plan.

### Project Update

The pre-application meeting started with an overview of the Master Site Plan and description of the anticipated first phase of the development. Murray Hutchins explained that the original design concept for the City Heights development has not changed and no modifications to the approved Master Site Plan are being proposed.

Key features highlighted by Mr. Hutchins included:

1. In accordance with the provisions of the Development Agreement, the City Heights project will be developed in phases.
2. The first phase of development is proposed to occur within pods B5, B6, B7, and C that may include:
  - a. 107 single family residential lots.
  - b. A tract to include a commercial use(s) such as a coffee shop, bike rental, and/or sales office, and parking.
  - c. A private amenity area for residents.
  - d. One or more public trails.
  - e. Red Rock, a public park.
  - f. Improvements to Summit View Drive.
  - g. Two new streets; and
  - h. Four new alleys.
3. There may be three or more subsequent phases of development. The Project Sponsor wants to retain a degree of flexibility in determining the timing and scale of future phases in response to changes in market conditions.
4. The primary access to the proposed Phase 1 development will be from Stafford Avenue.
5. A connection to a water zone 2 main is proposed near the intersection of Summit View Drive and Sixth Street.
  - a. This will require an interim booster pump station further north on Summit View Drive to provide service to water zone 3. Alternatively, a water main could be extended from the west to serve water zone 3.
6. A connection to an existing 8” sewer main is proposed near the intersection of Steiner and Sixth Streets.
7. The conceptual storm water plan includes at least three detention ponds with outfall to existing ditches.

## **Identify the Relevant Approval Criteria, Development Standards and Other Relevant Laws and Policies:**

### Approval Criteria

During the discussion, it was noted that implementing applications will be evaluated by the City for compliance with:

1. The City Heights Draft and Final EIS and Technical Reports, April and November 2010.
2. The approved City Heights Master Site Plan.
3. The City Heights Annexation and Development Agreement dated November 11, 2011.
4. City of Cle Elum Ordinance Number 1353 (Planned Action Ordinance), passed November 8, 2011.

In addition, the City shall also evaluate for compliance, as applicable with:

1. City of Cle Elum Municipal Code.
2. City of Cle Elum Comprehensive Plan.
3. Other federal, state, and local laws and regulations. This could include, but is not limited to:
  - a. The 2019 Department of Ecology (DOE) Stormwater Design Manual for Eastern Washington as adopted and implemented by the City of Cle Elum.
  - b. The International Building, the International Fire Code, and related International Codes, as adopted and implemented by the City of Cle Elum.
  - c. Department of Ecology wetland guidance and regulations; and
  - d. The Washington State Forest Practices Act.

### The Processing of Implementing Applications

It is anticipated that Phase 1 will be implemented through a subdivision application. This application will be processed by the City as a Type IV under CEMC 17.100.

It was noted during the meeting that the Development Agreement establishes specific time frames for processing implementing applications, including:

1. Completeness Review: 14 days.
2. Consistency Review: 45 days.

It was further noted that there are several factors that can affect how long it will take to process an application, including:

1. Completeness of the application materials.
2. The thoroughness of the supporting narrative and documents.

3. The adequacy of the required mitigating plans and measures and the design of the required infrastructure improvements.
4. A narrative description that highlights how the proposed development activities comply with the provisions of the Development Agreement, Planned Action Ordinance, mitigation measures identified in the EIS, and applicable provisions of the Cle Elum Municipal Code.

In addition, please note that in accordance with the procedures required for the processing of a planned action project, the Project Sponsor must submit a standard SEPA checklist with the Phase 1 application(s). To facilitate the City's review of the application(s), and to help make a determination of the consistency of the planned action project with the information in the City Heights FEIS, the City requests that the information provided in the checklist contain a detailed, substantive narrative of what is proposed, how it relates to applicable provisions of the CEMC, how impacts identified in the EIS will be addressed in this phase of development, and the mitigation that is proposed. Lack of requested detail may necessarily extend the City's review time.

During the discussion a question was raised regarding approval process for a subdivision and the timing of required infrastructure improvements. Title 16 of the Cle Elum Municipal Code and RCW 58.17 provide for the preliminary approval of a plat and allow five years for the submission of a final plat application. In general terms the City explained that certain development activities could occur concurrent with the design and construction of required infrastructure improvements, provided that all required improvements have been installed prior to final plat approval. In addition, given the uncertainty of when future phases would occur, the City strongly emphasized that all infrastructure must be designed and constructed as stand-alone improvements and not dependent on future phases of development. The importance of thinking through the location and the appropriate sizing of infrastructure so that it could support future phases of development was also emphasized. As a follow-up to this discussion, the City would like to note that the Project Sponsor will be assuming a degree of risk if he proceeds with the installation of certain improvements in advance of the design of other improvements. Each improvement is subject to review and approval in accordance with the applicable standard(s), and the approval of a given improvement does not ensure approval of the design of subsequent improvements. In addition, the City would like to reiterate that all required improvements must be designed to stand-alone and not be dependent on the completion of subsequent phases.

### Development Standards

Appendix B to the City Heights Annexation and Development Agreement identifies the development standards applicable to the City Heights project. The first paragraph of Appendix B also provides that:

*In addition to the Development Standards set forth in this Agreement, all development within City Heights shall implement and be subject to the mitigation measures identified in the DEIS as "Mitigation Measures Included In Development Proposal."*

To facilitate your preparation of the Phase 1 application materials, we have attached a list of these mitigation measures. Please note a careful reading of the entire DEIS may be required to fully discern and apply these measures. In particular, we draw your attention to the following from the DEIS Chapter 3.13 Aesthetics:

*Mitigation Measures Included in the Development Proposal. The proposal under conceptual land use Alternatives 1, 2, or 3A includes preserving an existing natural buffer 20 to 80 feet wide along much of the south boundary of the site. Only single-family detached homes are proposed along this boundary, for the most compatibility in use and scale with established neighborhoods at the base of the slope.*

The City notes that there are numerous references to this 20 to 80-foot natural buffer in Chapter 13.3, but it is not evident how it is being addressed in the pre-application materials. Please take this measure into account as you finalize your Phase 1 subdivision application and make sure that it is addressed in the supporting documentation that you submit.

In addition, paragraph 8.2 of the Development Agreement provides that if a standard covering a certain subject, element or condition is not addressed, it shall be governed by the city codes in effect on the vesting date (on or about November 11, 2011). The Development Agreement also recognizes that the City may impose new or additional conditions of approval if necessary, to avoid a serious threat to the public health and safety, or to prevent the violation of a state or federal law or regulation. To facilitate the review of implementing applications the City would like to discuss with City Heights a voluntary agreement to utilize current City development standards in accordance with the provisions of the Development Agreement, paragraph 8.2.4 Replacement Regulations.

**Evaluate Information Supplied by the Applicant and Identify any Changes That May be Necessary to Comply with the Approval Criteria and Development Standards:**

Access

The pre-application Project Narrative indicates that the Phase 1 will include pods B6, B7, C, and a portion of B5. However, Paragraph 7 Phasing, of the Development Agreement states:

*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: any phase of development include a complete Development Pod, ...*

Unless there are further provisions governing phasing that modify this requirement, the development proposed for pod B5 would need to be considered as completing the development of this pod, and no further development of this pod could be included in subsequent phases. If this is not the intent, it would be appropriate to remove the partial development of pod B5 from the Phase 1 application. Alternatively, an application could be submitted to amend the Development Agreement and/or to modify the development standards or conditions of approval in accordance with the procedures set forth in the development agreement, to allow for the partial development of pod B5 in Phase 1.

The EIS and the Development Agreement identify four vehicle access points along the length of the City Heights property:

1. One on the west end through the Cle Elum Pines West property.
2. One on the east end from Columbia Avenue; and
3. Two in the middle, one from Stafford Avenue/Summit View Drive and the other from Montgomery Avenue.

The utilization of Stafford Avenue as a primary access point will require improvements at the intersection with Summit View Drive as well as the reconstructing of the substandard curve east of the Summit View/W 6th Street intersection to improve sight distance and roadway width as required by the EIS. Also, the indefinite concentration of traffic on the Stafford Avenue corridor may necessitate additional street improvements to provide all weather access to accommodate the projected number of trips in Phase 1. These improvements must be identified in the Phase 1 applications. In addition, the Development Agreement addresses improvements that shall be required if Stafford Avenue is designated as a Haul Route and the Phase 1 application package shall include turning templates for the construction design vehicle on haul routes. Also, as discussed, please keep in mind that all City streets, with the exception of First Street and Railroad Avenue, are subject to seasonal weight restrictions not to exceed 10,000 pounds. The duration of these restrictions varies by the year, but could include October through March, if not longer.

As we discussed, the International Fire Code requires that a secondary access be provided for developments that include more than 30 dwelling units. Given that Phase 1 is proposed to include 107 dwelling units, the proposed subdivision will need to include a secondary access route that meets City standards. Please note that if the proposed secondary access route was not evaluated in the EIS then additional environmental review will be required.

### Traffic Impacts

In a related matter, the Traffic Impact Analysis (TIA) in the City Heights EIS assumed that buildout of the entire City Heights development would occur by the year 2022 and did not include an analysis of a phased implementation.

Additionally, the City Heights EIS and the Development Agreement specifically assume that a connection to SR 903 would be constructed through the Cle Elum Pines West property (for example see Appendix R 1.1.5), but the EIS and Development Agreement for the Cle Elum Pines West development do not include such a connection and three implementing subdivisions have been approved without any provisions for a collector street connecting to SR 903. As a result, a revised traffic impact analysis must be submitted with the Phase 1 application(s) that:

1. Updates existing conditions.
2. Updates the assumptions regarding future traffic attributable to approved projects by the City and the County.

3. Reallocates the distribution of trips without the Cle Elum Pines West access point.
4. Incorporates the primary and secondary access for Phase 1.
5. Identifies and assesses the traffic impacts associated with the proposed Phase 1 development.
6. Establishes a new proposed build-out date for the entire development and identifies and assesses the traffic impacts at build-out.
7. Reviews and updates the list of potentially impacted intersections; and
8. Identifies the mitigating measures necessary to protect the public health, safety, and welfare, and to meet concurrency requirements for the proposed Phase 1 development and at build-out.

Please note that this updated traffic study, if appropriately scoped, could also satisfy the requirement of the Project Sponsor to conduct a traffic engineering analysis of traffic flows at the intersection of SR903 with the SR 970 spur road, near Exit 85 in Cle Elum upon issuance of the building permit for the 100<sup>th</sup> ERU (See the Development Agreement Appendix I Transportation Standards and Improvements, paragraph 7 Intersection of SR 903/SR970). The City encourages the Project Sponsor to consider the baseline flow and volume data that will be required for this analysis and the City welcomes the opportunity to further discuss the scope of the updated TIA.

In addition, the City recognizes that the Project Sponsor may wish to explore a new access point as an alternative to the Cle Elum Pines West connection to SR 903. Please note that this may require a supplemental environmental review and a potential modification to the approved Master Site Plan and Development Agreement.

### Proposed Alleys

The pre-application materials include provisions to access many of the Phase 1 lots from alleys. As we discussed, it is not immediately clear if this is consistent with the provisions of the Development Agreement and the provisions for the design of internal roads. Of particular concern to the City is whether these alleys would meet the requirements of the International Fire Code and whether they have been designed to accommodate the removal and storage of snow. We note that Appendix B to the Development Agreement includes provisions governing subdivisions, including the following in paragraph 3:

*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 twenty (20) feet in width that abuts a dedicated public road( or one that will be dedicated in accordance with Appendix I). Ingress and egress for each Development Area and Development Pod shall be consistent with the Master Site Plan.*

Upon further review, we do not see any reference to alleys as a means of primary access in either the Master Site Plan or the development Agreement. Appendix I Transportation Standards and Improvements only identifies Internal Roads and Collector Roads and specifies the standards for each. We do see a provision in Appendix B in paragraph 5 of the section addressing subdivisions, that permits alleys for accessing lots or improvements, but as written this does not appear to supersede, or provide an alternative to the frontage and road requirements in the Development Agreement. Furthermore, it does not appear that the alleys, as proposed meet the requirements of the International Fire Code. As a result, the proposed Phase 1 subdivision will need to be revised so that all lots abut a public road. The proposed subdivision may also include alleys, but not in lieu of the required roads. In addition, all proposed roads must connect with another road in accordance with the intersection standards specified in the Development Agreement, or include provisions for a cul-de-sac or turnaround that complies with the provisions of the International Fire Code as determined by the City Fire Chief. If you would like to propose the use of alleys as the primary means of access to the residential lots, it would appear that this would require a request to modify the development standards and conditions of approval in accordance with the provisions of Appendix R to the Development Agreement. Please note that based on the nature of the request, that such a modification could be considered a major modification subject to a Type IV review process.

### Regional Trails

It was also noted during the discussion that the Development Agreement for the Bullfrog Flats Master Site Plan to the west of City Heights includes a condition of approval that a trail crossing be constructed on SR 903 to connect trails in Bullfrog Flats with the Coal Mines Trail. Given the emphasis that City Heights is placing on the development of a network of trails and the provision of recreational opportunities, the City encourages City Heights to participate in the ongoing discussions regarding the location, design, and construction of this trail connection.

### **Applicable Application Fees:**

The City and the Project Sponsors have executed an agreement that enables the City to recover the costs associated with pre-application consultations and the subsequent evaluation of applications. In addition, as specified in paragraph 8.2.3 of the Development Agreement, the application fees in effect at the time an application is submitted shall be applied. A copy of the 2020 City of Cle Elum fee schedule can be found on the City's website or through the following link:

[http://cityofcleelum.com/wp-content/uploads/2019/04/2019-Fee-Schedule-EXHIBIT-A\\_Final-for-Use-ABBREVIATED-VERSION.pdf](http://cityofcleelum.com/wp-content/uploads/2019/04/2019-Fee-Schedule-EXHIBIT-A_Final-for-Use-ABBREVIATED-VERSION.pdf)

### Additional Payments

In addition, the City encourages the Project Sponsor to review the various payments required in the Development Agreement. In addition to the payments required at the time of building permit application, there are several payments that will be required during the implementation of the required public improvements. This shall include, but is not limited to:



1. A one-time payment of \$25,000 upon issuance of the first City permit for stormwater infrastructure development in City Heights (See Appendix C Stormwater Management, paragraph 6).
2. Upon issuance of the first permit for infrastructure construction within City Heights, a one-time payment of \$125,000 related to police/law enforcement operation and equipment impacts (See Appendix J Police/Law Enforcement, paragraph 3).
3. Upon issuance of the first permit for infrastructure construction within City Heights, a one-time payment of \$100,000 related to fire and medical services operation and equipment impacts (See Appendix K Fire and Medical Services, paragraph 3).
4. Upon issuance of the first permit for infrastructure construction within City Heights, a one-time payment of \$140,000 for the purchase of public works equipment (See Appendix M Public Works, paragraph 1).
5. Upon issuance of the first permit for infrastructure construction within City Heights, a one-time payment of \$20,000 for the purchase of equipment for municipal court (See Appendix P Municipal Court Fees, paragraph 1).

### **Public Facilities and Improvements Necessary to Serve the Development:**

In addition to the improvements referenced elsewhere in this summary, please note the following:

#### Collector Roads

The Development Agreement identifies Summit View Drive within City Heights as a Collector Road and establishes the standards for improvement. Please note that specific permits and approvals will be required for improvements to Summit View Drive that may impact neighboring streams and wetlands. This may include, but is not limited to, additional mitigating measures to expand buffers and/or compensatory mitigation.

#### Water and Sewer Service

The Development Agreement in effect has reserved 140 ERU's of water and sewer service for City Heights. City Heights will be responsible for the design and construction, subject to City approval, of the water and sewer distribution and collection systems in accordance with City standards. As a result, the Phase 1 submittals should include projected water consumption (per pressure zone) and sewer loading for the proposed Phase 1 development as well as at full build-out.

#### Stormwater

In addition, the Phase 1 improvements must include the design and construction, subject to City review and approval, of a storm water collection system that meets or exceeds the provisions of the 2019 Department of Ecology Stormwater Design Manual for Eastern Washington as adopted and implemented by the City. It should be noted that the Development Agreement specifies that the 100-year floodplain design parameters shall be used. It was noted during the discussion, and the City would like to reiterate, that if soil conditions preclude infiltration and associated retention/disposal of all storm water on-site, then the increased runoff over the predevelopment conditions shall be managed on-site through detention/retention, including any treatment

requirements. Pre-development and post-development analysis of the basin shall be included in the storm drainage report. Additionally, the report shall determine whether there is adequate capacity in the existing system of ditches to handle the additional flows.

### **Utility Connection Charges:**

#### Wastewater

In accordance with the provisions of Appendix D Wastewater Service, City Heights will be subject to the connection fees specified in CEMC 13.10.040.

#### Water

In accordance with the provisions of Appendix E Water Rights and Water Service, City Heights will be subject to the connection fees specified in CEMC 13.12.100 (F).

### **Physical Development Limitations:**

#### Environmentally Sensitive Areas

The approved Master Plan and Development Agreement include provisions for the protection of open space and environmentally sensitive areas. Based on a preliminary review of the site plan submitted for the pre-application meeting, it appears that at least Wetlands B, C, and H and Stream C will be impacted by the proposed Phase 1 activities. The City Heights Draft EIS states, at page 3.4-8 that:

*“wetland impacts and compensatory mitigation will be quantified at the time permit applications are prepared, and will be regulated by local, State and Federal agencies with jurisdiction.”*

Since the delineation of the wetlands in City Heights is over five years old the City is requesting that you include with the Phase 1 an updated wetlands report prepared by a qualified professional in accordance with city, state, and federal standards. This report shall include, but is not limited to:

1. Documentation that the original delineations are still accurate or that updates the delineations.
2. Update wetland classifications utilizing the 2014 Washington State Wetland Rating System for Eastern Washington.
3. Update buffers utilizing Table 18.01-1 in CEMC Chapter 18. 01.020; and
4. Proposed mitigating measures, in the form of a mitigation plan for affected wetlands and streams.

In addition, the City strongly encourages the Project Sponsor to consult with other agencies with potential jurisdiction, including Department of Ecology and the Corps of Engineers, prior to submitting Phase 1 applications. The City Heights EIS does not address whether the affected wetlands are “waters of the U.S.” and subject to federal jurisdiction. In addition, relevant jurisdictional definitions have changed several times since 2002.

The City also encourages the Project Sponsor to keep in mind the development standards in Appendix F Coal Mine Hazard Areas and Appendix G Earth, Soils, and Critical Areas, the required mitigation measures in the EIS, and the analysis in the Technical Studies prepared in support of the EIS, as it prepares applications for implementing approvals.

### Open Space and Parks

The pre-application materials identify several wetlands in the Phase 1 Development, these areas should be placed in an open space tract(s) with the restrictions on the future use and the provisions for management and protection stated on the face of the plat. To facilitate the City's review of subsequent implementing applications, please include a table that summarizes the acreage for each use including parks, open space, and amenities. The City would also like to have a follow-up discussion with the Project Sponsor to determine whether Red Rock Park should include wetlands or whether they should be placed in a separate tract. In addition, several parcels appear to abut designated trails and the City is concerned about the potential for encroachment and/or differing expectations about the maintenance of the trails and open space areas. As a result, the City would also like to have a follow-up discussion on this and related matters, including potential revisions to the Development Agreement provisions calling for the City maintenance of trails and parks within City Heights.

### Affordable Housing

Paragraph 6.8 of the City Heights Development Agreement requires that 12 units of affordable low-income housing and 12 units of affordable medium-income housing be distributed among at least two different development areas. Please identify in the Phase 1 application materials how this requirement will be addressed.

### Schools

Appendix O to the City Heights Development Agreement requires upon issuance of a building permit for the 100<sup>th</sup> ERU within City Heights, the dedication of up to three acres to the Cle Elum-Roslyn School District. Since Phase 1 is proposed is to include 107 single family residential lots, the application materials should address this required dedication.

### **Additional Information:**

Following the pre-application meeting the representatives of the City had a series of discussions to further review the information provided by City Heights and to reflect on the discussions. The following information is provided as a resource to the Project Sponsor. Please do not hesitate to let the City know if you would like us to elaborate on this or related matters.

1. Ongoing discussions between the Project Sponsor and representatives of the City is encouraged. A memo from Mayor McGowan highlighting reviewing roles, responsibilities, and communications protocols is attached.

2. Ben Annen is the Lead Engineer for the City on this project and all follow-up discussions pertaining to engineering matters should be coordinated with Ben and will likely include Mike Engelhart.
3. Follow-up discussions on matters pertaining to parks and open space should be coordinated with Gregg Dohrn and depending on the issue could include Mayor McGowan, Lucy Temple, Ben Annen, and/or Mike Engelhart. In some instances, a member of the City Council Parks Committee may be involved.
4. The pre-application materials depict the potential extension of Summit View Drive, a potential future road connection to the north, a potential secondary access route. As previously noted, any improvements not fully addressed in the Phase 1 application(s) materials will be subject to review and approval based on their merits in conjunction with the review of subsequent phases and may be subject to additional environmental review and mitigating measures. In addition, please note that the reference to potential improvements on a plat or map does not convey or imply future acceptance or approval by the City.
5. The City Heights Planned Action Ordinance and the Development Agreement require that the City evaluate applications for implementing approvals applications to determine whether the application falls within the scope of the EIS and the Planned Action Ordinance. If not, the City shall make a threshold determination and may require the preparation of an SEIS. The City reserves the right to make this determination based on a review of the application materials as submitted.
6. The City has noted that many of the City Heights parcels have been designated as Forest Land and subject to current use taxation. It is our understanding that this designation is based on the land being primarily devoted to and used for growing and harvesting timber. Given the ambitious schedule for the proposed Phase 1 development, the City encourages the Project Sponsor to contact the Kittitas County Assessor to discuss the process and timing for removing properties from the current use taxation program and any compensatory tax payments that may be required.

#### Attachments

1. City Heights EIS Required Mitigation Measures, March 23, 2020.
2. Memo from Mayor McGowan.

**This Pre-Application Meeting Summary and follow-up analysis was prepared by Gregg Dohrn, the City's Planning Consultant, with support from the City of Cle Elum Development Review Team. If you have any questions, comments, concerns, or proposed revisions regarding this document, please contact Gregg at [greggdohrn@comcast.net](mailto:greggdohrn@comcast.net) or (206)679-7507.**