City Heights Master Site Plan Vested Development Standards CEMC Titles 12-18
Preliminary Draft Consistency Checklist
July 13, 2010

City Heights Development Agreement Paragraph 8.2 Vesting of Development Standards and Mitigation

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 Date. During the Buildout Period, the City shall not modify or impose new or additional Conditions of Approval on City Heights beyond those set forth in this Agreement except if: (a) such is required to avoid a serious threat to public health or safety or (b) modification is necessary to prevent a violation of applicable state or federal laws or regulations necessary for approving subsequent development or construction permits for the Project. The Parties agree that budgetary issues and lack of funds for general or capital improvements shall not be construed to constitute a serious threat to public health or safety. 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, with any ambiguity construed in furtherance of the policies and goals set forth in Section 3.2, except as follows: {See Development Agreement for More Details}.

Title 12 Streets, Sidewalks and Public Places	**Notes**
12.01 Excavations in streets, sidewalks, and public ways	
12.01.010 Permits required. It is unlawful for any person, firm or corporation to make any excavation in a public right-of-way without first having obtained a permit from the city. All parties shall apply for a permit from the city clerk to work within the public right-of-way at least seven working days prior to commencement of work, unless otherwise approved by the superintendent.	Right-of-way permits will be obtained from the City prior to performing any work within said right-of-way.
12.01.050 Standard utility locations. A. Standard minimum depth requirements for underground utility service: 1. Electricity, thirty-six inches; 2. Telephone, thirty inches; 3. Natural gas. thirty inches. B. Any deviation from these standards must have written approval from the city engineer.	Electric, telephone, and gas utility lines will be designed to meet this.
12.01.070 Traffic control. A. The applicant shall furnish, place and maintain all required traffic-control devices (both vehicular and pedestrian) as per the most recent edition of the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration (FHWA).	Traffic control devices will be designed to meet the referenced standards during the final design process.

B. No facilities shall be installed within five feet to any water main or other pipe or conduit or other utility without prior approval of the city engineer. This separation distance is for parallel facilities and not facility crossings.	During final design the required 5' separation will be confirmed or otherwise coordinated with the city engineer.
12.01.090 Standards for restoration of surfaces.	After work is completed within any right-of-way, the surfaces will be restored in accordance with the vested code outlined in CEMC 12.01.090.

Title 13 Public Services	**Notes**

Chapter 13.08 Sewer Regulations

13.08.050 Connection with public system required All houses, buildings or properties used for human occupancy, employment, recreation, or other public use situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is required at his expense to install suitable toilet and sewage facilities therein, and to connect the facilities directly with the proper public sewer in accordance with the provisions of this chapter, within thirty days after date of official notice to do so; provided, that the public sewer is within two hundred feet of the lot or parcel to be sewered. All new uses shall connect to the public sanitary sewer system unless such use lawfully incorporates no facilities generating sewage effluent.	All currently proposed lots and subsequent homes will connect with the existing public sanitary sewer system.
13.08.090 Private system regulations The type, capacities, location and layout of a private sewage disposal system shall comply with all regulations of the Washington State Health Department and the Kittitas County sanitarian. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than five thousand square feet. No septic tank or cesspool is permitted to discharge to any public sewer or natural outlet.	No private systems are proposed at this time.

Title 15 Buildings and Construction	**Notes**

Chapter 15.22 Historic Preservation

Is any area or improvement within the project site on, or eligible for inclusion in a local, state, or federal register? - See B.13. Historic and Cultural Preservation in the submitted SEPA checklist

Chapter 15.30 Grading Excavation, and Land Filling

15.30.040 Prohibited excavation, grading and filling. Excavation, grading or filling is prohibited in the following areas and situations: A. Within 50' of the top of the bank of any watercourse except as required by an approved drainage plan; B. If the work would result in the deposit of materials or otherwise have effects on public rights of-way, easements and property; or C. On slopes greater than forty percent in gradient.	See B.1.a-h. of the submitted SEPA checklist.
15.30.060 Standards. The following standards must be met to the satisfaction of the city planner prior to permit issuance: A. Cut slopes shall be no steeper than is safe for the intended use and shall not be steeper than two horizontal to one vertical, or as recommended by a soils engineer. B. Fills that are intended for building sites shall be constructed in conformance with the requirements of the latest edition of the IBC as adopted by the city. C. Except as permitted by the city, no material other than earth material shall be buried or placed in fills. Placement of other than earth material is regulated by state statutes or federal laws and additional permits may be required. D. Fills shall be constructed using earth materials, compaction methods and construction techniques, so that stable fills are created. E. Grading, filling, or clearing in or within the vicinity of a wetland shall comply with CEMC Chapter 18.01. G. Grading, filling or clearing of archaeological sites shall be done in accordance with WAC Chapter 25-48, as now adopted or as may be amended, or other applicable state or federal law.	See B.1.a-h. of the submitted SEPA checklist.

Title 16 Subdivisions	**Notes**
Chapter 16.12A Subdivisions	
16.12A.050 Preliminary plat approval criteria. Prior to granting approval. the applicant shall A. The preliminary plat is in the public interest;	As an implementing approval associated with the Master Site Plan for City Heights, the proposal is consistent with the City's 2007 Comprehensive Plan and thus is in the public interest. See Section 3.2 of the DA *Planning Concept and Guiding Principles*

B. The subject preliminary plat is consistent with the comprehensive plan;	As an implementing approval associated with the Master Site Plan for City Heights, the proposal is consistent with the City's 2007 Comprehensive Plan. See Section 3.2 of the DA *Planning Concept and Guiding Principles*
C.The preliminary plat shall conform to the applicable requirements of the zoning district in which it is located including but not limited to requirements for area, dimensions. use and density;	applicable requirements of the zoning district have been outlined in the DA and compliance can be found in the DA compliance document
D. The preliminary plat conforms to the applicable standards in Chapter 18.01, Maintenance, Enhancement and Preservation of Critical Areas of this code;	The critical area designations and delineations set forth in the EIS shall be deemed the final determination of the identification, designation, and 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. However, no critical areas are located within the bounds of Phase 3.

E. For those preliminary plats located within a designated floodplain, conformance with the applicable requirements of CEMC Chapter 15.25;	not applicable - project is not located within a floodplain
F. The preliminary plat includes appropriate provisions for public health, safety and welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways including trails, transit stops, potable water, sanitary waste disposal, parks and recreation, playgrounds, schools, sidewalks and safe walking conditions for those students who will only walk to school;	the proposed preliminary plat complies with all applicable provisions for public health, safety and welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways including trails, transit stops, potable water, sanitary waste disposal, parks and recreation, playgrounds, schools, sidewalks and safe walking conditions for those students who will only walk to school as outlined within the vested CEMC, the conditions of approval within the DA, and the mitigating measures of the EIS.
G. The preliminary plat conforms or can conform to adopted standards for the construction of all public facilities including streets, sidewalks, stormwater control, sewer systems, water systems and street lighting;	the proposed preliminary plat complies with all applicable standards for the construction of all public facilities including streets, sidewalks, stormwater control, sewer systems, water systems and street lighting as outlined within the vested CEMC, the conditions of approval within the DA, and the mitigating measures of the EIS.

H. Every proposed lot, tract or area in the preliminary plat has an approved access to a public right-of-way;	every lot, tract, and area within the proposal has adequate access to a public right-of-way as outlined within the vested CEMC, the conditions of approval within the DA, and the mitigating measures of the EIS.
I. The proposed preliminary plat conforms to established design requirements;	the proposed preliminary plat conforms to all design requirements as outlined within the vested CEMC, the conditions of approval within the DA, and the mitigating measures of the EIS.
J. The proposed preliminary plat will not cause the level of service of public facilities or services to drop below established limits;	the proposed preliminary plat has complied with all applicable provisions that will prevent public facilities or services from dropping below established limits outlined within the vested CEMC, the conditions of approval within the DA, and the mitigating measures of the EIS.
K.The proposed preliminary plat is consistent with any other applicable city regulations, and development or other agreements specified to the subject property. or other agreements specific to the subject property.	the proposed preliminary plat has complied with all applicable provisions outlined within the vested CEMC, the conditions of approval within the DA, and the mitigating measures of the EIS.
16.12A.060 Development Standards. A. Design. All subdivisions shall conform to the following design requirements:	

1. B1ocks: Blocks shall not exceed eight hundred feet in length nor less than three hundred feet on any single side, unless terrain or property boundaries prevent compliance with this standard:	City Heights is not subject to this code provision per DA Appendix B, Subdivisions Title 16, #3.
2. Arterial streets: Blocks abutting an arterial street shall be designed to provide limited access from the arterial. Individual lots may not be accessed from an arterial street:	no individual lots are accessed from an arterial street
3. Property lines at street intersections shalt be arcs having radii of at least twenty feet or shall be cords of such arc:	all proposed property lines at street intersections will have a radius of at least 20'
4. The shape and orientation of lots shall be appropriate to the location of the proposed subdivision and the (type of development contemplated. Generally. lots should be rectangular in shape and side lot lines should be at approximately right angles to the street which they intersect:	all proposed lots are rectangular in shape and form approximate right angles to the street they intersect
5. Lots with frontages on a public street on both the front and rear lot lines, with the exception of corner tots and alleys, shall be avoided by appropriate subdivision design:	City Heights is not subject to this code provision per DA Appendix B, Subdivisions Title 16, #3.
6. Future subdivision: If a tract is subdivided into larger parcels than ordinary building lots. Such parcels shall be arranged to allow for logical future subdivision;	Noted.
7. Reserve strips: There shall be no reservation of strips of land that prevent or limit access to land dedicated or intended to be dedicated to public use:	Access to land dedicated to public use will not be limited or prevented in any manner.

8. Clearing: A tree preservation and clearing plan shall be submitted for approval and large trees shall be preserved whenever possible by appropriate design and clearing shall not occur where prohibited by critical areas ordinances;	City Heights is not subject to this code provision per DA Appendix B, Subdivisions Title 16, #3.
9. Variances: Variances to development standards are subject to the provisions of CEMC Chapter 17.85;	no variances are being pursued at this time
10. Streets: All lots shall abut on a dedicated and improved public street for at least twenty feet:	all lots have street frontage of 20 feet or more
11. Utilities: City utilities (water and sewer) shall be installed and maintained at a minimum depth of not less than forty-eight inches below the street. All other utilities shall be installed underground and shall meet or exceed state and federal safety codes for installation:	Minimum depts will be provided during final engineering design.
l 2. Secondary access required. Subdivisions containing forty or more lots shall contain at least two ingress-egress routes which are interconnected. Subdivisions containing fewer than forty lots shall be subject to review of the egress routes. When determined necessary by the city public works director more than one egress route shall be required.	Noted. Secondary access is provided.
B. Stormwater. Each development shall be provided with a drainage system for the collection. control, and/or disposal of the surface water runoff consistent with the following requirements:	
1. A stormwater drainage plan, prepared by an engineer licensed and registered in the state of Washington, shall be required for any new development that creates more than five thousand square feet of impervious surfaces;	a drainage plan has been submitted and is discussed within the submitted SEPA

2. Design calculations for peak flow and peak volume storage requirements shall be based on a design storm frequency of ten years. Design calculations for treatment shall be based on sixty-four per· cent of the two-year recurrence interval. twenty-four hour storm runoff event;	Per the Development Agreement, while the [DOE] manual stipulates that the design needs to assume a 25-year flood event, the City has requested, and the Ridge Entities have agreed, to design the stormwater system for City Heights assuming a 100-year flood event, thereby increasing the capacity of the system beyond what is required by current regulations. Water quality treatment facilities have been designed in accordance with the 2019 DOE SWMMEW (0.70*2-yr, 24-hr storm event).
3. The plan shall provide for the on-site treatment and detention/retention of all increased runoff based on the design storm over the predevelopment conditions:	Onsite treatment and detention/retention facilities have been designed to provide for the increase in runoff based on the existing condition, which is consistent with Section 2.7.7 of the 2019 DOE SWMMEW.
4. Treatment standards shall be based on best management practices identified in the Washington State Department of Ecology's Stormwater Management Manual for Eastern Washington or an equivalent manual deemed acceptable by the city;	Water quality treatment facilities have been designed in accordance with the 2019 DOE SWMMEW.

5. The overflow of runoff in excess of the design storm quantities must be situated or directed to locations to where it would have overflowed prior to development. Appropriate methods must be used to attenuate flows so that erosion or damage to downstream properties does not occur;	Peak flows from the detention facilities mimic the peak flows in the existing condition. Proposed outfall locations from the detention facilities mimic the existing condition drainage patterns.
6. The drainage plan shall include all calculations for the determination of the required size of the system. Said calculations shall be based on the required criteria and upon an analysis of estimated runoff from areas contributing to the facilities. Peak flow analyses shall be done using the rational method. Storage volume quantities shall be calculated by the rational stored rate method. The assumption for the outflow rate used in the stored rate method will need to be verified by the developer by actual field-testing in the case of infiltration systems. Collection systems shall be gravity pipe systems;	The Storm Drainage Report includes calculations for the determination of the required system. The geotechnical analysis indicates that infiltration is not feasible. Therefore, detention facilities have been modeled using the Santa Barbara Urban Hydrograph (SBUH) method in accordance with the 2004 DOE SWMMEW. It is anticipated that SBUH will also be used for conveyance sizing.
7. In calculating the amount of impervious surfaces, the area of roofs shall not be included if the roof drains to downspout or other systems that discharge directly to the ground and not onto paved or other impervious surfaces:	Noted. This design parameter may be utilized.
8. Treatment of runoff from sidewalks and detached bikeways is not required if the sidewalk or bikeway drains away from roadways so the stormwater does not mix with runoff from the roadway;	Noted. This design parameter may be utilized.

9. Stormwater facilities should be incorporated into on-site open spaces and preference will be given to those facilities that maintain a natural appearance.	Stormwater facilities have been incorporated into onsite open spaces. The pond will be landscaped to mimic a natural appearance.
C. Streets. All subdivisions shall be served by public streets meeting the following requirements: 1. Street layout shall be designed to efficiently serve the development. Where existing streets abut the 2. Cul-de-sacs: Dead end streets or cul-de-sacs are not permitted unless terrain and parcel conditions result in greater impacts than connected streets. Where permitted, dead end streets shall be constructed with a turnaround located within the right of way or in a temporary easement. In no case shall a cul-de-sac exceed four hundred feet in length. Cul-de-sacs shall be located within a minimum right-of. way radius of fifty feet and shall have a minimum paved radius of forty-five feet; 3. Alley: Paved alleys with a minimum width of sixteen feet within a twenty feet of right-of-way shall be provided unless prohibited by physical limitations that are not caused by the proposed street layout or the design of the project; 4. Where a proposed development abuts a public street that is not improved with the required frontage improvements. the developer shall be responsible for making the remaining improvements to that street for the length of the proposed development; 5. Street grades shall conform in general to the natural terrain and shall not be less than one half of one percent and generally not greater than eleven percent. Short sections of steeper grades are permitted where approved by the city engineer and will not result in hazardous traffic conditions; 6. Intersections of streets shall be made at ninety-degree angles unless terrain or other physical limitations not caused by the subdivision design or the developer require a different angle that will not result in a traffic hazard; 7. Curb radii shall not be less than ten feet:	See Table for more details.

8. The paved portion of the street shall be constructed to the following standards unless a geotechnical engineer can certify that another pavement section is suitable: a. Two inches asphalt concrete pavement or Portland cement concrete, b. Three inches crushed surfacing top course (five eighths to zero). c. Four inches ballast (two and one-half inches to zero); 9. Roadway and right-of-way widths. Roadways shall be built to the following standards: 10. Sidewalks shall be located in the right-of-way and must be constructed of Portland cement concrete. Curb ramps for physically handicapped persons shall be constructed at alt intersections and other appropriate locations; 11. Vehicular access to single-family residential lots shall be limited to the alley unless otherwise approved through an alternative access plan as part of an approved subdivision by the city; 12. The standards for the construction of roads and all other construction within the publicly owned right-of-way. shall consist of the current published addition of the ··standard specifications for Road. Bridge and Municipal Construction" and "Standard plans for Road and Bridge Construction ... as published by the Washington State Department of Transportation and the American Public Works Association.	City Heights is not subject to CEMC 16.12A.060 (C) per DA Appendix B, Subdivisions Title 16, #5. See DA compliance document for compliance. Streets are subject to the design standards in Appendix I of the DA
D. The following public improvements are required for all land divisions. Improvements shall be made in accordance with adopted city standards or specifications established by the public works director: l. Concrete curb, gutters and sidewalks; 2. Streets; 3. Sanitary sewers; 4. Water mains and hydrants: Fire protection facilities including hydrants and appurtenances shall; be provided in accordance with the Uniform Fire Code: 5. Landscaping: 6. Concrete survey monuments.	
E. Maintenance and correction of improvements. The applicant shall be responsible for: l. Correcting any defect in materials and/or workmanship arising within two years following completion and acceptance of the improvements; 2. Protecting all improvements from loss or damage during construction, filling, grading, landscaping or other work within or adjacent to the subdivision; 3. lf any repairs are required to public improvements resulting from the applicants action. the two-year period shall be restarted for the improvement being repaired.	
F. Guarantee and Security. The applicant shall secure a maintenance bond in favor of the city or shall provide an alternate security in a form acceptable to the city attorney to guarantee the successful operation of any required improvements for two years, and assuring the correction or repair of any defects in workmanship or material appearance within the two year period. The amount and conditions of the maintenance bond or other approved security shall be ten percent of the cost of construction of the improvements as estimated by the developer or actual costs.	

G. Protection of Existing Improvements. The applicant shall be responsible to insure that existing improvements and city property are not damaged or rendered less useful or unsightly by the operations of the developer, those working at the direction of the developer, or those constructing the development. This includes damage or nuisance to the property of the city, including. but not limited to, damage to existing streets, sidewalks, curbs and gutter by passage there over of equipment or trucks or by excavation for any purpose, the spillage or tracing of earth. sand or rock onto existing streets, sidewalks. right-of-way or city property, the washing by stormwater of earth or sand onto city right-of way or streets, curbs, gutters or stormwater systems. or damage to water mains, sanitary sewer, storm drains or culverts. The city may require the posting of a bond or other surety to cover the cost of clearing any debris and the repair of any damages. It shall be the sole cost of the developer to clean, fix, repair or replace any damaged improvements.	
H. Inspections. The applicant is responsible for all costs associated with the inspection of all public improvements. Inspections and testing shall be completed as necessary to insure that public improvements are completed in conformance with the approved plans and adopted standards.	
I. As-built drawings for all public improvements shall be completed by a licensed and registered engineer in the state of Washington and provided to the public works director on a mylar and in an electronic form as specified by the city public works director.	

Title 17 Zoning	**Notes**
Chapter 17.45 Planned Mixed Use District	
Chapter 17.56 Off-Street Parking and Loading Requirements	parking requirements for City Heights is outlined in the DA, Appendix B, Zoning (Title 17), # 6-8
Chapter 17.64 Landscaping Requirements	
17.64.030 Landscape plan approval.	

Development applications shall include a landscape plan consistent with the requirements of this section. The landscape plan should be prepared or approved by a licensed landscape architect, architect, certified nurseryman, or certified landscaper, and drawn on the same base map as the development plans. The Landscape plan shall include: A. Total landscape area, including location of any street trees; B. Identification of landscape materials (botanical/common name) and applicable size; C. Property lines; D. Impervious surfaces, including parking stalls, access aisles, and other vehicle use areas; E. Natural or man-made water features or bodies; F. Existing or proposed structures, fences and retaining walls; G. Natural features or vegetation left in a natural state; H. Location and p)an for all existing significant trees; I. Any designated recreational and/ or open space areas. No building permit or clearing and grading permit shall be issued where landscaping is required until a landscaping plan has been submitted to, and approved by, the city. The landscape plan shall include identification and provisions for any existing "significant trees" and any required street trees, as well as other landscaping requirements.	a preliminary landscape plan has been provided. A detailed landscape plan will be provided during final design for the current phase.
17.64.040 Preservation of significant trees. Significant trees in areas in wetlands, fish and wildlife conservation areas. frequently flooded areas, geologically hazardous areas as defined in CEMC Chapter 18.01, and in the required landscaped buffer adjacent to 1-90, shall be preserved. "Significant trees" are defined as existing healthy trees which, when measured four feet above grade, have a minimum diameter of eight inches for evergreen trees, or twelve inches for deciduous trees. Significant trees shall be identified by a tree survey prepared by the applicant and shall be preserved to the maximum extent possible. During construction, the applicant shall use accepted preservation techniques to protect significant trees designated for retention.	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.

17.64.050 Surface parking areas.	
Surface parking areas shall provide perimeter and interior landscaping as shown below. The perimeter landscaping may be used to meet landscape area requirements of the underlying zoning district. A. Perimeter Landscaping. The perimeter of all parking areas shall be landscaped. Parking areas that abut a residential zone shall be landscaped with a five foot B2 buffer. Parking lots perimeters not adjacent to residential zone shall be landscaped with a five foot B1 buffer. Parking lots adjacent to a public right-of-way shall be landscaped with a five foot B2 buffer. B. Landscaping shall be provided within all surface parking areas encompassing six or more stalls. Such parking areas shall have a minimum of ten percent of the parking area, maneuvering area and loading space landscaped, provided that no landscaping area shall be less than fifty square feet in area, and no parking shall be located more than one hundred feet from a landscaped area. Perimeter landscaping, required adjacent to property lines and/ or residential areas, shall not be calculated as part of the ten percent figure. C. Landscaped islands shall be provided and distributed throughout the parking area at a ratio of one tree for every six parking stalls. Landscaped islands shall be a minimum of twenty-five square feet in size and contain a minimum of one tree of suitable species and ground cover plantings. D. Permanent curbs or structural barriers shall be provided to protect the plantings from vehicle overhang and damage.	Landscaping for City Heights shall be consistent with the standards set forth in CEMC 17.64, with modifications and clarifications found in the DA, Appendix B, Zoning (Title 17), #9.2-9.4
17.64.070 General standards for all landscape areas. A. All new development shall comply with the screening and buffering required by the buffering matrix in Table 17.64-1 and the following standards: 1. B.1-Low Screen Buffer. This buffer is intended for areas where a limited buffer screen is required to separate uses that are potentially incompatible. This buffer is composed of live ground cover through out the buffer and trees planted every thirty feet along the length of the buffer. 2. B.2-Medium Screen Buffer. This buffer is intended for areas where a moderate buff er is needed to separate incompatible uses. This buffer is composed of live ground cover through out the buffer, evergreen shrubs which reach a minimum of two to four feet in height and trees planted every thirty feet along the length of the buffer. 3. B.3-High Screen Buffer. This buffer is used where a high degree of visual screening is required between incompatible uses. This buffer consists of a fully site obscuring fence with landscaping between the fence and the property line composed of live ground cover through out the buffer, evergreen shrubs which reach a minimum of six feet in height and trees planted every thirty feet along the length of the buffer.	Landscaping for City Heights shall be consistent with the standards set forth in CEMC 17.64, with modifications and clarifications found in the DA, Appendix B, Zoning (Title 17), #9.2-9.4

B. All new landscape areas shall be subject to the following provisions: 1. Plant selection shall consider adaptability to climate, geologic, and topographical characteristics of the site. Bark, mulch, gravel or other non-vegetative material shall only be used in conjunction with landscaping to assist vegetative growth and maintenance or to visually complement plant material. Non-vegetative material is not a substitute for plant material. 2. Berms shall not exceed a slope of two horizontal feet to one vertical foot (2: I). 3. Landscape areas shall be provided with adequate drainage. 4. Retention of existing substantial vegetation is encouraged. 5. Use of native vegetation is encouraged. 6. All plants shall conform to American Association of Nurserymen (AAN) grades and standards as published in the "American Standards for Nursery Stock" manual, provided that existing healthy vegetation used to augment new plantings shall not be required to meet the standards of this manual. 7. Single-stemmed trees required pursuant to these regulations shall. at the time of planting, conform to the following standards: a. Deciduous trees shall have a minimum caliper of two inches and a height of twelve feet. b. Conifers and evergreens shall be at least six feet in height. 8. Multi-stemmed trees shall be permitted as an option to single-stemmed trees provided that such multiple-stemmed trees are at least eight feet in height and not allowed within street rights-of way. 9. Medium and tall shrubs required pursuant to these regulations shall be at least twenty-four to thirty inches in height at time of planting. 10. Groundcover required pursuant to these regulations shall be at least four inches in height at time of planting and spaced to result in the required coverage within three years. 11. Landscape water features shall not use potable water unless the water feature recirculates water used in its operation. 12. Landscaping shall not conflict with the safety of those using adjacent sidewalks or with traffic safety. I 3. Required landscape areas which, at the determination of the city, are inappropriate to landscape due to the existence of some natural or man-made feature, shall be relocated: first, to another lot line, or second, to an equal-sized area elsewhere on the property as directed by the city. 14. Plants listed on the Noxious Weed List of the Kittitas County Weed Board or the State of Washington Noxious Weed List arc prohibited in landscaped areas.	Landscaping for City Heights shall be consistent with the standards set forth in CEMC 17.64, with modifications and clarifications found in the DA, Appendix B, Zoning (Title 17), #9.2-9.4
17.64.080 Irrigation	

All plants shall receive sufficient water to assure their survival. Landscaping that can be supported by natural precipitation patterns to encourage the conservation of water. Automatic irrigation systems are required for all landscaped areas required by this title unless a landscape architect, certified nurseryman, or certified landscaper certifies that the proposed landscaping consists of native or other suitable vegetation which is capable of surviving without supplemental irrigation. Irrigation systems shall make provisions for winterization. Irrigation water, whether manually applied or applied through an irrigation system, shall be applied with the goals of avoiding runoff and overspray. An irrigation plan and schedule shall be included as part of the required landscape plan.	An irrigation plan and schedule will be included, as needed, with the required landscape plan at final design.
17.64.090 Timing of installation. All required landscaping shall be installed prior to building occupancy, provided that the city may authorize up to a 180-day delay when planting season conflicts could produce a high probability of plant loss. A bond or assignment of funds in the amount of 125% of the work and materials required to install the approved landscaping shall be required.	Noted.

Title 18 Critical Areas Development	**Notes**
Chapter 18.01 Critical Areas Protection	
18.01.050 Permitting. All applications for permits to conduct activities having a possible significant impact on critical areas that are located on or near a project site must identify the areas affected and make an estimate of the probable impact. The City of Cle Elum shall deny all requests for permits which would result in activities degrading a wetland or fish and/ or wildlife habitat conservation area, which would put people or property in a position of unacceptable risk with respect to floods or geologic hazards, which would tend to aggravate geologic hazards, or which would harm critical recharging areas for aquifers. The City of Cle Elum may, however, grant permits which include mitigation measures if the mitigation measures adequately protect the critical area and people involved. In granting a permit that includes mitigation measures, best available science, which shall be determined utilizing the criteria set out in WAC 365-195-900 through 365-195-925, shall be used to develop and approve the mitigation measures.	Noted.
18.01.055 Determination.	

A. Each development permit shall be reviewed to determine if the proposal is within a critical area or critical area buff er. City staff shall use maps and data maintained by the city and a site inspection if appropriate. B. If it is determined that a critical area(s) is present additional assessments prepared by a qualified professional best suited for the type of identified critical area(s) may be required. C. In cases related to geohazards, the assessment shall include a description of the geology of the site and the proposed development; and assessment of the potential impact the project may have on the geologic hazard; an assessment of what potential impact the geologic hazard may have on the project; appropriate mitigation measures, if any; a conclusion as to whether further analysis is necessary; and be signed by and bear the seal of the engineer or geologist that prepared it. D. When a geotechnical report is required it shall include a certification from the engineer preparing the report, including the engineer's professional stamp and signature, stating all of the following: 1. The risk of damage from the project, both on- and off- site; 2. The project will not materially increase the risk of occurrence of the hazard; and E. All mitigation measures, construction techniques, recommendations and technical specifications provided in the geotechnical report shall be applied during the implementation of the proposal. The engineer of record shall submit sealed verification at the conclusion of construction that development occurred in conformance with the approved plans. F. A proposed development cannot be approved if it is determined by the geotechnical report that either the proposed development or adjacent properties will be at risk of damage from the geologic hazard, or that the project will increase the risk of occurrence of the hazard, and there are no adequate mitigation measures to alleviate the risks.	Per the DA, Appendix B, Critical Areas (Title 18) #1 The critical area designations and delineations set forth in the EIS shall be deemed the final determination of the identification, designation, and 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.
18.01.060 New permits required for activities in critical areas.	

The following activities shall require a critical areas permit if they are not already reviewed through a more general permit in which the applicant has reported a possible impact on a critical area: A. In wetlands: The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter or material of any kind; dumping, discharging, or filling with any material; the draining, flooding, or disturbing of the water level or water table; the driving of piling; the placing of obstructions; the construction, reconstruction, or demolition or expansion of any structure; the destruction or alteration of wetlands vegetation through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a regulated wetland, or activities that result in a significant change of physical or chemical characteristics or wetland water sources, including quantity, or the introduction of pollutants. B. In Critical Aquifer Recharge Areas: Any land use, agricultural --activity,- or other -activity having significant potential to contaminate the water. C. In Fish and Wildlife Habitat Conservation Areas: Any land use or other activity having the potential to significantly degrade the habitat or harm wildlife. D. In Frequently Flooded Areas: Any land use or other activity likely to contribute to a significant increase in flood hazards or to place a significant number of people in danger. E. In Geologically Hazardous Areas: Any land use or other activity likely to contribute to a significant increase in geological hazards or to place people in danger. F. Designated critical areas and any associated buffers shall be designated and disclosed on the final plats, maps, documents, etc., as critical area tracts, non-buildable lots and buffer areas or common areas.	Noted.
18.01.070 Performance standards.	

The following general performance standards shall apply to activities permitted with in critical areas or critical area buffers. Additional standards may be necessary based on site specific considerations or proposed development impacts. A. General Performance Standards: 1. Areas of new permanent disturbance and all areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation and restoration plan based off of Wetland Mitigation in Washington State, Part I: Agency Policies and Guidance (Version 1, Publication #06-06-011 a, March 2006, or as amended) and Wetland Mitigation in Washington State, Part 2: Developing Mitigation Plans (Version 1, Publication #06~06-011 b, March 2006, or as amended). 2. Mitigation plans shall include a discussion of mitigation alternatives (sequencing) as they relate to: a. Avoiding the impact altogether by not taking a certain action or parts of an action; b. Minimizing impacts by limiting the degree or magnitude of the actions and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts; c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment; d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or f. Monitoring the impact and taking appropriate corrective measures. 3. All boundaries of critical areas or any associated buffers shall be delineated prior to development activity on site. 4. Mitigation Ratios shall mean those wetland mitigation ratios as shown on attached Table 18.01-2.	Mitigation will be provided in accordance with standards as modified by the DA. Refer to report provided by Sewall Consulting for discussion of critical areas and impacts.
B. Wetland Areas: 1. Lights shall be directed away from the wetland. 2. Activities that generate noise shall be located away from the wetland, or noise impacts shall be minimized through design or insulation techniques. 3. Toxic runoff from new impervious surface area shall be directed away from wetlands. 4. Treated storm water runoff may be allowed into vegetated wetland buffers in accordance with provisions of the Eastern Washington Stormwater Manual. Channelized flow shall be prohibited. 5. Use of pesticides, insecticides and fertilizers within 150 feet of wetland boundary shall be limited and follow Best Management Practices (BMPs). 6. The outer edge of the wetland buff er shall be marked, identified, planted with dense native vegetation and/ or fenced with wildlife permeable fencing for the purposes of identifying the wetland buffer area and to discourage human disturbance.	The specified elements will be incorporated into the final design.

C. Critical Aquifer Recharge Areas (CARA): 1. The city lies over alluvial soil deposits. There are unconsolidated materials composed of silt, sand and gravel, which in places are several hundred feet in depth. This deposit material is important as a water conveying unit and supplies the groundwater of stream flow (recharge). In general, areas of permeable soils in combination with geological transfer structure may be aquifer recharge areas. Based on the information and maps contained in hydrology of the Upper Yakima River Basin and landscape planning, environmental applications, the city is as an aquifer recharge area. This is a preliminary determination m1til further studies of geology and hydrology are conducted on an overall or individual property specific basis to either include or exclude them as an aquifer recharge area (Ord. 1039 (part), 1996). 2. All structures shall be placed to provide a maximum buffer to known specific CARA. 3. Impervious coverage of the lot shall be minimized. 4. Best Management Practices shall be used during construction.	Per the DA, Appendix B, Critical Areas (Title 18) #4 Development shall be permitted in critical aquifer recharge areas to the extent that such development is served by the Water Rights dedicated to the City by the Ridge Entities pursuant to Appendix E.
D. Fish and Wildlife Habitat Conservation Areas: 1. Flora (plant life) and Fauna (animal life) identified as protected, shall be sheltered from construction activities using Best Management Practices. 2. Replacement of any flora shall be maintained by the applicant for three years to establish viable plant life.	City mapping shows the site does not contain identified fish and wildlife habitat conservation areas
E. Frequently Flooded Areas: 1. All structures and other improvements shall be located on the buildable portion of the site out of the area of flood hazard. Where necessary residential buildings may be elevated. 2. Utilities shall either be located three or more feet above the base flood elevation (BFE), or be engineered to the City of Cle Elum Engineers requirements appropriate for the conditions. 3. All new construction and substantial improvements shall be constructed using flood resistant materials and using methods and practices that minimize flood damage. 4. All new construction and substantial improvements shall be anchored to prevent flotation) collapse, or lateral movement of the structure. 5. No rise in the BFE shall be allowed. Post and piling techniques are preferred and are presumed to produce no increase in the BFE. 6. Modification of stream channels shall be avoided.	No develop is proposed with a flood hazard area.
F. Geologically Hazardous Areas: I. Structures and improvements shall minimize alterations to the natural contour of the slope, and foundations shall be tiered where possible to conform to existing topography. 2. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation. 3. The proposed development shall not result in greater risk or a need for increased buffers on· neighboring properties. 4. Development shall be designed to minimize impervious surfaces within the critical area and critical area buffer.	See B.1.a-h. of the submitted SEPA checklist.

G. Additional Considerations: 1. Site specific considerations may warrant additional performance standards, to be determined during the permit process, to ensure the protection of critical areas. 2. Development specific considerations may warrant additional performance standards based on level of impact to critical areas.	Noted.

City Heights Development Agreement Conditions of Approval
Draft Consistency Checklist
July 13, 2020

Development Agreement Paragraph 3. Authority: Planning Concepts and Guiding Principle	
3.2 Planning Concept and Guiding Principle	
The Master Site Plan for City Heights promotes growth management and planning objectives of the City of Cle Elum, as such objectives are contained in the City's 2007 Comprehensive Plan, of which a true and accurate copy of the version effective at the time of execution of this Agreement is attached hereto as Appendix S, the Growth Management Act of Chapter 36.70A RCW, including, specifically: preservation and creation of open space; pedestrian-oriented neighborhoods with a mix of housing types, densities, costs and ownership patterns consistent with urban densities; provision of housing adjacent to the downtown core; efficient infrastructure design and improvements; creative solutions for housing, water conservation, and traffic demand management; creative mix of residential and commercial uses; sustainable economic vitality; and quality architectural and design standards. This Agreement, and any document or action taken in furtherance or implementation of this Agreement, shall be guided by the principles that: (a) the Ridge Entities shall be responsible for mitigating only the impacts caused or necessitated by the Project as demonstrated by the EIS and otherwise identified in this Agreement, and (b) the extent of such mitigation shall be roughly proportional to the impact caused by the Project.	Noted.
Development Agreement Paragraph 6. Project Requirements and Mitigation	
6.1 Stormwater	
The Ridge Entities shall provide at their cost all stormwater facilities necessary to mitigate the direct impacts of stormwater generated by City Heights on the Property, all as further provided in, and consistent with, Appendix C. The improvements will be designed to comply with the Washington State Department of Ecology's Storm Water Design Manual for Eastern Washington , the authoritative regulatory document guiding design and construction of such systems based on best practices known in the engineering community. While the manual stipulates that the design needs to assume a 25-year flood event, the City has requested, and the Ridge Entities have agreed, to design the stormwater system for City Heights assuming a 100-year flood event, thereby increasing the capacity of the system beyond what is required by current regulations. The Project will not be required to remedy any already existing deficiencies in the existing system.	The stormwater system for City Heights has been designed assuming a 100-year flood event. See storm drainage report for details. Also see Section B.3.*Water* of the submitted SEPA checklist for information regarding the proposed stormwater system and the relevant water mitigation measures identified in the City Heights EIS.

6.2 City Heights Wastewater Service

The Ridge Entities shall provide at their cost all additional wastewater collection, treatment and discharge facilities and improvements necessary to mitigate the impacts of City Heights, all as further provided in, and consistent with Appendix D. The City shall provide wastewater service to City Heights in accordance with the provisions of Appendix D .	Per the DA, the city is to provide sewer and water service to the first 140 ERUs. With the previous approval of Phases 1 (59+1 ERUs) and 2 (65 ERUs), and the proposed Phase 3 (19 ERUs) the expected ERU count is 144 which exceeds the 140 ERU threshold. As outlined in Appendix D of the DA, and as described in the project description attached to the subdivision application, the city and project sponsor will coordinate to determine if the existing sewer system has capacity to address this phase and, if it doesn't, identify improvements needed to increase capacity. These lots will be allowed to connect to the existing sanitary sewer system per Appendix D *Wastewater Service* #3. See also B.16 Utilities of the submitted SEPA checklist for information regarding relevant utility mitigation measures identified in the City Heights EIS.

6.3 City Heights Water Service

The Ridge Entities shall provide at their cost all additional water diversion, treatment and delivery facilities necessary to mitigate the impacts to the water system from City Heights. Additionally, the Ridge Entities, at their sole cost, shall provide the water rights necessary to comply with the City's water ordinances related to the annexations to the City, all as further defined and consistent with Appendix E.	Per appendix E of the DA, the city is to provide sewer and water service to the first 140 ERUs. With the previous approval of Phases 1 (60 ERUs less 2 affordable housing ERUs) and 2 (65 ERUs), Phase 3 (19 ERUs) the expected ERU count is 142 which exceeds the 140 threshold. As outlined in Appendix E of the DA, and as described in the project description attached to the subdivision application, the city and project sponsor will coordinate to determine if the existing water system has capacity to address this phase and, if it doesn't, identify improvements needed to increase capacity. As required by the DA, the project sponsor will convey additional water rights or pay a fee in lieu of conveyance prior to final plat approval. See also B.16 Utilities of the submitted SEPA checklist for information regarding relevant utility mitigation measures identified in the City

6.4 Coal Mine Hazard Areas (CMHAs)

See Appendix F	Information relevant to the current proposal can be found in B.1.h. of the submitted SEPA checklis

6.5 Earth, Soils, and Critical Area Standards

See Appendix G	addressed in DA compliance documen

6.6 Wildlife and Habitat

See Appendix H	addressed in DA compliance documen

6.7 Transportation and Road Design

See Appendix I

6.8 Affordable Housing

For purposes of the affordable housing requirements set forth herein, median home prices shall be based on the calculations published by the Washington Center for Real Estate Research (http://www.wcrer.wsu.edu/WSHM/WSHM.html). {See Development Agreement for more details}.		
6.8.1	Low Income The Developer shall identify at least twelve (12) residential units in the Project, which units shall be distributed among at least two different Development Areas, the initial sale or rental of which shall be as low income housing. {See Development Agreement for more details.}	The location of the required low-income units has not been decided at this time, as this is a land use application submitted for City Heights.
6.8.2	Moderate Income The Developer shall identify at least twelve (12) residential units in the Project, which uni shall be distributed among at least two different Development Areas, the initial sale or rental of which shall be as moderate income housing. {See Development Agreement for more details.}	The location of the required moderate-income units has not been decided at this time, as this is the first land use application submitted for City Heights.

6.9 Police and Public Safety

See Appendix J and paragraph 3.2.	The developer will comply with all impact fees at the time they are required outlined within the DA and addressed in the EIS Mitigating Measures. See B.15. *Public Services* of the submitted SEPA checklist for information regarding public service impacts.

6.10 Fire and Emergency Services

See Appendix K and paragraph 3.2.	The developer will comply with all impact fees at the time they are required outlined within the DA and addressed in the EIS Mitigating Measures. See B.15. *Public Services* of the submitted SEPA checklist for information regarding public service impacts.

6.11 Administrative Services

See Appendix L and paragraph 3.2.	The developer will comply with all impact fees at the time they are required outlined within the DA and addressed in the EIS Mitigating Measures. See B.15. *Public Services* of the submitted SEPA checklist for information regarding public service impacts.
6.12 Public Works	
See Appendix M and paragraph 3.2.	The developer will comply with all impact fees at the time they are required outlined within the DA and addressed in the EIS Mitigating Measures. See B.15. *Public Services* of the submitted SEPA checklist for information regarding public service impacts.
6.13 Parks and Recreation	
See Appendix N and paragraph 3.2.	Addressed in submitted DA compliance document. The developer will comply with all impact fees at the time they are required outlined within the DA and addressed in the EIS Mitigating Measures. See B.15. *Public Services* of the submitted SEPA checklist for information regarding public service impacts.
6.14 Schools	
See Appendix O and paragraph 3.2.	The developer will comply with all impact fees at the time they are required outlined within the DA and addressed in the EIS Mitigating Measures. See B.15. *Public Services* of the submitted SEPA checklist for information regarding public service impacts.
6.15 Municipal Court Services	
See Appendix P and paragraph 3.2.	The developer will comply with all impact fees at the time they are required outlined within the DA and addressed in the EIS Mitigating Measures. See B.15. *Public Services* of the submitted SEPA checklist for information regarding public service impacts.
Development Agreement Appendix A Allowable Development and Densitie	**{See Appendix for more details.}**
A Land Uses, Densities, and Mix	

	Land uses for the 358 acre Project shall be within the types, densities, and areas shown on the Master Site Plan in Exhibit 3 and described in this table.	
	Development Area B: 215 ERU's (Detached/Attached Residential, Commercial	addressed in DA compliance documen
Development Agreement Appendix B Development Standards		**{See Appendix for more details.}**
Sewer Regulations (CEMC Chapters 13.08 and 13.10)		
1	Waste Water Service (Appendix D). The Development Regulations set forth in CEMC 13.08 and elsewhere in the CEMC shall not apply to City Heights to the extent such regulations would be inconsistent with the provisions of this Agreement governing Wastewater Service as such provisions are set forth in Appendix D of this Agreement.	Noted
2	Onsite Option. City Heights may be served by an Onsite Treatment Facility consistent with the Onsite Option set	N/A - Onsite option is not proposed for this phase.
3	Sales Center and Model Homes. In each Development Area, there may be constructed one sales/marketing/information center not to exceed 5,000 square feet, which exists for the primary purpose of marketing and selling lots or product within City Heights; up to 12 detached model homes; and up to 4 model buildings for attached product, each of which are utilized for sales and marketing purposes (collectively, 'Temporary Uses"). {See Development Agreement for more details.}	Noted. The sales center and model home locations for the current phase will be determined at a later date.
Water Regulations (CEMC Chapters 13.12, 13.14, 13.20)		
1	Water Rights and Water Service. The development regulations set forth in CEMC Chapters 13.12, 13.14, 13.20 and elsewhere in the CEMC shall not apply to City Heights to the extent such regulations would be inconsistent with the provisions of this Agreement governing water service as such provisions are set forth in Appendix E of this Agreement.	Noted.
Signage (CEMC 16.20)		
	..... The Ridge Entities shall have the ability, consistent with State and local laws and procedures, and after consultation with KITCOM to avoid duplication of street names, to name the streets and roads within City Heights and to develop and implement signage design standards throughout City Heights, provided such standards are consistent with Chapter 16.20.	Noted. City Heights street signage will comply with standards outlines in Chapter 16.20 when design of such signs begins.
Subdivisions (Title 16)		
1	Sales Center. Notwithstanding anything to the contrary in CEMC 16.04.040, one sales/marketing/information cente may be constructed on any existing tax parcel, as such tax parcels exist on the date hereof, without the need for platting of such parcel.	Noted.

2	Development Agreement Compliance. Provided that a preliminary plat is consistent with the terms set forth in this Agreement and the Master Site Plan, and provided further that any such proposed preliminary plat will not cause the level of service of public facilities to drop below the levels of service deemed applicable and acceptable on the date of this Agreement, any such preliminary plat shall be deemed to meet the criteria for preliminary plat approval set forth in CEMC 16.12.050.	Noted. Addressed in submitted DA compliance document. The developer will comply with all impact fees at the time they are required outlined within the DA and addressed in the EIS Mitigating Measures. See B.15. Public Services of the submitted SEPA checklist for information regarding public service impacts.
3	Design. 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) (I), (5), (8), and (12). In lieu thereof, the following standards shall apply to City Heights. 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. Trees with a diameter in excess of 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 planting plan completed by a certified arborist. 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%). 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. Structures on lots shall be set back at lea 5 feet from all property lines unless the plat is clustered or involves zero lot lines. 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 D. Ingress and egress for each Development Area and Development Pod shall be consistent with the Master Site Plan.	All was addressed in DA compliance document.
4	Stormwater. Stormwater detention facilities may be located off-site, in designated stormwater detention facilities compliant with applicable law, or on-site. Stormwater drainage for each subdivision shall comply with CEMC 16.12A.060(B) and the 100-year floodplain design parameters of the Washington State Department of Ecology's Storm Water Design Manual. All additional terms and conditions pertaining to stormwater management are set fort in Appendix C.	See storm drainage report for details. Also see Section B.3.*Water* of the submitted SEPA checklist for information regarding the proposed stormwater system and the relevant water mitigation measures identified in the City Heights EIS.

5	Streets. Road grades within City Heights may be up to 12% for segments less than 1,000 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.	addressed in DA compliance document
6	Public Improvements. Notwithstanding the provisions of CEMC 16.12A.060(D), the standards for public improvements shall be those set forth in this Agreement, except to the extent mutually agreed otherwise.	Noted.

Zoning (Title 17)

1	A community center may be located within any City Heights Development Area	Not applicable to this proposal.
2	"Acreage," as utilized only in determining compliance with the average, minimum, and maximum unit densities for single family and multiple family dwelling units under CEMC 17.45.060(8) only shall mean total acreage within City Heights less all area attributable to Collector Road rights of way, utility rights-of-way, parks, open space, and areas that are classified as critical areas under CEMC Title 18.	Noted.
3	At least 35% of the Property (approximately 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.	Addressed in DA compliance document.
5	Within any Development Area, clustering of lots, zero lot lines, and other innovative land use design and planning shall be allowed through the platting process.	Noted.
6	Parking for residential single family development with lots less than 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 off-street parking including Designated Group Parking Areas. Otherwise, designated off-street parking shall be provided for uses within City Heights, consistent with the following:	Noted.
	Residential Single Family 2.0 per dwelling unit Residential Attached -Studio/One Bedroom 1.0 spaces per unit Residential attached-Two Bedroom 1.5 spaces per unit (average) Commercial Space-Retail 3.0 spaces per 1000 sf of gross building area Commercial Space-Restaurant 7.0 spaces per 1000 sf of gross building area Commercial Space-Office 4.0 spaces per 1000 sf of gross building area Community Center 3.5 spaces per 1000 sf of gross building area Parks/Recreation 1.0 space per 3000 sf of gross building area	Addressed in DA compliance document.
7	Off-street loading space shall be required for any commercial building space that exceeds 40,000 square feet. No of street loading shall be required for a community center.	Not applicable to this proposal as commercial areas are not currently proposed.

8		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 and concrete curbs shall not be required for residential parking areas/driveways.	Addressed in DA compliance document.
9		Landscaping for City Heights shall be consistent with the standards set forth in CEMC 17.64, with the following modifications and clarifications:	
	9.1	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.	Addressed in DA compliance document
	9.2	Landscaping shall not be required within surface parking areas encompassing fewer than 15 stalls. In surface parking areas with 15 or more stalls, landscaping shall cover a minimum of 5% of the parking area, maneuvering areas and loading space landscaped. Landscaped islands of such size and tree coverage as determined by the applicant, shall be distributed through such parking area at a ratio of one tree per every 15 stalls. No permanent curbs or structural barriers shall be necessary around plantings or landscaped areas.	Not applicable to this proposal.
	9.3	Medium and tall shrubs required under CEMC 17.64 shall be at least 18" in height at time of planting.	Addressed in DA compliance document
	9.4	Single-stemmed trees required pursuant to CEMC 17.64 shall, at the time of planting, be a height of at least 10' when deciduous trees. Conifers and evergreens shall be at least 6' 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.	Addressed in DA compliance document
10		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).	Noted.

Critical Areas (Title 18)

1		The critical area designations and delineations set forth in the EIS shall be deemed the final determination of the identification, designation, and 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.	Noted.
2		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:	N/A - Phase 3 does not include wetlands or buffers.

	Classification Buffer Type I 100 ft Type II 100 ft Type III 50 ft Type IV 25 ft	N/A - Phase 3 does not include wetlands or buffers.
3	Recreational trails may be installed across wetlands, streams and buffers, provided applicable permits are obtained for such trail construction.	Addressed in DA compliance document
4	Development shall be permitted in critical aquifer recharge areas to the extent that such development is served by	Noted
Development Agreement Appendix C Stormwater Management		**{See Appendix for more details.}**
1	The Ridge Entities shall construct the stormwater infrastructure necessary to mitigate the stormwater impacts related to City Heights and shall bear all costs associated with construction of the stormwater infrastructure serving City Heights. All stormwater infrastructure designed for construction by the Ridge Entities related to City Heights shall be done under the supervision and shall bear the seal of a Professional Engineer licensed in the state of Washington. Washington State Department of Ecology's Storm Water Design Manual for Eastern Washington (the "Ecology Design Manual") recommends designing facilities to handle a 25-year flood event. For City Heights, however, the Ridge Entities shall design all stormwater infrastructure to comply with the more stringent 100-year floodplain design parameters as set forth in the Ecology Design Manual in effect on the date hereof. In addition, stormwater infrastructure design shall take into account the impacts of rain on snow events when calculating and designing requisite stormwater infrastructure that complies with the parameters as set forth in the Ecology Design Manual in effect on the date hereof.	Noted. Storm system has been designed tube compliant with the referenced code and accommodate the 100 year event and consider rain on snow effects. Refer to the Storm Drainage Report and storm water portions of the SEPA checklist for additional info.
2	Unless required by the design parameters and requirements of the Ecology Design Manual, the City agrees that no offsite stormwater infrastructure will be required to be constructed to mitigate for the impacts from the Project.	Noted
3	To the extent that infrastructure that the Ridge Entities must construct in order to serve City Heights creates a benefit to persons or properties outside of City Heights, the City and Ridge Entities shall cooperate in executing a latecomer's agreement pursuant to Chapter 35.91 RCW, establishing a local improvement district pursuant to 35.43 RCW or other mechanism allowed by law for City Heights' recovery of costs in excess of those incurred to serve City Heights alone.	Noted
6	The Ridge Entities shall tender a one-time payment to the City in the amount of $20,000 upon the issuance of the first City permit for stormwater infrastructure development in City Heights.	The developer will comply with all fees at the time they are required outlined within the DA and addressed in the EIS Mitigating Measures.

7	A stormwater mitigation fee in the amount of $250 per ERU shall be imposed against each platted lot within City Heights. Such one-time stormwater mitigation fee shall be collected by the City from each applicant at the time such applicant is issued a building permit for the vertical construction of that ERU within City Heights.	The developer will comply with all fees at the time they are required outlined within the DA and addressed in the EIS Mitigating Measures.
Development Agreement Appendix D Waste Water Service		**Notes**
2	Wastewater Capacity to Serve City Heights. In context of the foregoing, the Ridge Entities will design, construct and pay the cost of any additional wastewater treatment, collection, and discharge facilities necessary for the City to be able to provide wastewater services to the Project, through anyone of the following options or a combination thereof, provided that, under any option selected by the Ridge Entities, the Ridge Entities bear only those costs of any improvements or modifications to the Existing Facilities directly associated with and necessary to serve City Heights. It is understood that it may be necessary to construct a reactor bed to a capacity that is greater than that which is necessary for just City Heights and the reimbursement for the costs allocable to other parties is addressed later in this Appendix D. Upon compliance with the terms set forth herein, and payment of applicable connection fees (CEMC 13.10), the City will provide wastewater service for City Heights. Any such wastewater facilities required to be constructed by the Ridge Entities shall be constructed to, and not required to exceed, the applicable standards common in the municipal wastewater industry for comparable facilities.	Per the DA, the city is to provide sewer and water service to the first 140 ERUs. With the previous approval of Phases 1 (59+1 ERUs) and 2 (65 ERUs), and the proposed Phase 3 (19 ERUs) the expected ERU count is 144 which exceeds the 140 ERU threshold. As outlined in Appendix D of the DA, and as described in the project description attached to the subdivision application, the city and project sponsor will coordinate to determine if the existing sewer system has capacity to address this phase and, if it doesn't, identify improvements needed to increase capacity. These lots will be allowed to connect to the existing sanitary sewer system per Appendix D
3	First 140 ERUs will be allowed to connect to existing city facilities, subject to capital reimbursement fee of CEMC 13.10.040.	Noted. See above for ERUs over 140.
6	All wastewater system hardware and associated wastewater facility hardware serving City Heights shall be designed and constructed to City standards and, upon completion to applicable standards, shall become part of the City's wastewater system. Sewer capacity for up to the maximum number of ERUs authorized in this Agreement shall be appurtenant to City Heights.	Noted.
7	Temporary Onsite Septic System. In the event that a CHCPA or a CHWA is not executed between the City and the Ridge Entities within 9 months of mutual execution of this Agreement, the Ridge Entities shall have the right to construct temporary onsite septic systems to serve up to 100 ERUs provided a bond or other financial assurance satisfactory to the City is provided by the Ridge Entities equal to 125% of the estimated cost of connection to the municipal system. Such septic system(s) shall comply with all applicable Washington State Department of Health regulations. Provided a CHCPA or CHWA or CHOWA is executed, the ERUs associated with the onsite septic system must connect to the permanent municipal wastewater system within 6 months of the execution of that agreement and any septic system will be properly decommissioned and removed within 30 days of that connection, weather permitting.	Noted. Onsite septic is not proposed for the current phase.
Development Agreement Appendix E Water Rights and Water Service		**{See Appendix for more details.}**

2	.....the City acknowledges that City Heights contains approximately 28 acres of City Property within the City limits for which no transfer of water rights is necessary, and agrees that the City shall provide, from the City's existing water rights portfolio, such water rights and water supply as necessary to serve the first 140 ERUs constructed within City Heights.	Noted. Per appendix E of the DA, the city is to provide sewer and water service to the first 140 ERUs With the previous approval of Phases 1 (60 ERUs less 2 affordable housing ERUs) and 2 (65 ERUs), Phase 3 (19 ERUs) the expected ERU count is 142 which exceeds the 140 threshold. As outlined in Appendix E of the DA, and as described in the project description attached to the subdivision application, the city and project sponsor will coordinate to determine if the existing water system has capacity to address this phase and, if it doesn't, identify improvements needed to increase capacity. As required by the DA, the project sponsor will convey additional water rights or pay a fee in lieu of conveyance prior to final plat approval. See also B.16 Utilities of the submitted SEPA checklist for information regarding relevant utility mitigation measures identified in the City
3	City Water Supply Obligations. The City shall rely on the City's existing water supply water, and the Ridge Entities shall have no obligation to convey to the City water rights necessary to provide potable and irrigation water, for all public parks, public recreational areas, and public open spaces within City Height which total approximately 125 acres, substantially as depicted in Exhibit 7. In addition, the City shall provide the water rights and water supply for 24 affordable housing units constructed in accordance with Section 6.8 of this Agreement.	Noted.

Development Agreement Appendix F Coal Mine Hazard Area	**{See Appendix for more details.}**
Construction of infrastructure (roads and utilities) can occur in all areas of the site provided such is designed in accordance with a Geotech engineer's approval.	Noted.
Vertical development within CMHAs 3, 4, and 5 may occur if building designs use rigid foundations (conventional reinforced concrete spread footings) supporting a flexible superstructure (metal or wood frame), or if a geotechnical engineer provides further site-specific investigation and opines in writing that such foundation design is not necessary.	Information relevant to the current proposal can be found in B.1.h. of the submitted SEPA checklist. Notes related to CMHA mitigation have been placed on the preliminary engineering drawings for the current phase (sheet SI-01).
The Ridge Entities shall implement appropriate measures, such as those remediation measures contained in the Washington Model Toxics Control Act at Ch. 70.105D Revised Code of Washington and regulations promulgated thereunder at Ch. 173-340 Washington Administrative Code, as well as may be consistent with coal mine waste reclamation practices, to address soils that present a direct contact risk with carcinogenic polycyclic aromatic hydrocarbons cPAH's in concentrations that exceed human health screening levels.	Information relevant to the current proposal can be found in B.1.h. of the submitted SEPA checklist

Development Agreement Appendix G Earth, Soils, and Critical Area		**{See Appendix for more details.}**
1	No development, earthmoving activity, or deposit of spoils or drainage shall occur on the Red Rock Park delineate on the Master Site Plan, except as specifically authorized by the City for purposes of improving slope stability or	addressed in DA compliance document. Also see B.1.h. of the submitted SEPA checklist
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.	Noted.
4	Cut slopes shall be no steeper than 2H: IV or, upon recommendation of the Ridge Entities' licensed geotechnica engineer, approved by the City Engineer.	Addressed with notes on sheet TR-01 of the preliminary engineering plans for the current phase.
5	No vegetation shall be removed from slopes with a grade in excess of 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.	Addressed with notes on sheet TR-01 of the preliminary engineering plans for the current phase.
6	On slopes exceeding 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.	addressed in DA compliance document. Also see B.1.h. of the submitted SEPA checklist.
7	On slopes exceeding 35% earthmoving or clearing activities would only be allowed by the City Engineer after review of recommendations therefor by the Ridge Entities' licensed geotechnical engineer.	N/A - Phase 3 does not contain slopes in exceed of 35%.
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.	N/A - Phase 3 does not contain wetlands or buffers.
10	In the event the developer proposes fill or other modifications to wetlands, the Ridge Entities shall provide compensatory mitigation in amounts determined at the time of specific development applications, based on regulations in effect at the date of this Agreement. In addition, the Ridge Entities shall obtain all requisite federal, State, and local permits and approvals necessary for any filling or disturbing of wetlands or work within waters of the State prior to commencement of such work.	N/A - Phase 3 does not contain wetlands or buffers.
11	Soil and rock slopes created by blasting (if any) shall be maintained according to the requirements of the City Engineer based upon review of the recommendation of a licensed geotechnical engineer hired by the Ridge Entities.	Not applicable, no blasting is proposed during this phase. See B.1.h. for mitigating measures related to blasting in the submitted SEPA checklist
Development Agreement Appendix H Wildlife and Habita		**{See Appendix for more details.}**

1	The Ridge Entities shall identify at least 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 otherwis undeveloped space. Such acreage set aside for open space, recreation, and otherwise may include right-of-way or easement area beneath powerlines on site.		Addressed in DA compliance document
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 planned for lawn, managed plantings, or otherwise landscaped areas that are planned for manicured vegetation and ongoing maintenance;	Addressed in DA compliance document
	(b)	prevent noxious weed introduction and proliferation;	Addressed in DA compliance documen
	(c)	prohibit hunting and the discharge of firearms; and	Addressed in DA compliance documen
	(d)	require all garbage cans to have tight fitting lids or be wildlife-proof, and require all garbage cans to be kep in a protected area except when set out for pick-up	Addressed in DA compliance document
Development Agreement Appendix I Transportation Standards and Improvements			**{See Appendix for more details.}**
1	Road Construction. The Ridge Entities shall construct, at Ridge Entities' sole cost, and in accordance with the road standards set forth herein and applicable provisions of the CEMC, all Internal Roads and Collector Roads (as those terms are defined below) (collectively, the "Roads") within City Heights on a phased basis. The Ridge Entities shall dedicate to the City and the City shall accept the dedication of each Internal Road for City ownership and maintenance upon completion, in accordance with applicable standards, of each Internal Road. The Ridge Entities, at such time as the Ridge Entities elect, but in no event later than the time that the last Internal Road connecting to the applicable Collector Road is dedicated, shall dedicate to the City, and the City shall accept, Collector Roads within a given Development Area. Upon such dedication, the City shall own such roads and be responsible for their maintenance. Prior to dedication of such roads, the Ridge Entities shall be responsible for their maintenance.		Noted.
2	Road Standards		

2.1	Internal Roads. All roads within the confines of a Development Pod shall be deemed "Internal Roads." All Internal Roads shall be designed for local access, 30 feet wide, with a 50 right-of-way, all in accordance with the cross-section schematic attached as Exhibit 4 to this Agreement. All Internal Roads shall be designed to drain towards a collection ditch or biofiltration swale adjacent to the edge of pavement. Curbs, gutters and sidewalks shall not be required. To facilitate snow plowing activities in the area, a 5 foot easement immediately adjacent to any Internal Road will be recorded against all lots fronting the Internal Road.	Roads have been designed in accordance with these requirements with swales being replaced with thickened edge curb and storm water collection system. Refer to sheets RS-01 and RD-01 of the Preliminary Engineering Plans for details which also contains notes regarding easement for snow removal. As approved with Phase 1, a modified local access with and without parking is proposed as well as a private road. Water quality is provided by a bioswale located downstream of Phase 3.
2.2	All roads within City Heights outside Development Pods which connect Development Pods to one another or to the general road network beyond City Heights shall be deemed "Collector Roads." All Collector Roads shall have a 45' right of way, inclusive of 28' of hard surface comprised of 22' of travel lanes and 3' of shoulders on either side of the travel lanes, and shall be constructed in accordance with the applicable cross-section schematic attached as Exhibit 6 to this Agreement. All Collector Roads shall be designed to drain towards a collection ditch or bio-filtration swale adjacent to the edge of pavement. All Collector Roads between the point of connection with existing City streets and their point of entry into Development Areas shall be developed with hard-surfaced pedestrian trails of a width sufficient to safely accommodate 2 pedestrians travelling in opposite directions, which trails shall to the fullest extent practicable be off-set from and parallel to the hard-surface roadway of said Collector Roads. All Collector Roads should be aligned with existing City streets at intersections creating 90 degree cross or "T" intersections. Summit View Drive and Columbia Avenue shall be deemed "Collector Roads" to the extent within the Property, as shall Montgomery Avenue, to the extent within the Property and extending northward as far as Sixth Street. A 10' easement immediately adjacent to any Collector Road will be recorded against all lots.	N/A - Phase 3 does not contain Collector Roads
2.3	Cuts and Fills. Notwithstanding and in addition to the provisions in 2.1 and 2.2 of this Appendix I, the Developer shall provide such additional right of way for Internal and Collector Roads when the City Engine deems such additional right of way to be necessary to accommodate cuts and fills adjacent to such roads in sloped areas. The amount of additional right of way shall be the minimum necessary to accommodate the cu and fills reasonably required for the construction of safe Internal and Collector Roads in such areas.	Noted. Grading necessary to accommodate road construction will be provided.

3	Road Maintenance and Snowplowing. The Ridge Entities shall maintain the Internal and Collector Roads until such time as they are dedicated to the City, after which it will be the responsibility of the City to maintain and snowplow them. The design of the Internal Roads and Collector Roads is intended to provide sufficient width for general snow plowing needs. If, in the judgment of the City's Public Works Director, cuts in the terrain, other geologic features or Project design make snow storage locations necessary, then the Ridge Entities shall cooperate in making such accommodations available for the City.	Language describing public and private roads has been provided on sheets RS-01. Applicant will coordinate with city regarding snow storage as needed.
4	Stafford Street. If Stafford Street is proposed to be used as a Haul Route, then before construction vehicles start using Stafford Street, the Ridge Entities shall, at their sole cost, widen the roadway at the comer of Stafford Avenue, just north of 4th Street, to allow construction trucks to safely pass each other at the corner (it being accepted that a 28' paved area is sufficient width for such passing). During its use as a construction haul route, the Ridge Entities shall, at their sole cost, improve the guard rail and resurface the pavement to a minimum level necessary to support construction truck use, and shall maintain that Haul Route as provided further in Paragraph 8.1, below. Once the 100th Certificate of Occupancy is issued for those Development Areas served by Stafford Street to Summit View Drive (described in Paragraph 8.2. below as Access #1), then Access #1 shall be repaved in accordance with the provisions of Paragraph 8.2 below.	Noted. Alliance Rd. to serve as haul route for Phase 3 unless otherwise approved.
	If Stafford Street is not proposed to be used as a Haul Route, then before issuance of the one hundredth (100th) building permit within Development Areas A, B, and C combined, the Ridge Entities shall, at their sole cost, widen the roadway at the corner of Stafford Avenue, just north of 4th Street, improving the guard rail and resurfacing the pavement to a minimum level to allow for adequate lane travel for two passenger vehicles.	Noted.
	The widening of roadway, resurfacing and guard rail installation are referred to herein as the "Stafford Improvements." Notwithstanding anything to the contrary herein and to the extent additional right of way must be acquired to widen this portion of Stafford Street to meet the safe turning radius described above, the City shall cooperate with the Ridge Entities in any efforts to acquire the right of way necessary, including without limit the City's exercise of its eminent domain authority as allowed by law; and to obtain, on behalf of the City, grant money or bond financing to fund all or part of the Stafford Improvements contemplated herein. The Ridge Entities shall be solely responsible for and shall hold the City harmless from and indemnify it against all fees and costs, including without limit the cost of the additional right of way and legal fees reasonably incurred by the City in exercising its rights to acquire such right of way.	Stafford Improvements were negotiated as part of Phase 1 approval.

7		Intersection of SR903/SR970. Upon the date that a building permit is issued for the 100th ERU within City Heights, the Ridge Entities shall contract and pay for a professional traffic engineering analysis of traffic flows at the intersection of SR 903 with the SR 970 spur road, near Exit 85 in Cle Elum. Such traffic analysis shall be performed for the purpose of evaluating, as against any pre-City Heights construction baseline traffic flow and volume data developed or maintained by WSDOT or otherwise provided by the Ridge Entities, the extent to which City Heights-generated traffic turning west (left) onto west bound SR 903 is adversely impacting north bound traffi on the SR 970 spur. Such analysis shall be performed again, at the Ridge Entities sole expense, upon issuance of the building permit for the 300th ,500th, and 700th ERUs in City Heights (for a total of up to four traffic analyses). At such time, if ever, that the traffic analyses commissioned by the Ridge Entities hereunder reveals that the LOS at such intersection is at level "D" or worse, and that traffic coming/going to City Heights is directly responsible for such deficiency, then the Ridge Entities shall fund the design, in its entirety, and pay its share of construction costs (proportionate to the amount of impacts that the City Heights traffic has to the total traffic at the intersection at such time, if ever, it reaches LOS "D" or worse) of a left turn collector lane from the SR 970 northbound spur to west bound SR 903. Any design of said left turn collector lane shall be subject to the approval of WSDOT.	Noted, but not applicable to this proposal.
	8.2	The Ridge Entities and the City agree that the main Haul Routes that will have impacts from construction traffic within the City will be associated with three existing roads: J) the approved route from First Street along Stafford to Summit View Drive (Access #1); 2) from First Street along Montgomery Avenue (Access #2); and 3) from First Street along Columbia (Access #3). Within sixty (60) days (or as soon thereafter if weather or an Act of God prevents construction) of the City's issuance of the one-hundredth (100th) Certificate of Occupancy for a structure within Development Areas B, C or Development Pods D I thru D4 within Development Area D, the Ridge Entities shall repave Access #1.....The term "repave" as used in this paragraph shall be limited in scope to include only the removal of the existing pavement materials in the existing paved area, such leveling as is necessary to provide a smooth pave able surface, and the installation of a two-and-one-half-inch thick asphalt surface in its place. The term "repave" is expressly meant to exclude any subsurface work or additional subsurface materials or any other improvements to the road other than such leveling as is necessary to smooth the surface to prepare it for receipt of the two-and-one-half inch thick asphalt called for above. The Ridge Entities may post a completion bond, letter of credit or other device authorized by the Cle Elum Municipal Code in an amount adequate to secure the improvements to the construction road necessary by the time of issuance of the 100th Certificate of Occupancy described above. Any security device provided in accordance with this paragraph shall specifically require the issuer of such security device to provide the City with at least 30 days' actual advance written notice of any intent to cancel such security device.	Noted, but not applicable to this proposal.

9	Traffic Development Mitigation Fees. The analysis for City Heights identified potential impacts to the followin intersections within the city of Cle Elum: Douglas Munro (Cemetery) and First Street; Oakes Avenue and West 2nd Street; North Stafford and West 2nd Street (SR 903); and Columbia Avenue and 1 51 Street. Additionally, it is possible that the intersections of First Street and Stafford, and First Street and Montgomery Avenue, could be impacted depending on phased development of the Project and the driving patterns of City Heights residents. The intersections enumerated above in this paragraph 9 are collectively referred to as "Potentially Impacted Intersections." As voluntarily agreed upon mitigation, based upon the parties' estimate of actual impacts of City	The developer will pay all agreed upon impact fees as outlined within the DA at the time such is required. See B.14. *Transportation* for additional information.
10	Summit View Drive Single Access Goal. The Ridge Entities agree that, if legally 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.	Summit View drive / Ederra Drive will be the main access point from Sixth. .
Development Agreement Appendix J Police/Law Enforcemen		**{See Appendix for more details.}**
3	Upon the City's issuance of the first permit for infrastructure construction within City Heights, the Ridge Entities shall pay a one-time payment of $125,000 related to operation and equipment impacts.	The developer will comply with all agreed upon fees a the time they are required outlined within the DA and addressed in the EIS Mitigating Measures. See B.15. *Public Services* of the submitted SEPA checklist for information regarding public service impacts.
4	Upon issuance of the building permit for the 1st ERU within City Heights, the Ridge Entities shall pay to the City the sum of $150,000 related to operations and equipment impacts.	The developer will comply with all agreed upon fees a the time they are required outlined within the DA and addressed in the EIS Mitigating Measures. See B.15. *Public Services* of the submitted SEPA checklist for information regarding public service impacts.
5	Each applicant shall pay the City for operations and equipment needs a sum equivalent to $400 per ERU at the time of the issuance of a building permit for each ERU related to that building permit.	The developer will comply with all agreed upon fees a the time they are required outlined within the DA and addressed in the EIS Mitigating Measures. See B.15. *Public Services* of the submitted SEPA checklist for information regarding public service impacts.
Development Agreement Appendix K Fire and Medical Service		**{See Appendix for more details.}**

3	Upon the City's issuance of the first permit for infrastructure construction within City Heights, the Ridge Entities shall pay a one-time payment of $100,000 related to operations and equipment.	The developer will comply with all agreed upon fees a the time they are required outlined within the DA and addressed in the EIS Mitigating Measures. See B.15. *Public Services* of the submitted SEPA checklist for information regarding public service impacts.
4	Each applicant shall pay the City for operations and equipment needs a sum equivalent to $250 per ERU at the time of the issuance of a building permit for each ERU related to that building permit.	The developer will comply with all agreed upon fees a the time they are required outlined within the DA and addressed in the EIS Mitigating Measures. See B.15. *Public Services* of the submitted SEPA checklist for information regarding public service impacts.
Development Agreement Appendix L City Administratior		**{See Appendix for more details.}**
	Each applicant shall pay the City for operations and equipment needs a sum equivalent to $200 per ERU at the time of the issuance of a building permit for each ERU related to that building permit.	The developer will comply with all agreed upon fees a the time they are required outlined within the DA and addressed in the EIS Mitigating Measures. See B.15. *Public Services* of the submitted SEPA checklist for information regarding public service impacts.
Development Agreement Appendix M Public Works		**{See Appendix for more details.}**
1	Upon the City's issuance of the first permit for infrastructure construction within City Heights, the Ridge Entities shall pay a one-time payment related to the purchase of equipment of $140,000.	The developer will comply with all agreed upon fees a the time they are required outlined within the DA and addressed in the EIS Mitigating Measures. See B.15. *Public Services* of the submitted SEPA checklist for information regarding public service impacts.
2	The Ridge Entities shall pay a total of $65,000 as a one-time payment related to operations and equipment on the anniversary of the payment of the $140,000 noted in paragraph 1in this Appendix M.	The developer will comply with all agreed upon fees a the time they are required outlined within the DA and addressed in the EIS Mitigating Measures. See B.15. *Public Services* of the submitted SEPA checklist for information regarding public service impacts.

4	Each applicant shall pay the City for operations and equipment needs a sum equivalent to $375 at the time of the issuance of a building permit for each ERU related to that building permit.	The developer will comply with all agreed upon fees a the time they are required outlined within the DA and addressed in the EIS Mitigating Measures. See B.15. *Public Services* of the submitted SEPA checklist for information regarding public service impacts.
Development Agreement Appendix N Parks and Recreatior		**{See Appendix for more details.}**
	Within the areas designated on Exhibit 7 as "Open Space," the Ridge Entities shall construct, at their sole cost, publicly open recreational trails in accordance with the Master Site Plan shown on Exhibit 3 to this Agreement, of such surfacing or mix of surfaces that the Ridge Entities deems appropriate. Said open recreational trails shall be developed consistent with typical and normal industry standards for similar trail types in areas that are similar to the City in climate, geography and topography and otherwise consistent with the traditional rural, small town, mountain character of the Cle Elum area. The Ridge Entities, in their sole discretion, may limit the use of certain trails or portions of trails to pedestrians, bicycles, or other modes of recreational use. Upon completion of trail systems by plat, the Ridge Entities shall dedicate such trail systems to the City in fee. After dedication, the maintenance of the trails for the purpose and to the standard to which they were developed will be the responsibility of the City.	Trails and related notes have been shown on the open space and tari plan. It is anticipated the trail system will be built out over time and there will be the need t have a dynamic signage and wayfinding plan to facilitate trail usage. This plan will be provided at final design for each phase of development.
	In addition to the trails shown on Exhibit 7 as Open Space, the Ridge Entities shall also construct, at their sole cost, public open parks as shown on Exhibit 7. Upon completion of parks as enumerated below, the Ridge Entities shall dedicate such parks to the City in fee. After dedication, the maintenance for the public open parks will be the responsibility of the City, which maintenance at a minimum shall include routine mowing, irrigation, weed suppression, trash removal and upkeep of cleanliness. The City and the Ridge Entities will cooperate on the design of the public open parks with the goal of minimizing maintenance costs.	Noted.
	The construction of each park identified in Exhibit 7 will be completed in accordance with the following phasing plan:	
2	Park # 2 will be constructed and completed by the time that seventy-five percent (75%) of the ERUs designated for Development Area B in Appendix A have certificates of occupancy.	Park 2 was eliminated in exchange for the Wash House park as approved under the Phase 1 Settlement Agreement.
4	Park # 3 is an existing area that can be used for recreation and it will be left in its natural state with some improvements added. There are no time limits on completior	Park #3 is not included within the current phase.
	At the City's election, or the request of the Ridge Entities, the City may create an "Adopt-a-Park" type of program that allows clubs, volunteer groups and nongovernmental organizations and associations to participate in parks and recreation open space maintenance on a volunteer basis with supplies, service support and recognition provided by the City.	Noted

	The Ridge Entities and the City may agree to substitute facilities or modify the timing of specific facilities and improvements. Upon dedication to the City, the City shall maintain and operate all such dedicated facilities.	Noted
Development Agreement Appendix O Schools		**{See Appendix for more details.}**
	At time of issuance of the first building permit for an ERU in City Heights (not including a building permit for a sales center) the Ridge Entities shall pay the School District a one-time payment of $75,000 related to facility and equipment impacts.	The developer will comply with all agreed upon fees a the time they are required outlined within the DA and addressed in the EIS Mitigating Measures. See B.15. *Public Services* of the submitted SEPA checklist for information regarding public service impacts.
	At time of issuance of the first building permit for an ERU in City Heights (not including a building permit for a sales center) the Ridge Entities shall pay a one-time payment to the School District of $150,000 related to school bus impacts.	The developer will comply with all agreed upon fees a the time they are required outlined within the DA and addressed in the EIS Mitigating Measures. See B.15. *Public Services* of the submitted SEPA checklist for information regarding public service impacts.
	The Ridge Entities shall pay a one-time payment to the School District equal to $75,000 related to facility and equipment impacts on the anniversary of the payment of the $75,000 noted in paragraph 1 in this Appendix O.	The developer will comply with all agreed upon fees a the time they are required outlined within the DA and addressed in the EIS Mitigating Measures. See B.15. *Public Services* of the submitted SEPA checklist for information regarding public service impacts.
	Upon the School District's provision to the Ridge Entities of an affidavit supported by verifiable data indicating at least 100 students attending the School District reside in City Heights, the Ridge Entities shall pay directly to the School District a one-time payment of $150,000 related to school bus impacts.	The developer will comply with all agreed upon fees a the time they are required outlined within the DA and addressed in the EIS Mitigating Measures. See B.15. *Public Services* of the submitted SEPA checklist for information regarding public service impacts.

	Upon issuance of a building permit for the 100th ERU within City Heights, the Ridge Entities shall donate to the School District up to 3 acres of land, or such amount of land the fair market value of which does not exceed $150,000, whichever is less. The Ridge Entities will consult with the School District regarding the location of the land to be donated, but the selection of the land donated will be at the sole determination of the Ridge Entities.	The developer will comply with all agreed upon fees a the time they are required outlined within the DA and addressed in the EIS Mitigating Measures. See B.15. *Public Services* of the submitted SEPA checklist for information regarding public service impacts.
	To offset impacts to facilities of the School District, each applicant shall pay a sum equivalent to $2,250 per ERU a the time of the issuance of a building permit for each ERU related to that building permit ("School Fee"). Such funds shall be tendered at the time of building permit issuance for the subject ERUs, with $750 of such School Fee being collected by an agreed-upon Escrow Agent and remitted directly to the School District, and with the balance of $1,500 per ERU being deposited into an escrow account expressly marked and managed by the escrow agent for the benefit of the School District and the Ridge Entities ("City Heights School Impact Reserve Account"). {See appendix for details}.	The developer will comply with all agreed upon fees a the time they are required outlined within the DA and addressed in the EIS Mitigating Measures. See B.15. *Public Services* of the submitted SEPA checklist for information regarding public service impacts.
Development Agreement Appendix P Municipal Court Fees		**{See Appendix for more details.}**
	Upon the City's issuance of the first permit for infrastructure construction within City Heights, the Ridge Entities shall pay a one-time payment related to the purchase of equipment of $20,000.	The developer will comply with all agreed upon fees a the time they are required outlined within the DA and addressed in the EIS Mitigating Measures. See B.15. *Public Services* of the submitted SEPA checklist for information regarding public service impacts.
	Each applicant shall pay the City for operations needs a sum equivalent to $100/ERU at the time of the issuance of a building permit for each ERU related to that building permit.	The developer will comply with all agreed upon fees a the time they are required outlined within the DA and addressed in the EIS Mitigating Measures. See B.15. *Public Services* of the submitted SEPA checklist for information regarding public service impacts.

City Heights Environmental Impact Statement
Mitigating Measures Included in Development Proposal
Draft Consistency Review Checklist July 13, 2020

Development Agreement Appendix B Development Standards	***{See Appendix for more details.}***
To the maximum extent allowable under applicable Washington law, development of City Heights shall be vested under and subject to the development regulations set forth in the CEMC as they exist on the date of mutual execution of this Agreement, including, specifically Titles 12 through 18 ("'Development Regulations"), except to the extent such Development Regulations are inconsistent with, or modified by, this Appendix B or other provisions of the Agreement or the Master Site Plan. In addition to the Development Standards set forth in this Agreement, all development within City Heights shall implement and be subject to those mitigation measures identified in the DEIS as "Mitigation Measures Included In Development Proposal".	

See submitted SEPA checklist where all EIS Mitigating Measures have been addressed.

City Heights DEIS Chapter 3.1 Earth	**Notes**
3.1.1 Topography	
Development would be clustered on existing prominent terraces to the maximum extent practicable in order to minimize development in steeper areas that would require more grading. Under Alternative 1, 2, or 3A, a substantial portion of the Red Rock waste rock pile area would be preserved in a park, rather than grading its slopes to make it suitable for development. Potentially unstable slopes in the waste rock pile would be graded as necessary to improve public safety.	
Additional geotechnical investigations will be performed in proposed Development Area A to determine best construction practices as they relate to the coal waste pile. Engineering solutions could involve measures to either strengthen the soil or to transmit structural loads to the underlying native soil. Driven piles are a typical solution for supporting residential structures located on weak soil. Ground improvement options could include a preload surcharge, where excess fill would be placed on proposed building areas to compress and densify the soil over time, producing a stronger, less compressible subgrade. Ground improvement, over-excavation or a combination of these methods would likely be required to provide a stable subgrade for the construction of roads and utilities through the area where the coal waste pile is located. Specific geotechnical recommendations for pavements and utilities will be developed in the design phase if development is proposed within Area A.	
The applicant proposes to maximize use of on-site sources of fill material to minimize the number of haul trips to/from th site. The proposal also includes using excess excavated material and stockpiled soils to reclaim on-site borrow areas. Under Alternative 1 or 2, construction haul routes and plans will be submitted to the City of Cle Elum Public Works Director for approval prior to the start of construction activity.	
As development proceeds, if it is determined that blasting will be needed in localized areas, a detailed blast specification would be prepared by a Project Engineer to integrate the findings and recommendations of the Geotechnical Evaluation (Aspect Consulting, October 2009) and the Coal Mine Hazards Risk Assessment (Subterra, Inc., October 2009), and to outline blasting objectives and activities for the project. The blasting contractor would then prepare a site-specific blast plan that identifies all details and procedures for blasting on-site.	

Soil and rock slopes created by blasting (if any) shall be maintained according to the City Heights Draft Environmental Impact Statement Required Mitigating Measures March 25, 2020 2 recommendations of the Geotechnical Engineer. Slope inclinations may have to be modified by the blasting contractor if localized sloughing or rockfalls occur. In order to minimize the potential for erosion from areas where blasting is performed, erosion control measures would be installed as soon as practicable, surface water would be diverted away from blast areas, and slopes would be inspected daily until stabilized.	
Consistent with conditions of the property owner's easement to Puget Sound Energy (Kittitas County Auditor, April 14, 1986), no blasting shall be done within 300 feet of the electrical transmission line corridors through the site without PSE's written consent, and PSE shall not unreasonably withhold this consent	

3.1.2 Geology & Soils

Design of structures to be built within the project would comply with applicable seismic design code	

3.1.3 Erosion

Elements of the proposed City Heights development would eliminate or minimize erosion from existing unstable soil areas of the site. The proposal includes re-grading the Stream C gully concurrent with site improvements in proposed Development Area D1, constructing a coordinated stormwater management system, and eliminating, regrading and/or paving unimproved dirt roads. Proposed stormwater management measures to avoid or minimize erosion and sedimentation (described in Draft EIS Section 3.18.3) would also minimize potential adverse effects to topography and soils.	

3.1.4 Coal Mine Hazard Areas

The applicant proposes to implement mitigation measures for the six different categories of Coal Mine Hazard Areas (CMHAs) identified in the Coal Mine Hazards Risk Assessment (SubTerra, Inc., October 2009), as follows:	
Coal Mine Hazard Areas (CMHAs) 1 and 2: Drill and grout remnant voids beneath the site and seal air shafts and adit/decline/incline portals.	
Coal Mine Hazard Areas (CMHAs) 3, 4 and 5: Clean up abandoned mine structures	
Additional development criteria and mitigation for construction in CMHAs 1 through 4 include: • Building designs shall accommodate standard requirements for construction in abandoned mine areas including, at a minimum, the use of rigid foundations (conventional reinforced concrete spread footings) supporting a flexible superstructure (metal or wood frame • Concrete slab-on-grade construction should use rebar rather than wire mesh for added strength. • There would be no brick or rock construction in CMHAs 1 through 4 other than for fireplaces, nonstructural facades, or landscape features. City Heights Draft Environmental Impact Statement Required Mitigating Measures March 25, 2020 3 • Any additional abandoned mine lands work and/or studies shall meet, at a minimum, the requirements and King County guidance outline in Attachment A to the Coal Mine Hazards Risk Assessment (SubTerra, Inc., October 2009).	

Coal Mine Hazard Area (CMHA) 6: Completely or partially remove coal waste (spoil) material from the proposed development area to the satisfaction of the qualified Geotechnical/Civil Engineer. Guidance on coal mine spoil pile hazard mitigation is provided in King County guidelines attached to the Coal Mine Hazards Risk Assessment (SubTerra, Inc., October 2009)	

3.1.5 Hazardous Substances Investigation

Mitigation Measures Included in the Development Proposal. The applicant proposes to comply with the recommendations of the Geotechnical consultant with regard to handling, disposal, compaction, and/or capping (as necessary) coal waste deposits on the site. A common approach for addressing soils that present only a direct-contact risk is to cap these areas with clean soils to prevent contact. This would be consistent with both the Washington State Model Toxics Control Act (MTCA) (Chapter 70.105D Revised Code of Washington (RCW), and Chapter 173.340 Washington Administrative Code) remediation requirements and coal mine waste reclamation practices. Alternatively, this material may be excavated and disposed off-site as a non-hazardous waste at a Subtitle D landfill (Aspect Consulting, November 2009).	

City Heights DEIS Chapter 3.2 Air Quality	**Notes**
Mitigation Measures Included in the Development Proposal. The project proponent (Northland Resources) has committed to prohibit residential wood-burning devices for space heating or aesthetics, and outdoor burning through Covenants, Conditions & Restrictions (CC&Rs) to be enforced by the Homeowners Association. The City will further enforce these restrictions through plat conditions and/or building permit conditions. These commitments will preclude the discharge of potentially significant sources of fine particulates and other pollutants to the air with Alternative 1, 2 or 3A. It is not known at the time of this writing whether there will be any additional features incorporated into the proposed development to minimize potential greenhouse gas emissions. The analysis identifies no need to mitigate traffic-related emissions for purposes of maintaining good air quality, based on acceptable Level of Service operating conditions at signalized intersections within the study area.	

City Heights DEIS Chapter 3.3 Water Resources	**Notes**

Water Supply Effects

The City Heights proposal includes two options for a "water budget neutral" approach to the provision of water supply to Alternative 1, 2, or 3A of the development. These are described below under Applicable Regulations. Proposed development City Heights Draft Environmental Impact Statement Required Mitigating Measures March 25, 2020 4 under Alternatives 1 or 2 would incorporate low-flow faucets, toilets and similar fixtures to minimize domestic water supply requirements.	

Sewage Disposal Effects

No mitigation measures for groundwater quantity or quality would be required for a wastewater collection and treatment option to serve Alternative 1, 2, or 3A (i.e., a Public System Option, or MBR System Option).	

Stormwater Effects

Construction contractors would be required to comply with applicable State and local regulations and permit requirements (described below) to mitigate potential construction-related impacts to groundwater quantity or quality.	
Potential impacts to groundwater quantity due to reduced recharge in the developed condition of the site would be offset in part or in whole by the following features of the Planned Mixed-Use development: • The open space proposal under Alternative 1, 2 or 3A would retain approximately 43 to 45 percent in a condition where the natural process of groundwater recharge would continue to occur. • To the extent that parks and residential landscaping are irrigated, this would locally increase groundwater recharge. • The on-site stormwater infiltration proposal would increase groundwater recharge due to the increased volume of runoff from the developed condition of the site.	

City Heights DEIS Chapter 3.4 Wetlands and Stream	**Notes**

3.4.1 Wetlands

Construction contractors will be required to comply with all applicable permit conditions to avoid inadvertent clearing or compaction within wetlands and their associated buffers. Prior to the start of construction in areas where delineated wetlands occur, wetland boundaries will be flagged and silt fencing will be installed to alert contractors to the "no disturbance" requirement for these areas.	
Best Management Practices to be implemented during construction, and water quality treatment facilities in the developed-condition stormwater management system, would minimize or avoid water quality impacts to wetlands. These measures would potentially improve water quality discharges over existing conditions, as removal of the off-road vehicle use would reduce the amount of untreated sediment-laden runoff that currently flows into creeks and enters wetlands.	
Direct impacts to wetlands (i.e., fill at road crossings) will be mitigated at required ratios per City or County Code (depending on the alternative selected for implementation) through wetland creation, likely by expanding the edge of impacted wetlands outside the area of fill. Potential impacts to wetland buffers will be mitigated through buffer averaging as allowed by Code. Buffer averaging allows reduction of a buffer in one area as long as an equal area is added to (or preserved in) the buffer in another location. Under buffer averaging, the actual area of the buffer remains the same as the standard full width buffer.	
In compliance with Ecology's Stormwater Management Manual for Eastern Washington (SWMMEW), potential impacts to wetland hydrology would be minimized or avoided by the proposed stormwater management system that would re-dir treated water back toward wetlands that received stream hydrology prior to development.	

3.4.2 Streams

Potential impacts to streams will be avoided or mitigated through the installation and operation of a stormwater management system on the site – both during construction and in the developed-condition of the project – in accordance with the Washington Department of Ecology 2004 Stormwater Manual for Eastern Washington. The proposed system is described in Draft EIS Section 3.18.3.	

Construction contractors will be required to comply with all applicable permit conditions for the protection of stream beds, stream banks, and stream water quality.	

City Heights DEIS Chapter 3.5 Wildlife and Habita

3.5.1 Habitat Conditions on the Site

Landscaping to be introduced on the site and restoration plantings would be specified to include native vegetation to the extent practicable. This would partially compensate for the loss of existing wildlife habitat with implementation of any conceptual land use alternative. Target species should include plants particularly beneficial as food sources for wildlife such as chokecherry, serviceberry, and native roses (Rosa pisocarpa; R. nutka; and R. gymnocarpa). Potentially invasive, exotic vegetation would not be allowed in site landscaping (to be enforced through the Covenants, Conditions, and Restrictions of the development), including but not limited to English ivy (Hedera helix), Scott's broom (Cytisus scoparius), Japanese knotweed (Polygonum cuspidatum), baby's breath (Gypsophila paniculata), or any other species on the Kittitas County Noxious Weed List.	

3.5.2 Wildlife Species Use of the Site

It will not be possible to fully mitigate wildlife impacts under any build alternative. Species that use the site will either use the remaining linked habitat areas (wetlands, streams, buffers, and open space corridors), or they will relocate to the north into the large forested area that includes more than 1,000,000 acres of commercial forest and wilderness area. The proposal to retain open space corridors on the site and connection through the development to off-site habitat areas would partially off-set habitat fragmentation that would result from site development. This would retain shelter and sources of food for small mammals and birds, but could have the undesirable effect of also maintaining corridors for large mammals and predators to move through the site.	
Covenants, Conditions and Restrictions (CC&Rs) to be enforced by the Homeowner's Association with Alternative 1, 2 & 3A would be used to inform residents of wildlife in the area and how to minimize sources of conflict. For example, garbage storage areas can be required to include animal-exclusion features, and a pet leash law could help minimize predation by domestic pets on small mammals and birds on the property, as well as to control these pets to minimize their availability as prey for large native predators. Certain types of landscaping could be discouraged to prevent conflicts with wildlife, such as grassed lawns, fruit trees, and berry bushes.	

City Heights DEIS Chapter 3.6 Energy and Natural Resource

Homes and commercial buildings to be constructed within the City Heights development will comply with the most current energy conservation measures specified in applicable codes..... The applicant will also encourage builders to include provisions for the use of solar energy as this technology advances, such as roofing materials with solar power generation capabilities.	

City Heights DEIS Chapter 3.7 Relationship of the Proposal to Plans, Policies, and Regulation

No "Mitigation Measures Included in the Development Proposal" identified.

City Heights DEIS Chapter 3.8 Land Use

While no adverse impacts requiring mitigation were identified in this section, several of the purpose and objective statements for the City Heights project (listed below) indicate an intent to integrate the project with the existing community consistent with the City's Comprehensive Plan land use goals, and with the purpose and objectives of the City's Planned Mixed-Use district (discussed in Draft DEIS Section 3.7.2): • Provide an interconnecting trail system to enhance the ability of the public to travel east and west through the Cle Elum area on trails through open space rather than on roads shared with vehicles. • Provide connections to existing developed areas within the City for residents to enjoy the public amenities provided within the development, and to facilitate access to the services provided in the commercial core. • Invigorate the downtown commercial area by increasing the population within the service area. • Provide neighborhood commercial uses that would not compete with downtown core businesses.	

City Heights DEIS Chapter 3.9 Noise

The proposal includes maintaining an existing natural buffer in an area 20 to 80 feet wide along most of the south boundary of the site. In addition to visual screening, this buffer may help dampen noise generated within the project.	
A detailed blast specification would be prepared, as needed, by a Project Engineer to integrate the findings and recommendations of the Geotechnical Report (Aspect Consulting 2009) and the Coal Mine Hazards Risk Assessment (Subterra 2009), and to outline blasting objectives and activities. A Blasting Contractor would prepare a site-specific blas plan, as needed, that identifies all details and procedures for blasting on-site.	

City Heights DEIS Chapter 3.10 Population

No "Mitigation Measures Included in the Development Proposal" identifie

City Heights DEIS Chapter 3.11 Housing

No "Mitigation Measures Included in the Development Proposal" identifie

City Heights DEIS Chapter 3.12 Light and Glare

The City Heights conceptual land use plans do not yet describe a lighting proposal. These would be evaluated during review of site-specific development proposals. The applicant proposes to minimize the amount of glare, light trespass and sky glow generated by lighting from residential neighborhoods, commercial areas, vehicular and pedestrian corridors through a combination of measures. Representative measures may include: • State-of-the-art lighting system components and controls used for maximum efficiency and effect. • Light fixture shielding systems to emit light down to areas intended to be illuminated, and not into surrounding areas of the community. • Use of lighting design principles that focus on appropriate selection of fixtures, levels of lighting, and mounting heights to limit "light spillage" off-site. • Appropriate selection of painted or treated surfaces for standards and fixtures to minimize the amount of reflected light glare generated. • Preserving a perimeter buffer of existing vegetation to the extent practicable and restoring cleared areas with landscape plantings to provide visual screening where needed.	

City Heights DEIS Chapter 3.13 Aesthetics

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.	
Covenants, Conditions, and Restrictions (CC&Rs) and development standards for the project will include requirements t assure that the proposed development will blend with the natural environment to the extent practicable. These measures will include such things as architectural standards for building character, exterior materials and colors; lighting, restoration plantings and screening requirements; and road standards that include provisions for landscaping and pedestrians.	
Project CC&Rs would impose measures for the maintenance and upkeep of parks (To the extent that some parks and public amenities within the development are accepted by the City as public areas, the City would maintain these areas.) and common areas, as well as measures that would minimize the visual impacts of construction, upgrades or repairs within the development. The CC&Rs, to be implemented and enforced by the Homeowner's Association, would therefore help to preserve aesthetically pleasing conditions within the development.	

City Heights DEIS Chapter 3.14 Parks, Recreation and Open Spac

The objectives of the City Heights proposal include several priorities for retaining a significant amount of open space on the site, both to preserve unique features of the property, and to provide recreational opportunities for residents of the project and the community as a whole. Trail corridors to be identified in an early phase of site planning are envisioned to connect parks, open spaces and public amenities both on-site and off-site so that people can flow through the development and have different experiences in different locations. The degree of improvements and amenities in these spaces will be a function of the resources available from the conceptual land use alternative selected for implementation, as described above. Improvements to be made will be specified in the Development Agreement to be negotiated between the City and the project proponent. Some parks and trails within the development may be dedicated to the City also to be negotiated through the Development Agreement.	
In the event that temporary disruptions to use of the Coal Mines Trail would occur during construction of a west access to serve the City Heights development, the developer would work with the City to publish and post advance notice to trail users.	
City Heights DEIS Chapter 3.15 Historic and Cultural Resource	
If at any time during project development human or unknown bones are uncovered, or deeply buried cultural deposits are encountered, work would be stopped in this area of the site and a professional archaeologist would be contacted to evaluate these findings.	
City Heights DEIS Chapter 3.16	
Haul routes for construction traffic will be addressed with the Public Works Director prior to the initiation of any construction activity. Provisions will be made in the Development Agreement to be negotiated between the City and the project proponent for restoration of road surfaces damaged by construction traffic (if any)	
New internal roadways and intersections at access points would be constructed to City of Cle Elum standards, or standards negotiated as part of the Development Agreement with the City (see Draft EIS Section 2.9.4.3). Internal roadways would be designed to meet Fire Marshal requirements, emergency access requirements and access for school buses. Snow storage would also be designed into Alternative 1. Proportionate-share mitigation for project impacts to the transportation system would be negotiated as an element of the Development Agreement between the City and the project proponent. (The City Heights proportionate share would be calculated by dividing project traffic volumes by the sum of project traffic plus background traffic volumes.) The proposal includes reconstructing the substandard curve east of the Summit View/W 6th Street intersection to improve sight distance and roadway width.	
City Heights DEIS Chapter 3.17 Public Service	
3.17.1 Cost of Public Works and Public Services in Genera	

The City Heights site is within the City of Cle Elum Urban Growth Area, adjacent to the north boundary of the existing incorporated area (see Figure 3.8-1 in Draft EIS Section 3.8). The proposal under Alternative 1 or 2 would implement the basic tenets of the Washington State Growth Management Act, the goals of which are to implement "smart growth." Among these principles are to minimize the cost and optimize the efficiency of providing public services by constructing urban development within or adjacent to areas where urban services are currently available or could logically be extended.	
The Fiscal Analysis prepared for the City Heights proposal (Property Counselors 2010) estimates that annual tax revenues generated by the project would generate a net surplus in revenue to the City or County compared to the operational requirements of Alternative 1 or 2 (see Tables 3.19-11 and 3.19-13 in Draft EIS Section 3.19 and the preceding discussion). Estimated annual tax revenues generated for the Transportation element of the City's operating budget are projected to be sufficient to fund two additional Public Works staff positions.	
The Development Agreement to be negotiated between the City and the project proponent if Alternative 1 or 2 is select for implementation will address project costs for these and other general government services to assure that the development would pay for the cost of services it requires.	

3.17.2 Fire Protection Services

The Fiscal Analysis of the proposed development (Property Counselors 2010) shows that tax revenues generated by the development would generate a net surplus in revenue compared to the operational requirements of Alternative 1 or 2 (see Table 3.19-11 in Draft EIS Section 3.19 and the preceding discussion). Estimated annual revenues that would be allocate to Fire and Emergency Services would fund the cost of 20 additional volunteer members of the Cle Elum Fire Department and a portion of the cost of the salary of a full-time Fire Chief.	
The Development Agreement to be negotiated between the City and the project proponent will establish the terms of the project's proportionate-share cost of capital and operating expenditures for Fire and Emergency Services.	
Roads within the development will be designed to support the weight, turning radius, and slope requirements of heavy fire suppression apparatus and tenders. Responsibility for maintaining clear roadways for emergency vehicle access will be determined during the development approval process when it is determined whether roads within the project will become public rights-of-way (City or County, depending on the alternative selected), or whether they will remain private and therefore the responsibility of the Homeowners Association. See the Public Service and Emergency Vehicle Access proposal described in Draft EIS Section 3.16.	
The developer (and subsequently the Homeowners Association) will be responsible for installing signage, identifying the location of fire department connections, and providing current, up-to-date maps to emergency service providers to indicate access routes and various locations within the development to facilitate error-free access to requested locations.	

3.17.3 Emergency Medical Aid Services

The Development Agreement to be negotiated between the City and the project proponent if Alternative 1 or 2 is selected, ..., would address the project's proportionate-share cost responsibilities for emergency medical aid services provided by Upper Kittitas County Medic One and Hospital District 2.	
The proposed internal road system, road standards that would support the weight and turning radius of emergency vehicles, road maintenance including snow removal during winter months, signage and maps to be provided to public service agencies to facilitate error-free access to the development would be beneficial to emergency medical response teams. See the description of Mitigating Features Included in the Development Proposal in Section 3.17.2 above.	

3.17.4 Police Protection and Law Enforcement Service

The Fiscal Analysis of the proposed development (Property Counselors 2010) shows that tax revenues generated by City Heights would result in a net surplus in revenue compared to the operational requirements of Alternative 1 or 2 (see Table 3.19-11 in Draft EIS Section 3.19 and the preceding discussion). Estimated annual revenues that would be allocated to th City's Law and Justice budget would fund the cost of four full-time-equivalent officers (salary, benefits and equipment) and approximately $105,000 per year for jail and dispatch costs. These revenues would also approximately double the City's budget for Municipal Court services, and would enable increasing the Municipal Judge staffing level to 0.6 FTE.	
The proposed internal road system; road standards that would support the weight, turning radius and slope requirements of emergency vehicles; road maintenance including snow removal during winter months; maps and signage that would facilitate error-free access would be beneficial to the provision of law enforcement services as well as fire protection and emergency medical aid. See the description of Mitigating Features Included in the Development Proposal in Section 3.17 above.	

3.17.5 Schools

Internal roadways, particularly the Main Access Roads and Collector Roads described in Draft EIS Section 2.9.4.3, would be designed to accommodate Cle Elum School District buses with student bus stops at appropriate locations. Because of low forecast traffic volumes on roadways internal to the City Heights development, it is expected that bus pullouts would not be needed since it would be safer to have the buses stop in-lane and hold all approaching and following traffic while students embark or disembark the bus. (Concurrence received from the Cle Elum-Roslyn School District in the form of personal communication with Brian Twardoski, Director of Finance, Operations, and Athletics, March 3, 2010.) Cul-de-sac turn-arounds designed for fire equipment would also accommodate the turn-around needs of school buses. Accommodations for school bus access would be the same with any action alternative, since the Cle Elum-Roslyn School District would serve the City Heights site regardless of the City or County jurisdiction in which the site is developed.	
If areas under construction have the potential to temporarily affect school bus routes within the project, the developer would be responsible for implementing measures to assure safe and reliable passage for school buses.	

City Heights DEIS Chapter 3.18 Utilities

3.18.1 Water Service

It is typical that as development occurs within local communities, developers are responsible for the initial capital investment costs of infrastructure improvements to mitigate their impacts as part of project approval conditions. It is anticipated that an agreement will be created between the City of Cle Elum and the project proponent to indicate that the costs of improvements required within the City's water system to serve Alternative 1 or 2 of City Heights and all on-site improvements required to supply water to City Heights will be paid by the project proponent and not directly by the City of Cle Elum. Payment could take the form of direct payment by the project proponent, through some form of City-sponsored financing such as a Local Improvement District sponsored by Cle Elum (completely paid for by the project proponent, not with City funds), or through grant money secured by the City of Cle Elum (with the costs of application and procurement funded by the project proponent and not the City).	
The proposed development under Alternative 1 or 2 would incorporate low-flow faucets, toilets, and other similar fixtures to minimize domestic water supply requirements. Water meters would be installed at each building, or at another connection point using water and pipe/meter sizes to be determined on the basis of domestic flow volumes and fire flow needs. Increased operating and maintenance costs accrued by the City would be recovered through utility rates paid by the actual users of the water system.	
All reasonable efforts will be made to locate new water reservoirs with minimal visual impact	
Best management practices would be implemented during the construction of utilities to minimize noise, dust, and erosion potential (see Section 3.18.3, below).	

3.18.2 Sewer Service

Public System. Mitigation measures for the wastewater collection and treatment requirements of Alternative 1, 2 or 3A would be approximately the same. The Upper Kittitas County Regional Wastewater Treatment Facilities Project Agreement, Development Agreement and Service Agreement, as amended (the Service Agreement), guides the construction, use and operation of the Cle Elum wastewater collection and treatment system. In accordance with the Service Agreement, a Capital Recovery Charge is currently charged by the City of Cle Elum to all new ERUs utilizing the existing system. These funds are remitted to Suncadia. As noted above, the City of Cle Elum does not have any existing wastewater system capacity to allocate to the needs of the City Heights project; therefore, it is presently unclear how the project could be served by the City's wastewater collection system. Any costs associated with allocating existing capacity in the wastewater collection and treatment system to the City Heights project would be imposed through the Development Agreement, requiring the project proponent to reimburse costs as lots were developed and connected to the City's infrastructure.	
If the Borrow Option, Purchase Option, or Infiltration/Inflow Option for the collection system were selected, existing capacity would be rented or purchased and the compensation would be negotiated between the parties.	

In the event that collection and treatment system capacity could not be secured on a permanent basis under the Purchase Option or the Infiltration/Inflow Option, then the developer would be responsible for the initial capital investment costs of infrastructure improvements required to serve City Heights as an element of project approval conditions. It is anticipated that an agreement will be created between the City of Cle Elum and the City Heights Planned Mixed-Use development providing that the costs of improvements required within the City of Cle Elum sewer system to serve City Heights and all on-site improvements required to supply service to the project would be paid for by the project proponent and not directly by the City of Cle Elum. Payment could take the form of direct payment by the project proponent, through some form of City-sponsored financing such as a Local Improvement District (completely paid for by the project proponent, not with City funds), or through grant money secured by the City of Cle Elum (with the costs of application and procurement funded by the project proponent, not the City). Under no circumstance would costs to provide sewer service to the City Heights development be borne directly by the City of Cle Elum or existing sewer service customers.	
Increased operating and maintenance costs accrued by the City would be recovered by utility rates paid by the actual City Heights users of the wastewater collection and treatment system	
MBR System. A MBR system could be implemented to serve Alternative 1, 2 or 3A. Proper design and operation of a MBR plant would produce reclaimed water that would meet Class A water quality standards for possible seasonal reuse on-site for landscape irrigation, and for discharge to the Yakima River (subject to obtaining all required permits and approvals for a new outfall to the river).	

3.18.3 Stormwater Management

The City Heights proposal would comply with the requirements of Ecology's 2004 Stormwater Management Manual for Eastern Washington (SWMMEW) to mitigate the potential impacts of surface water runoff described above. Temporary erosion/sedimentation control (ESC) facilities would be installed during construction. ESC measures would minimize soil erosion once the natural vegetative cover has been removed, and would minimize the occurrence of sediment from those same areas migrating into water bodies such as streams. Permanent stormwater management facilities would be created concurrent with residential and commercial development on the site, and technologies associated with sustainable designs would be implemented. Possible treatment methods to accomplish this goal are described below.	
Based on the proposed design criteria and mitigation measures for stormwater management, it is anticipated that the City Heights project would not adversely affect the existing water quality of Crystal Creek during construction or in the completed condition of the development.	

Flow control and channel stabilization measures will be implemented throughout the project site in compliance with Ecology's 2004 SWMMEW standards, especially near existing critical areas such as wetlands and streams (such as Stream D), to minimize both existing conditions of erosion and sediment transport and conditions that have the potential be made worse as a result of site development. Representative Best Management Practices are listed below: • BMP C102: Buffer Zones • BMP C120: Temporary and Permanent Seeding • BMP C122: Nets and Blankets • BMP C124: Sodding • BMP C200: Interceptor Dike and Swales • BMP C202: Channel Lining • BMP C207: Check Dams • BMP C209: Outlet Protection • BMP C234: Vegetated Strip • BMP C235: Straw Wattles • BMP F6.10: Detention Ponds • BMP F6.21: Infiltration Ponds • BMP F6.42: Full Dispersion • BMP T5.10: Infiltration Ponds • BMP T5.40: Biofiltration Swales • BMP T5.50: Vegetated Filter Strip	

3.1 8.3 Storm water Management

Given that seasonal flooding occurs in the Crystal Creek basin and in seasonal streams that flow through the City Heights site under existing conditions, mitigation measures may be selected from the following strategies to address the increased volume of stormwater and increased peak flows that would occur as a result of the City Heights Planned Mixed-Use development:

- Reduce the quantity of stormwater to be discharged.
- Implement full or basic dispersion for each phase of development based on the King County 2009 Surface Water Design Manual in order to reduce, treat and/or slow down post-development runoff.
- Where possible, infiltrate stormwater in an area where recharge does not report directly to basins that have flooding problems.
- Store stormwater during the wet season for use during the dry season and/or until the timing of recharge will have a minimal impact on these basins.
- Improve and/or maintain the capacity of the City's stormwater conveyance infrastructure so that it can handle increased flows without an increase in flooding.
- Develop on-site snow removal policies that will allow snow runoff to be properly detained and not by-pass the stormwater management system.

Given that seasonal flooding occurs in the Crystal Creek basin and in seasonal streams that flow through the City Heights site under existing conditions, mitigation measures may be selected from the following strategies to address the increased volume of stormwater and increased peak flows that would occur as a result of the City Heights Planned Mixed-Use development: • Reduce the quantity of stormwater to be discharged. • Implement full or basic dispersion for each phase of development based on the King County 2009 Surface Water Design Manual in order to reduce, treat and/or slow down post-development runoff. • Where possible, infiltrate stormwater in an area where recharge does not report directly to basins that have flooding problems. • Store stormwater during the wet season for use during the dry season and/or until the timing of recharge will have a minimal impact on these basins. • Improve and/or maintain the capacity of the City's stormwater conveyance infrastructure so that it can handle increased flows without an increase in flooding. • Develop on-site snow removal policies that will allow snow runoff to be properly detained and not by-pass the stormwater management system.	

It is anticipated that some form of low impact development approach to stormwater management may be used depending on the conceptual land use alternative selected for implementation. Low impact development methods differ from traditional development in that they are applied at a smaller scale and are designed to more closely mimic pre-developme hydrology by managing stormwater closer to its source in small drainage areas, rather than creating large stormwater facilities for entire drainage basins. Stormwater management facilities within the City Heights development would be owned and maintained by the Homeowners' Association (HOA) after construction is complete and lots are legally platted. Prior to that time, the property owner/developer would be responsible for maintenance of these facilities. Each stormwater management facility would need to be periodically observed and maintained to ensure design performance. The HOA would need to create a procedure for this observation and maintenance.	

3.18.4 Electrical Service

The City Heights developer will coordinate with PSE and BPA concerning the construction, operation, and maintenance roads, utilities, and/or trail improvements within the easements granted to PSE and BPA for the overhead electrical transmission lines that pass through the property.	
It is the preference of the project proponent to have natural gas service installed throughout the development to serve all homes and neighborhood commercial uses, provided that it is cost-effective to do so.	
The developer will encourage builders to incorporate "built green" features and additional energy conservationm measures to the extent possible.	

3.18.5 Natural Gas Service

PSE would construct the natural gas system within dedicated rights-of-way using one of its authorized contractors to perform this work. The contractor would be required to work with the City of Cle Elum and/or Kittitas County (dependin on the alternative selected for implementation) to provide traffic control measures during work within road rights-of-way adjacent to operational roadways.	

3.18.6 Telecommunications Service

In order to minimize potential construction conflicts, the developer will contact the selected telecommunications service provider as early as possible following development approvals to initiate engineering design of the system and establish the construction schedule. If Qwest is selected, they usually require a minimum of 60 days to complete a design and release the necessary work orders to their construction department once they have received the plat drawings and power company designs, and enter into a Provisioning Agreement for Housing Developments.	

3.18.7 Solid Waste Collection Service

The project developer and/or City would notify Waste Management of Ellensburg at the time each new phase of development is proposed within City Heights, in order to coordinate the provision of services that may be required during construction, and to give the company advance notice of the forthcoming increase in the number of customers to be served.	
As an alternative to burning land-clearing debris (biomass), the proposal includes grinding wood waste and stumps on-site to create woodchips for use in temporary site stabilization and permanent landscaping. Excess material may also be hauled off-site.	
City Heights DEIS Chapter 3.19 Fiscal Analysis	
No "Mitigation Measures Included in the Development Proposal" identifie	

City Heights Development Agreement – Compliance Summary

The information that follows includes excerpts from the City Heights Development 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 summary 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 3**

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: **Portion of Development Pod B5**

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 3.**

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]."

Phase	Development Pod	Allowed Density	Proposed Density	Remaining Density	Allowed Product Type	Proposed Product Type
Phase 1	C	C 50 ERUs	29	21	Detached & Attached Residential	Detached & Attached Residential
Phase 1	B7	B1-B7 215 ERUs	30	185	Detached & Attached Residential & Commercial	Detached Residential
Phase 2	Portions of B3	B1-B7 215 ERUs	7	178	Detached & Attached Residential	Detached & Attached Residential
Phase 2	B4	B1-B7 215 ERUs	30	148	Detached & Attached Residential	Detached & Attached Residential
Phase 2	Portions of B5	B1-B7 215 ERUs	15	133	Attached Residential	Attached Residential
Phase 2	B6	B1-B7 215 ERUs	13	120	Detached & Attached Residential	Detached & Attached Residential

Phase 3	**Portions of B5**	**B1-B7 215 ERUs**	**19**	**101**	**Detached & Attached Residential**	**Detached & Attached Residential**

Total Proposed (P1 to P3) = 143

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 or private roads. 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 3 is not currently proposing to remove trees in open spaces or planned public areas in excess of 30" DBH 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 in excess of 30"

DBH are identified and desired to be removed a vegetation management and revegetation and planting plan will be created prior to removal.

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 3 totals 2.14 acres. As currently proposed approximately 50% of the Phase 3 area will have impervious coverage which is approximately 1.07 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 3 – Is within development pod B-5 and contains a mixture of zero lot line attached units (townhomes) and single family detached 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 3 does not utilize alleys however, as previously allowed as part of Phases 1 and 2, does include a short private road. None of the proposed roads exceed 12% for segments of more than 1,000 feet. Intersection angles are at or near 90 degrees and will not create traffic hazards.

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 3 will create approximately 0.49 acres of Open Space tracts which will contribute towards the overall 125 Ac requirement for City Heights. A table showing the Phase 1, 2, and 3 totals is included on the Phase 3 Preliminary Site Plan.

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."*

Residential units will have garages that can accommodate two vehicles. Internal Roads A and B allow for parking along one side of the roadway where feasible. to

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 for single family detached as well as zero lot line attached are currently anticipated to located on the same lot being served. In the event changes to the architecture on the zero lot line townhomes reduces on lot parking to less than 2 stalls per lot unit additional group or on street parking areas will be identified.

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."*

N/A phase 3 does not contain any of the above described critical areas.

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

N/A – No wetland or wetland buffers are present at Phase 3.

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.

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 3 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.

N/A Phase 3 is not located in Development Area A.

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.

No slopes exceeding 35% are present at Phase 3.

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.

No slopes exceeding 35% are present at Phase 3.

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.

N/A – Phase 3 does not contain wetlands or buffer.

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.