

City Planning Commission Agenda

December 5, 2023

6:00 p.m.

Mayor
Jay McGowan
City Administrator
Robert Omans
City Clerk
Debbie Lee
City Planning
Colleda Monick



Planning Commissioners
Position #1-Gary Berndt, Chair
Position #2-Matt Fluegge
Position #3 - Vacant
Position #4-Elizabeth Torrey
Position #5-Colin Brissey
Position #6-Paul Kantwill
Position #7-Ian Steele

The Cle Elum Planning Commission meetings are conducted in a hybrid format, with in-person participation at City Hall and from remote locations via Zoom.

Cle Elum City Hall, 119 W. First Street, Cle Elum, WA 98922

Zoom connection information on next page; will change every meeting to ensure cybersecurity.

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- 1. Call to Order and Roll Call.**
 - 2. Citizen Comments on Non-Agenda Items (limited to 5 minutes).**
 - 3. Adoption of Minutes:**
 - a. November 7, 2023
 - 4. Public Hearing.**

None scheduled
 - 5. Planning Updates.**
 - a. Update from Chair Gary Berndt
 - b. Staff Announcements, Planning Consultant Colleda Monick
 - 6. New Business.**
 - a. WDFW Presentation – Critical Areas Comments
 - b. Commercial vs. Industrial Zoning Permitted Uses
 - 7. Next Meeting Agenda Development.**
 - a. Title 17 updates
 - 8. Commissioner Comments and Discussion.**
 - 9. Adjournment.**

City of Cle Elum is inviting you to a scheduled Zoom meeting.

Topic: Planning Commission

Time: Dec 5, 2023 06:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/89832718002?pwd=vYrcLesQvLzbMw9cVjbabVjQLPSI2t.1>

Meeting ID: 898 3271 8002

Passcode: 447920

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One tap mobile

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+12532158782,,89832718002#,,,,*447920# US (Tacoma)

CITY OF CLE ELUM
PLANNING COMMISSION MEETING
Meeting Minutes
November 7, 2023 | 6:00 p.m.

1. Call to Order & Roll Call

Commissioner Berndt called the meeting to order at 6:00 p.m. Commissioners present; Gary Berndt (chair), Colonel Paul Kantwill, Elizabeth Torrey, and Ian Steele. Matt Fluegge and Colin Brissey absent and excused.

Also in attendance, Planning Consultant Colleda Monick.

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

Public Comments

Jakob McGehe and Justin McGehe, owners of Snowy River Equipment spoke to the Commissioners regarding their need to expand their business and the difficulties in finding properly zoned parcels that could support expansion. They are interested in a parcel that is zoned General Commercial, but under current zoning regulations, their business type is not supported under this zone without requirements that are prohibitive to them conducting business. They asked the Commissioners to consider reviewing existing code to see if updates could be made that might allow additional “industrial uses” to be permitted in the General Commercial zoning district through code amendment(s).

Robert Bator, owner of Bator Lumber. He is planning on listing his business in the spring and is concerned that his property was rezoned through the 2021 zoning updates. His existing business is considered an Industrial Use and is now legal non-conforming under the updated zoning. He is concerned that the existing zoning limits the sale of his property. He requested that the commission review current code requirements in the Industrial and General Commercial zones to see if there were any opportunities for amendments.

**Staff to share zoning map old and new with planning commission and create a presentation to start discussions on possible code amendments between allowable uses in GC vs. Industrial.*

3. Adoption of Minutes

Commissioner Kantwill motioned to accept the minutes of October 3, 2023, as written, Commissioner Torrey seconded. Motion passed.

4. Public Hearing

None Scheduled

5. Staff Report

- a. Update from Chair Berndt, newspaper article talking about the build out of Upper Kittitas County that he would like shared with the commission. Berndt also attended a presentation by the Central Washington Home Builders Association in which they [CWHBA] shared that new requirements under the energy code and building code are increasing building costs by roughly \$130,000/home.

- b. Update from Planning Consultant Colleda Monick: City has submitted an application for the Climate Planning Grant Funding. This is funding to implement HB 1181 which adds a climate goal to the Growth Management Act and requires local comprehensive plans to have a climate element with resilience and greenhouse gas emissions mitigation sub elements. If funding is granted, the city would work with a consultant to draft updates to the Comprehensive Plan, working closely with the Planning Commission.

Critical Areas Ordinance. The city has passed this; however, the Department of Fish and Wildlife has expressed some concerns about the regulations, specifically as they related to buffers. The mayor and staff met with DFW as well as members from the Department of Commerce to discuss possible next steps and it was concluded that DFW would like to provide a redline version of their recommended changes to our recently adopted code and present those to the Planning Commission for review and discussion at the next Planning Commission meeting.

6. New Business

- a. Presentation and discussion on Zero Lot Line and Common Wall proposed code regulations.

7. Next Meeting Agenda Development:

- a. Critical Areas – presentation from Department of Fish and Wildlife
- b. General Commercial/Industrial Zoning – put together a presentation for the commission to discuss what's allowed and what isn't.

8. Commissioner Comments and Discussion

Chair Berndt mentioned that his term expires at the end of the year.
Veteran's Day events at both the Middle School and High School this coming week.

9. Adjournment

Commissioner Berndt called for a motion to adjourn. Commissioner Katnwill motioned and Commissioner Torrey seconded to adjourn the meeting. The next regular meeting is scheduled for Tuesday, December 5, 2023, at 6 p.m.

There will not be a January meeting. February 6, 2024 – Planning Commission Elections.



State of Washington
DEPARTMENT OF FISH AND WILDLIFE
South Central Region • Region 3 • 1701 South 24th Avenue, Yakima, WA 98902-5720
Telephone: (509) 575-2740 • Fax: (509) 575-2474

November 28, 2023

City of Cle Elum
c/o Planning Department
119 West First Street
Cle Elum, WA 98922

SUBJECT: COMMENTS ON 2023 CRITICAL AREAS ORDINANCE

Dear Cle Elum Planning Department:

The Washington Department of Fish and Wildlife (WDFW) thanks you for your willingness to review our comments on the Critical Areas Ordinance (CAO) that was adopted in September 2023. We acknowledge that these comments are outside of a public comment period and we look forward to collaborating with you to ensure that our shared interests in protecting the City of Cle Elum's riparian ecosystems, fish and wildlife, and water quality are incorporated into your CAO. We offer our technical assistance in keeping with our legislative mandate to assist local government to preserve, protect, and perpetuate fish and wildlife and their habitats for the benefit of future generations.

There have been several iterations of draft CAOs in the recent past. In January 2021, WDFW reviewed and commented on a CAO version that went out for public review. Most of our comments focused on the proposed riparian buffers; we advised that the proposed buffer widths (Figure 1) would not adequately protect streams or riparian areas and recommended that the Site Potential Tree Height (SPTH) methodology be utilized to adequately conserve ecological functions and values of riparian ecosystems on all watercourses.

Figure 1: Proposed riparian buffers as taken from the Cle Elum 2021 draft CAO

Table 18.01-5. Stream Buffer Requirements

<u>Stream Type Standard Buffer Width</u>	
<u>Type S</u>	<u>200 ft</u>
<u>Type F</u>	<u>50 ft</u>
<u>Type Np</u>	<u>25 ft</u>
<u>Type Ns</u>	<u>25 ft</u>

In May 2022, Cle Elum issued an updated version of the CAO for public comment. This version appeared to have incorporated some of WDFW’s comments, as the riparian buffers had been modified since the 2021 proposal; additionally, several other positive changes had been made to the text. On July 5, 2022, WDFW submitted public comments that focused on the methodology of measuring the riparian buffers. In our opinion, the proposed riparian buffers identified in the 2022 draft CAO would have been sufficiently protective of aquatic ecosystems in Cle Elum, and reflective of best available science, so we offered no comments regarding the buffer sizes.

Figure 2: The riparian buffers proposed in the 2022 draft CAO

4. Standard Riparian Management Zones.

Stream Type	RMZ for development defined as “infill” ¹	RMZ for all other development
Type S (Shoreline)	See the SMP	See the SMP
Type F	150	Site Potential Tree Height (200 year) ²
Type Np	100	Site Potential Tree Height (200 year) ²
Type Ns	50	Site Potential Tree Height (200 year) ²

On September 13, 2023, WDFW was surprised to receive notification that Cle Elum had officially adopted a new Critical Areas Ordinance. Upon our review, it appeared that the 2021 CAO language had been adopted with only some of the previous comments incorporated. Much of the riparian ecosystem protections included in the 2022 CAO update did not appear to have been included in the newly adopted code language, and the riparian buffer widths had reverted to what had been proposed in the 2021 draft language, which was two public comment periods prior:

Figure 3: Current stream buffers as adopted in the 2023 CAO

Table 18.01-5. Stream Buffer Requirements

Stream Type Standard Buffer Width	
Type F	50 ft
Type Np	25 ft
Type Ns	25 ft

WDFW has concerns over the adopted CAO’s inadequacy of the aquatic and riparian ecosystem protections, especially for newly annexed areas containing watercourses important for fish and wildlife productivity. Specifically, we are concerned that the narrow buffer widths on type F and N streams in the City will not sufficiently protect water quality nor priority habitats and species, including allowing fine sediment and other upland runoff to enter streams unfiltered and compromise downstream spawning and rearing for salmon and steelhead. Also, stream temperatures are likely to become elevated due to lack of shade, resulting in stream temperature

rising above thresholds of tolerance for juvenile salmonids rearing in downstream reaches. The dramatic increase in land use intensity that is being planned within the City will bring greater pressure on its critical areas, such as increased water use impacting stream flows and increased pollution (from vehicles, lawns, pets, etc.). As subject matter experts and technical advisors, it is our duty to ensure the City is aware of the potential outcomes of these decisions.

The CAO's adoption process was atypical; had there been a comment period or a notice prior to adoption, we would have submitted comments like what we submitted in response to the January 2021 draft CAO.

As such, WFDW recommends that City of Cle Elum revise Section 18.01.070(C), specifically Table 18.01-5, to incorporate buffer requirements that better align with what Best Available Science suggests is necessary to protect function and values in riparian ecosystems. Our ultimate concern is maintaining protection of fish and wildlife resources, including salmon and steelhead, especially given the high level of development that the City expects in the near future. Some possible ways of addressing this suggestion would be to:

- Adopt the proposed 2022 buffers, or
- Adopt SPTH-based buffers on all watercourses regardless of typing, which is approximately 140', in line with Best Available Science, or
- Develop alternative buffers which are protective yet customized to the City of Cle Elum's needs. WDFW would be happy to assist Cle Elum in this endeavor.

One question that we have been asked is how increasing stream buffers will impact existing development. In response to this question, WDFW recommends that Cle Elum consider adopting language similar to what the Kittitas County Critical Areas Ordinances dictates in Section 17A.01.070:

Figure 4: Selection from the Kittitas County Critical Areas Ordinance

17A.01.070 Non-Conforming Lots, Structures, and Uses

The following provisions apply to lots, structures and uses lawfully established prior to the effective date of this Title, or amendments thereto, which do not conform to the current regulations or standards of this Title. The following provisions do not apply to lots, structures or uses that were unlawfully established.

1. Non-conforming lots:
 - a. An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established in accordance with local and state subdivision requirements prior to the effective date of this Title but which does not conform to the present lot size standards may be developed as permitted by the land use regulations of the local government so long as such development conforms to all other requirements of this Title and the Act.
2. Non-conforming structures:
 - a. Nonconforming structures may be maintained, repaired, renovated, and remodeled, provided such activity does not enlarge or expand the structure beyond the allowances in this section.
 - b. Nonconforming structures may be enlarged or expanded one time, provided:
 - i. The enlargement does not extend closer to the critical area than the existing primary structure or farther into the minimum side yard setback;
 - ii. The enlargement does not expand the footprint of the existing structure by more than 200 square feet in a lateral direction;
 - iii. The enlargement does not cause new direct wetland or stream impact; and
 - iv. Mitigation of impacts to disturbed critical areas or buffers is provided in accordance with this title. The County may consult with agencies of expertise to ensure plan adequacy.

Thank you again for the opportunity to comment on Cle Elum's newly adopted Critical Areas Ordinance. We offer these comments in the spirit of our shared interests in working

collaboratively in preserving, protecting, and perpetuating fish and wildlife and their habitats for the benefit of current and future generations of Cle Elum's residents. Please contact me to discuss WDFW's recommendations or any of the other comments presented within this letter.

Sincerely,

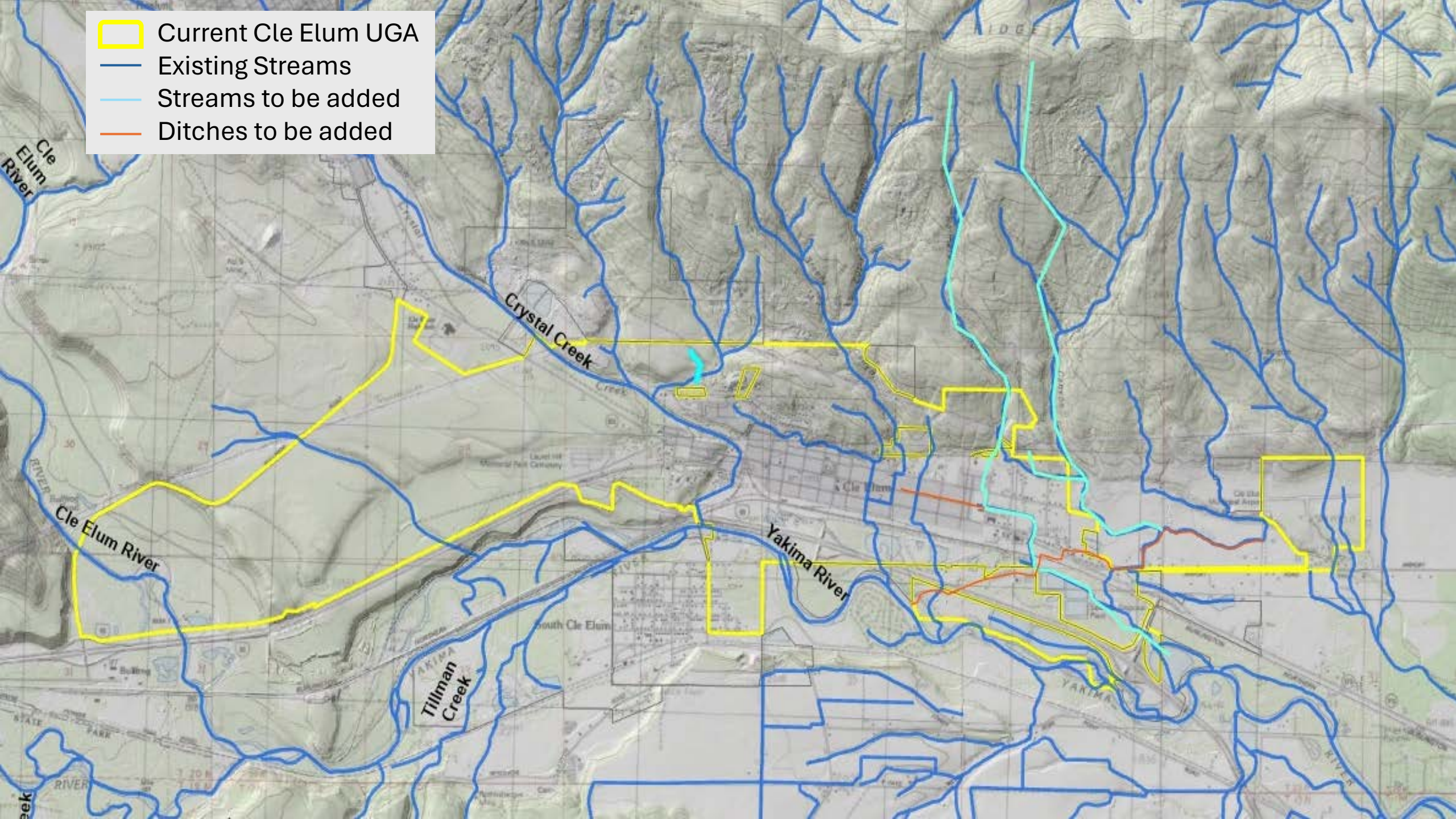


Elizabeth Torrey
Assistant Regional Habitat Program Manager
Washington Dept. of Fish & Wildlife
Elizabeth.Torrey@dfw.wa.gov
509-607-6711

Cc:

Perry Harvester, WDFW, Region 3 Habitat Program Manager
Kara Whittaker, WDFW, Land Use Conservation and Policy Section Manager
Deanah Watson, Dept. of Commerce, Senior Planner

- Current Cle Elum UGA
- Existing Streams
- Streams to be added
- Ditches to be added



COMMERCIAL VS. INDUSTRIAL ZONING



COMMERCIAL 17.32.010

THE GENERAL COMMERCIAL DISTRICT IS INTENDED TO PROVIDE AREAS FOR A RANGE OF COMMERCIAL USES WHICH SERVE THE COMMUNITY; TO ESTABLISH STANDARDS THAT ASSURE THAT NEW USES ARE COMPATIBLE WITH AND ENHANCE EXISTING COMMERCIAL USES; AND, TO PROVIDE PROTECTION TO USES IN OTHER ZONES.





COMPREHENSIVE PLAN:
THE PURPOSE AND INTENT OF THE GENERAL COMMERCIAL DISTRICT IS TO PROVIDE FOR A BROAD RANGE OF BALANCED AND MIXED COMMERCIAL USES WHICH SERVE THE COMMUNITY AND TO ESTABLISH STANDARDS THAT ASSURE THAT NEW USES ARE COMPATIBLE WITH AND ENHANCE EXISTING COMMERCIAL USES AND COMMERCIAL AREAS.

COMMERCIAL PERMITTED USES

- A. Retail and wholesale stores and shops such as clothing and general merchandise;
 - B. Grocery stores;
 - C. Meat shops;
 - D. Retail bakeries, micro-breweries and other specialty food processing with an associated retail use;
 - E. Banks or similar financial institutions;
 - F. Barbershops, beauty parlors and personal service shops;
 - G. Hand laundries, clothes cleaning and pressing;
 - H. Hotels, motels, bed and breakfast rooms and inns;
 - I. Lumber yards and building materials, coal and fuel storage, providing that they are housed in buildings completely enclosed by walls and windows, and the yard regulations of this district shall be observed; and provided further that no such lumber yards, building material yards, coal and fuel stores shall be maintained closer than one hundred feet to the side lines of the R/RM or residential districts;
 - J. Locksmiths, shoe and other clothing repair shops;
 - K. Manufacturing, production or treatment of products clearly incidental to the conduct of a retail business conducted on the premises;
 - L. Professional or business offices;
 - M. Public offices and uses;
 - N. Printing establishments and newspaper printing;
 - O. Auto repair and battery shops, service stations, tire repair shops;
 - P. Restaurants, cafeterias and catering;
 - Q. Sales room or store rooms for motor vehicles and other articles of merchandise;
 - R. Studios;
 - S. Taverns;
 - T. Theaters;
 - U. Commercial day care centers;
 - V. Open air markets;
 - W. Mobile food service unit.
-

CEMC 17.32





INDUSTRIAL

17.36.010

THIS DISTRICT IS INTENDED TO ACCOMMODATE A BROAD RANGE OF INDUSTRIAL ACTIVITIES AND TO PROTECT SUCH USES AND DISTRICTS FROM ENCROACHMENT BY CONFLICTING LAND USES.



COMPREHENSIVE PLAN:

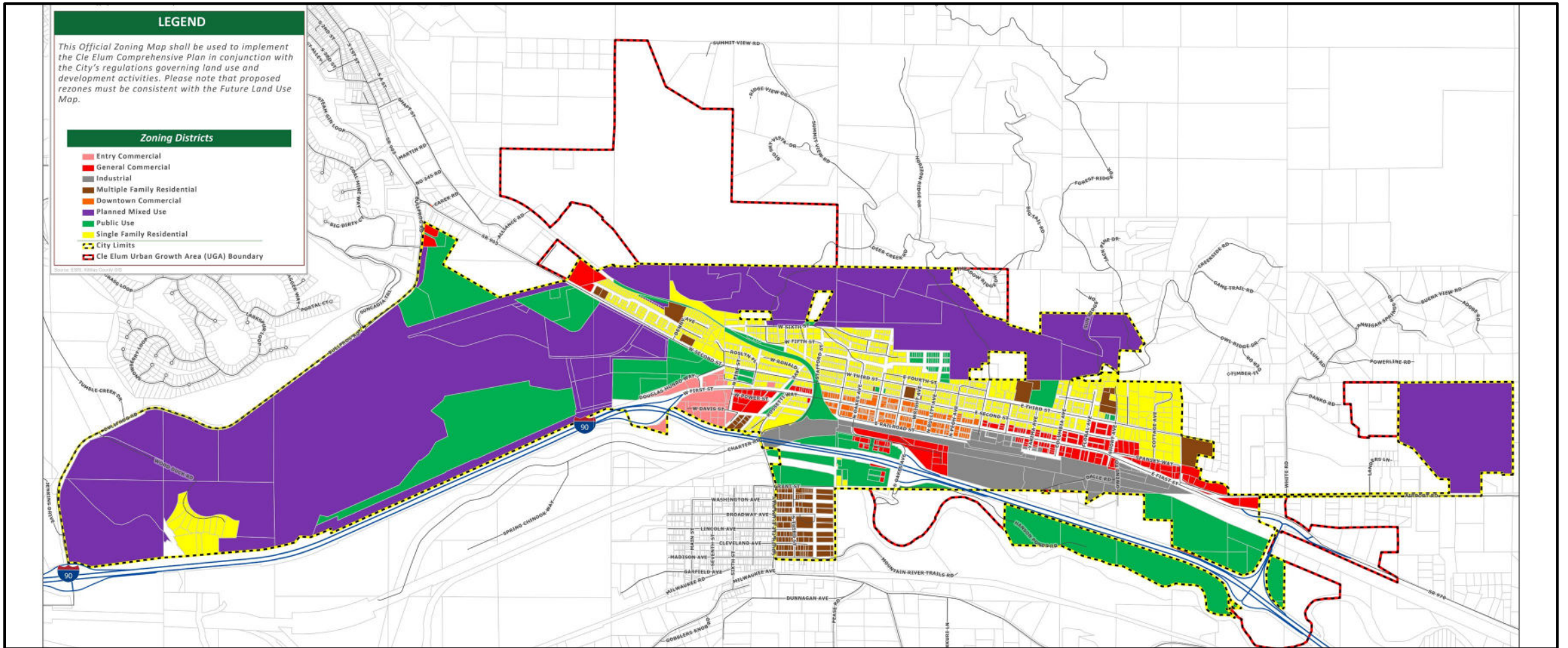
THE PURPOSE AND INTENT OF THE INDUSTRIAL DISTRICT IS TO PROVIDE FOR AND PROTECT AREAS WHERE MANUFACTURING AND PROCESSING PLANTS CAN THRIVE WITH THEIR GREATER LAND USE NEEDS. THESE AREAS SHOULD BE SITUATED SO THAT BUSINESSES CREATING NOISE, SMOKE, AND DUST WOULD NOT CONFLICT WITH NEIGHBORING LANDOWNERS. INDUSTRIAL SITES SHOULD BE LOCATED WHERE THEY CAN BE MOST AESTHETICALLY PLEASING AND ENVIRONMENTALLY MITIGATED. TRAFFIC FLOW PATTERNS AND ACCESS TO REGIONAL FREIGHT MOBILITY CORRIDORS SHOULD BE CONSIDERED AND NOT IN CRITICAL AREAS.

INDUSTRIAL PERMITTED USES

- A. Manufacturing, rebuilding and/or repairing nonmetal or mineral products;
- B. Warehouse establishment;
- C. Wholesale establishment;
- D. Accessory retail uses, where products manufactured on site are sold to the general public;
- E. Office buildings related to permitted uses conducted on the same premises or within the industrial district;
- F. Food and dry goods processing, packaging and distribution operations;
- G. Welding and metal fabrication shops;
- H. Vehicle and machinery repair and storage;
- I. Transportation terminals;
- J. Contractor's offices, shops and storage yards;
- K. Scientific research, testing, developmental and experimental laboratories;
- L. Public utility and governmental structures and/or uses;
- M. Agricultural use of the land;
- N. Veterinary clinic within the enclosed structure;
- O. Wireless communication facilities;
- P. Retail sales involving equipment or vehicles normally stored or displayed outside and used for manufacturing, farming or construction.

CEMC 17.36





EXISTING ZONING MAP

OLD

Official Zoning Map



CITY OF CLE ELUM WASHINGTON

Approved: December 10, 2019
Reformatted: May 30, 2020

0 0.25 0.5 Miles

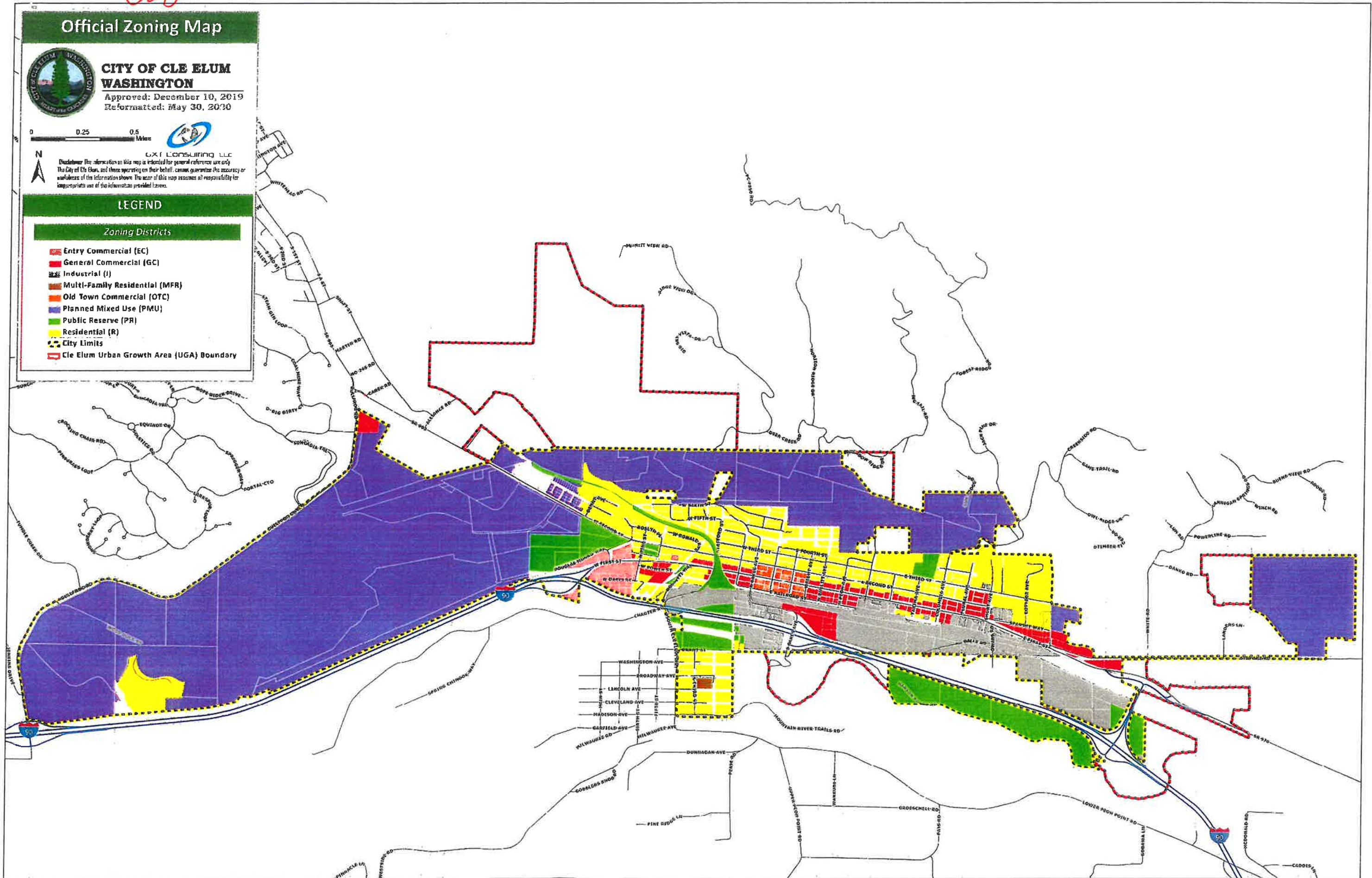


Disclaimer: The information on this map is intended for general reference use only. The City of Cle Elum, and those operating on their behalf, cannot guarantee the accuracy or usefulness of the information shown. The user of this map assumes all responsibility for inappropriate use of the information provided herein.

LEGEND

Zoning Districts

- Entry Commercial (EC)
- General Commercial (GC)
- Industrial (I)
- Multi-Family Residential (MFR)
- Old Town Commercial (OTC)
- Planned Mixed Use (PMU)
- Public Reserve (PR)
- Residential (R)
- City Limits
- Cle Elum Urban Growth Area (UGA) Boundary





**INDUSTRIAL USES THAT COULD BE CONSIDERED
IN THE GENERAL COMMERCIAL ZONING DISTRICT
EITHER AS A PERMITTED USE OR A CONDITIONAL
USE PERMIT:**