

City of Cle Elum
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**NOTICE OF APPLICATIONS FOR CITY HEIGHTS,
 DETERMINATION OF SIGNIFICANCE, AND REQUEST FOR COMMENTS ON SCOPE OF
 EIS**

This Notice and invitation for public comment is being provided pursuant to the Revised Code of Washington (RCW) 36.70B.110 (Local Project Review), RCW 36.70B.180 (Development Agreements), RCW 43.21C (SEPA), WAC 197-11-315(1)(b), WAC 197-11-980, and corresponding City regulations.

NOTICE OF APPLICATION FOR DEVELOPMENT AGREEMENT

On June 11, 2009, Northland Resources, LLC, as authorized agent for property owners Cooper Pass, LLC, Highmark Resources, LLC and Green Canyon, LLC, submitted an application to the City of Cle Elum for a Development Agreement that would authorize a planned mixed-use (PMU) master site plan approval for approximately 330 acres that is being annexed to the City of Cle Elum. The Development Agreement will also include development standards consistent with the PMU for development on 28 adjacent acres that is already within the City. Collectively, the project that is the subject of the Development Agreement constitutes approximately 358 acres referred to as “City Heights.”

On June 15, 2009, the City deemed the application for Development Agreement complete for the purpose of vesting and further processing.

The City Heights project site is located along the northern edge of the existing developed area of the City of Cle Elum. The parcels that are the subject of the Development Agreement Application are situated in Sections 25, 26, and 27 of Township 20N, Range 15E, Willamette Meridian, Kittitas County, Washington. A portion of two of the parcels (Tax Parcel 493935 and Tax Parcel 19165) are already within the City of Cle Elum. Properties within the proposed action area correspond with the following tax parcel numbers and map numbers:

Tax Parcel Numbers	Map Numbers	Approximate Acreage
952904	20-15-25064-0001	20.66
952905	20-15-25064-0002	16.76
952906	20-15-25064-0003	21.45
952903	20-15-25064-0004	3.24
12528 that portion of Columbia St	20-15-25032-0002	0.25
19165	20-15-26057-0003	89.26
952818	20-15-26061-0001	20.00
952819	20-15-26061-0002	20.00
952820	20-15-26061-0003	20.00
952183	20-15-26060-0001	12.04
952184	20-15-26060-0002	12.00
493935 (Reeds Addition)	20-15-27051-0701	5.15
083835	20-15-27010-0001	70.18
593835	20-15-27020-0001	25.73
943835 (Must be sold with above)	20-15-27020-0007	21.52

The applicant has elected to evaluate the environmental impacts of the Development Agreement and associated master site plan approval through an Environmental Impact Statement (“EIS”). The process for commenting on the Scope of the EIS is described below.

The Development Agreement Application will be processed in accordance with City procedures for Type IV applications, as described in Cle Elum Municipal Code (CEMC) 17.100.100 and CEMC 17.140. The City’s criteria for reviewing the Development Agreement Application are described in CEMC 17.140.

The complete Development Agreement Application is available for review at Cle Elum City Hall, 115 West First Street, Cle Elum, Washington, 98922 between 9:00 AM and 3:30 PM. Any person who would like to express his/her views, to submit written comments, or to be notified of the action taken on the Development Agreement Application should contact Matt Morton, Community Development Director, at Cle Elum City Hall. Contact information is provided below. **Written comments are due by 3:00 PM on July 17, 2009.**

At least one open record hearing¹ will be scheduled before the City of Cle Elum Planning Commission following publication of the Final Environmental Impact Statement. The hearing will provide an opportunity for the public to express comments on the proposed Development Agreement Application to the Planning Commission. Notice of the date of the hearing will be mailed to property owners within a 300-foot radius of the property that is the subject of this application, and will be published in the Northern Kittitas County Tribune.

NOTICE OF APPLICATION FOR REZONE

On June 11, 2009, Northland Resources, LLC, as authorized agent for property owners Cooper Pass, LLC and Highmark Resources, LLC, submitted an application to the City of Cle Elum for Rezone of approximately 28 acres already within the City of Cle Elum (also included within the property that is the subject of the Development Agreement Application).

On June 15, 2009, the City deemed the Rezone Application complete for the purpose of vesting and further processing.

The Rezone Application for those portions of Tax Parcel No. 19165 (Map No. 20-15-26057-0003) and Tax Parcel No. 493935 (Map No. 20-15-27051-0701) within the City of Cle Elum is a request to change the present R (Residential) zoning of these parcels to PMU (Planned Mixed Use). The Rezone Application is also a Type IV application, to be processed in accordance with the procedures described in CEMC 17.100.100. The City’s criteria for evaluating the Rezone Application are described in CEMC 17.120.020 through .030.

The applicant has elected to evaluate the environmental impacts of the Rezone Application together with the environmental impacts of the related Development Agreement application, through an Environmental Impact Statement (“EIS”). The process for commenting on the Scope of the EIS is described below.

¹ The “open record hearings” described in this Notice will be public meetings held by the City of Cle Elum Planning Commission for the purpose of creating the local government’s record through testimony and submission of evidence and information about the proposed action. These will be “pre-decision hearings,” before the applications are submitted to the Cle Elum City Council for decision. The Planning Commission will consider the applications, the proposed action, and all information received during the open record hearing(s), and will make a recommendation to the City Council whether to approve, modify, or deny the proposed action.

The complete Rezone Application is available for review at Cle Elum City Hall, 115 West First Street, Cle Elum, Washington, 98922 between 9:00 AM and 3:30 PM. Any person desiring to express his/her views, to submit written comments, or to be notified of the action taken on the Rezone Application should contact Matt Morton, Community Development Director, at Cle Elum City Hall. Contact information is provided below. **Written comments are due by 3:00 PM on July 17, 2009.**

At least one open record hearing on the Rezone Application will be scheduled before the City of Cle Elum Planning Commission following publication of the Final EIS, concurrent with the open record hearing on the Development Agreement Application. Notification procedures will be the same as described above.

SEPA THRESHOLD DETERMINATION AND SCOPING NOTICE FOR APPLICATIONS FOR DEVELOPMENT AGREEMENT AND REZONE

The City of Cle Elum, as Lead Agency under the Washington State Environmental Policy Act (SEPA), has made a Determination of Significance (DS) that the City Heights proposal, subject of the applications for Development Agreement and Rezone, is likely to have a significant adverse impact on the environment. An Environmental Impact Statement (EIS) is required to comply with RCW 43.21C.030(2)(c), and will be prepared under the City's direction.

**A public open house Scoping meeting will be held on Wednesday, July 8, 2009
from 6:00 to 7:30 PM at Walter Strom Middle School: 2694 State Route 903, Cle Elum 98922**

The purpose of the Scoping meeting will be to provide information and receive public comments on the proposed action. Conceptual illustrations of proposed development will be available at the meeting. Matt Morton, Community Development Director will be present, along with the applicant's representatives and members of the technical consultant team currently conducting site investigations.

The City of Cle Elum Community Development Department will be coordinating review of the applications for Development Agreement and Rezone, including preparation of the EIS for the proposed action. The City's review and consideration of the proposed action is expected to occur over a period of approximately 9 months. Phased development of the site is expected to occur over a period of approximately 6 to 12 years thereafter. The first step in the City's review of the proposal is to invite input from the community, agencies with jurisdiction, Tribes, and other interested parties on the scope of the EIS. This Determination of Significance and Scoping Notice summarizes information about the proposed action and alternatives, elements of the environment to be addressed in the EIS, opportunities and methods for submitting comments. Public comment opportunities will also be published in area newspapers and posted on the City's website. Additional public notice will be provided, consistent with applicable law, of the time and date of an open record pre-decision hearing on the Development Agreement and Rezone. Comments on the content of the Draft EIS will also be received at that time.

Any Development Agreement that is approved for City Heights will constitute approval of a planned mixed-use master site plan, within which a mix of dwelling unit types and a limited amount of neighborhood commercial development will occur. Approval of the Development Agreement and planned mixed-use master site plan will constitute the framework within which all future permit applications (i.e., plats) will be conducted. Consistent with applicable provisions of the Cle Elum Municipal Code and the terms of any Development Agreement ultimately adopted, applications for subsequent permits and

approvals, such as subdivisions and binding site improvement plans, may be approved administratively² if substantially in conformance with the Development Agreement and master site plan approval.

PROJECT PROPONENT:

Northland Resources, LLC
Sean Northrop, Managing Member
Authorized agent of property owners Cooper Pass, LLC,
Highmark Resources, LLC and Green Canyon, LLC
206 West First Street
Cle Elum, WA 98922

**DESCRIPTION OF THE
PROPOSED ACTION:**

Execution of a Development Agreement authorizing a planned mixed-use master site plan approval for the roughly 330 acres being annexed to the City of Cle Elum and the adjacent 28-acre parcel already within the City.

The conceptual master site plan submitted with the request for a Development Agreement proposes approximately 690 single-family detached homes for permanent residents and second homes, and approximately 295 attached dwelling units for permanent residents and second homes. Some of the detached and attached units available as second homes may be sold in “fractional” ownership interests and may be rented for use by seasonal visitors. A small amount of neighborhood commercial development (approximately 20,000 square feet) is proposed to provide services to residents within the project and visitors. The preferred alternative will reserve approximately 150 acres (roughly 40% of the project site) in permanent open space or recreational use, including interconnecting trails with ties to the Coal Mines Trail and existing City streets for pedestrian and bicycle use. Proposed trails will provide connections to and from the downtown core to planned public amenities within the development. Trails and open space within the project are intended for public use.

The objectives of the proposal are to:

- Create a master planned community that is both constructible and economically viable.
- Achieve urban residential densities to comply with Washington State Growth Management Act (GMA) policies, to assist the City of Cle Elum by providing housing to meet Washington State Office of Financial Management population projections for the City and its Urban Growth Area.

² City Code provides for the Planning Director to make decisions, appealable to City Council, on a variety of land use issues that require professional discretion and limited interpretation of technical issues. In the case of the City Heights project, specific site development applications submitted to the City for permits and approvals can be reviewed and approved by the Planning Director without additional environmental review or Council action, provided that these applications are substantially in conformance with the approved final master site plan and terms of the Development Agreement.

- Develop a mix of dwelling unit types, including single-family detached and attached homes for permanent residents, detached and attached homes and fractional-ownership homes to serve the recreational housing market.
- Invigorate the downtown commercial area by increasing the population within the service area.
- Develop up to approximately 5% of the developable area of the site with commercial space for neighborhood services. Design the development to be responsive to site-specific characteristics: include significant open space and recreational amenities to preserve unique features of the site.
- 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.
- Construct a stormwater management system compliant with the Washington Department of Ecology 2005 *Stormwater Management Manual for Eastern Washington*.
- Implement site improvements over a period of approximately 6 to 12 years, or in response to market demand.
- Comply with City of Cle Elum Comprehensive Plan policies, zoning regulations, and development standards through the provisions of a Development Agreement between the applicant and the City to guide the character of site development.

PRELIMINARY ALTERNATIVES:

Alternative 1 (Preferred): The preferred alternative would include approximately 985 dwelling units and approximately 2.5% neighborhood commercial uses. Under the preferred alternative, approximately 40% of the site would be preserved in permanent open space, and would include a developed system of trails, natural recreation places, and public amenities.

Alternative 2: An alternative of less environmental impact that could still achieve the objectives of the proposal will be formulated during preliminary environmental review by the technical consultant team. Representative examples of different components that may characterize this alternative include a reduced number and/or different mix of dwelling unit types, different points of main access, a different development phasing option, and/or different options for open space and recreation.

Alternative 3: No Annexation, Development within Kittitas County. The environmental effects of larger-lot rural residential development (3- to 5-acre tracts) within the unincorporated area adjacent to the City will be examined from the perspective of development under single ownership or multiple (separate parcel) ownerships. Development of parcels already within the City will be evaluated consistent with existing residential zoning.

Alternative 4: No Action. No rezone, no development or modification of the site at this time.

LOCATION OF THE PROPOSED ACTION:

North of SR 903 between approximately the transfer and recycling station on the west (north of the Coal Mines Trail) to Cottage Avenue on the east, north to and including the Puget Sound Energy power line corridor. The east end of the project area extends north of the power line corridor (see Annexation Vicinity Map). The parcels are located within Sections 25, 26 and 27 of Township 20N, Range 15E, W.M., Kittitas County, Washington.

THRESHOLD DETERMINATION:

The City of Cle Elum has made a Determination of Significance (DS) that the City Heights proposal is likely to have a significant adverse impact on the environment, and therefore requires preparation of an Environmental Impact Statement pursuant to RCW 43.21C.033 and WAC 197-11-360. The applicant is in agreement that an EIS shall be prepared.

ELEMENTS OF THE ENVIRONMENT TO BE STUDIED:

All elements of the environment set forth in the Washington State Environmental Policy Act guidelines (WAC 197-11-444) will be studied with respect to the proposed action and alternatives. The EIS will describe the Affected Environment (existing conditions); Potential Impacts during construction and in the developed-condition of the project; and Possible Mitigation Measures to avoid, minimize or compensate for impacts during construction and impacts of completed phases of development. Site-specific technical studies will be performed by technical experts for elements below marked with an asterisk (*).

ELEMENTS OF THE NATURAL ENVIRONMENT

***Earth:** Geology, soils, topography, erosion, and unique physical features (including abandoned coal mines on the property).

***Air:** Greenhouse gas emissions analysis.

***Water:** Surface water movement/quantity/quality; runoff/absorption; floods; groundwater movement/quantity/quality; and water resources.

***Plants and Animals:** Wetlands, wildlife habitat, migration corridors, number and diversity of species, and listed species.

Energy and Natural Resources: Amount required, rate of use and efficiency; source/availability; nonrenewable resources; conservation and renewable resources.

ELEMENTS OF THE BUILT ENVIRONMENT

Environmental Health: Past land use practices as they relate to potential releases to the environment; and noise.

Land Use: Relationship to existing land use plans; relationship to Washington State (OFM) population estimates and housing projections for the City of Cle Elum; light and glare; aesthetics (views of and the appearance of the development); recreation and open space.

***Historic and Cultural Resources**

***Transportation:** Roadway network, traffic volumes, traffic operations, site access, parking, traffic safety, transit facilities and service, and non-motorized circulation.

Public Services: Fire protection and emergency medical aid; police protection; schools; parks and recreation; maintenance.

***Utilities:** Water service, sewer service, stormwater management, electrical communications, telecommunications, and solid waste (garbage) collection; other governmental services.

***Fiscal Impact Analysis:** Description of current fiscal conditions within the City and County as they relate to the subject property; revenue projections during construction and in the developed-condition of the project; operating and capital expense projections; and proportionate-share mitigation recommendations.

SCOPING:

Agencies, Tribes, and members of the public are invited to participate in the Scoping process for the City Heights EIS by commenting on the proposed action and preliminary alternatives, elements of the environment to be studied, and the area of impact to be studied for the respective elements of the environment. Comments are also invited on the probable significant adverse impacts of the proposal, mitigation measures, and permits or approvals that may be required.

The City of Cle Elum will engage in expanded Scoping for this EIS in accordance with the provisions of WAC 197-11-410. A longer comment period is being offered (30 days compared to the 21-day minimum), and an open house Scoping meeting will be held to promote public participation and input to the EIS. Meetings with public service and utility providers will also be scheduled during the EIS Scoping period. Notice of the open house will be published in the Northern Kittitas County Tribune. Property owners within a 300-foot radius of the properties that constitute the City Heights proposal will receive an announcement by mail. Comments can be submitted in writing any time during the 30-day Scoping and public comment period.

Please send written comments on the Development Agreement Application, Rezone Application, and/or the scope of the EIS to the mailing address or e-mail address noted below. If you would like to receive future notices electronically, please submit your e-mail address to: eiscomment@gmail.com.

All comments must be received by 3:00 PM on Friday, July 17, 2009.

SEPA Lead Agency:

City of Cle Elum

SEPA Responsible Official:

Matt Morton, Community Development Director
119 W. First Street
Cle Elum, WA 98922-1159
eiscomment@gmail.com

Date:

June 18, 2009



Matt Morton, Community Development Director
SEPA Responsible Official