City of Cle Elum
City Heights Continued Closed Record Hearing
October 18th, 2011

The closed record hearing was called to order at 7:00 p.m. Members present included Ron Spears, Jay McGowan, Mickey Holz and Ken Ratliff. Mayor Glondo, Arthur Scott and Jim Eidemiller were absent. Also in attendance were City Administrator Matt Morton, Special Land Use Attorney Erin Anderson, Public Works Director Jim Leonhard and City Clerk Toni Fields also Attending were Loren Shuck and Howard Carlin of the Parks and Recreation Committee. According to RCW 35.12.065-During the absence of the mayor and mayor protem the council can appoint any qualified person to serve as Mayor Protem . ***Mickey Holz moved to appoint Ken Ratliff as Mayor Protem for this evening. Jay McGowan seconded the motion. Motion Carried.***

E. Anderson said there were four appendixes to review.

E Anderson - ***Appearance of Fairness Doctrine:***

1. Does any member of this Council have knowledge of having conducted business with either the proponents or the opponents in this proceeding? Answer-No

2. Does any member of this council have either a financial or non-financial interest in the outcome of this proceeding? Answer-No

3. Does any member of this council know whether or not his/her employer has a financial interest in this matter or has an interest in the outcome of this proceeding? Answer-No

4. Does any member of this council live or own property adjacent to the City Heights properties under discussion? Answer-No

5. Does any member of this council have any special knowledge of the substance or merits of this proceeding which would or could cause the council member to prejudge the outcome of this proceeding? Answer-No

6. Has any member of this council engaged in any conversations while out and about regarding the Development Agreement under review tonight, such as after last week's hearing, at the local coffee shop or the high school football game? Answer-No K Ratliff noted he had a meeting with M. Morton, Ms Anderson and Jeff Louman to clarify details of matter also how we get pedestrians up and down the hill.

7. Has any member of this Council made or received any telephone calls, including in the last week, where the City Heights project came up? Answer-No- Ron Spears noted during dinner this evening a party dining at another table advised him which way to vote. He said there was no conversation just that statement. He offered no response to her.

8. Has any member of the Council sent or received, either directly or via a printed-out copy, any electronic mail(email) in which the City Heights project was discussed in the last week? Answer no.

9. Is there a member of this Council who believes that he or she cannot sit and hear this matter fairly and impartially, both as to the respective positions of the proponents and opponents in this proceeding? Answer No.

E. Anderson said there were four appendixes to review.

Appendix F-Coal Mine Hazard Areas-to make sure those soils that may have an impact on human health be addressed. The proposed language would read (new paragraph) ***"The Ridge Entities shall implement appropriate measures such as those mediation measure contained in the Washington Model Toxic Control Act Chapter 70.0105D - RCW; WAC 173-340 as well as may be consistent with coal mine waste reclamation practices to address soils that present a direct contact risk with CPGH in concentrations that exceed human health screening levels. Upfront Voluntary One time Payments for firefighting vehicles. – Paragraphs one and two-Changes to both are revised-" The Ridge Entities shall pay a one time payment related to the purchase of fire fighting vehicle (s) of $125,000.00."***

Transportation Standards and Improvements-

Changes-

2.2 Collector Roads-Second complete sentence the proposed new text reflects a wider right of way (45 foot instead of 40). ***Collector Roads shall have a 45 foot right of way inclusive of twenty(28) feet of hard surface comprised of twenty two (22) feet of travel lanes and three(3) feet shoulders on either side of the travel lanes, and shall be constructed in accordance with the applicable cross-section schematic attached hereto as Exhibit 4 to this Appendix.***

Next sentence remains the same. Next changed to: ***Access Trails in close proximity to Montgomery Ave. and Summit View Drive, as depicted on the Master Site Plan attached hereto as Exhibit 3 shall be constructed by the Ridge Entities Such Access Trails shall be five(5) feet wide and paved with an asphalt surface .*** Dave Blanchard, Ridge Entities, pointed out the trails on a map. He noted there are several access trails-example one at Centennial Park.

She noted were no other changes to 2.2.

2.3-Cuts and Fills-

Notwithstanding and addition to the provisions in 2.1 and 2.2 of this Appendix I, all Internal and Collector Roads shall have wider right of way and/or easement when in amounts appropriate for roads of similar condition and topography to accommodate cuts and fills adjacent to such roads in sloped areas. An illustration of a roadway with additional right of way and/or easement are to accommodate cuts and fills is attached hereto as Exhibit XXX.

4-Stafford Street-all rewritten-

If Stafford Street is proposed to used as a haul route, then before construction vehicles start using Stafford Street, the Ridge Entities shall, at their sole cost, widen at the corner of Stafford, just North of 4th Street, to allow construction trucks to safely pass each other at the corner. 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 Paragraph8.2 below as Access #1), then Access #1 shall be repaved in accordance with the provisions of Paragraph 8.2 below. 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 Ave. 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.

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 additional right of way and legal fees reasonably incurred by the City in exercising its rights to acquire such right of way .

<u>Intersection of SR903-970</u>

Second sentence-

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 , to the extent to which City Heights-generated traffic turning West(left) onto west bound SR 903 is adversely impacting north bound traffic on SR970 spur. (***WSDOT wanted this to be in the agreement***)*** Next sentence remains the same. ***At such time, if ever, that the traffic analyses commissioned by the Ridge Entities hereunder reveals that the LOS at such intersection is a 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 a level of service D or worse. Any design of said left turn collector lane shall be subject to the approval of WSDOT.***

<u>Haul Routes</u>

First paragraph basically same with addition of last sentence. Any changes to the approval Haul Routes must be approved by the Public Works Director; such approval ***shall*** not be withheld ***provided the Haul Rates Agreement is consistent with this Section 8.***

8.1 ***Once construction begins the Ridge Entities shall continue to maintain the Haul Routes at its sole cost in a usable condition at the time construction traffic commences as established by pre-construction road assessment prepared a licensed engineer hired by the Ridge Entities documenting the condition of said Haul Route.***

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: 1.) 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 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 D1 thru D4 within Development Area D, the Ridge Entities shall repave Access #1. Within sixty days (60) days (or soon thereafter is weather or an Act of God prevents construction) the City's issuance of the one-hundredth(100th) Certificate of Occupancy for a structure within Development Area E or Development Pods D5 thru D7 within Development Area D, the Ridge Entities shall repave Access #2. Within sixty (60) days (or soon thereafter if weather or an Act of God prevents) the City's issuance of the one hundredth (100th) Certificate of Occupancy for a structure within Development Areas F, G or H, the Ridge Entities shall repave Access #3. 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 paveable surface, and the installation of a two-and-one-half thick asphalt surface in its place. The term ' repave" is expressly meant to exclude any subsurface work or additional subservice 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 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 if 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. E. Anderson said she will prepare a matrix of triggers and responsibilities in an easy to read form or handbook. One will be attached to the agreement and one to the developers.

10. ***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 through City Heights to connect to Summit View Drive .***

Parks and Recreation

E. Anderson said Loren Schuck, Parks and Recreation Commission was present to answer any questions.

Changes made were: Sub paragraph three ***within the areas designated on Exhibit 5 as "Open Space", the Ridge Entities shall construct, at their sole cost, publicly owned recreational trails in accordance with the master site plan shown on Exhibit 3 to this agreement. Such surfacing Or mix of surfaces that the Ridge Entity deems appropriate. Said open recreational trails shall be developed consistent with typical and normal industry standards or similar trail types in areas that are similar to the city and climate geography and topography and otherwise consistent with the traditional rural small town mountain character of the Cle Elum Area.***

Next sentence remains the same.

Upon completion of the trails system, the Ridge Entities shall dedicate such trails to the city in fee. After the dedication the maintenance of the trails for the purpose and the standard to which they were developed will be the responsibility of the city.

Public Works Director Jim Leonhard reminded council the city will have to have additional funding for the maintenance of the trails.

Loren Shuck said there are a variety of trails in the developments. She added that parks and trails need to be built during a certain time of the build out. She felt the language in the agreement was not adequate because it is held with a certain percentage of ERUs. In the event of having more zones under construction and they do not meet the 75% threshold then the one-one parks and trails up there be completed to a certain degree or totally completed. She felt the most critical were the trails that go down unto the city.

E Anderson also added was bullet –***Park #5-If at any time three(3) pods reach fifty percent(50%) of the ERU's designated for development areas then one primary park shall be built; until the individual pods reach target as identified in numbers(#1-4).***

Howard Carlin, Parks and Recreation Commission-noted that temporary paths be put in until the formal trails were built (not in the construction areas). He also questioned parking in the Red Rock recreation space. E. Anderson was advised by the applicant parking will be considered in the area. There is a larger area already there.

E. Anderson said council can deliberate or take action on the development agreement tonight. She said she then could bring forth an ordinance with attachment to a future meeting contingent on a rezone and annexation; and reopen the annexation hearing to simply comply with state process ;also to read into record the one comment received electronically on the annexation that was not realized came in for the record opened on that. Also on the annexation Councilman Perry will be participating because that is a legislative policy action.

A motion was made by Mickey Holz and seconded by Jay MCGowan to go forward approving the development agreement, subject to the inclusion of all of the changes that have been deliberated over the last six weeks and to bring forth a clean copy at the November 8th Regular City Council Meeting along with an Ordinance or Resolution E. Anderson said may be appropriate to instruct the Mayor to sign it at which time a vote will be taken contingent on a passage of a rezone and the planned action ordinance is a technical ordinance that implements all of this and significantly the vote the annexation for which the public record will be reopened so that it can be read into the record Ms. Clerfs comments that she had offered to the city. A vote will be as taken on each of these with the Councilman Perry voting on the annexation. Motion Carried.

A motion was made by Ron Spears and seconded by Jay McGowan to adjourn the meeting at 8:45 p.m. Motion carried

The next regular scheduled council meeting is October 25th, 2011

Mayor

Attest