

ORDINANCE NO. 1354

AN ORDINANCE OF THE CITY COUNCIL OF CLE ELUM  
REZONING APPROXIMATELY 28 ACRES OF PROPERTY IN  
THE CITY OF CLE ELUM FROM RESIDENTIAL TO  
PLANNED MIXED USE.

WHEREAS, on June 11, 2009, Northland Rezone, LLC, as authorized agent for property owners Cooper Pass, LLC, and Highmark Resources, LLC, submitted an application to the City of Cle Elum to rezone approximately 28 acres of property, associated with those portions of Kittitas County Assessor's Tax Parcel No. 19165 (Map No. 20-15-26057-0003) and Kittitas County Assessor's Tax Parcel No. 493935 (Map No. 20-15-27051-0701) currently lying within the City of Cle Elum, from "Residential" to "Planned Mixed Use" (PMU); and

WHEREAS, the property that is the subject of the rezone is depicted on the map attached as Exhibit A, and legally described in the attached Exhibit B; and

WHEREAS, on June 18, 2009, in accordance with the requirements of CEMC 15.28.00, 17.100.100 and 17.120.020, the City of Cle Elum issued a combined Notice of Application, Determination of Significance ("DS") and Request for Comments on the Scope of the Environmental Impact Statement (EIS) for a Development Agreement to implement the Master Site Plan, mixed use approval pursuant thereto, and concomitant 28-acre rezone; and

WHEREAS, the environmental impacts of the proposed rezone were evaluated in an EIS, as part of a larger proposal for development of roughly 358 acres, of which the subject property would be part, under PMU zoning; and

WHEREAS, the adequacy of the EIS was not appealed and environmental review of the Project is now complete and final; and

WHEREAS, the Cle Elum Planning Commission conducted a duly noticed open record public hearing on July 7, 2011 on the matter of the City Heights Project (23-acre rezone, Development Agreement and Master Site Plan mixed use approval). The public in attendance at the hearing was given an opportunity to challenge conflict of interest and ex parte communications disclosures made at the hearing on grounds of appearance of fairness, or actual bias. No challenges were received from the public; and

WHEREAS, the Cle Elum Municipal Code (CEMC) 17.120.010 authorizes a rezone of real property, with corresponding amendment to the City's Official Zoning Map, if the request is found to be consistent with the following criteria in CEMC 17.120.030:

1. The proposed rezone is consistent with the comprehensive plan.

2. The proposed rezone and subsequent development would be compatible with development in the vicinity.
3. The proposed rezone will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated.
4. Adequate public utilities and public facilities are available to serve subsequent development.
5. Circumstances have changed substantially since the establishment of the current zoning district to warrant the proposed rezone.
6. The proposed rezone will not adversely affect the health, safety, and general welfare of the citizens of the city.

WHEREAS, the City Council of the City of Cle Elum, makes the following findings:

1. The 28 acres of City Heights that are already located in the City are designated for single-family residential (SFR) land uses per the Cle Elum Comprehensive Plan (CECP) at p. 15; *see also* Table 7-B. The CECP, at Table 5 on p. 17, contains a Land Use and Zoning Compatibility Matrix classifying property larger than 10 acres and zoned as PMU to be consistent with the SFR land use designation.
2. Rezone to PMU of the 28 acres of the City Heights land already within the City and adjacent to the 330 acres proposed for annexation would render all the parcels consistently zoned within the City Heights Project.
3. The 28 acres of City Heights proposed for a rezone to PMU would be surrounded on three sides (west, north, and east) by the 330 acres of City Heights, proposed for annexation and which have already received preannexation PMU zoning. The entire 358 acres of City Heights are covered by the scope of the Development Agreement, ensuring that the rezoned 28 acres are compatible with development in the surrounding vicinity of City Heights. The lands immediately to the south of the 28 acres are zoned residential. The Master Site Plan attached to the Development Agreement at Exhibit 3 indicates that the development on the 28 acres to be rezoned will be used for residential uses as well, rendering the entire acreage designated for rezone compatible with adjacent land uses and development in the vicinity.
4. The rezone is not likely to result in any greater traffic or transportation impacts than would development of the 28 acres under existing zoning.
  - a. The number of units to be constructed on the 28 acres would not materially change, and the City would have control and discretion over the number of units to be constructed on such 28 acres under the PMU zoning.
  - b. A specific proposed development that would be subject to the Development Agreement discussed previously, has been proposed for the 28 acres, if rezoned. The Development Agreement, which would bind the 28 rezoned acres, contains a Master Site Plan that shows access road options throughout the Project. The Agreement is subject to Appendix B – Development Standards, within which transportation provisions are addressed pursuant to SUBDIVISIONS (Title 16) at (5); and pursuant to ZONING (Title 17) at (6), (7) and (8). The EIS for City Heights analyzed the current transportation system in

the City of Cle Elum and assessed the significant impacts that may arise as a result of development of the Project. That assessment indicated a list of Potentially Impacted Intersections, and also identified additional mitigation measures that could be imposed to minimize or eliminate the Project's impacts to the City's transportation system. Appendix I contains both conditions and mitigation measures designed to ensure that the development of the City Heights Project, including those acres proposed for rezone to PMU, will not have significant unmitigated adverse impacts. In particular, Exhibit I contains defined financial mitigation gauged to the stages of development activities. It also requires payment of mitigation funds on an ERU by ERU basis to be used by the City for transportation improvements and specifically, until the expiration of the Buildout Period, those funds are to be used strictly for those identified Potentially Impacted Intersections in order to ensure that the City traffic circulation network is maintained consistent with the pace of development in a manner that avoids significant adverse impacts.

5. Adequate public utilities and infrastructure are or will be available to serve the 28-acre rezone parcel without any adverse impact to the City. The 28 acres proposed for rezone are already within the City limits, and existing zoning contemplates development that would have the same sort of public utility and facility needs as would be necessary under the rezone. Therefore, the property already enjoys access to existing public utilities and public facilities adequate to serve the property. These acres' requirements for water and wastewater access are those that already exist in Chapter 13 CEMC. These acres will share with the 330 acres of City Heights property proposed for annexation the same mitigation obligations for stormwater management, fire and police, public works, parks and open space, general administration and municipal court. The obligations created for these properties under the Development Agreement endure for the entire Buildout Period, ensuring that adequate public utilities and facilities remain available for subsequent development authorized by the Development Agreement.

6. Since 2001, circumstances pertaining to the City generally, and this parcel specifically, have changed substantially. In 2004, the 330 acres surrounding the 28 acres proposed for rezone were designated as part of the City's Urban Growth Area (UGA). The designation of this UGA reflects the City's predicted growth, as contained in the CECP Land Use chapter, at 9, from 1,800 residents in 2005, to 10,034 by year 2025 based on figures from the Washington Office of Financial Management (OFM), and the City's desire to direct urban growth to this area.

7. The City has adopted preannexation land use and zoning for these 330 acres that would become effective upon annexation of the 330 acres. Annexation of the surrounding 330 acres of City Heights property will create an immediate change to the types of development that can occur in the vicinity by virtue of the preannexation PMU land use designation and zoning already approved by the City. Rezoning the remaining 28 acres will bring this parcel into conformity with the remainder of City Heights.

8. The CECP indicates at p. 11 that projected City growth will drive the demand for 3,540 new dwelling units in the next 14 years. Taking into consideration the 1,384 dwelling units allocated to Suncadia in the Bullfrog Flats areas of the City of Cle Elum, the City has a deficit of 2,156 dwelling units needed by 2025 to meet the projected area growth allocated to the City of Cle Elum by Kittitas County. Residential development authorized in the Bullfrog Flats area of the City is not underway as of the Effective Date of this ordinance.

9. Rezoning the City Heights property would contribute to a supply of readily developable land necessary to accommodate the City's anticipated growth.

10. The CECP concludes, based on a practical density of 5 dwelling units per acre, that the existing lands in the City are insufficient to handle the projected growth. Up to 431 acres of additional land could be required to handle the projected growth. Rezoning the 28 acres of City Heights to PMU and subjecting it to the Development Agreement could allow the City Heights Project to absorb some of the projected population densities through creative and innovative land use development techniques available in a PMU zone, while retaining the open space and rural characteristics of the existing city.

11. The proposed rezone is consistent with the CECP.

12. The proposed rezone and subsequent development would be compatible with development in the vicinity.

13. The proposed rezone will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated.

14. Adequate public utilities and public facilities are available to serve subsequent development.

15. Circumstances have changed substantially since the establishment of the current zoning district to warrant the proposed rezone.

16. The proposed rezone will not adversely affect the health, safety, and general welfare of the citizens of the city.

NOW, THEREFORE, the City Council of the City of Cle Elum does hereby ordain as follows:

Section 1. Rezone; Amendment of Cle Elum Official Zoning Map. "The Map of the Zoning Ordinance of the City of Cle Elum," which map is on file in the Office of the City Clerk, is hereby amended to designate and classify the real property, depicted on the map attached as Exhibit A and legally described on Exhibit B, as PMU.

The Map of the Zoning Ordinance of the City of Cle Elum, <sup>shall be</sup> as amended pursuant hereto, ~~is attached as Exhibit C.~~

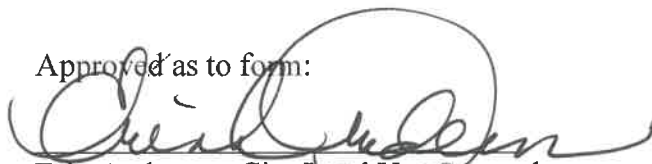
Section 2. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Section 3. Effective Date. This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five days after passage and publication as provided by law.

PASSED by the City Council of the City of Cle Elum, Washington, at a regular meeting thereof, held this 8 day of Nov, 2011.

  
Charles J. Glondo, Mayor

Approved as to form:

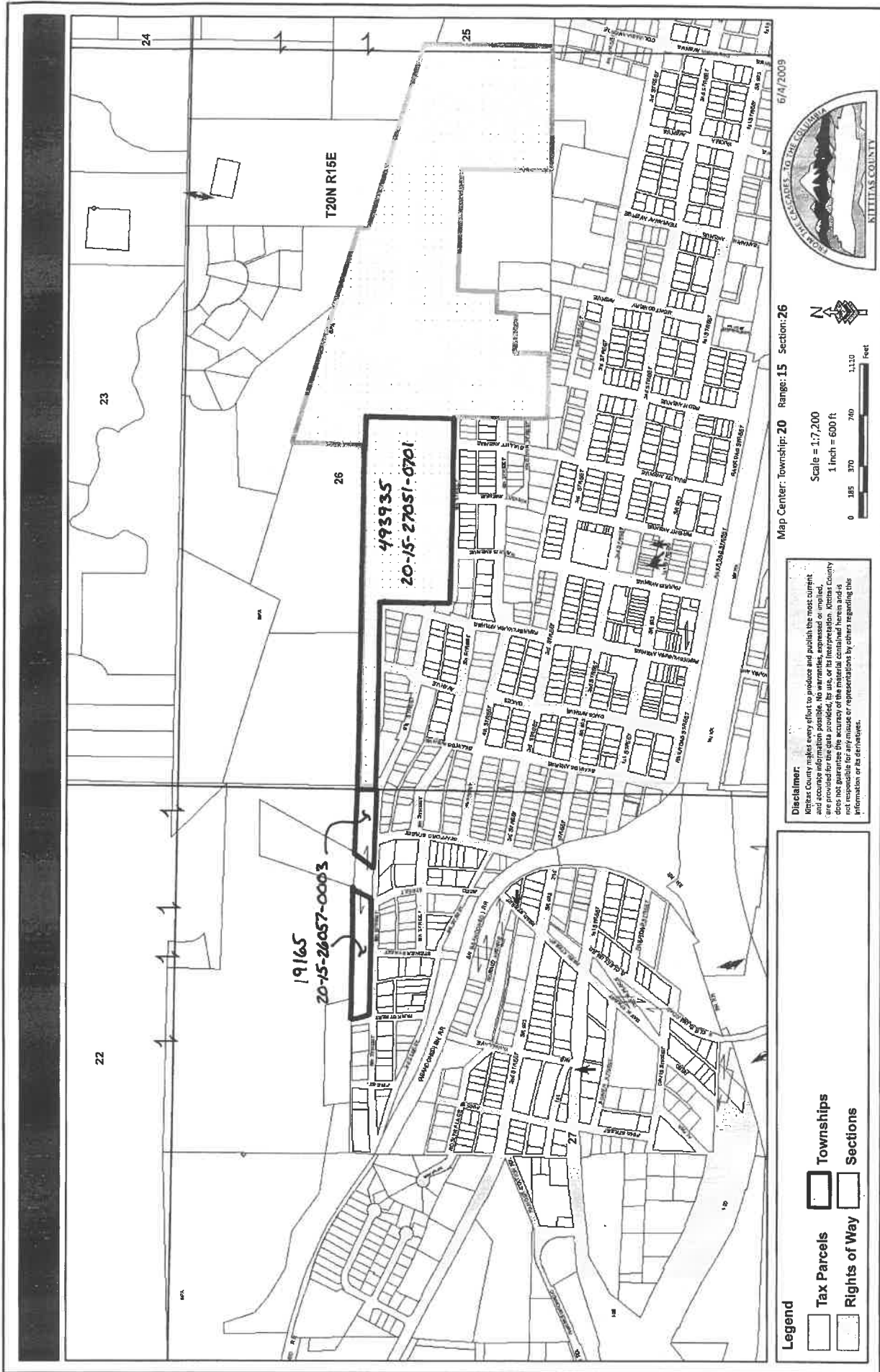
  
Erin Anderson, City Land Use Counsel

Attestation:

  
Toni Fields, City Clerk

**Exhibit A**  
**Map of Rezone Area**

# EXHIBIT A



6/17/2009



Map Center: Township: 20 Range: 15 Section: 26

Scale = 1:7,200  
1 inch = 600 ft



**Disclaimer:**  
Kittitas County makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data provided, for use, or its interpretation. Kittitas County does not guarantee the accuracy of the material contained herein and is not responsible for any errors or omissions or representations by others regarding the information or its contents.

**Legend**

- Tax Parcels
- Rights of Way
- Townships
- Sections

**Exhibit B**  
**Legal Description of Property Being Rezoned to Planned Mixed Use**





**EXHIBIT B**

LEGAL DESCRIPTION  
REZONE OF 28.01 ACRES FROM SFR TO PMU

BLOCK 7, REED'S SECOND ADDITION TO CLE ELUM, IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON, AS PER PLAT THEREOF RECORDED IN BOOK 2 OF PLATS, PAGE 36, RECORDS OF SAID COUNTY; EXCEPT THAT PORTION OF SAID BLOCK 7 LYING WITHIN PARCELS A AND B OF THAT CERTAIN SURVEY RECORDED IN BOOK 27 OF SURVEYS, PAGE 62, UNDER AUDITOR'S FILE NO. 200201100024.

AND

A PORTION OF LOT 11-C OF THAT CERTAIN SURVEY RECORDED IN BOOK 31 OF SURVEYS AT PAGES 136 AND 137, UNDER AUDITOR'S FILE NUMBER 200507280018; RECORDS OF KITTITAS COUNTY, STATE OF WASHINGTON WHICH IS BOUNDED BY A LINE DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF LOT 11-C OF SAID SURVEY WHICH IS THE TRUE POINT OF BEGINNING OF SAID LINE; THENCE SOUTH 89°27'57" EAST, 2649.68 FEET; THENCE SOUTH 00°03'25" WEST, 651.55 FEET; THENCE NORTH 89°08'59" WEST, 1323.17 FEET; THENCE NORTH 00°06'00" WEST, 514.88 FEET; THENCE NORTH 89°15'19" WEST, 1324.55 FEET; THENCE NORTH 00°15'29" WEST, 124.52 FEET TO THE TRUE POINT OF BEGINNING AND TERMINUS OF SAID LINE.

SITUATED IN SECTIONS 26 & 27, TOWNSHIP 20 NORTH, RANGE 15 EAST, W.M., KITTITAS COUNTY, STATE OF WASHINGTON.

CONTAINING 28.01 ACRES MORE OR LESS

**Ordinance 1354**

2011 Rezone of the Cooper Pass LLC and the Highmark Recourse LLC property to Planned Mix Use.

2007 Zoning Map (blue is general commercial, red is entry commercial, and yellow is residential)



Updated Zoning Map (blue is general commercial, red is entry commercial, and orange is residential)



RECORDER'S USE ONLY

09/27/2017 11:48:33 AM 201709270021  
\$84.00 Page: 1 of 11  
Ordinance CITY OF CLE ELUM  
Kittitas County Auditor



TREASURER'S USE ONLY

Return To:

Lucy Temple  
119 W 1st St.  
Cle Elum, WA 98922

**Kittitas County Auditor/Recorder's Indexing Form**

**Please Print Or Type All Information in Black Ink**

**A. Document Titles (or transactions contained therein):**

1 Ordinance NO. 1354  
2

**B. Grantor (last name, first name, middle initial):**

1 City of Cle Elum  
2  
Additional grantors on page \_\_\_\_\_ of document.

**C. Grantee (last name, first name, middle initial):**

1 Public  
2  
Additional grantees on page \_\_\_\_\_ of document.

**D. Legal description (lot, block, plat or section, township, range):**

\_\_\_\_\_  
Additional legal description on page \_\_\_\_\_ of document.

**E. Assessor's property tax parcel/account number(s):**

\_\_\_\_\_

**F. Reference numbers of documents assigned or released:**

\_\_\_\_\_  
Additional references on page \_\_\_\_\_ of document.

The auditor or recording officer will rely on the information provided on this form. The staff will not read the document to verify the accuracy of or the completeness of the indexing information provided herein.

\_\_\_\_\_ I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document