

City of Cle Elum
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**CITY OF CLE ELUM
FINDINGS of FACT, CONCLUSIONS, &
RECOMMENDATION for
REQUEST FOR CONDITIONAL USE PERMIT**

File Number: CUP-2024-002

APPLICANT: Snowy River Equipment Sales
APPLICANT ADDRESS: P.O. Box 414, Cle Elum, WA 98922
PROJECT LOCATION: 706 E First St, Cle Elum, WA 98922
PARCEL NUMBER(S): 633134, 913134
DATE OF REQUEST: October 7, 2024
DATE OF RECOMMENDATION: December 4, 2024
STAFF CONTACT: Colleda Monick, Planning Consultant

I. DESCRIPTION OF REQUEST:

Proposal to establish a retail sales business involving equipment or vehicles kept or exhibited outdoors and utilized for manufacturing, farming, or construction in the General Commercial zoning district.

II. SUMMARY OF RECCOMENDATION:

The Administrative Official recommends approval, subject to conditions.

III. FACTS:

A. Processing

1. The application for the Conditional Use permit was received on October 7, 2024.
2. The application was deemed complete for processing on October 10, 2024.
3. The application is being processed under CEMC Ch. 14.30.170, Conditional Use permit.
4. Pursuant to CEMC 2.60.060, the Hearing Examiner has the authority to make a decision on matters prescribed in the CEMC.
5. **Public Notice:** In accordance with CEMC 14.30.110, notice was provided for as follows:
 - a. The subject property was posted with a land use action sign on October 17, 2024.

- b. Notice of Application and Public Hearing was sent to the applicant and adjoining property owners within 300 feet of the subject property on October 17, 2024.
- c. A legal notice was provided in the Northern Kittitas County Tribune on October 17, 2024.
- d. Notices were also provided at City Hall and on the city website under Public Hearings.
- e. On November 20, 2024, the Staff recommendation was made available for public review on the city's website.

6. Environmental Review: This application is exempt from SEPA review.

B. Current Zoning and Land Use:

- 1. The subject property is made up of two parcels, approximately 0.999 acres, is zoned General Commercial, and includes three existing structures.
- 2. The surrounding properties contain uses and zoning as follows:

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	General Commercial	Motel
South	Industrial	Vacant BSNF Property
East	General Commercial	Vacant
West	General Commercial	Towing Business

C. Development Review:

1. Water:

- a. There is an existing 12" PVC water main that crosses runs along the north side of First Street with a fire hydrant located at the northeast corner of Floral Lane. The fire hydrant would be approximately 240 feet from the furthest point on the new proposed office building.
- b. If fire sprinklers are proposed, a new fire service line will need to be installed off the existing 12" water main to service the new fire sprinkler system. The fire service will require an approved backflow prevention device installed within the building mechanical room or a traffic rated underground vault.
- c. There appears to be an existing 3/4" water service stub to the each of the existing parcels that connects to an existing 12" water main.
- d. Charges for water connection charges and fees shall be collected at the time of issuance of the building permit.

2. Wastewater:

- a. There appears to be an existing sewer service stub to each of the existing parcels that connects to an existing 8" sewer main located along the south side of First Street.
- b. Charges for sewer connection charges and fees shall be collected at the time of issuance of the building permit.

3. Fire:

- a. Vegetation should be fire resistant and planted out of the five foot zone of ignition.
- b. Knox box will be required for access to the site if fencing is installed for gate access.
- c. Maintain records of proof of all current testing that is required each year and submit by email to the fire authority when complete each year. Along with required fire and life safety training for management on all fire and life safety issues required by IFC.

- 4. Stormwater:** All stormwater must be retained onsite consistent with the City's Construction Standards and 2019 Stormwater management manual for Eastern Washington. A stormwater drainage plan and report, prepared by a licensed engineer and registered in the state of Washington, is required. Design calculations for peak flow and peak volume storage requirements shall be based on a design storm frequency of ten-year, twenty-four-hour storm runoff event. Design calculations for treatment shall be based on sixty-four percent of the two-year recurrence interval, twenty-four-hour storm runoff event. The landscaped area may be designed to provide onsite retention and biofiltration of stormwater in accordance with City standards.

5. Agency Comments:

During the public comment period, the following comment was submitted which has been summarized below. (Full comments can be found within the record.)

- i. On November 18, 2024, the **Washington State Department of Transportation (WSDOT)** provided written comments, summarized below:

The subject property is adjacent to State Route 903 (SR 903), a Class 5 Managed Access highway within the corporate limits of the City of Cle Elum. Access control for this portion of SR 903 is the authority of the City of Cle Elum, in accordance with RCW 47.24. It is important to note, RCW 47.50.030 requires cities meet or exceed the Department's access requirements as outlined in WAC 468-52-040. Any proposed construction within right-of-way must be coordinated with WSDOT and meet their standards.

D. Applicable Law:

1. Conditional Use Permits

Per CEMC 14.30.170, certain uses may only be permitted in a zoning district through the issuance of a conditional use permit:

- A. The approval of a conditional use permit shall be based on a finding by the city that:
 1. The use will not endanger public health, safety, or welfare;

2. The location and character of the use if developed according to the plan as submitted and approved or conditionally approved will be compatible and in harmony with the area in which it is to be located;
3. The proposed use is in general conformity with the city's comprehensive plan; and
4. The use meets all required conditions and specifications set forth in the zone where it is proposed to be located unless a variance has been granted by the city.

B. The city shall have the authority to require and approve specific plans and to increase the requirements set forth in the Municipal Code. Any reduction in the requirements of these titles shall only be granted through the approval of a variance.

C. If the potential adverse impacts of a proposed development activity cannot be adequately mitigated through conditions of approval, the city may deny the application for a conditional use permit.

2. General Commercial, CEMC 17.32.010
 - a. 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.
3. Retail sales involving equipment or vehicles typically kept or displayed outdoors and used for manufacturing, farming, or construction may be permitted through Conditional Use review and approval per CEMC 17.32.030(8). Such sales or displays must either:
 - a. Include a buffer area with fencing and landscaping (at least a B1, Low Screen Buffer) separating the sales/display area from the public right-of-way, **or**
 - b. Ensure the equipment or vehicles for sale/display are set back a minimum of 20 feet from the front property line.
4. Parking, CEMC 17.56:
 - a. Uses may provide seventy-five to one hundred twenty-five percent of standard amount indicated. On-street parking directly abutting the use may be credited to the required parking amount, provided the parking is available and the individual spaces marked on the street.
 - b. Uncovered commercial area, new and used car lots, plant nursery are required to provide 1.0 spaces per each 5,000 sq. ft. of retail sales area in addition to any parking required for the buildings.
 - c. Onsite building(s) will be required to meet the standard for other retail (furniture, appliance, hardware, service shops, shoe repair), 1.0 spaces per each 500 sq. ft. of gross floor area.
 - d. All parking facilities shall be provided with safe and convenient access to a street. Ingress and egress to public streets shall be

- provided only through driveways of such dimension, location and construction as approved by the public works director, or their designee.
- e. Marked walkways, at least five feet in width, and separated from traffic lanes, parking spaces and vehicle overhangs, shall be provided from parking areas to the entrances of the associated use.
 - f. Off-street parking and access for physically handicapped persons shall be provided in accordance with Section 7503 of the regulations adopted pursuant to RCW [19.27](#), State Building Code, and RCW [70.92](#), Public Buildings – Provisions for Aged and Disabled.
 - g. *Snow Storage*. Adequate space for the storage of snow removed from the parking lot shall be provided. Parking spaces over the required minimum may be used for snow storage. Snow storage areas may not include required landscaping unless designed in such a manner as to prevent landscaping damage.
5. Landscaping: Per CEMC 17.32.060, a minimum of ten percent of the site shall consist of landscaping consistent with the requirements of CEMC 17.64.
- a. 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 throughout the buffer and trees planted every thirty feet along the length of the buffer.
6. Lighting, CEMC 17.32.080:
- a. Outdoor lighting shall be arranged so as not to direct light or glare on public roadways and/or neighboring properties; and
 - b. Outdoor lighting shall be directed downward and shielded to reduce unnecessary light and glare; and
 - c. Pedestrian scale lighting shall be placed at regular intervals along sidewalks throughout the development; and
 - d. Lighting may be used to accent key architectural elements of the buildings.
7. Design guidelines, CEMC 17.32.090, The following design standards apply to all development within the zoning district and are intended to upgrade the visual quality of the commercial areas in the city, reduce impacts to adjacent property, and to establish standards that reflect the character and quality of the city:
- a. Buildings shall be located and designed to focus on the public street serving the development.
 - b. Building facades facing a public street shall have at least fifty percent of the total wall area in permeable surfaces (windows, pedestrian entrances, open shops, etc.) or permanent architectural details such as false windows.
 - c. When feasible, parking lots shall be located behind or to the side of structures and shall not be located on a corner of two

streets or between a building and the public street, provided, that building sites with more than one street corner are not required to place the building(s) on multiple corners. For additional off-street parking and design requirements see CEMC Chapter [17.56](#).

- d. Pedestrian facilities shall be provided from the public right-of-way to the entrances of all buildings open to the public in a continuous and direct route to the primary pedestrian entrance. Pedestrian routes shall be a minimum of six feet wide and shall be constructed of Portland cement concrete or brick or stone pavers. Pedestrian routes shall be protected from vehicle traffic by curbs, bollards, landscaping or other similar method. Where routes cross vehicle-maneuvering areas they shall be constructed of a different paving material than the vehicle-maneuvering areas.
- e. Buildings of historic importance and value as indicated by their age and significance to the community or history may not be required to meet the specific design standards if the imposition of the standards will result in development that is less consistent with the historic character of the area.

8. Modification, per CEMC 14.30.040, modifications to the site including new buildings would be required to go through a Type 2 Review.

9. Cle Elum Comprehensive Plan 2037

The following goals and policies apply to this proposal:

- Goal LU-1: Management and Implementation
- Policy LU-1.8 Conditional Use Permits, street vacations, variances and other special applications shall only be permitted when there is an overriding permanent public benefit consistent with the goals and policies of this Comprehensive Plan.
- Goal LU-5: Create Order and Energy in Commercial Areas
- Policy LU 5.1 Assure that a broad and diverse range of products and services are available to the residents of the City of Cle Elum.
- Policy LU 5.8 Continue the mandatory use of “Site and Design Review” to maintain a consistent range of aesthetic and practical development standards such as pedestrian connectivity, landscape buffers and, landscaping, for all new development and redevelopment in commercial areas.
- Policy LU 5.10 Encourage broad and diverse uses in existing commercial areas to promote maximum occupancy.

IV. Findings:

A. Conditional Use Approval Criteria

Per CEMC 14.30.170(A)(1-4)

1. The use will not endanger the public health, safety, or welfare;

Staff Response: The proposed retail sales business for equipment and vehicles will prioritize public health, safety, and

welfare by implementing secure, controlled access to equipment, and clear signage. The business will meet zoning and environmental standards to prevent any impact on air or water quality and will ensure safe traffic flow with designated access points and adequate parking. Additionally, an emergency response plan will be in place in coordination with local emergency services, addressing any potential safety incidents, thus ensuring safe operations within the General Commercial zoning district.

2. The location and character of the use if developed according to the plan as submitted and approved or conditionally approved will be compatible and in harmony with the area in which it is to be located;

Staff Response: The proposed retail sales business is designed to be compatible and in harmony with the surrounding area by aligning with the General Commercial zoning district's purpose, which accommodates retail uses that support local industries such as manufacturing, farming, and construction. The site will incorporate visually cohesive elements, including attractive, well-organized display areas and professionally designed signage that complement nearby businesses. The layout minimizes visual impacts on neighboring properties by positioning equipment in designated areas that maintain the district's aesthetic appeal, while traffic flow and parking are thoughtfully designed to prevent congestion and enhance accessibility for customers and surrounding businesses alike.

3. The proposed use is in general conformity with the city's comprehensive plan; and

Staff Response: The proposed use is in general conformity with Cle Elum's Comprehensive Plan, aligning with key goals and policies for managed growth, vibrant commercial areas, and public benefit. In line with Goal LU-1 and Policy LU-1.8, the proposal offers a lasting public benefit by supporting a balanced commercial environment. Additionally, it fulfills Goal LU-5 by enhancing the variety of goods and services available to residents (Policy LU 5.1), upholding aesthetic and functional standards through "Site and Design Review" (Policy LU 5.8) and promoting occupancy in commercial zones (Policy LU 5.10). These elements together demonstrate consistency with the Comprehensive Plan's objectives for a resilient community.

4. The use meets all required conditions and specifications set forth in the zone where it is proposed to be located unless a variance has been granted by the city.

Staff Response: The proposed use will meet all required conditions and specifications within the commercial zoning

district. The development plan has been carefully reviewed to ensure compliance with zoning regulations, including setback requirements, height restrictions, lot coverage, and land use standards.

B. Site Design Findings

Per CEMC 14.30.140 (C) The city may approve a proposed site plan or building design in whole or in part, with or without conditions, based on a finding that:

1. The project is consistent with the Cle Elum comprehensive plan and meets the requirements and intent of the Cle Elum Municipal Code, including the type of land use and the intensity/density of the proposed development.

Staff Response: The project is consistent with the Cle Elum Comprehensive Plan and meets the requirements of the Cle Elum Municipal Code. The proposed use aligns with goals supporting economic development and land use compatibility. It satisfies code requirements by incorporating either a B1 buffer or a 20-foot setback for equipment display and operates at an appropriate intensity for the zoning district. Conditional Use Permit approval confirms compliance with these standards.

2. The physical location, size, and placement of the development on the site and the location of the proposed uses within the project avoid or minimize impacts to any critical resource or floodplain area to the greatest extent possible or are compatible with the character and intended development pattern of the surrounding properties.

Staff Response: No critical areas are present.

3. The project makes adequate provisions for water supply, storm drainage, sanitary sewage disposal, emergency services, and environmental protection to ensure that the proposed project would not be detrimental to public health, welfare, and safety.

Staff Response: The project makes adequate provisions for water supply, storm drainage, sanitary sewage disposal, emergency services, and environmental protection to ensure that the proposed project would not be detrimental to public health, welfare, and safety.

4. Public access and circulation including nonmotorized access and emergency vehicle access, as appropriate, are adequate to and on the site.

Staff Response: Public access and circulation to and on the site are adequate, including provisions for nonmotorized access and emergency vehicle access. The site design ensures safe and

efficient movement, with pathways and access points that meet applicable standards for accessibility and emergency response requirements.

5. Adequate setbacks and buffering have been provided. Any reduction to setbacks or buffer widths is the minimum necessary to allow for reasonable economic use of the lot and does not adversely impact the functional value of the critical resource area or adjoining land uses.

Staff Response: Adequate setbacks are proposed.

6. The physical location, size, and placement of proposed structures on the site and the location of proposed uses within the project are compatible with and relate harmoniously to the surrounding area.

Staff Response: The location, size, and placement of proposed structures, as well as the uses within the project, are compatible with and harmoniously integrate into the surrounding area. The design considers neighboring properties and maintains consistency with the character of the community.

7. The project adequately mitigates impacts identified through the SEPA review process, if required.

Staff Response: Not applicable.

8. The project would not be detrimental to the public interest, health, safety, or general welfare.

Staff Response: The project would not be detrimental to public interest, health, safety, or general welfare.

C. Design and Improvement Standards:

1. Parking:

- a. Uncovered commercial area, new and used car lots, plant nursery are required to provide 1.0 spaces per each 5,000 sq. ft. of retail sales area in addition to any parking required for the buildings utilizing the standard of 1.0 spaces per each 500 sq. ft. of office area. Applicant shall indicate how much commercial area and building area is proposed to determine parking requirements.
- b. The site plan identifies 10 parking stalls within the public right-of-way, which do not currently exist. Per CEMC 17.56.040, new uses must provide off-street parking. While on-street parking directly abutting the use may count toward the required parking, the spaces must be available and clearly marked on the street. Any proposed parking stalls within the public right-of-way are subject to review and approval by the City Engineer and, in this instance, WSDOT. Alternatively, sufficient space exists onsite to provide the required parking. If onsite parking is proposed, it must comply with the standards outlined in CEMC 17.56.

The applicant must choose one option and ensure their plans meet the applicable requirements.

2. Landscaping:

- a. The site plan indicates a landscaping note, but a landscaping plan per CEMC 17.64.030 shall be submitted by an approved licensed landscape architect, certified nurseryman, or certified landscaper.
- b. A buffer area featuring fencing and landscaping (at least a B1, Low Screen Buffer) separating the sales or display area from the public right-of-way, or the equipment or vehicles for sale or display are set back a minimum of 20 feet from the front property line.

V. CONCLUSIONS:

- A. The Hearing Examiner has jurisdiction to issue a decision on this matter.
- B. The project consists of the purpose and intent of the General Commercial zoning district and the Cle Elum Comprehensive Plan 2037.
- C. During project review it has been found that the site plan, as conditioned, meets applicable code requirements of CEMC 14.30.140.
- D. This recommendation is for the application as submitted. Any future modifications will be required to go through a Type 2 Review.

VI. RECOMMENDATION

The Planning Consultant, on behalf of the City of Cle Elum, recommends approval of (CUP-2024-002) based upon the above findings and conclusions and subject to the conditions of approval as follows;

1. Building permit is required prior to construction; and
2. A Clear and Grading Permit is required prior to construction; and
3. Submit civil plans for on-site and off-site improvements; and
4. A demolition permit is required prior to demolition of any buildings; and
5. Stormwater drainage plan; and
6. An updated site plan shall be submitted prior to building permits being issued showing:
 - a. Square footage of dedicated retail sales area and office area; and
 - b. Landscaping and buffer areas; and
 - c. B-1 buffer separating the sales/display area from the public right-of-way or show equipment or vehicles for sale/display are set back a minimum of 20 feet from the front property line; and
 - d. Paved drive aisles; and
 - e. Paved on-site parking if off-site parking is not provided.
7. A landscape plan meeting the requirements of 17.64, prepared by an approved licensed landscape architect, certified nurseryman, or certified landscaper; and vegetation should be fire resistant and planted out of the five ft zone of ignition; and
8. A Hydrant is required to be within 100ft of FDC for sprinklers if proposed; and
9. Knox box will be required for access to the site if fencing is installed for gate access; and

EXHIBITS:

Exhibit I: Applicant Submittals

- Application
- Narrative
- Site Plan

Exhibit II: Notices

- Notice of Application and Public Hearing
- Newspaper Post
- Posting of site
- Mailing Notices

Exhibit III: Comments

- Washington State Department of Transportation