

City of Cle Elum
119 West First Street
Cle Elum, WA 98922



Phone: (509) 674-2262
Fax: (509) 674-4097
www.cityofcleelum.com

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

File Numbers: CUP-2024-003, SEP-2024-005, CA-2024-002, SDR-2024-005

APPLICANT: Scott Lien
APPLICANT ADDRESS: 1700 Westlake Ave N, Ste 200, Seattle, WA 98109
PROJECT LOCATION: 4240 Bullfrog Road, Cle Elum, WA
PARCEL NUMBER(S): 11360
DATE OF REQUEST: November 8, 2024
DATE OF RECOMMENDATION: March 5, 2025
STAFF CONTACT: Colleda Monick, Planning Consultant

I. DESCRIPTION OF REQUEST:

Proposal for the development of a three-story, 48-unit multifamily residential complex, featuring a mix of two- and three-bedroom units distributed across two buildings ("Bullfrog Road Apartments" or "project"). The project includes 72 onsite parking spaces to accommodate residents and guests and is located in the General Commercial zoning district.

II. SUMMARY OF RECCOMENDATION:

The Administrative Official recommends approval, subject to conditions.

III. FACTS:

A. Processing

1. The applications for a Conditional Use Permit, Site Design and Review, and a SEPA checklist were received on November 8, 2024. On November 18, 2024, a Critical Areas application was submitted.
2. The applications were deemed complete for processing on November 22, 2024.
3. The applications are being processed under Cle Elum Municipal Code ("CEMC") 14.30.070 - Procedures for a Type 3 review.
4. In accordance with CEMC 2.60.060, the Hearing Examiner has the authority to render a decision on this matter as outlined in the CEMC. Additionally, CEMC 14.30.040

designates the Hearing Examiner as responsible for conducting the public hearing and making decisions on Type 3 applications.

5. **Public Notice:** In accordance with CEMC 14.30.110, notice was provided for these applications as follows:
 - a. The subject property was posted with a land use action sign on December 5, 2024.
 - b. A Notice of Application and Environmental Review was sent to the applicant, agencies with jurisdiction, the Confederated Tribes and Bands of the Yakima Nation, the Confederated Tribes of the Colville Reservation, and the Snoqualmie Tribe, and adjoining property owners within 300 feet of the subject property on December 5, 2024.
 - c. A legal notice was published in the Northern Kittitas County Tribune on December 4, 2024.
 - d. Notices were also provided at City Hall and posted on the city website under Public Hearings.
 - e. On February 6, 2025, a Notice of Public Hearing was issued, including a legal notice in the Northern Kittitas County Tribune. A Mitigated Determination of Non-significance was also issued.
 - f. On February 19, 2025, the Staff recommendation was made available for public review on the city's website.

6. **Environmental Review:** This application was required to undergo State Environmental Policy Act (SEPA) review because it proposes the construction of 48 units, exceeding the four dwelling unit threshold (CEMC 14.40.040(A)(1)). Notice was mailed on December 5, 2024. The public comment period ended on January 6, 2025. Six comments were received from SEPA Agencies and the public which are outlined in accordance with WAC 197-11-355 and CEMC 14.40, an MDNS was issued on February 6, 2025, which was not appealed at the time this staff report was prepared.

B. Current Zoning and Land Use:

1. The subject property is approximately 1.72 acres, is zoned General Commercial, and is currently vacant.

2. CEMC 17.32.010 states, 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. The surrounding properties contain uses and zoning as follows:

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	General Commercial	Vacant
South	Planned Mixed Use	Bus Facility
East	General Commercial	School District Office
West	Master Planned Resort (County)	Kittitas Co Fire Dist. #7

C. Development Review:

1. Stormwater:

- a. All stormwater must be retained onsite consistent with the CEMC 16.12A.060, the City's 2024 Construction Standards and the 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, shall be submitted for City review and approval consideration before any land disturbing activities begin and permits are given. 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

2. Sewer:

- a. Pursuant to the City's 2024 Construction Standards, Chapter 5 - Sanitary Sewer System, sewer lines shall be extended by the Developer to the point where the adjoining property owner's responsibility for further extension begins. Extensions will be consistent with and implement the City's adopted General Sewer Plan, including alignments, sizes, and depths necessary to serve future areas within the Urban Growth Area (UGA) boundary.

There is an existing sewer main located just to the south of the property. Extending the sewer line along the western frontage of the property is required. The new sewer mainline will need to be designed per CEMC and City Engineering Standard Details. The site plan will need to show the proposed sewer services and/or proposed new sewer mainline per Chapter 13.08 CEMC.

- b. Work within Kittitas County right-of-way requires permitting and review approval by Kittitas County, and applicant shall obtain any necessary permits through the county.
- c. Pursuant to CEMC 13.08.160, a separate and independent building sewer service shall be provided for every building to the main, requiring a sewerage connection in accordance with the provisions of Chapter 13.08 and Chapter 13.10 of the Cle Elum Municipal Code.
- d. Pursuant to Chapter 13.10 CEMC, all new sewer customers shall be required to pay a connection charge which shall include a system connection charge, a capital reimbursement charge, and an administrative fee at the time of issuance of the building permit.
- e. Pursuant to CEMC 13.10.030, the new buildings constructed and associated ERUs will be allowed to connect to and be served by the existing facilities on a permanent basis subject to payment of the Sewer Connection Fees. The total connection charge, including the capital

reimbursement charge established in CEMC Section 13.10.040, are per Table 13.10.030.

- f. The following list of ERU values shall serve as the basis for calculating buy-in and new capacity charges.

Apartment	0.90 ERU per unit
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3. Water:

- a. Pursuant to the City's 2024 Construction Standards, Chapter 4 - Water System Improvements, water lines shall be extended by the Developer to the point where the adjoining property owner's responsibility for further extension begins. Extensions will be consistent with and implement the City's adopted Water System Plan, including alignments, sizes, and depths necessary to serve future areas within the Urban Growth Area (UGA) boundary. There is an existing water main located just to the south of the property. Extending the water line to the north property line is required. The new water mainline will need to be designed per CEMC and City Engineering Standard Details. The site plan will need to show the proposed water services and or proposed new sewer mainline per Chapter 13.12 CEMC.
- b. Work within the Kittitas County right-of-way requires review and approval by Kittitas County, and all necessary permits must be obtained through the County.
- c. Pursuant to Chapter 13.14 CEMC, all new or increased connections to the water system shall be required to pay the capital reimbursement charge prior to connection to the system in addition to the connection fees established by Chapter 13.12 CEMC at the time of issuance of the building permit.
- d. The Connection Charge Fee Schedule shall be established by the most current resolution adopted by the City Council in effect at the time of payment and shall be payable prior to building permit issuance or prior to physical connection to the system.
- e. Pursuant to CEMC 13.14.040, the following list of ERU values shall serve as the basis for calculating capital reimbursement and connection charges.

Apartment	0.90 ERU per unit
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- f. There is an existing 1 1/2" public water service to the east of the property. While this service is not large enough to supply water to project, it may be used for irrigation purposes.
- g. Each of the two buildings will require its own fire service line.

- h. There is an existing fire hydrant located to the east of the project.
 - i. Maximum available flow from the existing water main is 5,000 gpm.
 - j. An approved Double Check Backflow Assembly is required on new fire sprinkler services.
4. Access:
- a. Proposed access is through a 40-foot-wide common access and utility easement onto Bullfrog Road. The existing easement was created via the H&D Logging CO. Short Plat No. 1 recorded 12th day of July, 1996 (AFN# 199607120001, exhibit C-29).
5. Traffic:
- a. A Traffic Impact Analysis prepared by Transportation Solutions was submitted, dated July 2024. The purpose of the report was to identify potential significant and adverse traffic impacts resulting from the project and proposed where appropriate, outline programmatic and/or physical improvements to minimize or eliminate those impacts should be considered. The report recommended no offsite mitigation, but the project could be required to contribute proportionally to three intersection improvements identified in the 47 degrees North Updated Transportation Analysis:
 - Bullfrog Road/I-90 EB Ramps
 - Bullfrog Road/Tumble Creek Drive
 - Bullfrog Road/I-90 WB Ramps

Three City of Cle Elum intersections are anticipated to operate at non-compliant LOS under future weekday summer PM peak hour conditions. The Bullfrog Road Apartments project shall contribute a pro-rata share towards these intersection improvements based on its proportional impact to the intersection relative to total traffic (including background traffic) impacting the intersection.

Pro-rata share was calculated relative to the background traffic growth component of the total future forecast weekday summer PM peak hour traffic volumes. The calculation divided the total weekday PM peak hour project traffic associated with the Bullfrog Road Apartments project by the total forecast future with-project weekday PM peak hour traffic volumes ('Baseline' plus Bullfrog Road Apartments). 'Baseline' PM peak hour traffic volumes were determined from the 2024 Bullfrog Flats traffic impact analysis prepared by Transportation Engineering Northwest (TENW) in December 2024.

Required mitigation measures were included in the February 6, 2025 MDNS.

6. Building

- a. All construction drawings must be prepared and stamped by a Washington state licensed design professional (architect or engineer). The licensed professional must not only be designing for structural integrity (lateral and gravity loads) but also for life safety and architectural barriers throughout the building(s).
- b. Pursuant to Section 429 of the Washington State Building code, electric vehicle charging infrastructure will be required to be shown on the site plan depending on the number of parking spaces provided. The parking lot shall be equipped with 10% EV Charging Stations (8 parking spaces) and 10% EV Capable Parking Spaces (8 parking spaces).

7. Fire

- a. All submittals are to comply with the current adopted International Fire Code (“IFC”) with Washington State Amendments as well as the current adopted Cle Elum Municipal Code.
- b. Pursuant to International Fire Code Appendix D, Section 5 “Aerial Fire Apparatus Roads,” the proposed building roofs exceeds 30 feet, and an approved aerial fire apparatus access road shall be provided.

Per D105.2 “Width,” the Aerial fire apparatus access road shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

Per D105.3 “Proximity to Building,” one or more of the required access routes meeting this condition shall be located not less than 15 feet and not greater than 30 feet from the building and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.

- c. The addressing system for the apartment complex at 4240 Bullfrog Road shall be implemented as follows:
 - i. Each apartment building shall be designated with a letter (e.g., A, B, C) in sequential order, beginning with Building A at the entrance.
 - ii. Letters shall be clearly marked on multiple sides of each building in large, highly visible lettering to facilitate wayfinding and emergency response. The address shall be able to be read from the road.
 - iii. Unit numbering shall correspond to floor levels, with the first floor using the 100 series (e.g., 101, 102), the second floor using the 200 series (e.g., 201, 202), and so forth.
 - iv. Unit numbers such as 100, 200, or 300 shall not be permitted to prevent confusion for emergency services.

- v. Final building and unit numbering shall be reviewed and approved by the City prior to occupancy.
- d. Vegetation should be fire resistant and planted out of the five foot zone of ignition.
- e. A fire hydrant is required to be within 100 feet of Fire Department Connection (FDC) for sprinkled buildings. A remote FDC may be used but the preferred method is a hydrant located 100 feet from the sprinkler room FDC.
- f. A key box is required (Per IFC 506). The box must be on-site and visible to provide rapid entry to emergency responders for riser room and electrical room entry.
- g. Adequate fire lanes and space for fire apparatus to access the property is required (Per D103.1 of the IFC, Access roads with a hydrant must be at least 26 ft).
- h. Pursuant to the requirements of the IFC, maintain records and proof of all the yearly required testing and submit by email to the fire authority when complete each year. Further, Applicant or its successors must submit required fire and life safety training for management on all fire and life safety issues required by the IFC.
- i. Portable Fire extinguishers are required (per IFC 906). The size, type, and location of portable fire extinguishers must be shown on the plans. The maximum allowed travel distance between fire extinguishers is 75 feet.
- j. Access Road shall be posted with no parking signage, per the IFC.

8. Public Comments:

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

- i. On December 10, 2024, the **Confederated Tribes of the Colville Reservation** provided written comments, summarized below:
This project involves intense ground disturbing activities which will destroy unknown cultural resources. We request a Cultural Resource Survey of the proposed development and to have an IDP during project implementation.

Applicant Response: The project site has been disturbed in the past, and there is no known history of cultural resource discovery. However, the applicant is happy

to voluntarily comply with the request to perform a Culture Resource Survey. Kamiak is cognizant and sensitive to cultural resources and historic properties.

Staff Response: In coordination with the Colville Tribe, a Cultural Resource survey shall be completed and an Inadvertent Discovery Plan shall be implemented prior to construction. This mitigation measure was included in the February 6, 2025 MDNS.

- ii. On December 18, 2024, Pacifica Law Group, on behalf of the **Cle Elum Roslyn School District** provided written comments, summarized below:

The District expressed significant concerns about the potential impacts on their adjacent properties, which include the Central Office, Bus Facility, and Swiftwater Learning Center (SLC). The proposed development's use of a shared access road, which the District heavily relies on for operations, raises issues related to transportation safety, access conflicts, and noise impacts. The District emphasized that the SEPA checklist and traffic impact analysis inadequately addressed these concerns, failing to account for the unique sensitivity and operational needs of their facilities.

The District requested specific mitigation measures, including the creation of a separate access road for the development, unimpeded District access during and after construction, fencing to mitigate noise and ensure student safety, parking restrictions on District property, and clear notifications to future residents about District activities. They also suggested quarterly meetings between the property management and District administration for coordination. The District underscored the importance of accommodating their existing operations and ensuring compatibility between the proposed development and adjacent land uses.

Applicant Response: Exhibit C-27 – Applicant Response Letter

Staff Response: Per H&D Logging CO. Short Plat No. 1 (Exhibit C-29), there is a recorded 40' common access easement for all three parcels associated with the plat. As identified in the General Notes on the plat, (3) *Maintenance of any private access will be the responsibility of the property owners who benefit from its use. If more than 8 lots will be using the shared access, then a county road will be required.* The number of lots using the shared access is not increasing and a county road is not required.

- iii. On December 23, 2024, **Mr. Wyborski** provided written comments, summarized below:

Mr. Wyborski expressed concerns about the number of parking spaces in the plan, stating that 48 spaces should be sufficient for the 48 residential units, with no more than 12 additional spaces for guests. He emphasized the importance of

minimizing environmental impacts, noting that excessive blacktop increases flood risks. He also urged a reduction in the amount of road construction included in the plan.

Applicant Response: The applicant's intention is to provide parking that supports the project without exceeding what is necessary. In this case, we are meeting the City of Cle Elum's minimum parking requirements, which we believe align with market demand.

Staff Response: Per the Cle Elum Municipal Code, 17.56.040, parking standards for one+ bedroom units require 2.0 parking spaces per dwelling unit. Uses may provide seventy-five to one hundred twenty-five percent of the standard amount indicated. The submitted site plan and application are compliant with the parking standard.

- iv. On December 25, 2024, **Mr. Hess** provided written comments, summarized below:

Mr. Hess provided comments on the Traffic Impact Analysis (TIA), noting that while it is technically accurate, it is difficult for the public to understand. He recommends rewriting the analysis in layman's terms, extending the public comment period beyond January 6, and ensuring it is accessible for public review. Hess raises concerns about current traffic issues on Bullfrog Road and the SR 903 roundabout during busy summer weekends, as well as the lack of analysis addressing future traffic impacts from Suncadia's full buildout, the nearby recreation center, and the Bullfrog Flats development. He believes the TIA should project traffic impacts at least 20 years into the future and include a clear explanation of how Fire and EMS services will maintain adequate levels of service over that timeframe. Additionally, he suggests planning for a secondary access route from Douglas Munro Boulevard to accommodate the project, the recreation center, and Bullfrog Flats. Hess emphasizes the importance of creating a professionally prepared comprehensive growth management plan to envision the Upper County's development over the next 20 to 30 years.

Applicant Response: The applicant appreciates the feedback regarding the TIA and understands the importance of ensuring the community has a clear understanding of future traffic impacts. The TIA conducted for this project looks ahead 12 years, through 2037, which is well beyond the typical year-of-opening analysis. This extended projection period provides an evaluation of the potential traffic impacts associated with this development. While projections beyond the year-of-opening primarily reflect the impacts of future developments in the area, this analysis ensures that our project's contributions are clearly understood and addressed within the broader context of anticipated growth.

Staff Response: Notice for this project was provided in accordance with CEMC 14.30.240(B) and combined the required 15-day advance notice of a required comment period with the public comment period, allowing for a total of 30 days for public comments. The Traffic Impact Analysis included the following pipeline projects: Suncadia Master Plan Resort, 47 degrees North (now Bullfrog Flats), City Heights, and the Upper Kittitas County Community Recreation Center in its analysis.

- v. On June 25, 2024, the **Washington State Department of Fish and Wildlife** provided written comments, summarized below:
Recommend the additional mitigation measures, 1) Donating large conifers with rootwads to stream/wetland/river restoration projects within Upper Yakima Watershed; 2) Minimizing the impervious surfaces associated with the project to reduce likelihood of changes to hydrology for the wetland, and/or; 3) Additional native plantings in the riparian management zone for the watercourse at the eastern parcel boundary.

Applicant Response: Exhibit C-27 – Applicant Response Letter

Staff Response: The applicant shall work with the Washington State Department of Fish and Wildlife to identify appropriate mitigations to suffice WDFW concerns. The mitigation plan must be executed in full compliance with the measures and timeline outlined in an approved plan. This mitigation measure was included in the February 6, 2025 MDNS.

- vi. On February 18, 2025, **Kittitas County Department of Public Works** provided written comments, summarized below:
Impacts to three intersections were identified by the TIA, all of which are either Washington State or Kittitas County jurisdictions. Pro-rata share was calculated for the improvements, but it is unclear how the fees will be collected and held. Kittitas County does not utilize pro-rata share when calculating impact fees and does not have mechanism for collecting fees. It should be noted that Kittitas County evaluates road segment LOS and not intersection LOS. The analysis for the project shows that the LOS for County Roads will not require impact fees and therefore, Kittitas County does not have any concerns with the project.

D. Applicable Law

1. Type (3) Review

The project is subject to procedures for a Type 3 Review, CEMC 14.30.070. Pursuant to these procedures, the applications are also being reviewed for consistency with the following goals and policies of the Cle Elum Comprehensive Plan and the zoning designation of the property, General Commercial.

2. General Commercial

In accordance with CEMC 17.32.030, residential uses may be approved in the General Commercial zoning district through a conditional use process, provided they comply with applicable dimensional, landscaping, lighting, and design standards. Proposed residential uses shall not conflict with the intent of the General Commercial district and must demonstrate compatibility with surrounding commercial uses.

3. Conditional Use

In accordance with CEMC 14.30.170, conditional uses may be approved if the proposed use is consistent with the Comprehensive Plan and the intent of the zoning district in which it is located. The use shall be designed and operated to be compatible with surrounding land uses and shall not create significant adverse impacts related to public health, safety, or general welfare. Approval is subject to compliance with applicable development standards, including but not limited to, setbacks, lot coverage, landscaping, parking, and lighting.

4. Critical Areas

In accordance with CEMC 18.01.050, development within critical areas shall be reviewed to ensure compliance with the provisions of the Critical Areas Ordinance. Proposed activities must avoid, minimize, and mitigate impacts to critical areas while maintaining public health, safety, and welfare. Development shall be consistent with the goals and policies of the Comprehensive Plan and shall not result in a net loss of ecological functions. All applicable buffers, setbacks, and mitigation requirements must be met.

5. Site and Design Review

In accordance with CEMC 14.30.140, site and design review is required to ensure that proposed development is consistent with the Comprehensive Plan and the intent of the applicable zoning district. Projects shall be designed to promote public health, safety, and welfare while maintaining compatibility with surrounding land uses. Approval is subject to compliance with applicable standards, including but not limited to, building placement, architectural design, landscaping, parking, lighting, and pedestrian access.

6. Design guidelines

In accordance with CEMC 17.32.090, development in the General Commercial zoning district shall comply with applicable design guidelines to ensure compatibility with the surrounding built environment and to promote a cohesive architectural character. Proposed structures shall incorporate appropriate building materials, articulation, roof forms, and façade treatments consistent with the intent of the district. Site design shall prioritize pedestrian accessibility, landscaping, and screening to enhance the visual appeal and functionality of the development.

7. Off-Street Parking and Loading Requirements

In accordance with Chapter 17.56 CEMC, off-street parking shall be provided for multi-family residential developments to ensure adequate capacity and functionality. For dwelling units with one or more bedrooms, a minimum of 2.0 parking spaces per unit is required. Parking areas shall be designed to meet dimensional, access, and landscaping standards while minimizing conflicts with pedestrian and vehicular circulation. Uses may provide seventy-five to one hundred twenty-five percent of the standard amount indicated in CEMC 17.56.040.

8. Landscaping Requirements

In accordance with Chapter 17.64 CEMC, landscaping shall be incorporated into site development to enhance aesthetic appeal, provide screening, and promote environmental benefits. Landscaping plans shall meet minimum planting requirements, including tree, shrub, and ground cover standards, and ensure compatibility with surrounding land uses. Required landscaping shall be maintained in a healthy condition and designed to mitigate visual, noise, and light impacts while supporting pedestrian-friendly environments.

E. Cle Elum Comprehensive Plan 2037

The following goals and policies apply to this proposal:

- Goal LU-1: Management and Implementation
- Policy LU-1.3 Ensure that new development does not outpace the City's ability to provide and maintain adequate public facilities and services by allowing new development to occur only when and where adequate facilities exist or can be provided.
- 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-3: Preserve Cle Elum's natural environment while allowing for growth and development.
- Policy LU-3.5 All new development shall comply with the provisions of the most recent edition of the Stormwater Management Manual for Eastern Washington as adopted by the City and the Washington State Department of Ecology Best Management Practices.
- Policy LU-3.11 Protect and preserve water quality, natural drainage, fish and wildlife habitats and the functions of streams and wetlands.
- 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-5.9 Require the use of shared driveways and controlled ingress/egress for new development in commercial areas.

- Policy LU-5.10 Encourage broad and diverse uses in existing commercial areas to promote maximum occupancy.
- Goal LU-6: Open Space
- Policy LU-6.1 Discourage the disturbance of vegetation when not in conjunction with the actual development.
- Policy LU-6.2 Open space areas should be encouraged to be used as buffers for different types of land uses.
- Policy LU-6.3 Lands designated for open space should provide for multiple open space benefits whenever possible including active or passive recreation opportunities, scenic amenities, fish and wildlife habitat, etc.
- Goal LU-8: Protect, conserve and enhance the Cultural, Archeological, and Historic preservation in Cle Elum.
- Policy LU-8.1 Coordinate and cooperate with tribal, federal, state, and local historic and cultural preservation organizations and agencies, in order to promote cultural, archaeological, and historic preservation within the City.
- Goal LU-12: Water Quality and Quantity
- Policy LU-12.1 Maintain healthy, functioning ecosystems through the protection of unique, fragile, and valuable elements of the environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats, to conserve the biodiversity of plant and animal species.
- Policy LU-12.2 Prevent cumulative adverse environmental impacts to water quality, wetlands, and fish and wildlife habitat, and the overall net loss of wetlands, frequently flooded areas, and habitat conservation areas.
- Policy LU-12.3 The City shall consider the impacts of new development on water quality as part of its review process and will require any appropriate mitigating measures.
- Policy LU-12.5 Direct activities not dependent on critical areas resources to less ecologically sensitive sites and mitigate unavoidable impacts to critical areas by regulating alterations in and adjacent to critical areas
- Policy LU-12.6: Adequate on-site disposal of surface water runoff shall be provided by all types of development.
- Goal LU-13 Drainage, flooding, and stormwater runoff
- Policy LU-13.2 Development shall take adequate measures to minimize significant erosion and flash flooding conditions by: limiting the total amount of impervious surface to be created; planting sufficient vegetation to offset the effects of the impervious surfaces created; and/or providing sufficient drainage facilities to control storm runoff.
- Policy 16.8 Require Best Management Practices (BMPs) contained in the Department of Ecology's Stormwater Manual for Eastern Washington be implemented for all new development and redevelopment.
- Goal LU-21: Maintain Local Control of Planning and Land Use Decisions.

- Policy LU-21.1 In partnership with the County and WSDOT, review and update the regulations and zoning controls to protect the Cle Elum Municipal Airport and to promote compatible land uses.

IV. **FINDINGS:**

A. Conditional Use

The proposed project meets the city's conditional use permit requirements as follows:

1. The use will not endanger public health, safety, or welfare, as it has been designed to comply with applicable regulations and does not introduce hazardous conditions.
2. The location and character of the development, as proposed, are compatible with the surrounding area, incorporating site-specific considerations such as maintaining existing native vegetation to enhance harmony with adjacent land uses.
3. The project aligns with the goals and policies of the city's comprehensive plan by supporting appropriate residential development while preserving key environmental features.
4. The use meets all zoning requirements, and any necessary conditions will be addressed to ensure full compliance.

Given these factors, the project satisfies the criteria for conditional use approval.

B. Critical Areas

1. A Critical Area Report was conducted by Raedeke Associates, Inc. on September 20, 2024, for the purpose of collecting data to characterize the existing site conditions and document any fish and wildlife habitats, streams, and wetlands on or in the vicinity of the project site.

A site investigation of the Bullfrog Road Apartments project area found no wetlands, streams, or priority or sensitive fish and wildlife habitat in proximity to the site. The area had previously contained several model homes with associated roadway and driveway infrastructure. The homes were removed in late 2024 and the site is currently vacant. The proposed redevelopment includes the construction of new apartment buildings and associated parking infrastructure, as detailed in the attached site plan. According to the current plans, the western margin of the site will remain undeveloped, preserving most of the existing ponderosa pine and Douglas-fir trees. As a result, the project is not expected to have any adverse impacts on fish and wildlife habitat, including nearby elk concentrations.

C. 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: This proposal complies with the goals and objectives of the Cle Elum Comprehensive Plan, the provisions of the Cle Elum Municipal Code, and the intent and purpose of the General Commercial zoning district as described in this report.

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: As mitigated, this proposal will have no adverse environmental impacts. The physical location, size, and placement of the development on the site, along with the proposed use, have been carefully designed to avoid or minimize impacts to the greatest extent possible. Additionally, the project is compatible with the character and intended development pattern of the surrounding properties.

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.

The applicant is proposing the following measures to address these essential services:

- a. Storm Drainage: The applicant will comply with all Stormwater requirements, ensuring that stormwater is effectively managed on-site. This includes the implementation of best management practices (BMPs) to control runoff, prevent erosion, and protect water quality.*
- b. Environmental Protection: The applicant is proposing mitigation measures to offset any impacts to the wildlife habitat, ensuring that environmental resources are preserved and protected. This includes maintaining native plants and implementing erosion control measures.*

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

Staff Response: The project site includes a 40-foot access easement and appropriate drive aisle widths to meet requirements needed for emergency vehicles.

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 and buffering have been provided. The project design includes the following measures to ensure that setbacks and buffer widths are sufficient and effective:

- a. Setbacks and Buffering: The project incorporates appropriate setbacks and buffers to protect critical resource areas and maintain compatibility with adjoining land uses. These setbacks and buffers are designed to minimize visual and noise impacts, preserve natural habitats, and protect water quality.*
- b. Compatibility with Adjoining Land Uses: The design of the project ensures that any adjustments to setbacks or buffers do not negatively impact neighboring properties.*

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 physical location, size, and placement of the proposed multi-family residential structures are designed to be compatible with and relate harmoniously to the surrounding area while also addressing site-specific conditions.

The project site is adjacent to Bullfrog Road, a Rural Major Collector, and includes a portion of undeveloped land along the western margin that contains the only remaining native vegetation on-site. Preserving this natural buffer aligns with CEMC 17.64.040, which encourages the retention of significant trees, and serves multiple purposes: it minimizes the loss of native habitat, provides a visual and noise buffer between the development and the roadway, and maintains a transitional space between urban and rural elements.

Although the design guidelines in CEMC 17.32.090 emphasize certain site planning elements, strict adherence would require removing this buffer, resulting in the loss of mature vegetation and reducing compatibility with the surrounding landscape. Instead, the proposed placement of structures and uses within the site is thoughtfully arranged to integrate with the existing conditions while balancing development objectives with environmental preservation.

By maintaining this natural separation and ensuring that the built environment is appropriately scaled and positioned, the project achieves a harmonious relationship with both the roadway and surrounding land uses.

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

Staff Response: The project adequately mitigates impacts identified through the SEPA review process, ensuring that any potential environmental concerns are addressed and resolved effectively. An MDNS was issued on February 6, 2025, which was not appealed.

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

Staff Response: The project would not be detrimental to public interest, health, safety, or general welfare, as it incorporates necessary measures to safeguard these aspects and provides much needed housing.

E. Design Guidelines

The proposed multi-family residential construction does not fully comply with the design guidelines outlined in CEMC 17.32.090:

A. Buildings shall be located and designed to focus on the public street serving the development.

Staff Response: The proposed development does not strictly adhere to the requirement that buildings be located and designed to focus on the public street serving the development. This is due to the site's unique conditions and its adjacency to Bullfrog Road, which is classified as a Rural Major Collector and located in the county.

The undeveloped portion of the site contains the only remaining native vegetation, which serves as a natural buffer between the development and the roadway. Preserving this vegetation aligns with the City's encouragement of significant tree preservation per CEMC 17.64.040. Maintaining this buffer not only minimizes the loss of native habitat and significant trees but also enhances the transition between the roadway and the proposed development. Additionally, this buffer serves as an important visual and environmental feature, mitigating impacts on adjacent areas and supporting compatibility with the surrounding developments along this corridor.

Given these factors, the proposed site layout prioritizes environmental preservation while ensuring the development remains functional and integrated with the surrounding area.

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.

Staff Response: The proposed apartment complex does not fully meet the requirement that building facades facing a public street have at least fifty percent of the total wall area in permeable surfaces or permanent architectural details. This is due to the site's unique conditions and the nature of multi-family residential development, where privacy, functionality, and internal site orientation are primary design considerations.

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.

Staff Response: The proposed development meets the requirement that parking lots be located behind or to the side of structures rather than at a street corner or between the building and the public street. The site design incorporates a natural buffer between the development and Bullfrog Road, preserving existing vegetation to enhance the transition between the roadway and the complex.

Parking areas are centrally located between the apartment buildings, minimizing their visibility from the street while maintaining convenient access for residents. This approach ensures that the streetscape remains visually appealing and consistent with the intent of the standard while also integrating natural elements to support compatibility with the surrounding environment.

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.

Staff Response: Bullfrog Road is a Rural Major Collector located in the county with no pedestrian facilities and accordingly pedestrian facilities are not a requirement of this development.

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.

Staff Response: Not applicable to this project, no historic structures onsite.

F. Off Street Parking and Loading

The proposed 48 dwelling units require 96 on-site parking spaces. The site plan shows 72 parking spaces, which equals seventy-five percent of the parking standard and meets the requirements of CEMC 17.56.040

G. Landscaping

A minimum of 10% of the site shall consist of landscaping, consistent with the requirement of Chapter 17.64 CEMC.

The perimeter of all parking areas shall be landscaped with a five-foot B1 buffer (this buffer is composed of live ground cover throughout the buffer and trees planted every thirty feet along the length of the buffer).

Landscaping shall be provided within all surface parking areas encompassing six or more stalls. Such parking areas shall have a minimum of ten percent of the parking area landscaped.

Landscaped islands shall be provided and distributed through the parking area at a ratio of one tree for every six parking stalls.

Permanent curbs or structural barriers shall be provided to protect the plantings from vehicle overhang and damage.

A landscaping plan shall be submitted consistent with the requirements of CEMC 17.64.

V. CONCLUSIONS:

- A. The Hearing Examiner has jurisdiction to issue a final decision on this matter.
- B. The project is consistent with 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 Chapters 17.32, 18.01, 14.40, and 14.30.140 CEMC.
- D. The Mitigated Determination of Nonsignificance (MDNS) issued on February 6, 2025, which was not appealed at the time this staff report was prepared.

VI. RECOMMENDATION

The Planning Consultant, on behalf of the City of Cle Elum, recommends that the 48-unit multifamily residential complex (CUP-2024-003, SEP-2024-005, CA-2024-002, SDR-2024-005) be approved based upon the above findings and conclusions and subject to the conditions of approval as follows:

- 1. The Mitigation Measures of February 6, 2025 MDNS shall be complied with.
- 2. All stormwater must be retained onsite consistent with the City's Construction Standards and Stormwater Management Manual for Eastern Washington. A stormwater drainage plan and report, prepared by a licensed engineer and registered in the state of Washington, shall be submitted for City review and approval.
- 3. A City of Cle Elum Business License must be obtained before commencing business. The license must be applied for through the Department of Revenue and can be applied for online: www.dor.wa.gov.
- 4. Applicant shall obtain permits through Kittitas County for any work occurring in the public right-of-way.

5. Any applicable water connection charges shall be paid in full at or before the time a building permit is obtained.
6. Any applicable wastewater connection fees must be paid in full at or before the time a building permit is obtained.
7. Landscaping plans shall be submitted meeting the requirements of Chapter 17.64 CEMC prior to issuance of building permits.
8. Final building and unit numbering shall be reviewed and approved by the City prior to occupancy.
9. Access Road shall be clearly posted with no parking signage.
10. An updated site plan shall be submitted to show the following:
 - a. Location of required EV and EV-Ready parking spaces