

*City of Cle Elum*  
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Cle Elum, WA 98922



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**WASHINGTON STATE ENVIRONMENTAL POLICY ACT  
MITIGATED DETERMINATION OF NONSIGNIFICANCE  
CITY OF CLE ELUM, WASHINGTON  
February 6, 2025**

**PROJECT DESCRIPTION:** 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. The project includes approximately 72 onsite parking spaces to accommodate residents and guests and is located in the General Commercial zoning district.

**LOCATION:** 4240 Bullfrog Road, Cle Elum, WA  
**PARCEL NUMBERS:** 11360  
**PROponent:** Scott Lien  
**PROPERTY OWNERS:** Suncadia Resort LLC  
**LEAD AGENCY:** City of Cle Elum

**FILE NUMBER:** SEP#2024-005

**THRESHOLD DETERMINATION:** The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. Pursuant to WAC 197-11-350(3), the proposal has been clarified, changed, and conditioned to include necessary mitigation measures to avoid, minimize or compensate for probable significant impacts. An environmental impact statement (EIS) is not required under RCW 43.12C.030(2)(c). This decision was made after reviewing a completed environmental checklist and other information on file with the lead agency and a public comment period which ended on January 6, 2025. This information is available to the public on request and can be found on the city website: <https://cleelum.gov/city-services/administrative-services/public-notices/>.

**I. FINDINGS**

**A. Processing**

1. The application for Environmental Review was received on November 8, 2024.
2. The application was deemed complete for processing on November 22, 2024.
3. The application is being processed under the provisions of Ch. 14.40 (Environmental Review).
4. **Public Notice:** Pursuant to CEMC 14.40.060 and 14.30.120:
  - a. A Notice of Application and Environmental Review was issued on December 5, 2024.

- b. The notice 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 comment period closed on January 6, 2025, and five comments were received.

## **B. Review**

1. Critical Area Review. A Critical Areas application was submitted concurrently with this application (CA#2024-002) based on the following on-site critical areas:
  - a. Critical Areas present, State Priority Habitats and Areas Associated with State Priority Species. The property is located within the Washington State Department of Fish and Wildlife area designated as the Domerie Flats Elk Winter Concentration Area.
  - b. Critical Aquifer Recharge Area. Infiltration Test Report provided by PanGEO Incorporated, dated July 30, 2024, revised November 21, 2024.

## **2. Engineering**

### **a. Stormwater:**

All stormwaters must be retained onsite consistent with the City's Construction Standards and 2024 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. 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.

### **b. Access:**

Proposed access is through a 40' 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 12<sup>th</sup> day of July, 1996 (AFN# 199607120001).

- c. A Traffic Impact Analysis was submitted, dated July 2024, prepared by Transportation Solutions. The purpose of the report was to identify potential significant and adverse traffic impacts resulting from the project and where appropriate, outline programmatic and/or physical improvements to minimize or eliminate those impacts. 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 study 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 are included below.

**C. Agency Comments:**

During the public comment period, the following comments were submitted which have been summarized below. (Full comments can be found within the record and staff report when it is ready.)

1. On December 10, 2024, the **Confederated Tribes of the Colville Reservation** provided written comments, summarized below:
  - a. 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.
2. On December 18, 2024, Pacifica Law Group, on behalf of the Cle Elum Roslyn School District provided written comments, summarized below:
  - a. 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.

**Staff Response:** Per H&D Logging CO. Short Plat No. 1, 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.*

3. On December 23, 2024, **Mrs. Wyborski** provided written comments, summarized below:
  - a. **Mrs. 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. She emphasized the importance of minimizing environmental impacts, noting that excessive blacktop increases flood risks. She also urged a reduction in the amount of road construction included in the plan.

**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.

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

**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.

5. On June 25, 2024, the **Washington State Department of Fish and Wildlife** provided written comments, summarized below:
  - a. 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.

## **II. CONCLUSIONS:**

- A. Environmental review under the State Environmental Policy Act (SEPA) was required for this project because the proposed development exceeds thresholds for categorical exemptions outlined in CEMC 14.40 as this project proposes to construct 48-units.
- B. A Notice of Application and Environmental Review as issued on December 5, 2024. Six (6) SEPA comments were received.
- C. As mitigated, this proposal will have no adverse environmental impacts.
- D. Project specific conditions will be included in the Staff Report for CUP#2024-003/CA#2024-002/SDR-2024-005.

## **III. REQUIRED MITIGATION MEASURES:**

This Mitigated Determination of Nonsignificance (MDNS) is hereby conditioned upon following mitigated measures, as authorized under WAC 197-11-660 and Cle Elum Municipal Code CEMC 14.40, and the Cle Elum Urban Area Comprehensive Plan, which contains goals, policies, and regulations which provide substantive authority to require mitigation under the State Environmental Policy Act (SEPA).

1. In coordination with the Colville Tribe, a Cultural Resource Survey shall be completed and an Inadvertent Discovery Plan shall be implemented prior to construction.
2. 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.
3. Traffic Mitigation:

The following is the list of traffic mitigation measures necessary to reduce or eliminate project impacts:

- a. *The proposed project shall provide proportional share contributions at the W 2<sup>nd</sup> Street (SR 903)/Miller Road, W 2<sup>nd</sup> Street (SR 903)/N Pine Street, W 2<sup>nd</sup> Street (SR 903)/N Stafford Avenue, and W 2<sup>nd</sup> Street (SR 903)/N Oakes Avenue intersection, where future intersection controls are warranted to meet adopted level of service standards regardless of the project. Proportional share*

contributions of the project of 0.52 percent, 0.59 percent, and 0.60 percent at these intersections, respectively, in evaluations of total entering vehicles (TEV).

Calculations of the proportional share requested by the City of Cle Elum include:

- W 2<sup>nd</sup> Street (SR 903)/Miller Road – TEV Baseline 1,724 – 9 new Project Trips. Proportional Share  $(1,724 + 9 = 1,733. 9/1,733 = 0.52\%)$ . The 2023-Predesign Estimated Cost is \$130,000.  $0.52\% * \$130,000 = \$675.13$ .
- W 2<sup>nd</sup> Street (SR 903)/N Pine Street - TEV Baseline 1,516 - 9 new Project trips. Proportional Share  $(1,516 + 9 = 1,525. 9/1,525 = 0.59\%)$ . The 2023-Predesign Estimated Cost is \$760,000.  $0.59\% * \$760,000 = \$4,485.25$ .
- W 2<sup>nd</sup> Street (SR 903)/N Stafford Avenue - TEV Baseline 1,491 - 9 Project new trips. Proportional Share  $(1,491 + 9 = 1,500. 9/1,500 = 0.60\%)$ . The 2023-Predesign Estimated Cost is \$950,000.  $0.60\% * \$950,000 = \$5,700.00$ .

✓ This MDNS is issued under WAC 197-11-355. There is no further comment period on the MDNS

**Responsible Official:** Rob Omans  
**Position/Title:** SEPA Responsible Official  
**Phone:** (509) 674-2262  
**Address:** 119 W First Street, Cle Elum, WA 98922

**Date:** February 6, 2025

**Signature:**



✓ You may appeal this determination to: Rob Omans, City Administrator, at 119 W First Street, Cle Elum, WA 98922.

No later than: **February 20, 2025.**

By method: Described here: [https://cleelum.municipal.codes/CEMC/14.30.230\(B\)\(5\)](https://cleelum.municipal.codes/CEMC/14.30.230(B)(5))

You should be prepared to make specific factual objections. Contact the City of Cle Elum to read or ask about the procedures for SEPA appeals.