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CITY OF CLE ELUM
FINDINGS of FACT, CONCLUSIONS, & RECOMMENDATION

**FOR A PROPOSED MASTER PLAT, BOUNDARY LINE ADJUSTMENT, AND PRELIMINARY PLATS FOR
PHASES S-1, S-2, AND J IN REGARD TO THE DEVELOPMENT AGREEMENT ON THE BULLFROG FLATS
UGA**

File Numbers: PMU-2024-002, BLA-2024-004, SUB-2024-001, -002, -003

APPLICANT: Bullfrog Flats LLC

APPLICANT ADDRESS: 18300 Redmond Way, Suite, 120, Redmond, WA 98052

PROJECT LOCATION: The project site is in the City of Cle Elum, generally bounded by I-90, Bullfrog Road, SR-903, the City Cemetery, and the Washington State Horse Park

PARCEL NUMBER(S): 953154 [953172, 953166], 953155 [953167], 953156 [953168], 953157 [953169], 953158, 953159, 953160, 953161 [953170], 953162 [953171], 953164 [953173], 953165 [953174], 953367 [955368], 794235 [18705], 11075 [18710], 11076 [18709], 11924, 11925, 11113, 544235, 11916, 12034, 11078 [18704], 18707, 953163

** There are 24 unique parcels in total. Among these, 13 parcels have additional parcel numbers assigned to them because a portion of the land within those parcels is classified under the Current Use Open Space tax program.*

As a result, the total number of parcel numbers increases to 38. The list of parcels includes all 24 parcels, with brackets identifying those parcels that have additional parcel numbers due to the Current Use Open Space tax classification.

DATE OF REQUEST: August 13, 2024
DATE OF COMPLETENESS: September 19, 2024
DATE OF RECOMMENDATION: January 30, 2025

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I. SUMMARY OF RECOMMENDATION:

The Administrative Official recommends approval, subject to conditions.

II. DESCRIPTION OF REQUEST:

The Bullfrog Flats Development Project is a phased, mixed-use development located in the western part of Cle Elum, between Bullfrog Road and SR 903. The current proposal is approval of subsequent development pursuant to the 2002 Bullfrog Flats UGA master site plan and development agreement approved by the City in 2002 (the “2002 Development Agreement”). The application is comprised of a boundary line adjustment to establish parcels and phase boundaries for the master site plan, a master plat identifying development parcels for the entire property, and preliminary plat applications for the first three phases: S-1 (103 single-family units), S-2 (130 single-family units), and J (164 zero-lot line townhouse units), for a total of 397 units. The applicant is also requesting minor modifications to certain conditions and development standards in the 2002 Development Agreement, including increased lot coverage, adjusted impervious surface limits, relaxed garage door restrictions, replacement of the lake and clubhouse with a public park, and private ownership and maintenance of pocket parks by the homeowners’ association (as further discussed below in Section E).

The entire site is zoned as Planned Mixed Use (“PMU”), governed by the standards and conditions set forth in the existing 2002 Development Agreement. Primary access will be provided by three new connections to Bullfrog Road, two that are proposed for construction with the first three preliminary plats. In addition, the UGA will be served in the future by connections to SR 903 at Bala and a connection to Douglas Munro Boulevard.

These phases are part of an overall project that is proposed to be developed over an approximate 10-15-year period for the residential component (and a 30- year period for the entire proposal that includes 1,334 single family and multifamily housing units, 950,000 square-feet of business park uses, extensive open space including parks, trails and recreational facilities). A site for cemetery expansion has been set aside for purchase by the City, if the City chooses to do so. Additionally, a site for affordable housing is set aside for construction of a minimum of 50 housing units affordable to households earning less than 60 percent of the medium income for Kittitas County. This site shall either be dedicated to the City to partner with a nonprofit affordable housing developer, or the affordable housing units may be constructed by the applicant. These 50 affordable housing units are not included in the 1,334 residential unit limit. The master plat includes phasing details, such as proposed phases, residential units, and roadways for the development.

The application also requests to transfer the outstanding rights and obligations from the 2002 Development Agreement from Sun 47 North, LLC to Bullfrog Flats LLC, and to extend the 2002 Development Agreement’s term by 10 years, through 2037. The Hearing Examiner will review and make a recommendation on the request to extend the term of the 2002 Development Agreement, including potential modifications or additions to the conditions included in the 2002 Development Agreement deemed warranted to support the requested extension. The Hearing Examiner does not

review or make a recommendation on the request to transfer the 2002 Development Agreement obligations from Sun 47 North, LLC to the current applicant—that decision is made by the City Council, without recommendation from the Hearing Examiner. As each phase proceeds, individual preliminary subdivision and grading, excavation, and filling applications will be submitted to further subdivide the land and install the necessary infrastructure for residential lots.

A. Boundary Line Adjustment & Master Plat

The Bullfrog Flats Development project involves a mixed-use, phased development on approximately 1,074 acres of land located between Bullfrog Road and SR 903 in Cle Elum, WA.¹ The project implements the 2002 Development Agreement, proposing 1,334 residential units across various phases and reserving land for affordable housing, commercial uses, open space and public amenities.

The boundary line adjustment (“BLA”) application reorganizes existing parcels to establish distinct phase boundaries. This adjustment aligns parcel configuration with the phased development approach anticipated in the Master Site Plan approved in the 2002 Development Agreement, optimizing land use, buffer requirements and infrastructure placement.

As set forth in the Development Agreement, the Master Plat is the approval that embodies the master site plan and sets the groundwork for the phased development, detailing infrastructure plans, access roads, utilities, and stormwater management for all project phases. The Master Plat establishes compliance with the densities, lot standards, and conditions outlined in the 2002 Development Agreement, maintaining the approved unit counts and land use distribution.

Bullfrog Flats’ predecessor-in-interest previously received a master plat and short plat approval for the portion of the Bullfrog UGA identified for business park uses. The City issued this approval on May 10, 2007, under File No. SUB-2007-001. No further development or action proceeded under this approval. Bullfrog Flats is requesting a different lot configuration than what is shown in the SUB-2007-001 approval, creating a layout with more lots of generally comparable sizes. The City has reviewed the SUB-2007-001 approval, and there are no conditions that would prohibit Bullfrog Flats’ requested lot configuration or that would otherwise affect Bullfrog Flats’ proposal.

B. Preliminary Plat Phase S-1

Phase S-1 is comprised of 103 single family lots with associated roads, utility infrastructure and open spaces. Phase S-1 will be required to make improvements outside of its phase boundary to support itself for utilities, access, and safety. The extent of the improvements is shown within the preliminary plat plans and will be further detailed at final design. Phase S-1 includes 18.62 acres and is designed at a proposed density of 5.53 dwelling units per acre (DU/AC). Phase S-1 proposes the following

¹ Acreage numbers may differ slightly from the 2002 Development Agreement and other documents; differences are not significant and are due to rounding, measurement by different operators and, in some cases, allocation of lands to different data categories. This 1,074 acre figure includes acres in the Bullfrog UGA that have been previously dedicated for certain uses, pursuant to the 2002 Development Agreement’s conditions (e.g., for a community recreational center and for a school expansion site). Accounting for the previously-dedicated acres, the proposed project occupies 918.9 acres.’

standards: lots ranging in size from 3,917 to 10,235 square feet; a 60% lot coverage maximum (subject to minor modification request); 35-foot maximum building height; 4 parking stalls for each dwelling unit; 20-foot front and rear setbacks; and 5-foot side setbacks.

C. Preliminary Plat Phase S-2

Phase S-2 is comprised of 130 single family lots with associated roads, utility infrastructure and open spaces. Phase S-2 will be required to make improvements outside of its phase boundary in order to support itself for utilities, access, and safety. The extent of the improvements are shown within the preliminary plat plans and will be further detailed at final design. Phase S-2 includes 27.50 acres and is designed at a proposed density of 4.73 DU/AC. Phase S-2 proposes the following standards: lots ranging in size from 4,762 to 9,943 square feet; a 60% lot coverage maximum (subject to minor modification request); 35-foot maximum building height; 4 parking stalls for each dwelling unit; 20-foot front and rear setbacks; and 5-foot side setbacks.

D. Preliminary Plat Phase J

Phase J is comprised of 164 zero lot line townhouse dwellings on individual lots with associated roads, utility infrastructure and open spaces. Phase J will be required to make improvements outside of its phase boundary in order to support itself for utilities, access, and safety. The extent of the improvements is shown within the preliminary plat plans and will be further detailed at final design. Phase J includes 19.81 acres and is designed at a proposed density of 8.28 DU/AC. Phase J proposes the following standards: typical building footprints of 5,000 to 7,600 square feet (for buildings that contain more than one residential unit), a maximum lot coverage of 75% (subject to minor modifications), a maximum building height of 35 feet across three stories, two parking stalls per unit, 15-foot front and rear setbacks, 5-foot side setbacks for the end units that do not have a zero lot line, and a minimum 10-foot spacing between buildings.

E. 2002 Development Agreement Extension

The original term of the 2002 Development Agreement was previously extended by the City on one occasion and currently expires on October 30, 2027. The applicant requests a ten-year extension of the current term, until October 30, 2037, contingent upon Bullfrog Flats' acquisition of the property. This extension request will be considered by City Council as part of the Council's consideration of the Hearing Examiner's recommendation.

F. Transfer of 2002 Development Agreement Rights and Obligations; Amendment to Recreational Parcel Agreement

The application also includes a request to transfer the outstanding rights and obligations of the 2002 Development Agreement and related agreements from Sun 47 North, LLC to Bullfrog Flats LLC, and a request to amend the terms of the Recreational Parcel Agreement, which is intended to implement one of the conditions of the 2002 Development Agreement. These requests do not require Hearing Examiner review or recommendation and will be acted upon by the City Council at a later date, once the other elements of the application have been considered.

III. FACTS:

A. Processing

The Bullfrog Flats applications are being processed in accordance with the current procedural provisions of CEMC Chapter 14.30, including but not limited to, the use of a Hearing Examiner and the public noticing requirements. Vesting to substantive code requirements and development standards is addressed by the 2002 Development Agreement.

The applications for a Boundary Line Adjustment, Master Plat, and Preliminary Plats for Phases S-1, S-2, and J were received on August 13, 2024. A Notice of Incomplete was issued on August 29, 2024. The application was deemed complete for processing on September 19, 2024 with a request for additional information. Revisions were submitted on September 23, 2024, and November 18 and 25, 2024. Additionally, Bullfrog Flats has informed the City that it intends to submit two additional minor revisions before the hearing; these anticipated revisions are discussed further below in Section D.

The application is being processed under CEMC 14.30.080 Procedures for Type 4 review. Pursuant to CEMC 2.60.060, the Hearing Examiner has the authority to make a recommendation on matters prescribed in the CEMC. CEMC 14.30.040 assigns the public hearing and recommendation responsibilities for Type 4 decisions to the Hearing Examiner.

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 3, 2024.
- b. Notice of Application was sent to the applicant, agencies with jurisdiction, and adjoining property owners within 300 feet of the subject property on October 3, 2024.
- c. Notice was provided to the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Colville Reservation, and the Snoqualmie Tribe on October 3, 2024.
- d. A legal notice was published in the Northern Kittitas County Tribune on October 3, 2024.
- e. Notices were also provided at City Hall and on the city website under Public Hearings.
- f. On January 9, 2025, a Notice of Public Hearing was issued, including a legal notice in the Northern Kittitas County Tribune. A combined SEPA Notice of Adoption and Addendum was also issued.
- g. On January 15, 2025, the Staff recommendation and SEPA Addendum were made available for public review on the city's website.

B. Environmental Review

The City completed an environmental impact statement ("EIS") pursuant to the State Environmental Policy Act ("SEPA") for the Bullfrog Flats UGA when the master site plan and the 2002 Development Agreement were approved by the City in 2002 ("2002 UGA EIS"). The 2002 Development Agreement, Section 6.5 describes the process and circumstances the City would follow to determine appropriate SEPA-related actions for future changes to the approved master plan and for reviewing subsequent applications for implementing approvals.

The City conducted additional SEPA review in 2020-2023 when a prior applicant, Sun 47 North, LLC, proposed major modifications to development of the Bullfrog Flats UGA. The modified proposal is referred to as “47 North.” The City prepared a supplemental EIS (“SEIS”) for the 47 North Proposed Master Site Plan Amendment (2020/2021) and an SEIS Addendum for a revised 47 North application (2023). Subsequently, Sun 47 North, LLC put its application on hold, pending City review of the current Bullfrog Flats Project applications that now propose development consistent with the 2002 Development Agreement. The prior 2021 SEIS and 2023 Addendum both contain updated impact analyses of the approved 2002 master site plan (FEIS Alternative 5), which are directly relevant to the present applications, and are being adopted to help meet the City’s SEPA needs.

The current applications are generally consistent with the 2002 Development Agreement and master site plan approval, but contain several minor modifications that warrant additional analysis, in addition to the passage of time and some changes in background conditions. To determine the appropriate action, the City SEPA Responsible Official reviewed the Bullfrog Flats Project application, the existing SEPA documents, and updated environmental information to determine whether there were any significant changes to the proposal or to the prior analysis from changes to the project, the passage of time or changed background conditions. Based on provisions of the SEPA Rules (WAC 197-11-600(3)-(4)), and under Section 6.5 of the 2002 Development Agreement, an Addendum is an appropriate document to evaluate current circumstances and to confirm and document whether there are any significant changes to the proposal, or any significant adverse impacts not previously addressed, and whether any modifications or additions to mitigation measures imposed in the 2002 Development Agreement are warranted.

To meet the City’s responsibilities pursuant to SEPA, therefore, the City’s SEPA Responsible Official and a team of professional consultants with expertise in technical environmental analysis have prepared an Addendum to the 2002 UGA EIS (January 2025) that relies on information in existing environmental documents to help meet SEPA requirements for the present proposal. The Addendum adopts the existing relevant SEPA documents for the Bullfrog Flats site. The EIS Addendum contains updated information about transportation impacts and mitigation measures, and an updated analysis of fiscal impacts to reflect current conditions and the current proposal. Based on the discussion contained in the 2025 SEPA Addendum, the SEPA Responsible Official has determined there are no new or different probable significant adverse impacts associated with the applications but has recommended updated mitigation measures for transportation and fiscal conditions to reflect current conditions and the proposal. Other elements of the environment containing new or updated information, and/or modified mitigation measures, include critical areas, cultural resources, and public services. A copy of this 2025 EIS Addendum is in the City’s record as Exhibit C-08.

C. Current Zoning and Land Use

The subject property is made up of 24 unique parcels (of which 13 parcels have additional parcel numbers, resulting in 38 parcel numbers – see explanation above), approximately 1,074 acres, and is zoned Planned Mixed Use. The current comprehensive plan designation for the property is Planned Mixed Use. The property is currently undeveloped.

The Dept. Of Natural Resources (“DNR”) Priority Habitat & Species database map identifies the following uses on the property: Elk habitat, Habitat corridor, and Shrubsteppe. The Cle Elum River is

habitat to Coho salmon, Steelhead trout, Spring Chinook salmon, Chinook salmon, Summer Steelhead trout, Westslope Cutthroat, Bull trout, Rainbow trout, and provides riparian habitat.

The floodplain associated with the Cle Elum River is contained within conservation easements imposed as part of the 2002 Development Agreement.

Six wetlands have been identified on the site. Wetlands 1, 2, and 3 are located in the Cle Elum River Open Space Corridor within proposed open space that is protected by a multi-party Cooperative Agreement and a recorded conservation easement. Wetlands 4, 5 and 6 are near the areas proposed for development. None of the identified wetlands, or their buffers, are within the proposed S-1, S-2 and J Preliminary Plat boundaries and would not be impacted by the proposals.

The Cle Elum River is a shoreline of the state. All areas within the designated shoreline jurisdiction are within existing conservation easements imposed as part of the 2002 approval and 2002 Development Agreement and are not in the vicinity of the current Preliminary Plats under review.

The surrounding properties contain uses and zoning as follows:

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	PMU	Cle Elum-Roslyn Schools, Residential
South	PMU	Washington State Horse Park, I-90
East	Public Use	Vacant Land, Cemetery
West	(County)	Master Planned Resort (Suncadia)

D. Development Review

1. Water

The Bullfrog Flats development will be served by the City of Cle Elum municipal potable water system, a Group A system, regulated by the Washington State Department of Health. Under a previously executed Water Supply System Project Development Agreement dated June 19, 2001 (the "Water Supply DA"), Trendwest, the owner of both the Suncadia and Bullfrog UGA properties at the time, was responsible for paying a share of the cost of new regional water supply system improvements proportionate to the extent the new Water System was necessary to serve the Suncadia Master Planned Resort Property, as well as all costs necessary to transport water to the Bullfrog UGA property. Construction of the improvements identified in the Water Supply DA has been completed and paid for. All of the developer's obligations under the Water Supply DA have been satisfied, noting the Water Supply DA included provisions for providing an additional two (2) million gallons per day ("MGD") of capacity in the future as necessary.

A Water System Analysis was prepared by HLA Engineering and Land Surveying, Inc. (contained in Appendix E to the 2025 EIS Addendum, Exhibit C-08), which evaluates water system components, deficiencies, improvements, and proportional share of said improvements. The existing water system capacity is not sufficient to meet projected water demand nor associated storage requirements associated with full buildout of the Bullfrog Flats development and other projected future

development in the City, even when considering the fact that the City of Cle Elum is not providing standby storage to Suncadia from its reservoirs, as memorialized in the Memorandum of Understanding executed between the City of Cle Elum and Suncadia Water Company, LLC (Exhibit C-62). Three system capacity components will need to be addressed to accommodate anticipated future demands on the Water System, including full buildout of the Bullfrog Flats development:

- Source – New Zone 3 finished water pump at existing water treatment plant
- Source – New filter train at existing water treatment plant
- Storage – New Zone 3 reservoir storage

The new Zone 3 finished water pump is needed for construction of this first phase of the Bullfrog Flats development, and design of that component is currently underway. The new filter train and Zone 3 reservoir storage components may be needed for later phases of development. A draft Water System Mitigation Agreement (attached as Attachment D to this Staff Report, Exhibit C-05 in the record) is part of this staff recommendation to fulfill the water system capacity improvements. The parties responsible for the water system improvements, how those improvements will be paid for, and any reimbursement mechanisms will subsequently be identified in the Water System Mitigation Agreement prior to final plat approval for the first three preliminary plats.

As part of the Agreement Relating to Water Supply for Bullfrog Flats UGA between the City of Cle Elum and Trendwest dated June 19, 2001, Trendwest acquired water rights for withdrawal from the Yakima River. The water rights have since been transferred to the successors and are now held by Sun 47 North, LLC. Sun 47 North, LLC will transfer the water rights to Blue Fern LLC, who will transfer the water rights to the City of Cle Elum as necessary to serve approved uses in the UGA. Water right transfers shall be completed prior to certificate of occupancy or final plat inspection. Water rights may be transferred in phases such that the water rights amounts exceed plat projection demands, both instantaneous and annual.

All onsite water system improvements will be designed and constructed to meet the adopted 2024 City of Cle Elum Construction Standards with the exception of the vested length of dead-end water mains which are consistent with the 2002 Development Agreement. Water system improvements for the proposed three phases includes a 12" pvc transmission main along the spine road, connected to the existing 16" transmission main between the Regional Water Treatment plant and Suncadia (north of Phase B), all consistent with City Standards. The proposed 8" pvc distribution mains, valves, fittings, water services, and fire hydrants along the residential streets within the phases are consistent with City Standards.

2. Wastewater

The Bullfrog Flats development will be served by the City of Cle Elum municipal wastewater system, regulated by the Washington State Department of Ecology ("Ecology"). The Upper Kittitas County Regional Wastewater Treatment Plant ("WWTP") is owned and operated by the City of Cle Elum. The WWTP underwent a major upgrade and expansion in 2005, which increased its capacity to also treat

the flows from the communities neighboring the City of Cle Elum, including the Town of South Cle Elum, City of Roslyn, and Trendwest. The Trendwest allocation of the WWTP was distributed between the UGA Properties and the MPR Properties, with the UGA Properties being comprised of the Bullfrog Flats area. The UGA Properties allocation was transferred to the City of Cle Elum in 2006 as part of the UGA Properties annexation.

Per the Bullfrog Flats Project – Water System Analysis prepared by HLA, dated December 9, 2024, the projected water demand associated with non-irrigation uses is equal to 0.319 mgd. As this projected usage is less than the allocated capacity of the WWTP to the UGA Properties, and wastewater treatment needs are consistent with those originally considered and incorporated into the WWTP, no offsite sanitary sewer improvements are necessary for the Bullfrog Flats development.

All onsite wastewater system improvements will be designed and constructed to meet the adopted 2024 City of Cle Elum Construction Standards. Phase S-1 sewer improvements include use of an existing 18" sewer main that serves Suncadia. The existing 18" diameter sewer main (and manholes) follows Phase S-1 Road A then traverses through Tract A offsite. Phase S-1 Road B includes a short section of new 8" sewer main which connects and flows into the existing 18" sewer main at Road A. New sewer side services for Phase S-1 will tap directly into the existing 18" main. Sewer system improvements within Phases S-2 and J will consist of new 8" sewer mains, 48-inch diameter manholes, and sewer side services. Phase J sewer flows into Phase S-2 sewer which flows into two existing 8" sewer mains, which flow directly into the same existing 18" sewer main from Suncadia downstream of Phase S-2. All new sewer improvements are consistent with City Standards.

The 2002 sewer design for the development included a lift station on the south side of the project. The new master sewer plan eliminates the need for a lift station, which is positive for the City for future maintenance and operation costs.

Wastewater connection charges shall be consistent with the Cle Elum Municipal Code, Section 13.10.030, current at the time of building permit application.

3. Stormwater

The stormwater design standards for the property are proposed to comply with the Development Agreement, or as modified by current standards. A Master Drainage Plan was submitted by the applicant and was prepared in accordance with the current Ecology 2024 Stormwater Management Manual for Eastern Washington ("2024 SWMMEW"). As such, the 2001 Stormwater Management Manual for Western Washington that was the controlling design standard at the time of the Development Agreement, has been replaced with the 2024 SWMMEW and will be followed.

The applicant has proposed utilizing bioretention areas for runoff treatment and will provide flow control using infiltration ponds. This design is consistent with Ecology requirements, and consistent with the analysis in the 2002 FEIS and supplemental SEPA documentation described above. The City's 2024 Construction Standards requires all storm runoff occurring on all new lots and developments to

be retained and disposed of onsite, no matter the impervious coverage. The Bullfrog Flats development includes a minor modification request to increase lot coverage on single-family and multi-family from 45% and 60%, to 60% and 75%, respectively. However, consistent with the Construction Standards, stormwater collection, treatment, and disposal are all proposed onsite, and thus, no offsite stormwater improvements are necessary for the Bullfrog Flats Project application.

A stormwater drainage plan and report, prepared by a licensed engineer and registered in the state of Washington, is required for all plat submissions. Design calculations for peak flow and peak volume storage requirements shall be based on a minimum design storm frequency of twenty-five-year, twenty-four-hour storm runoff event. Design calculations for treatment shall be based on a minimum design storm frequency of six-month, 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. The applicant included a snowmelt adjustment factor, adding 40% runoff to the minimum standards.

4. Traffic

The Bullfrog Flats development will be served by transportation systems under the jurisdiction of the City of Cle Elum, Kittitas County Public Works ("KCPW"), and Washington State Department of Transportation ("WSDOT").

Based on the provisions of the 2002 Development Agreement, Conditions 83-94 and the 2007 Transportation Monitoring Plan, the 2025 SEPA Addendum included traffic monitoring counts completed in the summer of 2024 and an updated traffic impact analysis to identify whether modifications to the traffic mitigation measures imposed in the 2002 Development Agreement and conditions of approval were warranted. Based on that analysis, staff has recommended revised traffic mitigation conditions and execution of a new transportation mitigation agreement to be included as conditions of approval in the Master Plat, the request to extend the term of the 2002 Development Agreement and the S-1, S-2 and J preliminary plats.

A Transportation Analysis was performed by Transportation Engineering Northwest (TENW, Dec. 20, 2024), that studied 27 intersections that would experience additional traffic from the development, while also assessing the new site access intersections on Bullfrog Road and State Route ("SR") 903. Additionally, level of service ("LOS") was evaluated along several roadway segments in downtown Cle Elum and Kittitas County, including but not limited to Bullfrog Road, SR 903, and the I-90 ramps. The Transportation Analysis assumes a scenario with 50% buildout of the business park by the Year 2037. With consideration of this scenario, the Transportation Analysis concludes there are four intersection improvements needed for 'baseline' background conditions and five intersection improvements needed with trips from the Bullfrog Flats project.

Improvements Needed for 'Baseline' Background Conditions

8. Ranger Sta Rd / Miller / W 2nd (SR 903)

- 9. N Pine St / W 2nd St (SR 903)
- 12. Pine St / W 1st St
- 13. N Stafford Ave / W 2nd St (SR 903)

Improvements Needed with Bullfrog Flats Project

- 1. Bullfrog Rd / I-90 EB Ramps
- 3. Bullfrog Rd / Tumble Creek Dr
- 7. Denny Way / W 2nd St (SR 903)
- 15. N Oakes Ave / W 2nd St (SR 903)
- 21. SR 903 / E Pennsylvania Ave

Full buildout of the Bullfrog Flats Project includes new intersections at its three access points onto Bullfrog Road, its single access onto SR 903, and its single access onto Douglas Munro Blvd. Phased implementation will require secondary access provisions consistent with City Standards and the International Fire Code. This will include construction of a fire access road that connects to either SR 903 or Douglas Munro Blvd.

A Transportation Mitigation Agreement (Attachment C to the Staff Report, Exhibit C-04) is part of this staff recommendation to fulfill the traffic improvements for concurrency.

All onsite transportation facilities will be designed and constructed to meet the adopted 2024 City of Cle Elum Construction Standards or vested development standards (what is being proposed by applicant). The proposed plat streets meet the requirements for the vested development standards per the 2002 Development Agreement utilizing vested City details R-5, R-7, R-9, and ST-1.

5. Building

Building permit applications shall be subject to the building codes in effect on the date of the complete building permit application.

6. Fire

The proposed development incorporates conditions to promote environmental restoration, wildlife habitat preservation, and fire protection. Cleared areas designated for landscaping must be re-vegetated with native plants, including trees and shrubs that support habitat for birds and small mammals. Where feasible, removed plant material should be reused within the UGA. Wildlife habitat features such as snags and brush piles should be retained in buffer and open space areas, consistent with wildfire management guidelines and an adopted Land Stewardship Plan. Development standards will be updated to incorporate defensible space, fire-safe vegetation management, and construction guidelines consistent with Kittitas County fire safety recommendations. All construction will meet Uniform Fire Code requirements.

As proposed, Phases S-1, S-2, and J are proposed to have two fire apparatus access roads, both connecting to Bullfrog Road. Under the 2021 International Fire Code, the project is required to have a minimum of two fire apparatus access roads and access points. However, the City's fire chief has significant concerns about the adequacy of fire access to the project, and the City is therefore recommending a condition that would require an additional fire apparatus access road connecting either to SR 903 or Douglas Munro Boulevard.

Both access points are approximately a 7-8-minute drive away from the Cle Elum Fire Department, assuming normal traffic conditions. At the time of the 2002 Development Agreement and UGA EIS, the fire department maintained a LOS response time standard of four minutes to respond to fire incidents (2020 Draft SEIS at 3.12-4). The project's distance alone results in an exceedance of that LOS response time standard. Connections at either SR 903 or at Douglas Munro Blvd., would provide closer access to the fire station (approximately a 3 to 5-minute drive, approximately).

Additionally, Bullfrog Flats' two proposed fire access points are approximately 2,600 feet apart on Bullfrog Road. The proximity and placement mean that the two access points essentially loop onto the same road, providing little to no benefits to accessibility. If an incident results in delayed travel times or conditions on Bullfrog Road, first responders would be further impaired in their ability to quickly respond.

An additional access point at SR 903 or Douglas Munro would provide first responders with an additional, and likely closer/faster access point for units to respond to an incident within the project site. In particular, the Bullfrog Flats project site contains an existing cleared powerline/utility corridor that connects to SR 903 that may provide additional access, and the cleared conditions in that corridor would reduce the need for improvements to accommodate emergency vehicle access. Accordingly, the City's fire chief and City staff recommend the following condition, included in the City's list of recommended conditions at the end of this Staff Report:

The Applicant's clearing and grading permit applications for Phases S-1, S-2, and J shall incorporate an additional fire access route utilizing the existing powerline/utility corridor and the existing connection to SR 903. This access route shall not be required to meet all of the requirements of the 2021 International Fire Code, Appendix D; however, as part of the City's review of the clearing and grading permit applications, the City's fire chief may require the applicant to make improvements to this access route, including but not limited to grading and filling potholes, to ensure that the route can accommodate emergency vehicle access. Any improvements required by the fire chief shall be made before the Applicant may commence any other clearing and grading activities.

Before commencing construction of any buildings requiring a building permit, the Applicant shall provide a fire apparatus access road, approved by the City's fire chief, that connects either to SR 903 or to Douglas Munro Blvd.. The fire apparatus access road shall meet the requirements of the 2021 International Fire Code, Appendix D. Gravel or other approved driving surfaces may be used,

so long as the surface is capable of supporting the imposed load of fire apparatus weighing up to 75,000 pounds, consistent with the USDOT FHWA's Gravel Road Maintenance and Design Manual.

7. Fiscal Support for City Services

The updated fiscal analysis in the 2025 EIS Addendum indicates that the proposal will generate annual and cumulative fiscal surpluses to the City (i.e., tax revenues greater than costs of service) that is projected to be more than sufficient to address estimated City costs for fire department, police department and public works services, and to ensure that adequate resources are available to maintain emergency response and public safety standards and facility maintenance requirements. The fiscal analysis focuses primarily on staffing needs and does not specifically address capital or facility needs that may be needed to accommodate additional staff; however, there are some questions whether such needs are specifically caused by the Project or are in response to general city-wide demand and growth. The monitoring and shortfall mitigation condition recommended by City staff would allow the City to revisit these and other questions as development progresses. City staff's recommended condition commits the developer to periodically monitor service costs and tax revenues and to mitigate, in the form of financial compensation, any unanticipated fiscal deficits during the construction period. As noted below, Condition No. 98 of the 2002 Development Agreement is not necessary in view of the projected annual and cumulative fiscal surplus, and a revised monitoring and shortfall program is recommended.

E. Public Comments:

During the public comment period, the City received comments from four agencies, one tribe, and three citizens. A summary of the comments and City responses is provided below.

1. On October 15, 2024, the **Confederated Tribes of the Colville Reservation ("CTCR")** provided written comments which mention unspecified cultural resources in the general area, and a specific comment regarding culturally significant plants, which is summarized below:

The site contains culturally significant plants and traditional gathering locations for such plants. The CTCR requests to be involved in the crafting of a management plan for such areas (locations are not identified) and to have a legal agreement granting rights in perpetuity for tribal members to harvest culturally significant plants. The CTCR has also commented that additional cultural resource surveys should be performed.

Staff Response:

The Yakama Nation asserts that the Bullfrog Flats site is within its historic and traditional use area and that the tribe possesses legal use rights pursuant to the Treaty of 1955 site. The Yakama Nation has been consistently involved in planning and environmental review for proposals on the Bullfrog Flats site since the 1990's and participated in comprehensive cultural resource surveys of the Bullfrog Flats and MountainStar (now Suncadia) property (include

Griffin and Churchill, 1998). A Cooperative Agreement was executed by the Yakama Nation, the Washington Department of Fish & Wildlife (“WDFW”) and Trendwest, the original owner of the UGA property, in 2000. Conservation easements were recorded for 2 large areas of the site that would be preserved as open space: the Cle Elum River Corridor Open Space and the Managed Open Space. Within the Cle Elum River Corridor Open Space in particular, disturbance and access were limited to protect wildlife habitat and cultural resources, including identified culturally significant plants and traditional gathering places. The Yakama Nation was also involved in environmental review of two recent proposals by Sun 47 North, LLC and submitted comment letters; in response, cultural resources information was supplemented in the 2021 SEIS and the 2023 SEIS Addendum. Yakama Nation Cultural Resource Department staff conducted a survey of a portion of the site in 2022 in connection with a prior application, which is currently on hold. The Yakama Nation and Sun 47 North, LLC also agreed to pursue a potential Memorandum of Understanding (“MOU”), which Bullfrog Flats has also agreed to and is reflected in a mitigation measure identified in the 2025 EIS Addendum. The CTCR submitted its first comments relating to development of the site in 2023, in response to a Notice of Application for Sun 47 North, LLC’ proposal, and subsequently submitted 2 consultation emails to the City, which are summarized above.

Conditions of approval Nos. 80, 81, and 82 in the 2002 Development Agreement address and protect cultural resources, including culturally significant plants. Condition 80 emphasizes limitation of disturbance or access to the Cle Elum River Corridor Open Space which contains known resources. Condition 81 permits the Yakama Nation to submit evidence of “potential significant cultural resource areas” and the City may require additional study and mitigation. Condition 81 addresses unanticipated discovery of resources during construction. Together, these conditions, in concert with the Cooperative Agreement and conservation easements, provide adequate protection for cultural resources, including the presence and harvesting of culturally significant plants.

In addition, Bullfrog Flats and the Yakama Nation have agreed to pursue a voluntary memorandum of agreement to address a range of general tribal concerns. The agreed upon language is contained in Section 3.4, Cultural Resources, of the 2025 EIS Addendum, and would also address the presence, protection and or harvesting of culturally significant plants.

As noted above, the Yakama Nation is a party to a Cooperative Agreement that addresses protection of the wildlife, environmental values and cultural resources of the Cle Elum River Corridor Open Space; protection is provided through a recorded conservation easement. The Cooperative Agreement, conservation easements and conditions of approval would provide adequate protection of cultural resources. The Yakama Nation asserts that the Bullfrog Flats site is within its historic and traditional use area and that it possesses legal use rights including rights to resources, pursuant to the Treaty of 1855. The Tribe disputes the competing claims of the CTCR. (Correspondence between SEPA Responsible Official and Noah Oliver dated December 9, 2024, Exhibit C-56). The City of Cle Elum is not a party to the Cooperative Agreement with the Yakama Nation and does not have the legal authority to unilaterally

modify the existing conservation easements or to grant access to individuals or specific entities. Similarly, the City does not have authority to adjudicate or resolve claims relating to traditional use areas or treaty rights asserted by either the Yakama Nation or the CTCR.

Regarding additional surveys, the City's cultural resource consultants have opined, in the context of the analyses contained in the existing environmental documents, that the past surveys conducted for the site are adequate with the additional testing that was conducted for recent proposals. As described in the 2020 Draft SEIS (Section 3.10), an archaeological surface and subsurface survey of the site was completed in 2019, in coordination with geotechnical/trench investigations. These field investigations included geotechnical exploration pits, pedestrian survey and shovel probes, and were conducted throughout the development area. The Department of Archaeology and Historic Preservation ("DAHP") predictive model generally identifies the development area to be "very high risk" for containing unknown archaeological sites. The 2021 Final SEIS provided updated information about survey methodology in response to comments from the Yakama Nation and State DAHP. In 2022, an additional survey was conducted by the Yakama Nation for a portion of the commercial parcel and was reported in the 2023 SEIS Addendum. A mitigation measure that was drafted during consultation for the 2023 SEIS Addendum, is discussed in the staff recommendations below.

Staff is recommending additional conditions of approval based on the updated survey and testing conducted for the 2020/2021 SEIS. The conditions include a condition for on-site monitoring to occur during all ground disturbing activities that require a grading permit under CEMC Ch. 15.30, including clearing, grubbing, grading, construction excavations, and installation of any public improvements not constructed by the City,² with potential to intersect Holocene deposits, which were observed up to 8.5 ft. below ground surface. The condition calls for development of a monitoring plan that appropriately incorporates DAHP's predictive model, as well as the updated survey and testing conducted for the 2020/2021 SEIS and 2023 SEIS Addendum.

2. On October 31, 2024, the Kittitas County Department of Public Works provided written comments, summarized below:

Any new access onto Bullfrog Road will require an access permit. KCPW reserves an opportunity to review transportation concurrency when completed and provide comments at that time.

Staff Response:

² CEMC 15.30.030 exempts certain activities from requiring a grading permit, including "[e]xcavations required for installation of public improvements." (CEMC 15.30.030.B). CEMC 15.30.030.B's exemption applies to public improvements constructed and installed by the City; it does not apply to public improvements installed by other parties. The proposed public roads and other improvements installed by the applicant shall require a grading permit.

Staff's recommended condition of approval, including the proposed Transportation Mitigation Agreement, include provisions that respond to the County's comments.

3. On November 4, 2024, the **Washington State Department of Transportation** provided written comments, summarized below:

Emphasized the need to maintain safe and efficient operation of I-90 and SR 903. They support updating the transportation analysis and stress that any identified significant impacts on the state highway system must be mitigated, with mitigation fully funded and implemented before occupancy. Additionally, any changes to state highway intersections must comply with WSDOT's Intersection Control Evaluation ("ICE") process outlined in their Design Manual.

Staff Response:

Staff's recommended condition of approval, including the proposed Transportation Mitigation Agreement, include provisions that respond to WSDOT's comments.

4. On November 4, 2024, the **Washington Department of Fish and Wildlife** provided written comments, summarized below:

Expresses concerns regarding significant impacts to wildlife and wildlife connectivity. WDFW has identified the project area as Elk winter Range and as part of a mapped Biodiversity Area and Corridor in WDFW's Priority Habitats and Species program, and requests habitat management and mitigation plans for the project. Expresses concern that the open space areas are too narrow and steep to provide a meaningful wildlife movement corridor, and the open space habitat does not intersect with the existing wetlands, virtually eliminating all wildlife uses of those areas.

Staff Response:

As acknowledged in the prior environmental documents prepared for proposals on the Bullfrog Flats site, and as specifically noted in responses to similar comments submitted by WDFW in the 2021 Final SEIS and in a follow-up conversation between WDFW and the city's wildlife consultant, fragmentation of habitat and disturbance of wildlife are unavoidable impacts of urban development of the site. Reasonable mitigation for impacts to wildlife is incorporated in the approved site plan, including preservation of more than half of the total site as open space, including 266 acres of undeveloped open space adjacent to the Cle Elum River. This open space encompasses significant wildlife habitat and cultural resource areas, which are protected by a Cooperative Agreement with WDFW, the Yakama Nation and the property owner and by recorded conservation easements. Elements of the Cooperative Agreement include use restrictions within the river corridor to protect fish and wildlife resources.

The SEPA documents adopted for the present application – including the 2002 UGA EIS, the 2021 SEIS and 2023 SEIS Addendum – identify and disclose habitat concentration areas in the vicinity of the project site. The winter range of elk within the project site was found to be

primarily within the riparian corridor of the Cle Elum River in the western portion of the site, which is subject to the Cooperative Agreement and protected by conservation easements applicable to the 300+ acre undeveloped open space area. Preserved open space areas would continue to provide some connectivity for wildlife, particularly those near the Cle Elum River Corridor.

The Cle Elum River Corridor Open Space encompasses three existing wetlands and their buffers (Wetlands 1, 2, and 3). The wetlands and their buffers are protected by the City's critical area regulation as well as by the Cooperative Agreement and conservation easements, which limit disturbance or development in the River Corridor. It is acknowledged that steep slope areas are also present in a portion of the large open space area in the western part of the site. However, the majority of the slopes in this open space area are more moderate. As outlined in the 2002 Development Agreement and the 2002 UGA EIS, mitigation measures applicable to the Bullfrog Flats Project and the Cooperative Agreement between the developer, WDFW, and the Yakama Nation, would mitigate potential cumulative impacts to wildlife and habitat from the UGA development and from the Suncadia Master Planned Resort.

5. On November 4, 2024, the **Washington State Horse Park Authority ("WSHPA")** provided written comments, summarized below:

WSHPA's key issues include:

- 1. Emergency Access: Clarity is needed on emergency routes for large horse trailers.*
- 2. Property Line & Easements: Respect for a 100-foot spectator easement and the installation of a security fence are requested.*
- 3. Maintenance Area Use: WSHPA seeks recognition of its historical use of small parcels for park operations.*
- 4. Cross-Country Course: Preservation of Reserve Parcel V is essential for maintaining the Washington State Horse Park's ("WSHP") unique course.*
- 5. Trail Access: Multi-use trails should accommodate equestrian needs to prevent significant user impacts.*
- 6. Traffic Mitigation: Plans are needed to address existing and potential congestion issues. WSHPA is committed to collaboration to ensure the development supports both recreational users and the equestrian community.*

Staff Response:

WSHPA's rights and uses within the project site are governed by a number of agreements, including the Agreement Regarding Suncadia Property Donation for the Benefit of the Washington State Horse Park dated October 6, 2008, the Event Area License Agreement dated August 26, 2010, the Easement Agreement for Spectator Area dated August 26, 2010, and others. WSHPA has not identified any aspect of the proposed project that is inconsistent with the applicable agreements. The City has encouraged the applicant and WSHPA to continue to communicate and coordinate to ensure compliance with the various agreements.

The following comments were submitted by individuals and other members of the public, which have been summarized below. (Full comments can found at Exhibits C-46 to C-55).

6. On November 4, 2024, **Jennifer E. Rogers** provided written comments as summarized below:

Ms. Rogers raises concerns about the proposed Blue Fern housing development near the Washington State Horse Park. She emphasizes the need for a buffer zone to protect riding trails and suggests fencing to enhance safety by preventing horses from escaping and deterring unleashed dogs. She also stresses the importance of robust construction standards tailored to Cle Elum's cold climate, citing her own experience with poorly built homes. Ms. Rogers urges the City to thoroughly review plans, ensure final inspections meet code, and consider hiring cold-climate experts. Finally, she calls for a clear plan to expand essential services to meet the demands of rapid population growth.

Staff Response:

The Bullfrog Flats UGA development obligations related to the WSHP are addressed in the 2002 Development Agreement and subsequent agreements. No additional buffer or fencing requirements are warranted.

All residential construction will comply with International Building Code requirements in effect on the date of building permit application, including relevant energy code and inspection requirements.

Public facility and service requirements are addressed in the 2002 Development Agreement, conditions of approval and the updated fiscal impact assessment including with the 2024 Addendum to the 2002 UGA EIS.

7. On November 4, 2024, **Denis Hernandez Granda**, on behalf of **City Heights Holdings, LLC**, provided written comments as summarized below:

Denis Hernandez Granda, on behalf of City Heights Holdings, submits formal comments on the Bullfrog Flats applications, requesting to be added as a party of record for notifications regarding the project. While expressing support for the proposed development and its regional benefits, Mr. Hernandez Granda emphasizes the importance of protecting City Heights Holdings' rights and interests to avoid conflicts with the feasibility, function, timing, and financial aspects of their project.

City Heights seeks confirmation that the Bullfrog Flats project complies with its vested Development Agreement and conditions of approval consistent with prior agreements. Specific concerns include potential environmental impacts affecting utilities, access, and infrastructure, as well as traffic and infrastructure conditions that should align with City Heights' EIS and phased development plans. The letter also requests adherence to existing agreements, including the City Heights Annexation Agreement, Development Agreement, and other related

documents. Additionally, Mr. Hernandez Granda requests a 10-year extension to the City Heights Development Agreement and expresses willingness to collaborate on managing the agreements for both projects.

Staff Response:

City Heights has been added as a party of record for notifications regarding the project. The Bullfrog Flats UGA development complies with the provisions of the 2002 Development Agreement, including the conditions of approval as discussed throughout this staff recommendation. Attachment A to the Staff Report, Exhibit C-02, is a table that sets forth the City's determinations regarding compliance with each condition.

The City Heights development has been included in the evaluation of public infrastructure impacts and mitigation measures included in this staff recommendation including, but not limited, to water system improvements and the transportation impacts and mitigation measures. This staff recommendation and suggested conditions of approval for these applications do not anticipate any changes to existing City Heights agreements or approvals.

City Heights' request for an extension to their existing development agreement term is not properly processed as part of these applications.

8. On November 16, 2024, **Kathy Wyborski**, provided written comments as summarized below:

Ms. Wyborski raises concerns about the scale of the Bullfrog Flats Development, emphasizing its potential environmental harm. She recommends eliminating single-family residential areas near the river and significantly increasing the wetland buffer zone to prevent detrimental impacts. She suggests reducing the size of parcels A, B, C and E by 50% and cutting the total dwellings in wetland-adjacent parcels by half.

Additionally, Ms. Wyborski highlights the strain on the water table in the arid region and the increased risk of regional fires due to deforestation. She stresses the importance of preserving wildlife habitats already impacted by nearby developments and urges efforts to minimize deforestation, maintain water retention, and protect the area's carbon-fixing forested landscape.

Staff Response:

The permitted intensity and location of development in the Bullfrog Flats UGA is established by the 2002 Development Agreement, conditions of approval and master site plan. The current applications are vested to these standards and were reviewed and determined to be consistent with these standards. The 2002 approvals provide significant setbacks and protections for the Cle Elum River Open Space corridor, including recorded conservation easements, which will preserve a valuable wildlife habitat corridor. More than one-half of the total Bullfrog Flats site area will be maintained as open space. The proposed project would comply with the City's current critical area regulations, which would adequately protect

wetlands and buffers. As identified in all environmental documents for the project and site, no impacts to wetlands or buffers are likely to occur; no basis for increasing regulatory wetland buffers has been identified. Based on the 2002 master site plan and the proposed master plat, no development would be located “near” the river; the closest development areas (Parcels A and B) are distant from the River and separated by large undeveloped open space areas (the Cle Elum River Corridor Open Space and Managed Open Space), both of which are subject to conservation easements which limit development or disturbance.

F. Applicable Law:

This project is subject to the vesting provisions of the 2002 Development Agreement. Pursuant to those provisions, the applications are reviewed for consistency with the following:

- The goals and policies of the Cle Elum Comprehensive Plan and the zoning designation for the property effective as of the vesting date (October 30, 2002).
- The 120 Conditions of Approval contained in Attachment B to the 2002 Development Agreement dated October 30, 2002.
- The Development Standards approved as Attachments to the Conditions of Approval, specifically Attachment 2 Development Standards, which also includes the May 2002 City of Cle Elum Construction Standards for the Private Construction of Public Facilities for Properties Subject to the Cle Elum UGA Master Site Plan.

When not vested to prior code provisions as addressed in the 2002 Development Agreement, this project will be vested to the Cle Elum Municipal Code in effect on the date of the Determination of Complete Application, September 19, 2024.

For purposes of determining consistency, paragraph 1.2 of the 2002 Development Agreement further provides that:

The Applicable Law to which thus development vests pursuant to the terms of this Agreement shall be the Conditions of Approval, attached to this Development Agreement as ATTACHMENT B, the Development Standards approved as an attachment to the Conditions of Approval, and, if not, addressed therein, the City plans, policies, rules and regulations in effect on the date the City Council approves this Development Agreement, as indicated by the date the resolution or ordinance approving the Development Agreement is passed by the City Council, except as provided in Section 3.1 below.

Section 3.1 then identifies the various exceptions to vesting, such as all development activities must comply with the provisions of the International Building Code in effect at the time a building permit application is submitted to the City.

As one of the exceptions to vesting, Section 3.1.8 identifies that the development “shall be subject to a revised subdivision ordinance” that was undergoing City review at the time the 2002 Development Agreement was adopted. On September 27, 2005, the City adopted a revised subdivision ordinance,

contained in Title 16 of the Code, through Ordinance No. 1235. Accordingly, this project is reviewed for compliance with the subdivision ordinance as set forth in Title 16 of the Code.

1. Boundary Line Adjustment

In accordance with CEMC 16.40.040, boundary line adjustments shall be approved if the subject parcels are existing legal lots of record, and the proposed adjustment is consistent with the minimum lot size requirements of the zoning ordinance. Existing nonconforming lots may be adjusted as long as the degree of nonconformity is not increased by the adjustment. Boundary line adjustment may not cause the violation of any ordinance standards such as setbacks, maximum lot coverage or density.

2. Preliminary Plat Approval

The applicable decision criteria for preliminary plats are contained in CEMC 16.12A.050. Compliance with these criteria is discussed in detail below, in the Findings section. Because the subject applications seek to implement the previously approved 2002 Development Agreement and the associated master site plan, many of these decision criteria are satisfied or governed by the prior approvals.

3. Type 4 Review

In accordance with CEMC 14.30.080, decisions on all Type 4 permit applications shall be made by the City Council following an open record public hearing before the Hearing Examiner.

The City Council decision on a Type 4 application shall be effective upon approval unless otherwise provided, and/or unless an appeal is filed in a timely manner in accordance with the provisions of this Title.

IV. FINDINGS:

Any statements contained in the previous or following sections of this Staff Report that are deemed to be Findings are hereby adopted as such and incorporated by reference.

A. Development Agreement Conditions

The 2002 Development Agreement included 120 conditions that govern the Bullfrog UGA development. The proposed applications are generally consistent with the conditions, and/or the applicant has acknowledged and agreed to comply with conditions that may not be applicable to Phases S-1, S-2, and J but are applicable to future phases of development. The applicant's project narrative, Appendix D, contains Bullfrog Flats' responses to the conditions. To aid the Examiner's review, the City's determinations regarding compliance with or applicability of the conditions is set forth in Attachment A to the Staff Report, Exhibit C-02.

As discussed in the following section and detailed in Attachment A, the City is recommending revisions to certain conditions to reflect changes in conditions, such as prior satisfaction of some conditions or

updated mitigation conditions per the City's SEPA analysis. City staff recommends imposing the Development Agreement conditions, as amended, as conditions on the Master Plat for the Bullfrog UGA development. A list of the Development Agreement conditions as amended is set forth in Attachment B to the Staff Report, Exhibit C-03.

B. 2002 Development Agreement Extension

The applicant has requested a ten-year extension of the term of the Development Agreement, such that the 2002 Development Agreement would expire on October 30, 2037. Following discussions with the applicant, City staff has developed terms and conditions by which the 2002 Development Agreement may be extended for two additional five-year increments, up to October 30, 2037. These terms are set forth in the Proposed Second Amendment to Development Agreement ("Proposed Amendment"), Attachment E to the Staff Report, Exhibit C-06.

The Proposed Amendment serves several goals. First, the terms encourage and incentivize the developer to timely advance the Bullfrog UGA development. For example, the terms allow a five-year extension to 2032 if the developer has submitted complete applications for a minimum of 600 residential units on or before October 30, 2027, and an additional five-year extension to 2037 if the developer has submitted complete applications for a minimum of 1,000 residential units on or before October 30, 2032. The terms also incentivize timely development of the affordable housing component (required under Conditions Nos. 19-22 of the 2002 Development Agreement) and the public neighborhood park facilities (required under Condition No. 40, as modified by the applicant's minor modification request to replace the private lake and clubhouse with the public neighborhood park).

The Proposed Amendment also updates and replaces certain conditions in the 2002 Development Agreement relating to monitoring and mitigation. The SEPA documents prepared adopted for the Bullfrog Flats Project updated the analysis contained in the original 2002 UGA EIS. Based on the updated analysis, which accounts for changes in the proposal and background conditions, City staff has determined that some changes to the monitoring and mitigation approach in the 2002 Development Agreement are appropriate. For example, the 2002 UGA EIS predicted that the Bullfrog UGA development would result in a fiscal shortfall for the City for the first seven to eleven years of construction. (2002 UGA FEIS, 3.18-20). Condition No. 98 of the 2002 Development Agreement consequently requires the City and the developer to establish a fiscal shortfall mitigation accounting system, including a monthly reconciliation of funds attributed to the UGA and other City funds. In contrast, the 2025 SEPA Addendum projects that the development will exceed costs by a significant margin and contribute positively to the City's tax revenue growth from the outset, and that tax revenues will increase over time. The proposal is projected to provide a positive fiscal balance to support City services each year. Accordingly, the Proposed Amendment proposes an alternative monitoring and accounting schedule, while maintaining the developer's obligation to mitigate any shortfalls should an unanticipated or transitory fiscal deficit arise.

The Proposed Amendment has been shared and discussed with the applicant. City staff recommends approval of the modifications to the Conditions of Approval as set forth in the Proposed Amendment. The modifications appropriately incorporate new information, respond to changing community needs, and encourage timely development. Because these modifications are proposed by the City, not the applicant, City staff does not view these modifications as being subject to the modification

provisions in Section 6.4 of the Development Agreement, though the modifications meet the criteria for a minor modification. As such, the requested modifications are appropriate to review and approve as part of this review process.

C. BLA/Master Plat

The proposed reconfiguration of the existing parcels does not create any additional or substandard size parcels. The first three preliminary plats propose lot sizes that meet zoning requirements, and the development guidelines included in the 2002 Development Agreement. Future building permit review will ensure compliance with setbacks, lot coverage and density requirements. Therefore, the BLA meets all of the review criteria of CEMC 16.40.040.

The Master Plat identifies future phase development parcels generally consistent with the Master Site Plan included in the 2002 Development Agreement. As such, this Master Plat satisfies the requirements of Section 5, Commencement of Development of the 2002 Development Agreement for the UGA property. Consistent with the provisions of Section 4, Phasing and Condition 12 of the 2002 Development Agreement, the Master Plat may be developed in phases within the term of the Development Agreement, as may be extended up to October 30, 2037, as described elsewhere in this staff report.

Pending additional revisions: During the City's review of the Master Plat application materials, the City requested that the applicant address two items, which warranted additional revisions to the application materials. First, Condition Nos. 27 through 29 of the 2002 Development Agreement require the development to provide certain buffers (adjacent to and outside of the existing rights-of-way for I-90, Bullfrog Road, and SR 903), and required that these buffers be placed in separate tracts. At the time of this Staff Report, the applicant's materials do not reflect separate tracts for these buffers. However, Bullfrog Flats has indicated it intends to submit revised materials reflecting these separate tracts before the scheduled hearing. If Bullfrog Flats' revised materials are submitted as indicated, City staff recommends approval of the revisions, as the revisions accomplish and are consistent with Condition Nos. 27 through 29.

Second, the applicant's materials depicted a road through the business park parcels connecting SR 903 and Bullfrog Road; however, the road appeared to cut through and bisect several parcels. Bullfrog Flats has indicated it intends to submit revised materials that will show the road aligning with parcel lot lines. Again, if Bullfrog Flats' revised materials are submitted as indicated, City staff recommends approval of the revisions, as it is preferable for road right-of-way to align with parcel lot lines.

D. Preliminary Plat Decision Criteria

16.12A.050 Preliminary Plat Approval Criteria;	S-1, S-2, J
The preliminary plat is in the public interest;	The public interest determination for this proposed development was made as part of the approval of the 2002 Development Agreement.

B. The subject preliminary plat is consistent with the comprehensive plan;	Addressed in the 2002 Development Agreement. Current comprehensive plan designation for the parcel is Planned Mixed Use.
C. The preliminary plat shall conform to the applicable requirements of the zoning district in which it is located including but not limited to requirements for area, dimensions, use and density;	Governed by the 2002 Development Agreement. Current zoning district for the parcel is Planned Mix Use.
D. The preliminary plat conforms to the applicable standards in Chapter 18.01 , Maintenance, Enhancement and Preservation of Critical Areas of this code;	Compliance will be addressed in plat conditions that are based on mitigation measures for geologic hazards and wildlife, habitat and wetlands as identified below (see 2020 Draft SEIS, Sections 3.1.1 and 3.3.3, respectively). These measures would be supplemented, as applicable, by information contained in technical memoranda interpreting the provisions of CEMC 18.01, prepared by AESI (Oct. 24, 2023) and Raedeke Associates (Sept 28, 2023), and included as appendices to the 2025 EIS Addendum.
E. For those preliminary plats located within a designated floodplain, conformance with the applicable requirements of CEMC Chapter 15.24 ;	Not applicable. S-1, S-2 and J are not located within a designated floodplain.
F. The preliminary plat includes appropriate provisions for public, health, safety and welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways including trails, transit stops, potable water, sanitary waste disposal, parks and recreation, playgrounds, schools, sidewalks and safe walking conditions for those students who will only walk to school;	<p>1. Public Health and Safety: The proposed development will include roadways with standard cross-slopes. All new curb ramps, sidewalks, and crosswalks will be ADA compliant.</p> <p>2. Open Spaces and Parks: Each phase includes at least one pocket park and exceeds the minimum area of .25 acres.</p> <p>3. Drainage and Utilities: The proposed development includes storm drainage, domestic water, and sewer consistent with current safety standards including hydrant spacing, minimum service pressure for domestic water, minimum fire flow capacity. Final design approval will require fencing of ponds per Department of Health requirements. See comments in the Development Review section above for additional discussion.</p>
G. The preliminary plat conforms or can conform to adopted standards for the construction of all public facilities including streets, sidewalks,	The preliminary plat will require civil design plans, consistent with vested standards, prior to construction.

stormwater control, sewer systems, water systems and street lighting;	
H. Every proposed lot, tract or area in the preliminary plat has an approved access to a public right-of-way;	All proposed lots, tracts will have access to public right of way. Applicant will be required to construct public access points as condition of plat approval.
I. The proposed preliminary plat conforms to the established design requirements;	The plat conforms to design requirements outlined in Attachment 2 of the 2002 Development Agreement.
J. The proposed preliminary plat will not cause the level of service of public facilities or services to drop below established limits;	The requirements of the 2002 Development Agreement and Conditions of Approval, as modified by the Proposed Amendment to the Development Agreement ensure adequate levels of service for public facilities and services.
K. The proposed preliminary plat is consistent with any other applicable city regulations, and development or other agreements specific to the subject property.	See Staff Report Attachment A, Exhibit C-02, which provides the City's determinations regarding compliance with terms and conditions of the 2002 Development Agreement.

Bullfrog Flats has discussed with City staff the possibility of phasing of the final plats. The City Code allows an applicant to propose phasing of the final plat, but in such cases the Code requires submittal of a phasing plan as part of the preliminary plat application (see CEMC 16.12A.030.Q). A phasing plan allows the City to evaluate whether phased implementation of the final plats is appropriate, such as whether review and approval of final civil and engineering plans has occurred for the entire plat, whether all underground utilities have been installed for the entire plat, and whether the applicant has provided temporary turnarounds or other access between the proposed phase and the remaining property. Although Bullfrog Flats has submitted a phasing plan for phased implementation of the overall Master Plat development, the applicant has not submitted a phasing plan for phased implementation or approval of any final plat. A request to phase implementation of a final plat may be reviewed later under the Code's provisions for processing amendments to permits and approvals, under CEMC 14.30.250.

Pending additional revisions and corrections: During the City's review of the preliminary plat application materials, the City requested that the applicant address an item regarding Phase J that warranted additional revisions to the application materials. The plans for Phase J depicted certain lots as fronting 20-foot-wide alleys. Development Standards Section 3 provides that alleys are "sub-classifications under local access streets." However, the 2021 International Fire Code, Appendix D, Section D105 requires aerial fire apparatus access roads with a minimum width of 26 feet. Additionally, the materials currently do not address pedestrian connectivity and snow storage requirements on the affected alleys and lots. Finally, certain civil and landscape plans for Phase J

incorrectly mark the alleys as “(Private).” Bullfrog Flats has confirmed with City staff that the alleys are intended to be public.

To address these matters, Bullfrog Flats has indicated it intends to submit revised materials reflecting the required minimum widths of 26 feet before the hearing, addressing pedestrian connectivity and snow storage requirements, and confirming that the alleys are public. If Bullfrog Flats’ revised materials are submitted as indicated, City staff recommends approval of the revision.

E. Proposed Minor Modifications

The 2002 Development Agreement, Section 6.3, acknowledges that modifications to the Master Site Plan approved in 2002 are likely to occur to achieve a variety of mutually beneficial flexibility objectives, including but not limited to new information, responding to changing community and market needs, encouraging reasonably priced housing, responding to changes in technology or patterns of living and working and encouraging modification that provide comparable benefit or functional equivalence with no significant reduction of public benefits, environmental protection, or increased material cost.

Section 6.4.1 establishes criteria for changes from the Conditions of Approval that may be approved as a minor modification by whatever City decision maker is responsible for the particular Subsequent Approval as part of that decision maker’s review process, and what changes from the Conditions of Approval would require a major modification.

The criteria for minor modifications are summarized as follows:

- 6.4.1.1 The proposed modification does not change residential and commercial densities, number of units or square footage that exceeds the overall ranges specified in the Conditions of Approval.
- 6.4.1.2 The proposed modification does not reduce the amount of open space, reduce the Cle Elum River Corridor or alter the character of the I-90/Bullfrog interchange
- 6.4.1.3. The proposed modification does not reduce the amount or type of housing required.
- 6.4.1.4. The proposed modification does not trigger new SEPA review pursuant to Section 6.5 (referencing the criteria for requiring a supplemental EIS under WAC 197-11-600(3)(b)).
- 6.4.1.5 The proposed modification does not reduce required landscape buffers unless City determines the modification will accomplish the same screening functions.
- 6.4.1.6 The proposed modification does not include uses not included in the conditions of approval.
- 6.4.1.7. The proposed modification is functionally equivalent to, or superior to, the original standard or requirement.

6.4.1.8. The proposed modification is compatible with the scale and character of adjacent properties and uses inside and outside of the UGA.

The applicant is requesting five minor modifications that would apply to all development within the Master Plat. As discussed below, staff is recommending approval of all minor modifications. The applicant's requests and staff's responses are summarized below:

Minor Modification #1: *As outlined in Section 7 of the development agreement, the standards for lot coverage are currently limited to 45% for all single-family detached lots and 60% for all multifamily lots, including townhomes. These limits are lower than both current industry standards. Additionally, the vision for this neighborhood is to offer a diverse range of housing types that are both affordable and attractive to year-round residents. To achieve this objective, we respectfully request an increase in the lot coverage to 60% for all single-family detached lots and 75% for all multifamily lots.*

2002 Development Agreement: Development Standards Section 7 – Other Standards, requires a 45 percent maximum lot coverage for all identified single-family residential housing types.

Staff Response: Recent changes to the CEMC allow for 60% lot coverage in the R-Residential District. See CEMC 17.16.090. Increasing the lot coverage maximum to 60% is consistent with all applicable criteria as listed in the development agreement Sections 6.4.1.1-6.4.1.8, along with the flexibility objectives in the development agreement Section 6.3, specifically as a response to changing community and market needs and encouraging reasonably priced housing, along with providing comparable benefit and functional equivalence with no significant reduction of public benefits. For consistency with other R-zoned areas in the city, staff recommends that all single-family residential buildings types be allowed to utilize 60% lot coverage, and 75% for all multifamily lots. This approach aligns with the current code as well as the Planning Commission's proposal to increase lot coverage in the Multifamily zone to 85%, anticipated in Q1 2025.

The existing code states: "The lot area covered by structures shall not exceed forty-five percent of the lot area," which can be interpreted to only count structures and exclude sidewalks, driveways, carports, and other similar features. Allowing greater lot coverage in multifamily lots supports the city's objectives to accommodate higher-density housing, make efficient use of limited land resources, and address housing affordability challenges.

Staff recommends approval of the proposed modification to lot coverage standards. The modification meets the design flexibility objectives of Section 6.3 of the 2002 Development Agreement and satisfies the criteria for a minor modification in Section 6.4 of the 2002 Development Agreement. The modification does not alter residential areas, reduce the amount of open space, or reduce the amount or type of housing, and it does not reduce or modify required landscaping or buffers. The proposed modification does not trigger the need for new SEPA review, as impacts are minimal and consistent with current and proposed code provisions.

Minor Modification #2: *As outlined in Appendix D of the development agreement, the standards for impervious cover are currently limited to 50-55% for all single-family detached lots and 85% for all multifamily lots. With the proposed increase in lot coverage, there will be a corresponding rise in overall lot imperviousness. For the reasons outlined previously, this adjustment is essential to create a well-developed and desirable neighborhood.*

To support this objective, we respectfully request an increase in impervious cover to 70% for all single-family detached lots. The existing 85% limit for multifamily lots is considered sufficient, and no increase is proposed for these lots. Additionally, it is important to note that all impervious surfaces, including the requested increase, will be managed and mitigated through the stormwater infrastructure design for each site, ensuring no associated risk.

For certain specific lots in Phases S-1 and S-2 (specifically, lot 49 in S-1, and lots 29, 30, 57, 56, 60, and 61 in S-2), the applicant has requested an impervious surface coverage limit of 85%, to address concerns related to buildable area constraints on flag lots required to have 20 feet of street frontage. The applicant is also requesting a five-foot side yard setback for portions of the flag lot that could be considered as a front property line but do not abut the right-of-way.

2002 Development Agreement: Appendix D of the 2002 Development Agreement includes several referenced figures from the Master Site Plan Application. These figures include a variety of renderings for Single Family Detached templates with 50-55% impervious cover and renderings for Stacked Flat Apartments and Townhomes with 85% impervious cover.

Staff Response: The request to increase impervious cover to 70% for all single-family detached lots aligns with the intent of the Development Agreement (“DA”) and the City’s goals for flexibility and adaptability in residential development. Recent updates to the Cle Elum Municipal Code reflect the City’s effort to allow for increased lot coverage in residential zones to address housing diversity and evolving community needs. Moving forward, the City is working towards greater consistency between lot coverage and impervious surface standards. This ensures that impervious surface calculations comprehensively address all elements contributing to stormwater runoff, allowing for more accurate management and mitigation of potential impacts.

As outlined in Appendix D of the DA, the current standards for impervious surface coverage are set at 50-55% for single-family detached lots and 85% for multi-family lots. As defined in the Code and the DA, lot coverage refers to the percentage of a lot’s area covered by structures (see, e.g., CEMC 17.20.080), while impervious cover refers not only to structures, but also to- any surface or improvement that reduces or prevents absorption of stormwater (see, e.g., Development Standards Section 4). In other words, the calculation of total impervious cover must include all areas of lot coverage; lot coverage is included in, not separate from, the total impervious cover calculation. While the City recognizes the value of allowing greater lot coverage to accommodate compact development and maximize efficient land use, impervious surface standards must take into account all materials and structures that contribute to imperviousness.

The proposed increase to 70% impervious surface coverage for single-family detached lots is consistent with the flexibility objectives outlined in DA Section 6.3 and criteria in DA Sections 6.4.1-6.4.18. It supports the goals of maximizing land use efficiency, promoting compact development, and maintaining functional equivalence without reducing public benefits. It is important to note that all impervious surfaces, including the requested increase, will be subject to management through the stormwater infrastructure design, as required. This ensures compliance with state and local standards for stormwater retention, treatment, and mitigation, effectively addressing potential impacts on drainage and public infrastructure.

The proposed increase to 80% impervious surface coverage for the identified lots (S-2: 29, 30, 57, 56, 60, 61, and S-1: 49) addresses concerns related to buildable area constraints on flag lots required to have 20 feet of street frontage. This modification aligns with the flexibility objectives outlined in DA Section 6.3 and criteria in DA Sections 6.4.1-6.4.18 by accommodating unique site conditions while maintaining the intent of the Development Agreement. Incorporating this minor modification alongside the existing impervious cover modification streamlines the approval process and avoids the need for a full DA amendment. Importantly, stormwater impacts from the increased impervious coverage will be managed through required stormwater infrastructure design, ensuring compliance with state and local retention, treatment, and mitigation standards. Additionally, the Applicant's proposal to provide a 5-foot side yard setback for portions of the flag lot that could be considered as a front property line but do not abut the right-of-way ensures a balanced approach that mitigates potential impacts while maximizing development feasibility. The Applicant has provided an illustration of this request, which demonstrates that the request is limited to the specific areas where the flag lot configuration reduces available space from the front of the lot. As shown in the illustration, the configuration complies with the 20-foot garage setback requirement:

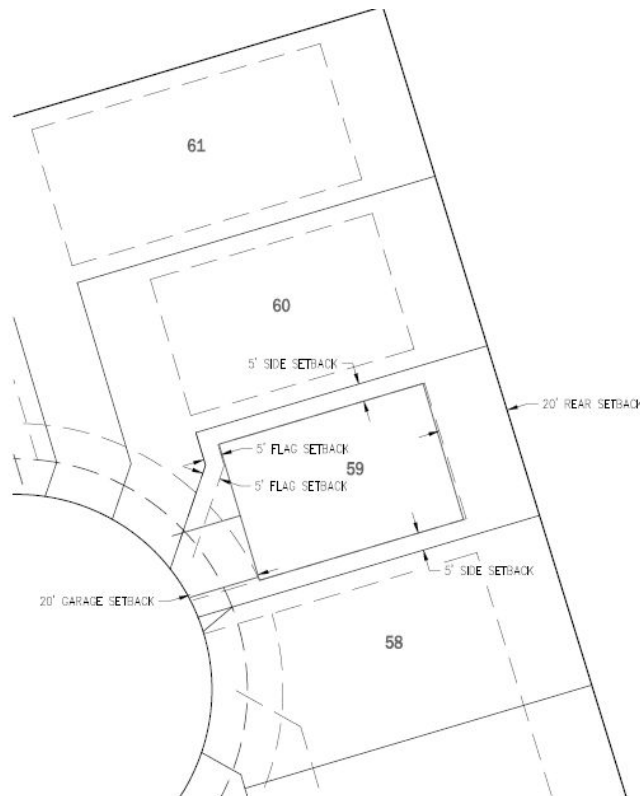


Figure 1. Depiction of 5' Flag Setback

Staff recommends approval of the proposed modification to impervious surface standards for single-family detached lots, increasing the standard to 70% as requested, while retaining the existing 85% limit for multi-family lots. The modification meets the design flexibility objectives of Section 6.3 of the 2002 Development Agreement, satisfies the criteria for a minor modification in Section 6.4 of the DA, and does not alter residential areas, reduce open space, or affect the amount or type of housing provided. Required landscaping and buffers remain unchanged.

Staff recommends approval of the proposed modification to impervious surface standards for the identified lots (S-2: 29, 30, 57, 56, 60, 61, and S-1: 49), increasing the maximum impervious coverage to 80% to address buildable area constraints on flag lots, and to providing a five-foot side yard setback for portions of the flag lot. The proposed modification aligns with the design flexibility objectives, satisfies the criteria for a minor modification, and is limited in scope to only seven impacted lots. This modification does not alter residential area designations, reduce open space, or affect the amount or type of housing provided. Landscaping and buffer requirements remain unchanged, and stormwater impacts will be mitigated through infrastructure designed to comply with state and local retention, treatment and mitigation standards.

Furthermore, the proposed change does not trigger the need for additional SEPA review, as any potential impacts can be effectively managed through stormwater infrastructure design.

This ensures compliance with the City's evolving standards while promoting responsible growth and development.

Minor Modification #3: *As outlined in Section 7 of the development agreement, front-entry garages for single-family detached lots are subject to a limitation that restricts the total width of garage doors to no more than 50% of the front façade width. The proposed homes for this project will vary in width, ranging from 30 to 60 feet or more. The 50% restriction would force narrower homes to accommodate only a single-car garage, which may not be ideal for future homeowners or the City. This limitation could lead to increased on-street parking, which is intended for guests or temporary use. Additionally, the restriction would prevent the inclusion of a three-car garage in larger homes. Given the site's location and the common outdoor activities in this area, additional garage space would be beneficial for homeowners.*

To support this goal, we respectfully request that removal of the limitation on garage door width in relation to the front façade. The development regulations include a modulation requirement for the front of the house, which ensures that the garage doors will be deemphasized, maintaining the visual appeal of the street scape.

2002 Development Agreement: Development Standards Section 7 – Other Standards, requires the width of a front-entry garage door for single-family residences to be no more than 50 percent of the front façade width.

Staff Response: Depending on the type of single-family residential structure, it may be appropriate to exceed 50% of the front façade width for the garage door. Allowing this flexibility accommodates a wide range of housing types and is proposed for all single-family residential development in current and future preliminary plats. This proposal aligns with all applicable criteria outlined in DA Sections 6.4.1.1–6.4.1.8 and fulfills the flexibility objectives in DA Section 6.3 by responding to changing community and market needs while providing comparable benefit and functional equivalence with no significant reduction in public benefits. To accommodate a wide variety of housing types, staff recommends no maximum garage door width ratio compared to the front façade.

Staff recommends approval of the proposed modification to garage door width standards. The modification meets the design flexibility objectives of Section 6.3 of the 2002 Development Agreement and satisfies the criteria for a minor modification in Section 6.4 of the 2002 Development Agreement. The modification does not alter residential areas, reduce the amount of open space, or reduce the amount or type of housing, and it does not reduce or modify required landscaping or buffers. The proposed modification does not trigger the need for new SEPA review, as impacts are minimal.

Minor Modification #4: *The original DA outlined a large, 10-acre lake and clubhouse as central features of the site. The lake was to be manmade, with the agreement specifying that it could not be fed by stormwater, requiring the use of domestic water sources. However, through discussions with the City and community members, it has become clear that a lake is not the preferred amenity. There is a strong desire for public active amenities from all parties involved.*

In light of this feedback, we respectfully request a minor modification to the development agreement, replacing the clubhouse and lake with a large public park. The specific amenities to be included within the park will be determined through future collaboration with the City Parks Department, City Planning, Public Works, and the applicant team. The overall size of the space will remain as originally stipulated in the development agreement, with only the proposed uses being subject to change.

2002 Development Agreement: Condition No. 40 addresses the neighborhood park that included a proposed lake in the 2002 master site plan. Subsection D stated that the lake may be private, with all maintenance responsibility on the developer or the homeowner's association. Condition No. 8 also addresses private lake management responsibilities. Subsections B, C and E address passive recreational spaces around the lake that should be publicly accessible and appear open and not isolated, private or exclusive.

Staff Response: A man-made private lake was a design feature proposed by the previous owner of the property. The current proposal has replaced the private lake with a 16-acre neighborhood park to be dedicated to the City sufficient in size to accommodate active recreational facilities such as ball fields, sports courts, trails and picnic facilities. These active recreational facilities would be open to the public. The private lake is not a requirement of any City codes and is not essential to the accomplishment of any goals, policies, or objectives of the Cle Elum Comprehensive Plan. To maintain the private lake would require water from the Regional Water System. No provisions have been made for this water use.

Staff recommends approval of the proposed modification from the private lake and clubhouse to a public neighborhood park with active recreational facilities. The modification meets the design flexibility objectives of Section 6.3 of the 2002 Development Agreement and satisfies the criteria for a minor modification in Section 6.4 of the 2002 Development Agreement. The acreage of the proposed Neighborhood Park is approximately 2 acres smaller than the private lake included in the 2002 master site plan, but would provide active recreation facilities needed by the City. The proposed neighborhood park does not reduce the amount of open space. The proposed neighborhood park does not involve a reduction in the amount or type of housing. The proposed neighborhood park does not trigger the need for new SEPA review, since the proposed uses are generally consistent with the alternative recreational uses offered with the private lake and homeowner's association clubhouse. The neighborhood park does not involve any reduction or modification to required landscaping and buffers. The proposed neighborhood park would include the types of active and passive recreational facilities anticipated in Condition No. 40. The proposed neighborhood park is superior to the private lake and homeowner's association recreation center because it will be accessible to all members of the public and will provide amenities that are more aligned with the desires of community members.

The proposed neighborhood park may be reviewed and approved as part of a preliminary plat application for a subsequent phase of development. Alternatively, if the neighborhood park proposal is independent of any plat proposal, it may be processed under the procedures for site and design review under CEMC 14.30.140.

Minor Modification #5: *Applicant request: Under condition 39 of the development agreement, it is stipulated that all parks are to be designated as public spaces, dedicated to the City for ownership and ongoing maintenance. However, following discussions with the City, it has been determined that small pocket parks, those compact green spaces within neighborhoods, are not suitable for public use due to their limited size. Furthermore, maintenance these small parks would impose an undue burden on the City. In light of this, we propose that the pocket parks be privately owned and maintained by the Homeowner's Association (HOA). It should be noted that the large central park, as referenced in Modification 4 above, is excluded from this proposal and will remain publicly owned and maintained.*

2002 Development Agreement: Condition No. 39 requires the Developer to construct and dedicate to the City pocket/mini parks with a size range of .25-to-.5 acre each that meet a total standard of .5 acres per 1,000 population in the UGA.

Staff Response: City ownership of and general public access to the small pocket parks located within the residential phases are likely to pose use and maintenance challenges for the city, including but not limited to lack of parking or restroom facilities for use by the general public. These small recreational amenities are better owned and maintained by the homeowner's association. The total public park ownership acreage specified in the 2002 Development Agreement is met by other public park acreage. The Applicant will be required to provide a minimum of 1.56 acres of miniparks or pocket parks owned and maintained by the homeowner's association throughout the residential phases of the UGA development, with recreational amenities specific in Condition No. 39. This requirement will be included as a condition on the Master Plat.

Staff recommends approval of the proposed modification to allow ownership and maintenance responsibilities of proposed pocket parks to be placed on the HOA rather than the City. This modification was originally suggested by the City, as private management of the pocket parks reduces the burden on City resources, while the proposed neighborhood park provides a larger and more valuable amenity that will be open to the public. The modification meets the design flexibility objectives of Section 6.3 of the 2002 Development Agreement and satisfies the criteria for a minor modification in Section 6.4 of the 2002 Development Agreement. The modification does not alter residential areas, reduce the amount of open space, or reduce the amount or type of housing, and it does not reduce or modify required landscaping or buffers. The proposed modification does not trigger the need for new SEPA review, as impacts are minimal.

F. SEPA

Consistent with SEPA requirements, the City prepared an EIS in 2002 to consider a range of development alternatives for the Bullfrog Flats UGA and to identify significant impacts and mitigation measures. The EIS supported the City's decision making and action approving the Bullfrog Flats UGA master site plan and Development Agreement. The Development Agreement incorporates 120 conditions of approval designed to mitigate the potential impacts of the UGA project. The adequacy of the 2002 EIS was not appealed.

To help determine the appropriate SEPA action for the proposed **Bullfrog Flats Project**, the City's Designated SEPA Responsible Official reviewed the following documents: the SEPA Rules (WAC 197-11), the 2002 Development Agreement provisions relating to SEPA review (Section 6.5), the 2002 UGA EIS, the 2021 SEIS, the 2023 SEIS Addendum, proposed changes to the project relative to the 2002 approval, and new updated analyses that evaluated transportation and fiscal impacts, and other elements of the environment that could be affected by changes to the proposal or changes in background conditions.

Based on this review, the SEPA Responsible Official determined that the existing environmental documents for prior proposals for the project site provide a body of environmental information that is directly relevant to the present proposal and can be adopted in whole or part for purposes of SEPA compliance. Proposed changes to the original proposal are limited and minor in scope. Based on review of the existing and updated environmental information, the SEPA Responsible Official concluded as follows: the proposal is covered by the range of alternatives evaluated in the 2002 UGA EIS, that proposed changes to the proposal and changes to background conditions would not result in significant environmental impacts that are new or significantly different in type or degree relative to impacts of the proposal that are identified and mitigated in the prior environmental documents. Some mitigation measures should be modified, however, to better reflect current conditions.

Therefore, the Responsible Official determined that an Addendum to the 2002 EIS, and adoption of prior relevant SEPA documents, would be appropriate pursuant to WAC 197-11-600(4), and would meet the City's needs for SEPA compliance. A combined notice of adoption and notice of availability was published on January 15, 2025.

G. Comprehensive Plan

The 2002 Development Agreement determined consistency with the Comprehensive Plan in effect at the time, and the project is vested to this determination. Further, the 2002 Development Agreement is reflected and incorporated in the City's current 2037 Comprehensive Plan. The Cle Elum Vision – 2037 identifies the 2002 Development Agreement as part of the City's housing strategies, representing "the ability in coming years to serve as a major engine in the implementation of the larger community vision."

H. Determination of Consistency

CEMC 14.30.130 requires that as part of all project and application reviews, the City shall determine if a proposed project or development activity is consistent with the Goals, Policies, and Objectives of the Cle Elum Comprehensive Plan and the provisions of the Cle Elum Municipal Code. The Determination of Consistency shall also include a review to verify that the proposed action will not cause levels of service to fall below the level of service standards established in the Cle Elum Comprehensive Plan.

Based on its review of the applicable plans and regulations, staff concludes that the proposed project is consistent with the Cle Elum Comprehensive Plan and the CEMC, as vested,

including but not limited to the uses and development standards of the Planned Mixed Use (PMU) zoning classification. As conditioned, the project will not cause levels of service to fall below the applicable standards established in the 2002 Development Agreement or the vested Comprehensive Plan.

V. CONCLUSIONS:

1. As explained above, Bullfrog Flats has indicated it intends to submit revised materials before the hearing to address certain items: (1) the identification of separate tracts for buffers per Condition Nos. 27 through 29 of the 2002 Development Agreement, (2) the adjustments to parcel lot lines within the business park area to align with the depicted road, and (3) revisions to Phase J to comply with fire access width requirements and to address pedestrian access and snow storage requirements for public streets. City staff shall review the revised materials before the hearing to determine compliance. If the revised materials are found to be compliant, the following conclusions are appropriate.
2. The Hearing Examiner has jurisdiction to issue a recommendation to City Council on the Master Plat, the Preliminary Plats for Phase S-1, S-2 and J, and the request to extend the 2002 Development Agreement, including the Proposed Amendment and the associated proposed changes to the Conditions of Approval set forth in the 2002 Development Agreement.
3. This Boundary Line Adjustment/Master Plat and Preliminary Plats for Phase S-1, S-2 and J are consistent with the 2002 Development Agreement.
4. SEPA compliance for the proposal has been completed. The City published an Addendum to the 2002 Bullfrog Flats UGA EIS on January 15, 2025 and has adopted 2 existing SEPA documents (2020/2021 SEIS and 2023 SEIS Addendum) that include directly relevant updated information and analysis about the site, the approved 2002 master site plan, and changes to background conditions that have occurred from the passage of time. The 2025 EIS Addendum concludes that the changes the project proposes to the approved 2002 site plan are minor and would not result in any new or different probable significant environmental impacts beyond those identified in the 2002 EIS and the adopted SEPA documents. A few modified mitigation measures are identified to reflect the reflect changes to background conditions and minor modifications to the project and are incorporated into new or modified recommended conditions of approval.
5. The project is consistent with the Comprehensive Plan as it is vested to the 2002 Development Agreement, which was determined to align with the Comprehensive Plan in effect at that time, and is further reflected and incorporated into the City's current 2037 Comprehensive Plan as a key component of Cle Elum's long-term housing strategies and community vision. The Preliminary Plat Phases S-1, S-2 and J are consistent with applicable Preliminary Plat approval criteria found in CEMC 16.12A.050.

6. The applicant has proposed five minor modifications to the Development Agreement, all of which have been determined to comply with the applicable criteria outlined within the 2002 Development Agreement.
7. The proposed BLA meets all of the review criteria of CEMC 16.40.040. The proposed reconfiguration of the existing parcels does not create any additional or substandard size parcels. The first three preliminary plats propose lot sizes that meet zoning requirements, and the development guidelines included in the 2002 Development Agreement. Future building permit review will ensure compliance with setbacks, lot coverage and density requirements.
8. The proposed preliminary plat Phases S-1, S-2, and J comply with the provisions of RCW 58.17.110 and CEMC § 16.12A.050(f), providing appropriately for: the public health, safety, and general welfare, open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, sidewalks, and other planning features that assure safe walking conditions for residents of the neighborhood.
9. The applicant has requested a ten-year extension of the term of the Development Agreement. As set forth in the Proposed Amendment, City staff has developed terms and conditions by which the 2002 Development Agreement may be extended for two additional five-year increments, up to October 30, 2037. These conditions include new conditions as well as conditions that amend the existing conditions of approval in the 2002 Development Agreement. The extension and the recommended conditions are appropriate to encourage timely development of the Bullfrog UGA development, provide certainty to the developer, and allow the City to consider new information, standards, and regulations at appropriate intervals.
10. Any finding or other statement contained in this Staff Report that is deemed to be a Conclusion is hereby adopted and incorporated by reference.

VI. RECOMMENDATIONS:

The Planning Consultant, on behalf of the City of Cle Elum, recommends approval of PMU-2024-002, BLA-2024-004, SUB-2024-001, -002, and -003 based upon the above findings and conclusions and subject to the conditions of approval as follows:

A. Master Plat Conditions

Condition Nos. 1 – 120 of the Master Plat shall consist of all conditions of the 2002 Development Agreement, as amended. The complete list of conditions, with amendments recommended by City staff, is attached hereto as Attachment B to the City's Staff Report, Exhibit C-03.

121. The Bullfrog UGA development shall comply with all conditions of the 2002 Development Agreement, as amended by the Proposed Amendment and any other amendments allowed under the 2002 Development Agreement and made as part of the City's final decision on the applications. The complete list of conditions is set forth in Attachment B of the City's Staff Report, Exhibit C-03.
122. The approvals granted herein shall be subject to all federal, state, and local laws, regulations, and ordinances as applicable pursuant to the 2002 Development Agreement, as amended. Compliance with such law, regulations, and ordinances is a condition precedent to the approvals granted, and compliance is a continuing requirement of such approvals. By accepting the approvals, the applicant represents that the development will comply with such laws, regulations, and ordinances. If, during the term of the approvals granted, the development and activities permitted do not comply with such laws, regulations, and ordinances, the applicant shall promptly bring such development or activities into compliance.
123. Prior to final plat approval for Phases S-1, S-2, and J, and as a condition of the Master Plat, the City and Bullfrog Flats shall enter into the Agreement for Mitigation and Monitoring of Transportation Impacts Associated with the Bullfrog UGA Development, on substantially the same terms as set forth in Attachment C to the Staff Report, Exhibit C-04, and Bullfrog Flats shall make the Intersection Mitigation Measures account payments required by that Agreement.
124. Prior to final plat approval for Phases S-1, S-2, and J, and as a condition of the Master Plat, the City and Bullfrog Flats shall enter into the Agreement for Mitigation and Monitoring of Water Impacts Associated with the Bullfrog UGA Development ("Water System Mitigation Agreement"), on substantially the same terms as set forth in Attachment D to the Staff Report, Exhibit C-05, and Bullfrog Flats shall make the payments required by that Agreement. If the City determines that any of the water improvements described in the Water System Mitigation Agreement are triggered before the Water System Mitigation Agreement has been executed, then the City shall have the right to pause its review of any pending applications for the Bullfrog UGA development until the Water System Mitigation Agreement has been executed.
125. Conditions regarding Cultural Resources:
- a. Condition regarding Memorandum of Understanding with Yakama Nation:
The Applicant has committed to pursue a Memorandum of Understanding (MOU) with the Yakama Nation regarding the protection of Cultural Resources on the project site. The Cultural Resources analyses in the SEIS and the Addendum do not identify any direct impacts to resources located on the project site. In addition, the defined open space corridor adjacent to the Yakima River is subject to a pre-existing formal agreement that protects cultural and environmental resources within the defined open space. Notwithstanding these conclusions, the Applicant understands and appreciates that the Yakama Nation defines "cultural resources" more broadly than archaeological artifacts, and that this definition encompasses the larger context of historical activities and environmental conditions, including effects on soils, water,

fish and wildlife. The Applicant, therefore, agrees to pursue execution of an MOU with the Yakama Nation that will address the potential for monitoring construction activity proximate to culturally sensitive areas of the site, protocols to ensure ongoing protection of the site's environmental resources, and any other issues of mutual concern to the parties.

- b. Onsite monitoring conducted by or under the direct supervision of a professional archaeologist or cultural resources specialist shall take place during all ground disturbing activities that require a grading permit under CEMC Ch. 15.30, including clearing, grubbing, grading, construction excavations, and installation of any public improvements not constructed by the City, with potential to intersect Holocene deposits, which were observed up to 8.5 ft. below ground surface. The City's cultural resource consultant shall develop a plan as soon as reasonably practicable that will limit monitoring to areas of the site that meet the following additional criteria:
 - i. areas identified by DAHP's predictive model as having a "high" or "very high" probability for cultural resources; and
 - ii. areas of the site that were not surveyed and tested using geotechnical borings and/or shovel probing as part of the updated investigations presented in the 2020/2021 Supplemental EIS and 2023 Addendum.

Areas not subject to monitoring will nevertheless require preparation of a plan and appropriate protocols for the inadvertent discovery of cultural resources.

The cultural resource consultant will determine the appropriate number of monitors for each type and phase of proposed development in consultation with the applicant. The applicant may select the professional archaeologist or cultural resources specialist to conduct the monitoring.

If the applicant wishes to commence ground disturbing activities before the City's cultural resource consultant has developed a plan, as an interim measure pending development of the plan, the applicant shall provide monitoring for all areas where ground disturbing activities occur.

126. Conditions regarding Critical Areas:

- a. **Geologic Hazards.** The project site contains geologic hazards that are regulated by the City's critical area ordinance. All development within the Master Plat shall comply with the City's current critical area ordinance, set forth in CEMC 18.01.070 E or as may be amended in the future.
- b. **Wetland Buffers.** The project contains wetlands that are regulated by the City's critical areas ordinance, including the establishment and protection of wetland buffers. All development within the Master Plat shall comply with the City's current critical areas ordinance, set forth in CEMC 18.01.070 A or as may be amended in the future. No impacts to wetlands or wetland buffers from the proposed project have been identified. Buffer averaging may be proposed to address unanticipated buffer impacts pursuant to applicable code provisions.

127. Conditions Regarding Public Services Mitigation

- a. Law Enforcement Mitigation. For all complete land use applications submitted by October 30, 2027, mitigation and levels of service shall be as provided in the original, unamended 2002 Development Agreement. All land use applications submitted on or after October 31, 2027 shall be subject to the applicable standards as set forth in Sections 3.6-3.8 of the Development Agreement, including but not limited to current level of service standards, as amended by the Second Amendment.
- b. Fire Department Mitigation. For all complete land use applications submitted by October 30, 2027, mitigation and levels of service shall be as provided in the original, unamended 2002 Development Agreement. All land use applications submitted on or after October 31, 2027 shall be subject to the applicable standards as set forth in Sections 3.6-3.8 of the Development Agreement, including but not limited to current level of service standards, as amended by the Second Amendment.
- c. Developer intends to commence construction activities in 2025 and has submitted clearing and grading permit applications to the City. The updated fiscal analysis shows that the project is not expected to generate revenues until 2026, reflecting a lag in revenues from property taxes and sales and use taxes from new construction. To mitigate this expected lag in revenue, and to address Developer's obligation to provide one fully trained firefighter at the commencement of construction, Developer shall make a one-time payment of \$100,000 to the City for the cost of a fully trained firefighter (based on the assumptions regarding annual salary, benefits, training, equipment, and other overhead costs set forth in the updated fiscal analysis). This payment shall be made within 30 days after the City's final decision on the Master Plat and associated applications and the expiration of applicable appeal periods, or if an appeal is filed, upon satisfactory resolution or conclusion of the appeal as shall be mutually determined by the City and Developer.
- d. Public Works Mitigation. 2002 condition of approval No. 95d identifies public works equipment and facilities that will be needed to maintain public roads, paths and trails included in the master plat. The costs of this equipment have not been identified and is not within the scope of the present fiscal analysis. Staff's recommended condition relating to fiscal monitoring and shortfall, set forth in Condition No. 98 in Attachment B to the Staff Report, Exhibit C-03, includes provision for determining and mitigating the costs of public works equipment if and to the extent that such costs are not covered by the net fiscal surplus associated with and attributable to the Bullfrog Flats project.

B. Preliminary Plat Conditions (for Phases S-1, S-2, and J)

1. All Final Plat submittals shall include a note on the face of the plat which identifies the purpose of all identified Tracts, including ownership information, such as an HOA, if applicable. Tracts identified for access, stormwater or utility purposes shall be labeled "unbuildable". Consider flag lots or easements where tracts are proposed for access to one or more lots.

2. All Final Plat submittals shall include a lighting plan, consistent with the requirements in the City's lighting standards and Attachment 2 to the 2002 Development Agreement's Conditions of Approval.
3. Prior to approval of the final plat, all required improvements shall be constructed or financially secured according to the standards and requirements of CEMC 16.30 and the 2002 Development Agreement, including but not limited to the following:
 - i. All lots shall be served with public water and public sewer from the City of Cle Elum. Prior to final plat approval, written verification must be submitted to the City indicating that all sewer and water extensions have been completed and inspected or financially secured.
 - ii. All frontage improvements, including roadway, curb, gutter, sidewalks on both sides of the streets, and streetlights shall be completed or bonded for.
 - iii. Civil engineering plans for public improvements shall be approved and a Clearing and Grading permit issued by the City prior to construction or bonding of public improvements.
 - iv. All construction of public improvements shall be inspected by the City of Cle Elum or its authorized agent, at the developer's expense.
 - v. The developer shall be responsible for scheduling and paying for all material and compaction testing for public improvements.
 - vi. Record drawings shall be prepared by the Developer's Engineer and delivered to the City.
4. Requirements and options for bonding for final plat improvements will be determined as part of final plat review for Phases S-1, S-2, and J as set forth in Condition 10 of the Development Agreement.
5. As a condition of final plat approval, the Applicant shall convey water rights to the city, sufficient to meet water supply requirements for the number of residential units in Phase J, S-1 and S-2, as follows, based on 1 ERU equaling 209 gallons per day (0.234 acre feet) average annual demand and 0.7 gallons per minute (0.0019 cubic feet per second, cfs) peak hour demand:
 - i. J: 164 dwelling units equals 164 ERUs; 38.4 acre feet Qa and 0.3116 cfs Qi
 - ii. S-1: 103 dwelling units equals 103 ERUs; 24.1 acre feet Qa and 0.1957 cfs Qi
 - iii. S-2: 130 dwelling units equals 130 ERUs; 30.4 acre feet Qa and 0.2470 cfs Qi
6. Fire Access Mitigation. The Applicant's clearing and grading permit applications for Phases S-1, S-2, and J shall incorporate an additional fire access route utilizing the existing powerline/utility corridor and the existing connection to SR 903. This access route shall not be required to meet all of the requirements of the 2021 International Fire Code, Appendix D; however, as part of the City's review of the clearing and grading permit applications, the City's fire chief may require the applicant to make improvements to this access route, including but not limited to grading and filling potholes, to ensure that the route can accommodate

emergency vehicle access. Any improvements required by the fire chief shall be made before the Applicant may commence any other clearing and grading activities.

Before commencing construction of any buildings requiring a building permit, the Applicant shall provide a fire apparatus access road, approved by the City's fire chief, that connects either to SR 903 or to Douglas Munro Blvd.. The fire apparatus access road shall meet the requirements of the 2021 International Fire Code, Appendix D. Gravel or other approved driving surfaces may be used, so long as the surface is capable of supporting the imposed load of fire apparatus weighing up to 75,000 pounds, consistent with the USDOT FHWA's Gravel Road Maintenance and Design Manual.

7. Geologic Hazards. The project site contains geologic hazards that are regulated by the City's critical area regulations (CEMC 18.01.070 E). The project will trigger the requirements for preparation of a Geologic Hazards Geotechnical Report and will be conditioned pursuant to recommendations of the Geotechnical consultant, and consistent with the City Code, the International Building Code and Ecology's Stormwater Management Manual for Eastern Washington.
8. For lot 49 in Phase S-1, and lots 29, 30, 56, 57, 60, and 61 in Phase S-2, the impervious surface coverage limit is increased to 80%.
9. All flag lots are permitted to provide a five-foot side yard setback for portions of the flag lot that could be considered as a front property line but do not abut the right-of-way, as illustrated in Figure 1 (Depiction of 5' Flag Setback) of the City's Staff Report.
10. Right-of-way shall be dedicated as displayed on the preliminary plats for phases S-1, S-2, and J.
11. A 10-foot wide utility easement shall be dedicated on the frontage of each lot that abuts a public right of way.
12. Minimum 15-foot wide utility easements shall be provided over public utilities not located in the right of way and shall have compacted gravel surfacing material to provide public works access.
13. Current 2024 City Construction Standards apply, except for the 2002 Construction Standards that the City and applicant have agreed will apply. The following is a non-exhaustive list of the 2002 Construction Standards that will apply: 1) Roadway Sections; 2) allowable length of cul-de-sacs (1,000 linear feet); 3) Dead-end water main length; 4) Water valve spacing; 5) Pavement Sections; 6) Storm Drainage Pipe material.
 - a. Plan and profile views will be on separate sheets to help accommodate curved streets throughout the development. They are required to be on the same sheets by 2024 City of Cle Elum Standards, pages 2-3 and 2-4.
 - b. We are proposing 8" dead end watermains that exceed the 2024 City of Cle Elum Standard limit of 300' (page 4-1). Our proposed dead-end lengths are approx. 500, and 650' which

- are in accordance with the 2002 Development Agreement's 1,500' maximum (page 124 of the Conditions of Approval).
- c. We are using the 2002 Development Agreement's maximum spacing for water valves of 1,200' (page 124 of the Conditions of Approval). The 2024 City of Cle Elum Standard is 750' maximum (page 4-2).
 - d. We are proposing cul-de-sacs that exceed the 2024 City of Cle Elum Standard limit of 400' (page 7-1). Our proposed cul-de-sac lengths are 450' and 600' which are in accordance with the 2002 Development Agreement's 600' maximum (page 45 of the Conditions of Approval).
 - e. Storm pipe crossings over potable water mains will use C900 pressure rated PVC for the stormwater pipe. 2024 City of Cle Elum Standards page 3-19 requires a pressure rated pipe casing around the watermain, extending 10 feet each side of the crossing in this scenario.
 - f. Roadway sections shall follow the standards set forth in the development agreement rather than those within the 2024 City of Cle Elum standard details ST-1 through ST-4
14. Fire apparatus access roads shall be posted with permanent "No Parking – Fire Lane" signs complying with the IFC.
15. Construction of the Spine Road adjacent to the full extent of each phase is required prior to final plat approval for each phase.
16. All three phases propose utilities outside of the right of way, while not explicitly showing utility easements. Utilities shall be placed in the right of way and shall meet utility separation standards , and if they are not located in the right of way, utility easements shall be placed over the utilities.
17. The second connection to the existing Zone 3 water main shall occur prior to final plat approval, for redundancy to serve the 397 dwelling units.
18. Utility connection charges, including any and all capital reimbursement charges, as set forth in the Cle Elum Municipal Code, shall be paid to the City at the time of building permit issuance. Connection charges do not vest and shall be paid at the current rate at the time of building permit issuance.
19. All utilities, including water and sewer, must be connected and functioning prior to approval of any occupancy permits.
20. Road names must be approved by KITTCOM prior to final plat approval.
21. Upon discovery of any human remains, artifacts, or evidence of potential archaeological, historical, or cultural resources all construction activities or uses authorized shall be suspended pending authorization to proceed from the City, and/or the Washington State Department of Archaeology and Historic Preservation, in accordance with the provisions of state and federal law, including, but not limited to RCWs 68.50.645, 27.44.055, and 68.60.055.

- i. If ground disturbing activities encounter human skeletal remains during construction, then all activity shall cease that may cause further disturbance to those remains. The area of the find will be secured and protected from further disturbance until the Washington State Department of Archaeology and Historic Preservation (DAHP) provides notice to proceed. The finding of human skeletal remains shall be reported to the Cle Elum Police Department and the Kittitas County Coroner in the most expeditious manner possible. The remains will not be touched, moved, or further disturbed. The County Coroner will assume jurisdiction over the human skeletal remains and decide whether those remains are forensic or non-forensic. If the County Coroner determines the remains are non-forensic, then they will report that finding to the Department of Archaeology and Historic Preservation who will then take jurisdiction over the remains. The DAHP will notify any appropriate cemeteries and all affected tribes of the find. The State Physical Anthropologist will make a determination of whether the remains are Indian or Non-Indian and report that finding to any appropriate cemeteries and the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Colville Reservation, and the Snoqualmie Tribe. The DAHP will then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains.
 - ii. If ground disturbing activities encounter artifacts, or evidence of potential archaeological, historical, or cultural resources during construction, then all activity shall cease that may cause further disturbance to those items. The Project Sponsor shall immediately contact the Cle Elum Planning Department to determine how best to secure the site and to consult with the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Colville Reservation, the Snoqualmie Tribe, and the DAHP.
22. The final plats for phases S-1, S-2, and J shall include all required information in CEMC 16.30.020.
23. In accordance with CEMC 16.30.040, the final plats for phases S-1, S-2, and J shall be submitted to the city within 5 years of the date of preliminary plat approval.
24. All addresses shall be clearly shown on the face of the Final Plat (RCW 58.17.280). Additionally, a note shown on the face of the Final Plat stating: "The addresses shown on this plat are accurate as of the date of recording, but may be subject to change". The City of Cle Elum Public Works Department is responsible for the confirmation or reassignment of addresses at the time of building permit issuance. The following address shall be utilized for the created lots, see Exhibit C-74.

_____/s Colleda Monick_____
Colleda Monick
City Planning Consultant