

City of Cle Elum
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**CITY OF CLE ELUM
FINDINGS of FACT, CONCLUSIONS, & DECISION
for
REQUEST FOR VARIANCE**

File Number: VAR-2025-001

APPLICANT: Whole Health Pharmacy
APPLICANT ADDRESS: 800 S Pearl St., Ste 1, Ellensburg, WA 98926
PROJECT LOCATION: 200 E First St, Cle Elum, WA
PARCEL NUMBER(S): 433335
DATE OF REQUEST: January 8, 2025
DATE OF COMPLETE: January 21, 2025
DATE OF DECISION: March 13, 2025
STAFF CONTACT: Colleda Monick, Planning Consultant

I. DESCRIPTION OF REQUEST:

The applicant is requesting a variance to allow a drive-through facility with associated vehicle stacking space to be located within a city-owned right-of-way for a proposed pharmacy.

II. SUMMARY OF DECISION:

Approved, subject to conditions.

III. FACTS:

A. Processing

1. A pre-application meeting was conducted on August 20, 2024, under PREAP-2024-005.
2. The application for the Variance was received on January 8, 2025.
3. The application was deemed complete for processing on January 21, 2025.
4. Staff determined that the introduction of a drive-through facility required site and design review pursuant to CEMC 14.30.140(A)(4). Staff deemed the application materials sufficient for site and design review of the project pursuant to CEMC 14.30.140(B).
5. The application was processed under CEMC 14.30.060, 14.30.140, and 14.30.190, as a Type 2/Variance with Site and Design Review.

6. Pursuant to CEMC 14.30.060, a Type 2 review involves administrative action, typically by a city planner, following distribution of a notice of application and the opportunity to submit written comments.
7. **Public Notice:** In accordance with CEMC 14.30.240, notice was provided for as follows:
 - a. The subject property was posted with a land use action sign on January 30, 2025.
 - b. A Notice of Application was sent to the applicant, agencies with jurisdiction, the Confederated Tribes and Bands of the Yakima Nation, the Confederated Tribes of the Colville Reservation, and the Snoqualmie Tribe, and adjoining property owners within 300 feet of the subject property on January 30, 2025.
 - c. A legal notice was provided in the Northern Kittitas County Tribune on January 30, 2025.
 - d. Notices were also provided at City Hall and on the city website under Public Notices.
8. Environmental Review: This application is exempt from SEPA review. The proposed land use project qualifies as categorically exempt under the provisions of CEMC 14.40.040(A) and WAC 197-11-800.

B. Statement of Cause:

Pursuant to CEMC 14.30.190, the applicant has provided in the application the following statements explaining the compatibility of the proposed variance:

1. That special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, do exist; and

Applicant Statement: *The building is located in the Old Town Commercial District and zoned Downtown Commercial. This district has no setback requirements, so the building takes up the entire lot leaving no room for a drive-through on said property. The size of the existing building in relation to the lot size is a physical special circumstance.*

The communities of upper Kittitas County face a circumstance where there is only one option for pharmaceutical care. This option is located in the back of a busy supermarket. It can be difficult for anyone to access, let alone patient with ambulation difficulties, a patient feeling ill, or a patient with an acute physical injury.

This building is the only building in the community that has this possibility of drive through access that is currently vacant, a viable option for the applicant available in a timely manner and at a financially feasible rate. The special circumstance is that the community is in need of easy access to pharmacy care and this

building presents the only viable option. A new build would not be financially feasible nor timely for the current need. Since the closure of Cle Elum Pharmacy in early 2024, we have been inundated with upper county community members expressing to us their want and need for convenient pharmaceutical care. The Hospital district has expressed to us that they want us to fill the needed pharmaceutical void in upper county and have offered their support. In a meeting with KVH officials, the Hospital made it clear that the upper county community is in need and the one current chain pharmacy option is not sufficient to fit the needs. Please see attached letter of support from KVH CEO Julie Peterson. If you do a quick search on social media of Cle Elum pharmacy you will see on all the various platforms that the general public is not happy with the limited pharmacy care available. To this point we have tried to keep our plans fairly quiet, out of respect for the city officials and council members, so you are not inundated with upset people asking questions about our plans to bring an independent pharmacy to upper county.

2. That because of such special circumstances, strict application of this title would deprive the subject property of rights and privileges enjoyed by other properties in the vicinity under identical zoning district classification; and

Applicant Statement: *Various other businesses in the vicinity and district enjoy the exact same privileges that we are asking for. The drive-through restaurant Senior Bones located in the building of City Hall only has one stacking space for 1 total vehicle before obstructing the sidewalk along Oakes Ave and Oakes Ave its self, which I would argue is a much busier street than Harris Ave. This drive-through is also in a non-paved alley way. This entrance is also the entrance to another established drive-through of the former Cle Elum Pharmacy, which is use of a non-paved alley way for access to the drive-through. Lums Coffee Stop has 2 drive through lanes neither of which appear to have 200 feet of stacking space before impeding the public right-of-way. Cle Elum Blend and Brew has a drive-through lane on the NW side of the building that does not have 100 feet of stacking space before obstruction of the public right-of- way. I understand that some of these examples may be reasons that the city may not want to continue to allow drive-throughs that might impede public right-of-way, but the fact is, this stipulation #2 for variance, fits our situation word for word when compared to Senior Bones Restaurant. "Strict application of this title would deprive the subject property of rights and privileges enjoyed by other properties in the vicinity". Furthermore, we feel our project carries greater public interest and benefit giving access to needed medical care not available elsewhere in the community. We also are offering to cover the substantial cost of initial paving of the alley to protect the city property. We will have a longer queuing space allowing for at least 3 cars compared to 1 car. The street our drive-through would possibly impede is much less busy than that of Senior Bones. We funded an expensive Traffic Study,*

performed by TenW, to gain professional opinion of the drive-through's impact. TenW found that our drive-through would bring little impact on the area. Please see the attached traffic study report. We currently successfully run a very busy pharmacy drive-through in Ellensburg with less cueing space and have implemented policies and procedures that keep it from backing up and impeding flow of general traffic. We will have windows and cameras that allow staff to monitor cars in the drive-through so if they do start to impede public right-of-way, staff can direct them out of the drive-through and into general parking where those customers will be serviced curbside. We do not allow patients to sit and wait at the drive-up window, if their transaction cannot be handled quickly, we ask them to pull into general parking and they are serviced curbside. We understand that the alley is city property and public right-of-way and our business would benefit from the use, but in a way allowing the public to access needed medical care would be public use of the public right-of-way.

3. That the granting of the variance will not be materially detrimental to the public health, safety, and welfare or injurious to the property or improvements in the vicinity and zoning district classification in which the property is situated; and

Applicant Statement: *The granting of our request will not cause anything mentioned. In fact, allowing this drive-through will be beneficial to the public health, safety, and welfare of the community. It will allow easy access to needed pharmaceutical care as well as lessen the chances of contracting airborne illnesses by going inside a crowded building such as a supermarket.*

The only perceivable risk would be auto pedestrian accidents if the alley was highly used by pedestrians. I have talked to many of the other businesses on the block that use the alley and they are in support of our proposal and state that there is very little pedestrian use of the alley. Allowing this drive-through would pose no more risk to public health and safety than other allowed activities around the city.

4. That the special circumstances do not result from the actions of the applicant; and

Applicant Statement: *The Upper county community wants easy access to pharmaceutical care and more than one pharmacy option (monopolies are never good for consumers). The community needs a pharmacy with a drive-through option to ensure easy access. Whole Health Pharmacy is willing and able to give the community what it wants, but in order to do so we need the City to allow us to put a drive through window into the building at 201 East First Street; without this, we can't run a pharmacy and give the community what it needs. Hence, the special circumstances do not result solely from the actions of Whole Health Pharmacy.*

The applicant did not build the building to the fullest extent of the code extending the building to the outer property lines not allowing space for a drive-through.

The applicant is not responsible for the fact that only one pharmacy with limited access is available in the area.

The applicant is not responsible for the fact that other viable buildings with drive-through access are not available in the community.

5. That the granting of a variance will be in harmony with the general purpose and intent of this title, the specific zoning district, and the city comprehensive plan.

Applicant Statement: *Please see chapter 17.24 of the City Municipal Code, Old Town Commercial District, I believe our proposal fits in exact harmony with all aspects of the code. Especially 17.24.020(A)(16) Drive-through or drive-up facilities when associated with a permitted use and accessed from an alley. While I understand that this is referring to using the alley as access to a drive-through rather than as the drive-through, but the same amount of wear on the alley surface would occur if the alley were being used as access as it would in our purposed use. In our case, we are offering to cover the cost of initial paving to help circumvent this possible wear. So, the main question would be whether the public right-of-way would be impeded to an extent where the risk outweighs the benefit. I would argue that the TenW traffic study, current experience at Whole Health Pharmacy in Ellensburg, and public interest are good indicators that our project would lead to much greater benefits to the community that would greatly outweigh the risk of impeding the public right-of-way.*

C. Current Zoning and Land Use:

1. The subject property is approximately 0.20 acres, is zoned Old Town Commercial (OTC), and includes a 9,000 square foot building.
2. The surrounding properties contain uses and zoning as follows:

| <u>Direction</u> | <u>Zoning</u> | <u>Land Use</u> |
|------------------|---------------|-----------------------|
| North | OTC | Financial Institution |
| South | OTC | Vacant Lot |
| East | OTC | General Retail |
| West | OTC | Multi-Use Building |

D. Development Review:

Comments:

During the public comment period, the City received a total of 212 comments from members of the surrounding community, expressing strong support for

the approval of the variance, including the Town of South Cle Elum, KVH Family Medicine, and Hospital District #2.

On February 11, 2025, the **Washington State Department of Transportation** provided written comments, summarized below:

The subject property is adjacent to State Route 903 (SR 903), a Class 5 Managed Access highway located within the corporate limits of the City of Cle Elum. Access control for this portion of SR 903 is the authority of the City of Cle Elum, in accordance with RCW 47.24. It is important to note, RCW 47.50.030 requires cities to meet, or exceed, the Department's access requirements (WAC 468-52-040) to state highways.

Engineering and Public Works:

1. *Alley.* Alley traffic associated with the drive-through will result in increased ground pressure and risk of damaging below-ground clay pipes. Paving the alley will help better distribute ground pressure from increased traffic and reduce such risk to the existing infrastructure. Additionally, increased traffic in the unpaved alley will result in high levels of “trackout,” a term used in construction to describe gravel and debris that vehicles track onto public streets and damage street surfaces. Paving the alley would reduce the trackout caused by drive-through traffic and mitigate the need for city maintenance and cleanup on public rights-of-way.
2. Sidewalks shall be constructed of Portland cement concrete, the existing concrete sidewalk/alley approaches located at both ends of the alley are damaged and would need to be replaced, including the adjacent curb ramps as necessary to meet ADA requirements.
3. The standards for the construction of roads and all other construction within the publicly owned right-of-way, shall consist of the current published addition of the “Standard specifications for Road, Bridge and Municipal Construction” and “Standard plans for Road and Bridge Construction” as published by the Washington State Department of Transportation and the American Public Works Association.
4. As-built drawings for all public improvements shall be completed by a licensed and registered engineer in the state of Washington and provided to the public works director on a mylar and in an electronic form as specified by the city public works director.
5. Existing gas meter along the south side of the building would be required to be relocated.
6. Fire access through the rear shall remain unimpeded at all times.

Traffic:

A Traffic Impact Analysis was submitted, dated December 6, 2024, prepared by TENW. Based on the results of this limited scope traffic study, the existing

alley is anticipated to accommodate the drive-through queues resulting from the proposed project. Therefore, no project-specific site access or off-site transportation improvements related to traffic impacts are proposed at this time. As part of the long-term right-of-way use permit, the City may impose “such terms and conditions as are required by the code and/or as necessary to protect the public health, safety and welfare,” should traffic impacts arise in the future. CEMC 12.01.060.

E. Applicable Law

Variances

Per CEMC 14.30.190, a variance may be granted to density, dimension, height, setback, and development standards; provided that all other provisions of the Municipal Code can be met:

D. A variance shall not be granted unless the city further finds that the applicant has demonstrated all of the following:

1. That special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, do exist; and
2. That because of such special circumstances, strict application of this title would deprive the subject property of rights and privileges enjoyed by other properties in the vicinity under identical zoning district classification; and
3. That the granting of the variance will not be materially detrimental to the public health, safety, and welfare or injurious to the property or improvements in the vicinity and zoning district classification in which the property is situated; and
4. That the special circumstances do not result from the actions of the applicant; and
5. That the granting of a variance will be in harmony with the general purpose and intent of this title, the specific zoning district, and the city comprehensive plan.

Site and Design Review

Per CEMC 14.30.140(C), the city may approve a site plan or building design if:

1. The project is consistent with the Cle Elum comprehensive plan and meets the requirements and intent of the Cle Elum Municipal Code, including the type of land use and the intensity/density of the proposed development.
2. The physical location, size, and placement of the development on the site and the location of the proposed uses within the project avoid or minimize impacts to an critical resource or floodplain area to the greatest extent possible or are compatible with the character and intended development pattern of the surrounding properties.
3. The project makes adequate provisions for water supply, storm drainage, sanitary disposal, emergency services and

- environmental protection to ensure that the proposed project would not be detrimental to public health welfare and safety.
4. Public access and circulation including nonmotorized access and emergency vehicle access, as appropriate, are adequate to and on the site.
 5. Adequate setbacks and buffering have been provided. Any reduction to setbacks or buffer widths is the minimum necessary to allow reasonable economic use of the lot and does not adversely impact the functional value of the critical resource area or adjoining land uses.
 6. The physical location, size, and placement of proposed structures on the site and the location of proposed uses within the project are compatible with and relate harmoniously to the surrounding area.
 7. The project adequately mitigates impacts identified through the SEPA review process, if required.
 8. The project would not be detrimental to the public interest, health, safety, or general welfare.

Permitted Uses

Per CEMC 17.24.020, Retail stores, specialty shops and personal services that are usually needed to serve residents and visitors to a small community.

7. Clothing and general merchandising stores, general retail sales of goods and merchandise; and
16. Drive-through or drive-up facilities when associated with a permitted use and accessed from an alley.

Parking

Per CEMC 17.56.060(A-B)

- A. A stacking space shall be an area measuring eight feet by twenty feet with direct forward access to a service window of a drive-through facility. A stacking space shall be located to prevent any vehicles from extending onto public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas. When located in a parking lot, drive-through facilities shall provide sufficient stacking spaces so as to not in any way obstruct the normal circulation pattern of the parking lot. Stacking spaces for drive-through uses may not be counted as required parking spaces.
- B. Uses providing drive-through services shall provide vehicle stacking spaces as follows:
 1. For each drive-through lane of a bank/financial institution, business service or other similar use, a minimum of five stacking spaces shall be provided; and
 2. For each drive-through lane of a restaurant, a minimum of seven stacking spaces shall be provided.

F. Cle Elum Comprehensive Plan 2037

The following goals and policies apply to this proposal:

- Goal LU-1: Management and Implementation
- Policy LU-1.8 Conditional Use Permits, street vacations, variances and other special applications shall only be permitted when there is an overriding permanent public benefit consistent with the goals and policies of this Comprehensive Plan.
- Goal LU-5: Create Order and Energy in Commercial Areas
- Policy LU 5.1 Assure that a broad and diverse range of products and services are available to the residents of the City of Cle Elum.
- Policy LU 5.7 Continue to encourage the development of a safe and functional pedestrian network through Cle Elum’s commercial areas.
- Policy LU 5.9 Require the use of shared driveways and controlled ingress/egress for new development in commercial areas.
- Policy LU 5.10 Encourage broad and diverse uses in existing commercial areas to promote maximum occupancy.
- Goal LU-9: Protect and preserve the character of Cle Elum’s historic Downtown Commercial Core.

IV. Findings:

A. Variance Approval Criteria

Per CEMC 14.30.190(1-5)

1. That special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, do exist; and

Staff Response: The subject property presents unique conditions that justify a variance to allow a pharmacy drive-up window within the city’s alley right-of-way. The property is located within an established commercial district where existing buildings are constructed to the lot line, leaving no feasible space on-site for a drive-up window and vehicular queuing. Unlike properties with larger setbacks or private drive aisles, this site’s urban constraints make it impractical to accommodate a drive-up service without utilizing the public right-of-way. These constraints also make it impractical to accommodate the number of stacking spaces needed for a drive-through associated with this use (five spaces).

A pharmacy drive-up window serves an essential public need by providing access for individuals with limited mobility, including elderly customers and those with medical conditions who may have difficulty entering the store. There is currently no drive-through pharmacy in the City to serve residents of the City and the Upper Kittitas County communities, and the applicant has identified the subject property as the only currently vacant

building in the community that could potentially accommodate allowing drive-through access. Ensuring safe and convenient access to prescription medications enhances public welfare and aligns with the community's needs.

The proposed variance is consistent with the intent of the zoning code while addressing the functional challenges presented by the property's location and layout. These circumstances demonstrate that the variance request is based on legitimate physical and functional constraints rather than convenience or preference.

2. That because of such special circumstances, strict application of this title would deprive the subject property of rights and privileges enjoyed by other properties in the vicinity under identical zoning district classification; and

Staff Response: The special circumstances affecting the subject property create a situation where strict application of zoning regulations would result in a deprivation of rights and privileges that other properties in the same zoning district are able to enjoy. Many businesses in the vicinity have the ability to provide drive-up or drive-through services on private property, either due to larger lot sizes, different site configurations, or internal circulation patterns that can accommodate such features without encroaching into the right-of-way. In contrast, the subject property's existing constraints—including its lot coverage, building placement, and surrounding development—make it physically impossible to provide the proposed drive-through without a variance.

Without the ability to utilize the right-of-way for a drive-up window with less stacking spaces than required under 17.56.060(B), the property owner is left without a reasonable means of offering a service that, based on the significant amount of public comment, is needed in Cle Elum and Upper Kittitas County. The absence of this accommodation would limit the business's ability to meet the community's needs, particularly for individuals who rely on the convenience, safety, and accessibility of a drive-up pharmacy. Since there is currently only one other pharmacy in the community, which does not offer a drive-through option, this variance would allow the applicant to better serve a broad segment of the population, improving access to essential services.

3. That the granting of the variance will not be materially detrimental to the public health, safety, and welfare or injurious to the property or improvements in the vicinity and zoning district classification in which the property is situated;

Staff Response: Due to the special circumstances of the subject property, strict application of zoning regulations would deprive the community of an alternative option for securing medication. Currently, the city has only one pharmacy, which does not offer a drive-through service. The surrounding community, including Cle Elum residents, potential patrons from neighboring areas, the Town of South Cle Elum, and the Hospital District, have expressed strong support for a pharmacy offering more accessible and convenient services. This demand is particularly high among individuals with limited mobility, elderly residents, parents of young children, and those with health concerns who may find it challenging to enter the pharmacy.

Without the drive-up window, the property would be unable to provide the level of service that residents of the area, including those in neighboring jurisdictions, expect and need. The community has expressed a clear desire for improved access to essential services like pharmaceuticals, which is particularly important given the lack of options in city-limits. A drive-through window would help fulfill this need by offering safe and efficient access for customers who may otherwise face challenges visiting the pharmacy.

According to the Traffic Impact Assessment (“TIA”), the existing alley could accommodate the expected drive-through traffic without impacting street traffic. Therefore, the variance will not be detrimental to City traffic. Further, as conditioned, the project will not damage the existing underground clay pipes in the alley.

4. That the special circumstances do not result from the actions of the applicant; and

Staff Response: The special circumstances requiring a variance, including the lot coverage, building placement, and surrounding development, do not result from the action of the applicant. The constraints of the site, including the property’s design, with its building positioned near the lot line and limited space for off-street circulation, are inherent to the property, predate the applicant’s involvement with the property, and cannot be changed without significant redevelopment.

The need for a variance arises solely due to these pre-existing physical conditions and the current zoning regulations that do not accommodate the property’s limitations in providing a drive-up service. The applicant has not altered the property in any way that would have led to these special circumstances. Instead, the applicant is seeking a variance to make reasonable use of the property in a way that addresses the needs of the

community, particularly the desire for improved access to essential services like a pharmacy drive-through window.

Granting the variance would allow the property to overcome the challenges posed by its design and make use of the right-of-way, something that is not a result of any actions taken by the applicant but rather a necessary accommodation due to the site's inherent limitations.

5. That the granting of a variance will be in harmony with the general purpose and intent of this title, the specific zoning district, and the city comprehensive plan.

Staff Response: The granting of a variance to allow a pharmacy drive-up window within the right-of-way is in harmony with the general purpose and intent of the City's zoning regulations, the specific zoning district, and the City's Comprehensive Plan, as it serves the public interest and aligns with the stated goals and policies.

First, in terms of Goal LU-1 and Policy LU-1.8, the variance will support a permanent public benefit by enhancing access to essential services for the residents of Cle Elum, particularly those with limited mobility or other health concerns. Providing a drive-up pharmacy service addresses a clear community need and furthers the City's commitment to public welfare. The variance would also allow the applicant to provide a service that aligns with the Comprehensive Plan's broader goals of supporting commercial development that is responsive to community needs.

Regarding Goal LU-5 and its associated policies, granting the variance will contribute to the vibrancy and functionality of Cle Elum's commercial areas. Policy LU 5.1 encourages a broad and diverse range of products and services to residents, which the drive-up pharmacy will directly provide, adding convenience for those who may have difficulty accessing the pharmacy inside the store. This service will also attract additional foot and vehicle traffic, supporting the local economy and the vitality of the commercial district.

In terms of Policy LU 5.7, the variance will not hinder but rather complement the development of a safe and functional pedestrian network. The proposed drive-up window will not interfere with pedestrian access, and the city's design standards can ensure that safe pedestrian pathways remain a priority. Furthermore, Policy LU 5.9 encourages shared access points for commercial properties, which the applicant has worked to design in a manner that does not disrupt traffic flow or create safety concerns.

Lastly, Policy LU 5.10 promotes the development of diverse uses in existing commercial areas to foster maximum occupancy. The proposed pharmacy drive-up window is an innovative solution that helps meet the needs of the community, while also maintaining the active use of the commercial property in a way that supports the ongoing vitality of the area.

In conclusion, the variance request is fully aligned with the City's Comprehensive Plan goals and policies, supporting both the development of a diverse, functional commercial area and the delivery of essential services to the community.

B. Site and Design Review Criteria

Per CEMC 14.30.140(C)(1-8), the city may approve an approved site plan or building design if:

1. The project is consistent with the Cle Elum comprehensive plan and meets the requirements and intent of the Cle Elum Municipal Code, including the type of land use and the intensity/density of the proposed development.
2. The physical location, size, and placement of the development on the site and the location of the proposed uses within the project avoid or minimize impacts to an critical resource or floodplain area to the greatest extent possible or are compatible with the character and intended development pattern of the surrounding properties.
3. The project makes adequate provisions for water supply, storm drainage, sanitary disposal, emergency services and environmental protection to ensure that the proposed project would not be detrimental to public health welfare and safety.
4. Public access and circulation including nonmotorized access and emergency vehicle access, as appropriate, are adequate to and on the site.
5. Adequate setbacks and buffering have been provided. Any reduction to setbacks or buffer widths is the minimum necessary to allow reasonable economic use of the lot and does not adversely impact the functional value of the critical resource area or adjoining land uses.
6. The physical location, size, and placement of proposed structures on the site and the location of proposed uses within the project are compatible with and relate harmoniously to the surrounding area.
7. The project adequately mitigates impacts identified through the SEPA review process, if required.
8. The project would not be detrimental to the public interest, health, safety, or general welfare.

Staff Response: The findings above regarding the variance criteria also demonstrate that the proposal is consistent with the Cle Elum comprehensive

plan and CEMC, compatible with surrounding properties, and would not be detrimental to public services, health, welfare, safety, or access.

- C. The applicant is proposing to utilize a portion of the building on parcel 433335. There are two vacant parcels across the alley to the south, parcels 52335 and 533335, which are also owned by the same property owner. Should the applicant propose to utilize these vacant parcels for parking associated with the business, whether for employees or patrons, the applicant shall submit an application for Site and Design Review in order to ensure compliance with all requirements outlined in CEMC Chapter 17.56, including but not limited to paved parking, paved drive aisles, and the necessary landscaping requirements.
- D. Stacking. The applicant has indicated that there is 60 feet of stacking space between the edge of the building and the drive-up window, which would allow for up to three vehicles to safely queue prior to potential impediment into the right-of-way, not meeting the minimum stacking requirements of 5 vehicles. According to the TIA, the estimated drive-through usage is not expected to have significant impacts on traffic. The conditions associated with this variance, along with the City's authority to impose additional terms and conditions through renewals of the Long-Term Right-of-Way Use Permit, allow the City to address future impacts should they arise.
- E. Pursuant to CEMC 14.30.150(B)(1), the city may impose conditions of approval as required to protect the public health, safety and welfare. Based on the City's Engineering Review, drive-through traffic creates a risk of damage to the integrity of below-ground clay pipes and trackout damage on other rights-of-way. Therefore, staff have determined that paving the alley is necessary to ensure compliance with adopted transportation standards and to mitigate potential impacts associated with the proposed development.

V. CONCLUSIONS:

- A. Any Finding or other statement in this document that is deemed to be a Conclusion is hereby adopted and incorporated by reference.
- B. As conditioned, the project is consistent with the purpose and intent of the Old Town Commercial zoning district and the Cle Elum Comprehensive Plan 2037.
- C. The project meets all applicable variance criteria in CEMC 14.30.190.
- D. Whether a variance is appropriate is a fact-specific inquiry based on the unique circumstances presented.
- E. Unique lot size, shape, and location can be special circumstances warranting a variance.
- F. The City reserves the right to assess future traffic impacts as a result of the project.
- G. The variance for a drive-through approved herein is specific to Whole Health Pharmacy and the specific unique facts and circumstances demonstrated by the applicant, including the subject property's constraints, the public benefit provided, the TIA demonstrating minimal traffic impacts, and the conditions of approval to protect the integrity of public rights-of-way and infrastructure.

VI. DECISION

The Planning Consultant, on behalf of the City of Cle Elum, grants approval of (VAR-2025-001) based upon the above findings and conclusions and subject to the conditions of approval as follows:

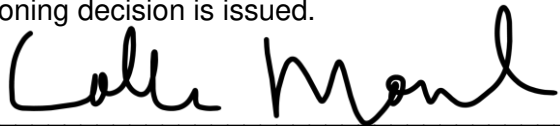
1. Building permit and/or a change of use permit is required prior to internal construction;
2. A City of Cle Elum Business License must be obtained before commencing business. The license must be applied for through the Department of Revenue and can be applied for online: www.dor.wa.gov.
3. The applicant shall apply for and obtain a Long-Term Right-of-Way Use Permit in accordance with the CEMC Chapter 12.01 prior to initiating any use of the right-of-way for the proposed drive-through or associated activities, and to continue use of the right-of-way. Such permits are valid for up to one year. Consistent with the City's authority under CEMC 12.01.060, the City may impose conditions necessary to protect the public health, safety, and welfare as part of the City's review and issuance of a Long-Term Right-of-Way Use Permit, including renewals. The applicant must ensure compliance with all applicable regulations and conditions set forth in the permit to the satisfaction of the City. If applicant fails to maintain a Long-Term Right-of-Way Use Permit as described herein, the city may revoke the use of the right-of-way at any time and in the City's sole discretion.
4. In accordance with CEMC 14.30.150(B)(1)(d), prior to operations beginning, the applicant is responsible for paving the entire width of the alley to ensure safe and efficient access for vehicles and to prevent damage to underground clay pipes and other public rights-of-way. Civil plans must be approved prior to construction.
5. The existing concrete sidewalk/alley approaches located at both ends of the alley shall be replaced, including the adjacent curb ramps as necessary to meet ADA requirements.
6. The applicant must install clear, visible signage indicating that the alley is one-way, in accordance with City standards. The one-way designation shall be maintained for the duration of the use, except for emergency and city vehicles, and the applicant shall ensure that both the paving and signage meet all applicable regulations and are subject to City approval.
7. The pharmacy shall be fully responsible for managing traffic and queuing associated with the drive-through. The applicant must ensure that traffic along N. Harris Street is not blocked, nor that traffic backs up on to E First or E Railroad Street, and that pedestrian access is not impeded by queuing vehicles at any time. The pharmacy is also responsible for educating patrons on proper queuing and exiting procedures, including directing them to available off-site parking. The applicant shall implement measures to ensure smooth traffic flow and prevent congestion and may

be required to adjust operations or install additional signage to maintain compliance with these requirements, as determined by the City.

8. If the applicant proposes to use parcels 52335 and 533335 for parking associated with the business, the applicant shall submit a Site and Design application for the property to ensure that the parking areas comply with all applicable requirements set forth in Chapter 17.56 of the City's Municipal Code. This includes, but is not limited to, the provision of paved parking spaces, paved drive aisles, and landscaping, all of which must be completed to the satisfaction of the Planning Department prior to use of the parcels for parking, queuing, or access.
9. A sign permit is required for any signage.
10. The granting of a variance for a drive-through at this location is limited to Whole Health Pharmacy and shall cease effect if and when Whole Health Pharmacy is no longer operating at this location.

Entered this 13th day of March 2025, pursuant to the authority granted under CEMC 14.30. This decision constitutes the final zoning review and is hereby granted and forwarded to the Building Official.

The site and design review approval is valid for five years from this date unless appealed under CEMC 14.30.230. The site and design review approval may be extended one time, as set forth in CEMC 14.30.140. This site and design review approval is not a construction permit and does not in and of itself authorize any use to be established, constructed, made or implemented without a construction permit issued by the Building Official and the conditions pending have been completed. This site and design review approval shall expire if: a) a construction permit and/or business license for the approved project is required but not issued within five years from the date of issuance of this final decision; b) the construction permit and/or business license is issued but allowed to expire; or c) the project is modified and new zoning decision is issued.



Colleda Monick, Planning Consultant for
Rob Omans, City Administrator for the City of Cle Elum

APPEAL

Pursuant to CEMC 14.30.230, any person aggrieved by this decision may request a review of this decision by the Hearing Examiner. Such requests must be submitted in writing within fourteen days from the mailing date of this decision, to the City of Cle Elum, 119 W First St, Cle Elum, WA 98922, and must be accompanied by the application fee of \$550.