

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

File Numbers: PMU-2024-001, SEP-2024-001, CA-2025-002

<b>APPLICANT:</b>	ALSC Architects on behalf of UKCCRC
<b>APPLICANT ADDRESS:</b>	203 N Washington St, Ste 400, Spokane, WA 99201
<b>PROJECT LOCATION:</b>	Bullfrog Road, Cle Elum, WA
<b>PARCEL NUMBER(S):</b>	11850
<b>DATE OF REQUEST:</b>	March 12, 2024
<b>DATE OF RECOMMENDATION:</b>	April 29, 2025
<b>STAFF CONTACT:</b>	Colleda Monick, Planning Consultant

**I. DESCRIPTION OF REQUEST:**

Proposal to construct a 57,350 square foot Community Recreation Center in the City of Cle Elum. The facility will include several amenities including but not limited to a gymnasium, a natatorium, locker rooms with showers/restrooms, studio rooms, lounge areas, a child watch area, a health clinic, a fitness center, an indoor track, and a rooftop outdoor fitness center. There will also be outdoor facilities that will be designated as public open space, which includes a splash pad and green space. The proposal also includes 226 parking spaces with 66 additional stalls for future expansion. The proposal is intended to implement the master site plan and development agreement approved by the City in 2002 (collectively, the "2002 Development Agreement") for the area commonly known as the Bullfrog Urban Growth Area ("Bullfrog UGA").

**II. SUMMARY OF DECISION:**

Approved, subject to conditions.

**III. FACTS:**

**A. Processing**

1. A Pre-Application Meeting was conducted for the project on November 14, 2023.
2. The applications for a Planned Use Permit, and a SEPA checklist were received on March 12, 2024. On February 26, 2025, a Critical Areas application was submitted.
3. The applications were deemed complete for processing on April 12, 2024.

4. Staff processed the applications pursuant to the 2002 Development Agreement, CEMC Ch. 17.45 for Planned Mixed Use, CEMC Ch.18.01 for Critical Areas, and CEMC Ch. 14.40 for compliance with the State Environmental Policy Act (SEPA).
5. Staff determined that as part of the 2002 Development Agreement and related approvals, which constitute a mixed-use final plan under CEMC 17.45.100, the City previously reviewed and approved the proposed use. Accordingly, the proposal is subject to the process for subsequent approvals pursuant to the 2002 Development Agreement and CEMC 17.45.110. As explained further below, the City determined that the proposal is substantially in conformance with the approved final plan and required site and design review pursuant to CEMC 14.30.140(A)(1). Staff deemed the application materials sufficient for site and design review of the project pursuant to CEMC 14.30.140(B).
6. **Public Notice:** In accordance with CEMC 14.30.110, notice was provided for these applications as follows:
  - a. The subject property was posted with a land use action sign on April 16, 2024.
  - b. A Notice of Application and Environmental Review was sent to the applicant, agencies with jurisdiction, the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Colville Reservation, and the Snoqualmie Tribe, and adjoining property owners within 300 feet of the subject property on April 16, 2024.
  - c. A legal notice was published in the Northern Kittitas County Tribune on April 16, 2024.
  - d. Notices were also provided at City Hall and posted on the city website.
7. **Environmental Review:** This application was required to undergo SEPA review because the proposed development exceeds excavation, building size and parking thresholds for categorical exemptions outlined in WAC 197-11-800 and CEMC 14.40. This project proposes to excavate approximately 15,000 cubic yards and includes construction of commercial or multifamily buildings larger than 30,000 square feet (57,350 square feet) and parking facilities accommodating more than 90 vehicles (225 vehicles). Notice was mailed on April 16, 2024. The public comment period ended on May 1, 2024. Eight comments were received from SEPA Agencies and the public which are outlined in accordance with WAC 197-11-355 and CEMC 14.40, an MDNS was issued on April 29, 2025, in conjunction with this decision.

**B. Current Zoning and Land Use:**

1. The subject property is approximately 12 acres and is currently vacant. The property was zoned Planned Mixed Use and the proposed use approved through the 2002 Development Agreement and the associated approved final plan.
2. CEMC 17.45.010(A) states the purposes and objectives of a Planned Mixed-Use District are:

1. To assure that large new development creates a complete and interdependent Cle Elum community that contains a mix of land uses that provides for most of the daily needs of its residents and visitors including recreation, employment, housing affordable to all residents and education;
  2. To obtain development within the city with imaginative site planning in a compatible mixture of land uses that will encourage pedestrian rather than automotive access to employment opportunities and goods and services;
  3. To encourage building design that is in keeping with the climate and the traditional rural, small town, mountain character of the Cle Elum area;
  4. To ensure sensitivity in land use and design to adjacent land uses within the PMU district, and to avoid creating incompatible land uses;
  5. To ensure that all development gives adequate consideration to and provides mitigation for the impacts it creates with respect to transportation, public utilities, open space, recreation and public facilities, and that circulation, solid waste disposal and recycling, water, sewer and stormwater systems are designed to the extent feasible to be adequate to serve future adjacent development that can reasonably be expected; and
  6. To ensure that development protects and preserves the natural environment to the maximum extent possible, including but not limited to protecting the water quality of the Cle Elum and Yakima Rivers, contributing to the long-term solution of flooding problems, protecting wetlands and sensitive areas, protecting views and providing a wooded background and ridge adjacent to the community.
3. CEMC 17.45.010(B) states that development within the PMU district shall conform to the Cle Elum comprehensive plan, any applicable subarea plan and applicable annexation and/or development agreements, and will advance the achievement of the foregoing purposes of the PMU district as well as the following objectives:
1. To preserve or create open space for the enjoyment of the residents of the city, employees of businesses located within the city and the general public;
  2. To create attractive, pedestrian-oriented neighborhoods with a range of housing types, densities, costs and ownership patterns;
  3. To provide access to employment opportunities and goods and services in close proximity to residential uses;
  4. To provide a balanced mix and range of land uses within and adjacent to the development that minimize the necessity for the use of automobiles on a daily basis;
  5. To use the highest quality architectural design and a harmonious use of building materials;
  6. To provide a variety of street sizes and designs, including narrow streets designed principally for the convenience of pedestrians as

- well as streets of greater width designed primarily for vehicular traffic;
7. To provide commons, greens, parks or civic buildings or spaces as places for social activity and assembly for the neighborhood and community;
  8. To provide clustered development to preserve open space within the corporate limits of the city while still achieving an appropriate overall density for the city; and
  9. To maintain Old Town as the principal retail center for the City of Cle Elum.
4. Under CEMC 17.45.110, subsequent permit applications within a Planned Mixed Use District must be in substantial conformance the approved final plan. A subsequent application substantially conforms to the approved final plan when the proposal:
    1. Is within the scope of the intent of the final plan;
    2. Is of a similar size and scale and does not present appreciably different environmental effects from those identified during the final plan review process;
    3. Does not reduce overall acreage identified as dedicated public areas, open space or buffering areas;
    4. Does not materially change the balance of uses; and
    5. Does not exceed the limitations of any development standards approved pursuant to CEMC 17.45.060.
  5. The properties in the vicinity of the proposal contain the following uses and zoning:

Direction	Zoning	Land Use
North	Planned Mixed Use	Vacant
South	Planned Mixed Use	Vacant
East	Planned Mixed Use	Vacant
West	Master Planned Resort (County)	Vacant (buffer)

**C. Development Review:**

1. Stormwater:
  - a. All stormwater must be retained onsite consistent with the CEMC 16.12A.060, the City's 2024 Construction Standards and the 2019 Stormwater Management Manual for Eastern Washington. A stormwater drainage plan and report, prepared by a licensed engineer and registered in the state of Washington, shall be submitted for City review and approval consideration before any land disturbing activities begin and permits are given. Ground disturbance includes grading, vegetation removal and utility installation. Design calculations for peak flow and peak volume storage requirements shall be based on a design storm frequency of ten-year, twenty-four-hour storm runoff event. Design calculations for treatment shall be based on sixty-four percent of the two-year recurrence interval, twenty-four-hour storm runoff event

- b. Any natural drainageways must not be altered or impeded. Upland drainage, if any, must be conveyed through the property.
- c. The State of Washington Department of Ecology's National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge General Permit for Stormwater Discharges Associated with Construction Activity and associated Stormwater Pollution Prevention Plan (SWPPP) for construction may be required for more than one acre of disturbed ground. An Erosivity Waiver in lieu of a construction SWPPP may satisfy this requirement for those qualifying projects.

2. Sewer:

- a. Pursuant to the City's 2024 Construction Standards, Chapter 5 - Sanitary Sewer System, sewer lines shall be extended by the Developer to the point where the adjoining property owner's responsibility for further extension begins. Extensions will be consistent with and implement the City's adopted General Sewer Plan, including alignments, sizes, and depths necessary to serve future areas within the Urban Growth Area (UGA) boundary. However, the development plans have been submitted for the adjacent property showing the property will extend sewer throughout the development from another point of connection, thus a sewer main extension will not be required as part of this development proposal.
- b. There is an existing 15" diameter sanitary sewer collection trunk main located just to the north of the property on Cle Elum Roslyn School District's parcel number 14414 within the BPA/PSE easement and Firehouse Road. This line will be the point of sewer service for the recreation center parcel. The Community Recreation Center will need to determine the exact location of the utilities and associated sewer easement located within the BPA/PSE easement and Firehouse Road on parcel number 14414. An easement will need to be secured from the school district by the Community Recreation Center to extend the line to the project property. The new sewer mainline will need to be designed per CEMC and City Engineering Standard Details. The site plan will need to show the proposed sewer services and/or proposed new sewer mainline per Chapter 13.08 CEMC.
- c. Pursuant to Chapter 13.10 CEMC, all new sewer customers shall be required to pay a connection charge which shall include a system connection charge, a capital reimbursement charge, and an administrative fee at the time of issuance of the building permit.
- d. Pursuant to CEMC 13.10.030, the new buildings constructed and associated ERUs will be allowed to connect to and be served by the existing facilities on a permanent basis subject to payment of the Sewer Connection Fees. The total connection charge, including the capital

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

3. Water:

- a. Pursuant to the City's 2024 Construction Standards, Chapter 4 - Water System Improvements, water lines shall be extended by the Developer to the point where the adjoining property owner's responsibility for further extension begins. Extensions will be consistent with and implement the City's adopted Water System Plan, including alignments, sizes, and depths necessary to serve future areas within the Urban Growth Area (UGA) boundary.
- b. The recreation center parcel lies within Pressure Zone 3 of the Cle Elum Water System. The existing 16" diameter distribution/transmission main to Suncadia located just to the north of the property on Cle Elum Roslyn School District's parcel number 14414 within the BPA/PSE easement and Firehouse Road. This line will be the point of water service for the recreation center parcel. The Community Recreation Center will need to determine the exact location of the utilities and associated water easement located within the BPA/PSE easement and Firehouse Road on parcel number 14414. An easement will need to be secured from the school district by the Community Recreation Center to extend the line to the project property. It is estimated the available static pressure will be 70 psi at the recreation center parcel. The new water mainline will need to be designed per CEMC and City Engineering Standard Details. The site plan will need to show the proposed water services and or proposed new sewer mainline per Chapter 13.12 CEMC.
- c. Pursuant to Chapter 13.14 CEMC, all new or increased connections to the water system shall be required to pay the capital reimbursement charge prior to connection to the system in addition to the connection fees established by Chapter 13.12 CEMC at the time of issuance of the building permit.
- d. The Connection Charge Fee Schedule shall be established by the most current resolution adopted by the City Council in effect at the time of payment and shall be payable prior to building permit issuance or prior to physical connection to the system.
- e. Pursuant to CEMC 13.14.040, the number of ERUs for each connection shall be based on Table 5-2 of the Washington State Department of Health's Water System Design Manual. The project ERU value shall serve as the basis for calculating capital reimbursement and connection charges.
- f. Maximum available flow from the existing water main is 5,000 gpm.

- g. An approved Double Check Backflow Assembly is required on fire sprinkler services.
  - h. If the pool facilities require a desiccated service line, a water meter and approved Double Check Backflow Assembly is required on pool service line.
- 4. Access:
  - a. Proposed access will be coordinated with the developer of Bullfrog Flats. Setbacks from Bullfrog Road should meet county requirements.
- 5. Traffic:
  - a. A Traffic Impact Analysis prepared by SCJ Alliance was submitted, dated March 2024. The report was amended in August 2024. The purpose of the report was to identify potential significant and adverse traffic impacts resulting from the project and proposed where appropriate, outline programmatic and/or physical improvements to minimize or eliminate those impacts should be considered.

Four City of Cle Elum study intersections are anticipated to operate at non-compliant LOS under future weekday summer PM peak hour conditions. The Upper Kittitas County Rec Center Project shall contribute a pro-rata share towards these intersection improvements based on its proportional impact to the intersection relative to total traffic (including background traffic) impacting the intersection.

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

Required mitigation measures are included in the April 29, 2025 MDNS.

- 6. Building
  - a. All construction drawings must be prepared and stamped by a Washington state licensed design professional (architect or engineer). The licensed professional must not only be designing for structural integrity (lateral and gravity loads) but also for life safety and architectural barriers throughout the building(s).
  - b. Pursuant to Section 429 of the Washington State Building code, electric vehicle charging infrastructure will be required to be shown on the site

plan depending on the number of parking spaces provided. The parking lot shall be equipped with 10% EV Charging Stations and 10% EV Capable Parking Spaces.

## 7. Fire

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

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

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

- c. Vegetation should be fire resistant and planted out of the five-foot zone of ignition.
- d. The proposed structure will require fire hydrants around the premises of the property in accordance with IFC requirements. Fire hydrants are required to be accepted and in service along with access roadways prior to placing combustibles on site.
- e. A fire hydrant is required to be within 100 feet of Fire Department Connection (FDC) for sprinkled buildings. A remote FDC may be used but the preferred method is a hydrant located 100 feet from the sprinkler room FDC.
- f. A key box is required (Per IFC 506). The box must be on-site and visible to provide rapid entry to emergency responders for riser room and electrical room entry.
- g. Adequate fire lanes and space for fire apparatus to access the property is required (Per D103.1 of the IFC, Access roads with a hydrant must be at least 26 ft).
- h. Pursuant to the requirements of the IFC, maintain records and proof of all the yearly required testing and submit by email to the fire authority



when complete each year. Further, Applicant or its successors must submit required fire and life safety training for management on all fire and life safety issues required by the IFC.

- i. Portable Fire extinguishers are required (per IFC 906). The size, type, and location of portable fire extinguishers must be shown on the plans. The maximum allowed travel distance between fire extinguishers is 75 feet.
- j. Access Road shall be posted with no parking signage, per the IFC.

#### 8. Agency and Public Comments:

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

- i. On April 29, 2024, and on October 15, 2024, the **Confederated Tribes of the Colville Reservation** commented that the proposal is within Traditional Territories and requested implementation of an Inadvertent Discovery Plan, a cultural resource survey, and access rights to ethnobotanicals. The **Department of Archaeology and Historic Preservation (DAHP)** also commented that its predictive modeling indicated there is an increased probability of encountering cultural resources at the proposed site and suggested a new cultural resource survey be conducted. In subsequent correspondence, the Colville Tribes agreed to the implementation of an Inadvertent Discovery Plan.

Staff Response: The conditions of approval for this project, provided below, require implementation of an Inadvertent Discovery Plan and a professional archaeological survey of the project area prior to any ground disturbance associated with final engineering work or site development. Staff further recommends that the applicant consult with the Confederated Tribes of the Colville Reservation regarding ethnobotanicals, consistent with the mitigation measures described in the Mitigated Determination of Non-Significance (MDNS).

- ii. On April 30, 2024, the **Washington State Department of Ecology** recommended the applicant obtain coverage under the NPDES Construction Stormwater General Permit.

Staff Response: This has been included as a requirement of the Mitigated Determination of Non-Significance (MDNS).

- iii. On April 30, 2024, the **Kittitas County Department of Public Works** provided written comments requesting additional Traffic Impact Analysis.

Staff Response: The applicant submitted an updated Traffic Impact Analysis (TIA) see section C.5.a.

- iv. On April 30, 2024, the **Washington State Department of Transportation (WSDOT)** provided written comments regarding potential cumulative impacts on the state highway system and requesting the City assess a pro rata share contribution for future improvements to the Exit 80 interchange and surrounding roadways.

Staff Response: The City has received and reviewed comments from the Washington State Department of Transportation (WSDOT) regarding a potential pro-rata share contribution toward off-site improvements. In response, City staff followed up with WSDOT and requested clarification on the cost estimate, the basis for determining a fair pro-rata share, and the mechanism for collecting such a contribution.

As of the date of this response, WSDOT has not provided the requested information on cost estimates.

Given the lack of specific guidance from WSDOT, staff does not recommend imposing any conditions related to a WSDOT pro-rata share at this time.

- v. On May 1, 2024, **Christina Wollman** provided written comments on access to the proposed site after the Bullfrog Flats Development is completed.

Staff Response: The applicant is coordinating with the developer of Bullfrog Flats regarding access.

- vi. On May 1, 2024 and on January 8, 2025, the **Washington State Department of Fish and Wildlife (WDFW)** provided written comments recommending the applicant develop a mitigation plan to address WDFW's comments and to minimize impacts on wildlife and habitat.

Staff Response: The applicant and the WDFW have been in communication regarding developing a mitigation plan to address WDFW's previous comments.

#### **D. Applicable Law**

1. **Planned Mixed Use Subsequent Development**

In accordance with CEMC 17.45.110, after a PMU District has been established, applications for subsequent permits and approvals shall be approved only when substantially in conformance with the approved final plan.

The City Planner evaluates applications for subsequent developments in a PMU District for substantial conformance with the approved final plan. The criteria for substantial conformance is set forth in CEMC 17.45.110.C. Substantial

conformance with an approved final plan does not exempt an applicant from obtaining all other necessary development permits.

2. Critical Areas

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

3. Site and Design Review

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

4. Development Standards

In accordance with CEMC 17.45.060(B), all development standards in CEMC Chapter 17.45 shall apply to all development proposals within the PMU district unless an adopted subarea plan or annexation implementation agreement specifies different standards, in which case the standards specified in the subarea plan or development agreement shall apply. For the purposes of this proposal, the 2002 Development Agreement, CEMC Chapter 17.45, and the remainder of the CEMC, in that order of priority, provide the applicable development standards.

**E. Cle Elum Comprehensive Plan 2037**

The following goals and policies apply to this proposal:

- Goal LU-1: Management and Implementation
- Policy LU-1.3 Ensure that new development does not outpace the City's ability to provide and maintain adequate public facilities and services by allowing new development to occur only when and where adequate facilities exist or can be provided.
- Goal LU-3: Preserve Cle Elum's natural environment while allowing for growth and development.
- Policy LU-3.5 All new development shall comply with the provisions of the most recent edition of the Stormwater Management Manual for Eastern Washington as adopted by the City and the Washington State Department of Ecology Best Management Practices.
- Policy LU-3.10 The City of Cle Elum may regulate clearing and tree removal which results in disturbance to trees, vegetation and soils in order to: Minimize the need for additional stormwater facilities, reduce

erosion, reduce risk of landslides, reduce silt laden discharges in stormwater system, preserve and enhance the City's character.

- Policy LU-3.11 Protect and preserve water quality, natural drainage, fish and wildlife habitats and the functions of streams and wetlands.
- Goal LU-5: Create Order and Energy in Commercial Areas
- Policy LU-5.1 Assure that a broad and diverse range of products and services are available to the residents of the City of Cle Elum.
- Policy LU-5.8 Continue the mandatory use of "Site and Design Review" to maintain a consistent range of aesthetic and practical development standards such as pedestrian connectivity, landscape buffers and landscaping, for all new development and redevelopment in commercial areas.
- Policy LU-5.9 Require the use of shared driveways and controlled ingress/egress for new development in commercial areas.
- Policy LU-5.10 Encourage broad and diverse uses in existing commercial areas to promote maximum occupancy.
- Goal LU-6: Open Space
- Policy LU-6.1 Discourage the disturbance of vegetation when not in conjunction with the actual development.
- Policy LU-6.2 Open space areas should be encouraged to be used as buffers for different types of land uses.
- Policy LU-6.3 Lands designated for open space should provide for multiple open space benefits whenever possible including active or passive recreation opportunities, scenic amenities, fish and wildlife habitat, etc.
- Goal LU-8: Protect, conserve and enhance the Cultural, Archeological, and Historic preservation in Cle Elum.
- Policy LU-8.1 Coordinate and cooperate with tribal, federal, state, and local historic and cultural preservation organizations and agencies, in order to promote cultural, archaeological, and historic preservation within the City.
- Policy LU-8.5 Preserve and protect historic and cultural resources of significance to the City and local Tribes. Support the cultural values, language, and art forms of local Native Americans.
- Goal LU-12: Water Quality and Quantity
- Policy LU-12.1 Maintain healthy, functioning ecosystems through the protection of unique, fragile, and valuable elements of the environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats, to conserve the biodiversity of plant and animal species.
- Policy LU-12.2 Prevent cumulative adverse environmental impacts to water quality, wetlands, and fish and wildlife habitat, and the overall net loss of wetlands, frequently flooded areas, and habitat conservation areas.
- Policy LU-12.3 The City shall consider the impacts of new development on water quality as part of its review process and will require any appropriate mitigating measures.

- Policy LU-12.5 Direct activities not dependent on critical areas resources to less ecologically sensitive sites and mitigate unavoidable impacts to critical areas by regulating alterations in and adjacent to critical areas
- Policy LU-12.6: Adequate on-site disposal of surface water runoff shall be provided by all types of development.
- Goal LU-13 Drainage, flooding, and stormwater runoff
- Policy LU-13.2 Development shall take adequate measures to minimize significant erosion and flash flooding conditions by: limiting the total amount of impervious surface to be created; planting sufficient vegetation to offset the effects of the impervious surfaces created; and/or providing sufficient drainage facilities to control storm runoff.
- Policy 16.8 Require Best Management Practices (BMPs) contained in the Department of Ecology's Stormwater Manual for Eastern Washington be implemented for all new development and redevelopment.
- Goal LU-21: Maintain Local Control of Planning and Land Use Decisions.

#### **IV. FINDINGS:**

##### **A. Subsequent Approvals**

Per CEMC 17.45.110.C, subsequent approvals for development pursuant to an approved mixed use final plan must satisfy the following criteria to show substantial conformance with the final plan:

1. The proposal is within the scope and intent of the final plan;

*Staff Response: This proposal conforms with the scope and intent of the 2002 Development Agreement and the approved master site plan. The 2002 Development Agreement contemplated the development of a community center facility to be constructed and operated by a non-profit organization.*

2. The proposal is of a similar size and scale and does not present appreciably different environmental effects from those identified during the final plan review process;

*Staff Response: This proposal is of a similar size and scale as the community recreation center contemplated in the 2002 Development Agreement. The proposal is in the same location depicted in the master site plan. The environmental effects of the proposal were evaluated in the MDNS, and no appreciably different environmental effects were identified.*

3. The proposal does not reduce overall acreage identified as dedicated public areas, open space or buffering areas;

*Staff Response: This proposal does not reduce the overall acreage of public areas, open space, or buffer areas identified in the 2002 Development Agreement Master Site Plan. The proposal provides a public amenity.*

4. The proposal does not materially change the balance of uses; and

*Staff Response: This proposal is consistent with a use specifically required under the 2002 Development Agreement and does not represent any change from the original balance of uses in the approved master site plan.*

5. The proposal does not exceed the limitations of any development standards approved pursuant to CEMC 17.45.060.

*Staff Response: As discussed below, the proposal is consistent with applicable development standards found in the CEMC and the 2002 Development Agreement.*

## **B. Critical Areas**

1. Per CEMC 18.01.050, all applications for permits to conduct activities having a possible significant impact on critical areas near or located at a project site must identify the areas affected and make an estimate of the probable impact.

*Staff Response: A Critical Area Application was submitted on February 26, 2025 that identifies that part of the northern site is categorized as a "Geologically Hazardous Area" due to "High Slopes" greater than 15% and that the site is also within the "Fish and Wildlife Habitat Conservation Area" and the city's "Critical Aquifer Recharge Area". The proposal, as mitigated, will not have significant impacts on critical areas near or located on the project site.*

2. CEMC 18.01.055 requires the identification of all critical areas at the project site.

*Staff Response: The Critical Area Application materials and the MDNS appropriately identified Geologically Hazardous Area, Fish and Wildlife Habitat Conservation Area, and Critical Aquifer Recharge Area on the project site.*

3. Per CEMC 18.01.070, projects must comply with applicable performance standards based on the critical areas potentially affected by the project.

*Staff Response: The proposal's site plan indicates avoidance of impact/lack of development within the geologically hazardous area in the northern part of the site. The project shall be conditioned upon compliance with the performance standards for Critical Aquifer Recharge Areas, Fish and Wildlife Habitat Conservation Areas, and Geologically Hazardous Areas found in CEMC 18.01.070 (B), (C), and (E), respectively.*

## **C. Site Design Findings**

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

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

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

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

*Staff Response: As explained in the SEPA MDNS, this proposal will have no significant adverse environmental impacts with implementation of the required mitigation and conditions of approval. The physical location, size, and placement of the development on the site, along with the proposed use, have been carefully designed to avoid or minimize impacts to the greatest extent possible. Additionally, the project is compatible with the character and intended development pattern of the surrounding properties.*

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

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

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

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

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

*Staff Response: The project site will not be directly accessed from Bullfrog Road, but will be off an internal road to the west of the property, as part of the Bullfrog Flats Development. Appropriate drive aisle widths to meet requirements needed for emergency vehicles have been considered, including a gravel paved fire access lane around the north of the building.*

5. Adequate setbacks and buffering have been provided. Any reduction to setbacks or buffer widths is the minimum necessary to allow for reasonable economic use

of the lot and does not adversely impact the functional value of the critical resource area or adjoining land uses.

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

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

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

*Staff Response: The physical location, size, and placement of the proposed recreation center are designed to be compatible with and relate harmoniously to the surrounding area while also addressing site-specific conditions.*

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

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

*Staff Response: The project adequately mitigates impacts identified through the SEPA review process, ensuring that any potential environmental concerns are addressed and resolved effectively. An MDNS was issued in conjunction with this decision.*

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

*Staff Response: The project would not be detrimental to public interest, health, safety, or general welfare, as it incorporates necessary measures to safeguard these aspects and provides recreational opportunities for all of Upper Kittitas County.*

#### **E. 2002 Development Agreement and CEMC Chapter 17.45 Development Standards**

##### **a. Lot Coverage**

The 2002 Development Agreement, Development Standard (7) states, the maximum lot coverage for those uses shall be 35 percent (buildings and structures). A minimum of 20 percent of the sites of those uses shall be landscaped. Structures on the sites of those uses shall be set back 10 feet from



property lines generally, 50 feet from property lines abutting SR 903, and 100 feet from property lines along Bullfrog Road. Structures in those use areas shall be limited to 35 feet in height. Buildings shall be located and designed to focus on the public street serving the development.

*Staff Response: The proposed development meets the requirements outlined in the Development Agreement, including a 100-foot setback from the property line abutting Bullfrog Road, building height restrictions, and landscaping requirements.*

b. Off-Street Parking and Loading Requirements

In accordance with Chapter 17.56 CEMC, off-street parking shall be provided for to ensure adequate capacity and functionality. For recreational buildings, 1.0 space per each 200 sq/ft/ of gross floor area shall be provided. Parking areas shall be designed to meet dimensional, access, and landscaping standards while minimizing conflicts with pedestrian and vehicular circulation. Uses may provide seventy-five to one hundred twenty-five percent of the standard amount indicated in CEMC 17.56.040.

*Staff Response: The proposed 57,350-square-foot recreation center requires 287 parking spaces, with a range of 215 (75%) to 359 (125%) spaces allowed. The site plan includes 246 parking spaces, which accounts for 86% of the parking standard and complies with CEMC 17.56.040.*

c. Landscaping Requirements

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

Per the 2002 Development Agreement, a minimum of 20% of the site shall be landscaped.

*Staff Response: A minimum of 20% of the site shall consist of landscaping, consistent with the requirement of Chapter 17.64 CEMC.*

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

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

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

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

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

**V. CONCLUSIONS:**

- A. The project is consistent with the purpose and intent of the Planned Mixed Use zoning district, the 2002 Development Agreement and the Cle Elum Comprehensive Plan 2037.
- B. During project review it has been found that the site plan, as conditioned, meets applicable code requirements.
- C. The Mitigated Determination of Nonsignificance (MDNS) has been issued in conjunction with this decision.

**VI. DECISION**

The Planning Consultant, on behalf of the City of Cle Elum, grants approval of a 57,350 square foot Community Recreation Center with associated onsite parking (PMU-2024-001, SEP-2024-001, CA-2025-002) based upon the above findings and conclusions and subject to the conditions of approval as follows:

- 1. The Mitigation Measures of April 29, 2025 MDNS shall be complied with.
- 2. All stormwater must be retained onsite consistent with the City's Construction Standards and Stormwater Management Manual for Eastern Washington. A stormwater drainage plan and report, prepared by a licensed engineer and registered in the state of Washington, shall be submitted for City review and approval.
- 3. A City of Cle Elum Business License must be obtained before commencing business. The license must be applied for through the Department of Revenue and can be applied for online: [www.dor.wa.gov](http://www.dor.wa.gov).
- 4. Applicant shall obtain permits through Kittitas County for any work occurring in the public right-of-way.
- 5. Any applicable water connection charges shall be paid in full at or before the time a building permit is obtained.
- 6. Any applicable wastewater connection fees must be paid in full at or before the time a building permit is obtained.
- 7. Landscaping plans shall be submitted meeting the requirements of Chapter 17.64 CEMC prior to issuance of building permits.
- 8. Fire Access Road shall be clearly posted with no parking signage.

9. A landscape plan meeting the requirements of 17.64, prepared by an approved licensed landscape architect, certified nurseryman, or certified landscaper; and vegetation should be fire resistant and planted out of the five ft zone of ignition; and
10. An updated site plan shall be submitted prior to building permits being issued showing:
  - a. Location of required EV and EV-Ready parking spaces
  - b. Landscaping and buffer areas in the parking lot areas
  - c. Footprint(s) of proposed structure(s)
  - d. Square footage of outdoor recreation opportunities (splashpad, etc.)
  - e. Proposed paved area(s)
  - f. Parking space and drive aisle dimensions
  - g. Total Impervious Surface
  - h. Lot size/dimensions
  - i. Setbacks
  - j. Necessary easements
  - k. Utilities
  - l. Hydrant(s)
  - m. Updated access to proposed road to the west of the site

Entered this 29th Day of April 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.

This decision is valid for five years from this date unless appealed under CEMC 14.30.230. The site and review decision may be extended at the City's sole discretion, as set forth in CEMC 14.30.140. This decision 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 zoning decision 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 site and design 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.