

Before Hearing Examiner  
Gary N. McLean

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**BEFORE THE HEARING EXAMINER  
FOR THE CITY OF CLE ELUM**

Regarding a **Type 3 CONSOLIDATED MASTER )  
APPLICATION PROCESS** to authorize )  
development and operation of a multifamily )  
residential project with a daycare use on a )  
property zoned Multi-Family Residential )  
(MFR) in the City of Cle Elum, submitted by )  
**JOHN WOODWORTH, ON BEHALF OF HOPE )  
SOURCE,** )  
Applicant )  
(Project location: Vacant site near Short Avene, E )  
Fourth Street and Floral Avenue, on parcels 113034, )  
123034, and 283034, in the City of Cle Elum, )  
Washington) )

**File Nos. CL3-2025-001, SDR-2025-004, and  
SEP-2025-002**

**FINDINGS OF FACT,  
CONCLUSIONS AND DECISION**

**I. SUMMARY OF DECISION.**

The pending Master Application satisfies all applicable approval criteria and merits approval, subject to conditions.

**II. RECORD.**

Exhibits entered into evidence as part of the record, and an audio recording of the public hearing held for this matter are maintained by the City of Cle Elum and may be examined or reviewed by contacting the City Clerk’s Office.

**FINDINGS OF FACT, CONCLUSIONS AND  
DECISION APPROVING TYPE 3 REVIEW TO  
AUTHORIZE DEVELOPMENT AND OPERATION  
OF TEANAWAY COURT, A MULTIFAMILY  
PROJECT WITH AN ASSOCIATED DAY CARE USE  
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CITY HALL – 119 WEST FIRST STREET  
CLE ELUM, WASHINGTON 98922

1 **Hearing Testimony:** The following individuals presented testimony under oath at the  
2 duly noticed, open-record public hearing for the consolidated project applications.

3 **FOR THE CITY OF CLE ELUM:**

4 Coleta Monick, Senior Planner, HLA Engineering and Land Surveying, served as the  
5 City’s Planning consultant and designated planner who coordinated preparation of the  
6 Staff Report for the pending application. Ms. Monick testified on behalf of the City,  
7 noted that the multifamily residential buildings included as part of this project would  
8 likely be permitted outright in the MFR zone where it is located as a Class 1 (i.e. permitted  
9 use), but a Day Care use is a Class 3 use in the MFR which requires review and approval  
10 by the Hearing Examiner, under the Type 3 review process. So, all applications have  
11 been consolidated into this Type 3 review process, for which the City’s SEPA review, a  
12 DNS, was not challenged. Ms. Monick credibly summarized how the project satisfies  
13 various city standards and codes, like those applying to building heights, and merits  
14 approval subject to conditions. She coordinated the City’s responses to public comments.

15 Mike Height, engineering consultant for the City, provided credible responses to some  
16 public comments, including road widening details on Short, where curbs, gutters,  
17 sidewalks run and end.

18 Ed Mills, Fire Chief for the City of Cle Elum, credibly confirmed water supply/pressure  
19 issues, ingress/egress needs, and other elements associated with fire protection would be  
20 satisfied in this project, as designed and conditioned.

21 **FOR THE APPLICANT:**

22 Jenifer Lambert, Development executive with Shelter Resources, Inc., described income  
23 range of people who could be served with the new housing, various sizes, 1, 2, and 3  
24 bedrooms, for families, did not request changes to the analysis or conditions  
25 recommended in the Staff Report. After public comments, she addressed questions and  
26 concerns expressed by those in attendance, including her flexibility on trees used in  
landscaping and an estimate that costs would increase about 4-times if an 8 foot  
cinderblock wall was required, given the likely need for footings, noted that such wall  
would not blend into the area, where there are no other walls like that requested by one  
speaker.

John Woodworth, project architect, provided credible testimony after public comments  
in response to various concerns; noted the city has no view protection codes; code has 6-  
foot fence code, so request for 8-foot wall seems to exceed code; summarized how there  
are limits on construction work, hours; addressed other general concerns.

Mark Kirkpatrick, provided credible testimony after public comments to address Civil  
plans, engineering aspects, to address concerns about existing sewer lines to the south,  
wants to visit to be sure designs are correct and will not affect nearby properties;

described specific improvements on some streets, where curbs will be, and the like; highlighted plan sheet showing raingardens and stormwater control measures included in the project.

**GENERAL PUBLIC:**

1. Dan Renshaw, local resident, expressed concerns about the zoning, feels this is a bad location for the project; requested conditions to ensure sewer infrastructure serving homes to the south of the site is not impacted; asked for an 8-foot cinderblock wall; believes more street improvements should be required; expressed concerns about impacts on trees; written comments included in the record as Exs. D-16 and G-02.

2. Paul Rauch, local resident, expressed concerns about the area sewer system; springs coming off the hill above; believes that stormwater will not perc on the site because of a slope; general view concerns; written comment included in the record as Ex. D-15;

3. Darrick Osiadacz, local resident, believes that his wife is currently the only licensed childcare site in town; noted that he is all for Hope Source, but he has concerns about light coming into surrounding homes in the area, has general concerns about area property values; general concerns about fire access, water flow; written comment included in the record as Ex. D-13; and

4. Brent Mirus, local resident, owns the property that forms a roughly square shaped 'bite' into the east boundary of the project site, so his homesite extends into the project property which surrounds his home on three sides [south, west, and north]; Mr. Mirus expressed general concerns about road width, water pressure, fire access, and stormwater issues, and raised questions about the project that were of significance to he and his family, which were credibly addressed by Staff and applicant team members in their responses. His comments were more about seeking information and project details, and responses were of 'educational' value to hearing attendees.

**Exhibits:** The City's Planning Consultant, Ms. Monick, generated a Staff Report recommending approval, shared with the Hearing Examiner in the week before the public hearing, referenced in this Decision as the Staff Report. The Staff Report and the full list of Exhibits accepted into the Record are as listed and identified on the attached Exhibit List, which includes all application materials, reports from subject matter experts on aspects of the proposal, written comments received through the public notice and comment process, as well as items submitted during the public hearing.

**Site visit:** The Examiner visited the project site, the road network, and surrounding neighborhood, and is fully advised on matters at issue herein, including without limitation adjacent developments and land uses, applicable law, application materials, and relevant comprehensive plan provisions.

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**III. FINDINGS OF FACT.**

Based upon the record, the undersigned Examiner issues the following Findings of Fact.

***Application, Site Location, Description of Project.***

1. HopeSource, a non-profit organization providing a range of human services in Kittitas County<sup>1</sup>, is the property owner and applicant in this matter, represented by its project architect, John Woodworth. (*Ex. B-01, Application form*).

2. The project site is now a mostly vacant collection of three parcels, totaling 4.29 acres, located in the vicinity of Short Ave/E Fourth St and Floral Avenue, on Kittitas County Tax Parcel Nos. 113034, 123034, 283034. The entire site is zoned Multi-Family Residential (MFR). (*Staff Report, pages 1 and 2*). City sewer and water lines are in the vicinity of the project and are available to be extended to serve the site. The site has frontage on Short Avenue, which is unimproved. (*Staff Report, page 16*).

3. In this matter, the applicant seeks approvals needed to authorize development and operation of the following Project:

Forty-one (41) residential units within six (6) three-story six-plex buildings and one (1) three-story five-plex building, a 5,000-square-foot child development center [i.e. day care], and a common building with laundry, meeting, and maintenance facilities. The project also includes surface parking, sidewalks, and other required site improvements. (*Application materials; Staff Report, summary description on page 1*).

4. While aspects of the project involving the multifamily residential buildings are normally subject to administrative reviews and approvals as such uses are typically permitted uses in the MFR zone where the project is located, there is no dispute that the day care use that is included as part of the project is a “Class 3” use in the MFR zone<sup>2</sup>, which means it requires review and approval by the Hearing Examiner.

***Consolidated applications, Jurisdiction.***

<sup>1</sup> HopeSource website.  
<sup>2</sup> “Day Care Center” use is categorized as a “Class 3” use in the City’s Table of permitted land uses, at CEMC 17.14.030 re: Table of permitted land uses.

1 5. Consistent with authority granted in CEMC 14.30.020(B), City administrators  
2 determined that the applications required for this project should be consolidated into a single  
3 Type 3 review process, requiring an open record public hearing and a written decision from  
4 the Hearing Examiner. This consolidation is sometimes referenced as a “master” application.  
(*Staff Report, page 12*).

5 6. CEMC 14.30.140(A) reads in part: “Site and design review is required for all  
6 proposed development activities unless determined to be exempt by the city.” There is no  
7 dispute that this project is not exempt from such review.

8 7. The pending matter includes concurrent applications for: a) Type 3 review for a Class  
9 3 ‘permit’ required for a day care use to be authorized in the MFR zone; b) Site and Design  
10 Review under CEMC 14.30.130; and c) SEPA review. (*Staff Report, page 1, re: summary  
11 of processing*).

12 8. In this matter, the Hearing Examiner has jurisdiction to conduct an open record public  
13 hearing on the pending consolidated applications and issue a written decision that is subject  
14 to judicial appeal. (*See Cle Elum Municipal Code (CEMC) 14.30.040, Permit Classification  
15 Table, designating the Hearing Examiner as the decision maker on Type 3 applications;  
16 CEMC 17.14.030 re: Table of permitted land uses, listing Day Care use as a Class 3 use in  
17 the MFR zone requiring a Type 3 review that is subject to a public hearing before and a final  
18 decision by the City’s Hearing Examiner; CEMC 17.14.020(C), Class 3 uses require Type 3  
19 review and approval from the hearing examiner; and CEMC 14.30.070, re: Procedure for  
20 Type 3 reviews*).

### 21 ***Burden of proof.***

22 9. The applicant bears the burden of proof to establish by a preponderance of the  
23 evidence that the requested project permit is consistent with state law, city codes and  
24 standards. (*Cle Elum Hearing Examiner Rules of Procedure, Sec. 3.9*).

### 25 ***Public Notices.***

26 10. After the application materials were reviewed and deemed complete for processing,  
Staff issued public notices inviting comments regarding the application and environmental  
review. (*See Exs. C-02 and C-03, public notices posted and mailed to property owners within  
300 feet of project site*). Written comments received by the City following such notices are  
included as part of the record. (*See collection of written comments included as part of Exhibit  
D*). In accord with City requirements, Staff issued public notices for the public hearing and

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IN THE MULTI-FAMILY RESIDENTIAL ZONE —  
FILE NOS. CL3-2025-001, SDR-2025-004, AND  
SEP-2025-002

Page 5 of 25

GARY N. MCLEAN  
HEARING EXAMINER FOR THE CITY OF CLE ELUM  
CITY HALL – 119 WEST FIRST STREET  
CLE ELUM, WASHINGTON 98922

1 made copies of their Staff Report available for public review before the hearing. (*Ex. C-05, Notice of Public Hearing*).

2 ***SEPA, environmental review.***

3 11. The Staff Report explains that this project was required to undergo full SEPA  
4 environmental review because it exceeds the City's 4-unit exemption threshold, with 41  
5 proposed dwelling units. (*Staff Report, page 2*). The applicant submitted an Environmental  
6 Checklist for their project, along with several reports generated by qualified professionals  
7 addressing aspects of the environment and potential impacts or mitigation measures to  
8 consider as part of this development. (*Exhibit B-10, SEPA Checklist; Application materials  
9 included in Ex. B, including a Phase I Report, Geotechnical Report, Drainage Report,  
10 Landscape Plan, Phase II Report, Traffic report, and Cultural Resource Survey*).

11 12. Following consideration of all comments and relevant environmental information in  
12 the record, Staff issued a SEPA Determination of Non-Significance (DNS) for this proposal.  
13 (*Ex. C-04, and C-06, Notice of Public Hearing and DNS*). With such documentation and  
14 process, the pending application satisfied applicable SEPA review requirements and stands  
15 unchallenged for purposes of this Decision.

16 13. Through the public hearing process, no party presented expert testimony or other  
17 persuasive evidence demonstrating that the DNS was clearly erroneous or that additional  
18 environmental review is required. (*See WAC 197-11-545, re: failure to provide timely  
19 comment is construed as lack of objection to environmental analysis*).

20 14. Conditions of approval included as part of this decision, including those requiring  
21 compliance with applicable city development standards, complying with nuisance codes,  
22 landscaping requirements, minimizing fugitive light and glare, and the like, are to ensure that  
23 environmental impacts are addressed not only at the planning stage but throughout project  
24 development, construction, and operation.

25 15. During the public comment and hearing process, numerous comments raised concerns  
26 regarding potential environmental impacts, including traffic, water supply, stormwater  
runoff. The Hearing Examiner finds that these concerns are generally consistent with issues  
evaluated and addressed in the application materials, expert consultant reports, and the Staff  
Report.

16. No one submitted studies, technical reports, or testimony from qualified professionals  
that contradict the environmental analysis contained in the record or supporting technical  
documentation relied upon by City Staff.

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PROJECT WITH AN ASSOCIATED DAY CARE USE  
IN THE MULTI-FAMILY RESIDENTIAL ZONE —  
FILE NOS. CL3-2025-001, SDR-2025-004, AND  
SEP-2025-002

Page 6 of 25

GARY N. MCLEAN  
HEARING EXAMINER FOR THE CITY OF CLE ELUM  
CITY HALL – 119 WEST FIRST STREET  
CLE ELUM, WASHINGTON 98922

1 17. While the Hearing Examiner acknowledges that public comments reflect genuine  
2 concern regarding possible environmental and general neighborhood impacts, such  
3 comments do not provide evidence sufficient to disregard the DNS and require additional  
4 environmental reviews.

4 ***Public Comments.***

5 18. During the public hearing, several members of the public appeared and offered  
6 testimony expressing concerns regarding the proposed development. The principal issues  
7 raised included whether the project was appropriately located in the area, potential impacts  
8 to existing neighborhood character, requests for additional screening or buffering, possible  
9 effects on views, traffic circulation and street width, adequacy of sewer infrastructure,  
10 stormwater drainage and hillside spring conditions, construction impacts, lighting spillover  
11 onto nearby homes, potential effects on surrounding property values, tree retention and  
12 landscaping, and adequacy of fire access and water pressure. Certain written comments  
13 submitted prior to hearing were also incorporated into the record and considered as part of  
14 the consolidated review process. *(See general summary of sworn testimony provided in*  
15 *Section II above).*

12 19. City staff and the applicant team responded in detail to those concerns. The City’s  
13 planning consultant testified that the multifamily residential component of the proposal  
14 would generally be permitted outright in the applicable zone, and that the day care component  
15 required Hearing Examiner review, resulting in consolidation of the applications into the  
16 present Type III process. Staff further testified that the project complies with applicable  
17 development regulations, including dimensional and height standards, and recommended  
18 approval subject to conditions. The City’s engineering consultant addressed questions  
19 regarding roadway improvements, including widening, sidewalks, curbs, gutters, and related  
20 frontage work. The Fire Chief confirmed that water supply, pressure, ingress/egress, and  
21 other fire protection requirements would be adequately addressed through the proposed  
22 design and conditions of approval.

19 20. Applicant representatives also provided credible and responsive testimony. The  
20 development representative described the proposed affordable housing component, unit mix,  
21 and intended residents, and addressed concerns regarding landscaping, tree treatment, and  
22 requests for an eight-foot masonry wall, explaining such a feature would substantially  
23 increase project costs and would be atypical in the surrounding neighborhood. The project  
24 architect explained that the City has no view protection regulations applicable to the site, that  
25 fencing standards generally contemplate six-foot fencing rather than the requested eight-foot  
26 wall, and that construction activities would remain subject to applicable limits on hours and

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**PROJECT WITH AN ASSOCIATED DAY CARE USE**  
**IN THE MULTI-FAMILY RESIDENTIAL ZONE —**  
**FILE NOS. CL3-2025-001, SDR-2025-004, AND**  
**SEP-2025-002**

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operations. The project engineer responded to concerns regarding existing sewer lines serving properties to the south, stated a willingness to field verify conditions as needed, and described civil improvements, rain gardens, and stormwater facilities incorporated into the plans.

21. Having considered all testimony and written comments, the Examiner finds that public concerns were, for the most part, credible and sincerely expressed, but were either addressed through the existing project design, applicable code requirements, or conditions of approval. No person presented expert testimony, substantial evidence, or other persuasive evidence demonstrating that the proposal fails to meet applicable approval criteria, or that the requested permits should be denied. Accordingly, the public comments do not provide a factual or legal basis to deny the requested approvals.

22. However, public comments and real-life site conditions provide a basis for the Examiner to modify some conditions of approval to ensure that screening or other design changes can be made to address legitimate lighting and privacy concerns expressed by neighboring property owners.

23. Given credible hearing testimony and comments from neighboring property owners expressing concerns about tall buildings next to backyards, privacy concerns, porch lights, and general lighting impacts<sup>3</sup>, all of which can be generated from windows, decks, or balconies on sides of upper floors of buildings that face towards single-family homes, the Administrator should be delegated specific authority to review and approve final landscape planting plans, and even building designs, which should be customized to adequately screen and minimize potential loss of privacy and lighting impacts from windows, decks, or balconies on upper floors of buildings that face towards single-family homes surrounding portions of the project site. 100 percent screening may not be reasonable or capable of accomplishment, but more than what is shown in current plans should be required, especially on the project's west side.

24. This is especially important along the project's west side, where buildings appear to be about 20 feet from property lines. Taller trees, fast-growing trees; or adjustments to window or exterior deck locations, sizes, design features; or other screening strategies recommended by qualified professionals, are encouraged to minimize such impacts. The Examiner notes that the proposed landscaping plan lists trees to be incorporated in the 5-foot

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<sup>3</sup> See, for example, written public comments from Baker, Barr, Cole, Daly, Foster, Lackey, Osiadacz, Renshaw, and Rettke, all included in the record as part of Exhibit D. The Examiner understands and appreciates that you cannot make everyone happy, as Mr. Renshaw submitted a second written comment at the public hearing, and provided testimony, where he expressed concerns about trees with aggressive tree roots possibly damaging his sewer lines and generating needle debris. (*Ex. G-02*).

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vegetated perimeter area, with 6-foot trees as the largest listed. If taller trees [8-feet or higher] can be used to provide better, faster-results for screening along the west side, and their survival rates are comparable to those for trees currently listed on the proposed landscape plans, they should be required in the final landscape plan and plant schedule, which shall be subject to review and approval by the Director. (*Ex. B-08, Landscape plan on Sheet L100, Plant Schedule, on page L101*).

25. While most written and public comments opposed the project where it is proposed, there is no dispute that the project location allows for multi-family residential buildings in the MFR (Multi-Family Residential) zone where it is located. The Hearing Examiner is without authority to amend City zoning codes, as some comments appear to request.

26. Local jurisdictions may not deny land use permits based solely on evidence of general neighborhood opposition. (*Sunderland Family Treatment Services v. Pasco, 127 Wn.2d 782, 903 P.2d 986 (1995); Maranatha Mining, Inc. v. Pierce County, 59 Wn. App. 795, 804, 801 P.2d 985 (1990); Kenart & Assocs. v. Skagit County, 37 Wn. App. 295, 680 P.2d 439, review denied, 101 Wn.2d 1021 (1984)*). Where the only opposing evidence is comprised of generalized complaints from displeased citizens, Washington caselaw firmly holds that community displeasure cannot be the basis of a permit denial. (*Maranatha Mining, 59 Wn. App. @ 804, citing Kenart & Assocs., 37 Wn. App. @ 303, review denied, 101 Wn.2d 1021 (1984)*).

27. The Examiner is limited to reviewing the pending applications to determine if they satisfy applicable approval criteria.

***How this Master Application satisfies, or can be conditioned, to satisfy applicable approval criteria.***

28. Except as modified by this Decision, the Examiner finds that the Staff Report includes detailed analysis with a number of specific findings and conditions that establish how the underlying applications, if developed as conditioned, can satisfy provisions of applicable law, is consistent with the city's Comprehensive Plan, and is designed or conditioned to comply with applicable development standards and guidelines.

29. The Staff Report reflects a comprehensive multidisciplinary review of the consolidated proposal by planning, engineering, utility, building, traffic, and fire officials. Staff concluded that, subject to recommended conditions, the proposal can comply with applicable City codes and standards. The review addressed land use compatibility, public infrastructure, utility service availability, life-safety requirements, transportation impacts, and construction permitting requirements. (*Staff Report, pages 3-11*).

FINDINGS OF FACT, CONCLUSIONS AND  
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AUTHORIZE DEVELOPMENT AND OPERATION  
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PROJECT WITH AN ASSOCIATED DAY CARE USE  
IN THE MULTI-FAMILY RESIDENTIAL ZONE —  
FILE NOS. CL3-2025-001, SDR-2025-004, AND  
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CITY HALL – 119 WEST FIRST STREET  
CLE ELUM, WASHINGTON 98922

1 30. With respect to public works and site access, Staff determined that the project’s use  
2 of Short Avenue would increase pedestrian and vehicle activity and therefore frontage  
3 improvements are necessary to bring the corridor into compliance with current City  
4 standards. Recommended conditions include dedication of additional right-of-way along  
5 Short Avenue, roadway widening, curb, gutter, sidewalk, illumination, and stormwater  
6 improvements, together with alignment sufficient to accommodate future sidewalk extension  
7 toward Third Street. Staff also required that internal private drive aisles and fire access routes  
8 be designed to current municipal and fire code standards. Existing utility lines crossing the  
9 property were identified for coordination or relocation as necessary during final  
10 engineering. *(Staff Report, page 3).*

11 31. Regarding stormwater, Staff recommends that all runoff be retained and treated on-  
12 site in accordance with the City’s 2024 Construction Standards and the Stormwater  
13 Management Manual for Eastern Washington. A drainage plan prepared by a Washington  
14 licensed engineer must be submitted and approved prior to land disturbance. Staff required  
15 design calculations based on specified storm events, treatment of first-flush runoff, detention  
16 or retention of increased post-development flows, protection of downstream properties, and  
17 compliance with any applicable state NPDES construction stormwater permitting  
18 requirements. *(Staff Report, page 4).*

19 32. Staff also found that adequate municipal sewer and water capacity exists to serve the  
20 proposal. The regional wastewater treatment plant owned and operated by the City is reported  
21 to be operating at less than forty percent of capacity, with sufficient allocation remaining for  
22 the development. Water service was likewise found available within Zone 1, with reservoir  
23 capacity and available connections adequate for the proposed forty-one residential units and  
24 associated day care use. Staff recommended extension of both sewer and water mains along  
25 Short Avenue to serve the site and future growth areas, together with applicable connection  
26 charges, easements if public mains extend through the site, and compliance with City  
engineering standards. Existing private utility lines crossing the property were noted for  
relocation or easement protection as needed. *(Staff Report, pages 5, 6).*

33. Addressing fire protection and emergency access issues, Staff found substantial  
public-system fire flow available in the vicinity, subject to final verification through detailed  
design of on-site private fire mains. The Fire review requires hydrant placement, minimum  
road widths, roadway grades, turning radii, turnaround facilities for dead-end access roads,  
unobstructed fire lanes, gate access standards, visible addressing, and code-compliant  
sprinkler systems. These conditions are intended to ensure safe emergency response and life-  
safety compliance for the completed project. *(Staff Report, pages 8-11).*

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26 **AUTHORIZE DEVELOPMENT AND OPERATION**  
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**PROJECT WITH AN ASSOCIATED DAY CARE USE**  
**IN THE MULTI-FAMILY RESIDENTIAL ZONE —**  
**FILE NOS. CL3-2025-001, SDR-2025-004, AND**  
**SEP-2025-002**

1 34. Traffic review included a Traffic Impact Analysis prepared by the applicant’s  
2 consultant in October 2025. Staff noted that the study evaluated potential project-related  
3 traffic effects and concluded that no off-site mitigation was required. (*Staff Report, page 7;*  
4 *Ex. B-13, TIA prepared for project*).

5 35. Building review includes a recommendation that construction drawings be prepared  
6 and stamped by Washington licensed design professionals, that separate building permits be  
7 obtained for each structure, and that required electric vehicle charging infrastructure be  
8 shown on the final site plan in the proportions required by the Washington State Building  
9 Code. (*Staff Report, pages 7-8*).

10 36. Based on the foregoing analysis, Staff recommended approval of the proposal subject  
11 to conditions ensuring that final engineering, utility extensions, drainage facilities, building  
12 plans, and fire protection measures are completed in compliance with all applicable City  
13 regulations and adopted codes.

14 **■ *Day Care Use, as conditioned, satisfies Type 3 approval criteria and merits***  
15 ***approval.***

16 37. The criteria for approval of the Type 3 Review required for the proposed day care use  
17 in the MFR zone is found in CEMC 14.30.070(9)(a-f), which is republished below with  
18 additional findings provided in italics:

19 a. The proposal is or is not consistent with the provisions of the Cle Elum  
20 Comprehensive Plan and Municipal Code.

21 *Staff reviewed the proposed day care use against applicable city codes and*  
22 *policies and found that the use is consistent with the goals and policies of the*  
23 *Comprehensive Plan and the Cle Elum Municipal Code. (Staff Report, findings*  
24 *in Sec. IV, B, E, F, G, J<sup>4</sup>).*

25 b. The proposal is or is not in the public interest.

26 *The proposed day care facility is in the public interest. Public testimony noted*  
*that there may be only one licensed day care facility in the City of Cle Elum. In*  
*addition to creating employment opportunities for up to fifteen staff members, the*

27 <sup>4</sup> The Staff Report uses the terms “day care” and “daycare” from time to time, though the proposed use is defined  
28 in the City’s code as “day care center”. For purposes of this Decision, the Examiner reads all three terms to  
29 mean the same thing.

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*day care facility will provide a critical support service to the adjacent affordable housing development by offering convenient, reliable childcare for resident families as well as the broader community. This integration of housing and childcare aligns with recognized best practices in community planning and helps reduce barriers to employment and stability for working families. Locating childcare near housing further minimizes transportation burdens and associated costs for families and reduces the traffic impacts created when parents must travel long distances for care.*

c. Potential adverse environmental impacts have or have not been adequately considered.

*The SEPA DNS, and environmental information, identified no potential adverse impacts associated with the day care use, as conditioned. There are no onsite critical areas associated with the larger project, and the entire consolidated application has undergone environmental review under SEPA, resulting in a Determination of Non-Significance (DNS). The Examiner, and any reviewing court, is required to give deference to the City’s SEPA threshold determination, i.e. the DNS. Transportation impacts were evaluated and found to be adequately mitigated through existing infrastructure and project design.*

*In addition, no significant concerns were identified related to noise, air quality, stormwater, or utilities. Stormwater will be managed in accordance with City and State requirements, ensuring that runoff is properly treated and contained on-site. The project will connect to existing municipal water and sewer systems with adequate capacity, and no impacts to public services have been identified. Construction-related impacts, such as temporary noise or dust, will be managed through standard best management practices and will be short-term in nature.*

*Overall, the environmental review process determined that the proposed development will not result in significant adverse environmental impacts, and the DNS reflects that all SEPA considerations—including critical areas, traffic, utilities, stormwater, noise, and public services—have been appropriately addressed.*

d. The proposal does or does not lower the level of service standards established in comprehensive plan and/or the city’s concurrency standards have been met.

1 *As proposed and conditioned, the project does not lower the level of service*  
 2 *standards established in the Comprehensive Plan, and the City's concurrency*  
 3 *requirements have been met. The development has been evaluated with respect to*  
 4 *transportation (see Exhibit B-13(the TIA)), utilities, and public services, and*  
 5 *adequate capacity exists to serve the proposed daycare without negatively*  
 6 *affecting service levels for surrounding properties. Any necessary improvements,*  
 7 *as required through conditions of approval, will ensure that the project continues*  
 8 *to operate within the City's adopted concurrency and level of service standards.*

- 6 e. Adequate provisions have or have not been made to protect the public  
 7 health, safety, and welfare. Such provisions may include, but are not limited to,  
 8 to, open space, drainage ways, streets and other public ways, transit stops,  
 9 water supply, sanitary wastes, parks and recreation facilities, playgrounds,  
 10 sites for schools and school grounds, and pedestrian and bicycle ways.

9 *As proposed and conditioned, adequate provisions have been made to protect the*  
 10 *public health, safety, and welfare. The project has been designed to meet all*  
 11 *applicable City standards for streets, sidewalks, drainage, water supply, and*  
 12 *sanitary sewer service. Pedestrian access will be required, and stormwater will*  
 13 *be managed on-site in accordance with City and state regulations. The project*  
 14 *also provides open space and safe circulation for children attending the daycare,*  
 15 *ensuring the health and safety of both the public and facility users.*

- 14 f. That mitigating measures and dedications are or are not reasonably related  
 15 and proportional to the impacts created by the proposal.

16 *As proposed and conditioned, the mitigating measures and dedications required*  
 17 *are reasonably related and proportional to the impacts created by the proposal.*  
 18 *Any right-of-way improvements, utility connections, or other conditions of*  
 19 *approval directly address the anticipated impacts of the daycare use and ensure*  
 20 *that the project integrates safely and effectively into the surrounding community.*  
 21 *These measures are consistent with City standards and are intended to offset*  
 22 *potential impacts without imposing requirements beyond what is necessary to*  
 23 *mitigate the project's effects.*

21 ■ ***As conditioned, the Project satisfies "Site and Design Review" approval criteria.***

22 38. CEMC 14.30.140(A) reads in part: "Site and design review is required for all  
 23 proposed development activities unless determined to be exempt by the city." There is no  
 24 dispute that this project is not exempt from such review.

24 FINDINGS OF FACT, CONCLUSIONS AND  
 25 DECISION APPROVING TYPE 3 REVIEW TO  
 26 AUTHORIZE DEVELOPMENT AND OPERATION  
 OF TEANAWAY COURT, A MULTIFAMILY  
 PROJECT WITH AN ASSOCIATED DAY CARE USE  
 IN THE MULTI-FAMILY RESIDENTIAL ZONE —  
 FILE NOS. CL3-2025-001, SDR-2025-004, AND  
 SEP-2025-002

Page 13 of 25

GARY N. MCLEAN  
 HEARING EXAMINER FOR THE CITY OF CLE ELUM  
 CITY HALL – 119 WEST FIRST STREET  
 CLE ELUM, WASHINGTON 98922

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39. The approval criteria for Site and Design Review are found in CEMC 14.30.140(C). That provision is republished below, with additional findings by the Examiner in italics, based on findings provided in the Staff Report. It provides that 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.

*As conditioned, the Project is consistent with the goals and policies of the Cle Elum Comprehensive Plan and complies with the applicable provisions of the Cle Elum Municipal Code. The project aligns with the intent and purpose of the Multi-Family Residential zoning district, meeting applicable standards, including density, setbacks, lot coverage, building height, parking, and buffer requirements. Based on the analysis presented in the Staff Report, the proposed development is appropriate in scale, intensity, and land use for the site.*

- 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.

*The Project site does not contain any designated critical areas or mapped floodplain. The proposed development's location, size, and placement on the site, as well as the internal arrangement of uses, are consistent with the Multi-Family Residential zoning and the character and development pattern of surrounding properties. While some concerns regarding compatibility have been raised, the proposal aligns with the intended land use and development standards for the area. Conditions of approval are included to minimize impacts on neighboring properties and to ensure the project is developed and operated in a manner that is compatible with the character of the neighborhood where it is located.*

- 3. The project makes adequate provisions for water supply, storm drainage, sanitary sewage disposal, emergency services, and environmental

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protection to ensure that the proposed project would not be detrimental to public health, welfare, and safety.

*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 following measures have been included 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. There is adequate water and sewer capacity to service development.*
- c. An emergency access road is proposed to ensure safe and reliable access for emergency response vehicles.*
- d. The project site contains no critical areas, and although some public comments raised concerns regarding wildlife, the site is not identified as a wildlife habitat corridor, and no concerns have been raised by Ecology or the Department of Fish and Wildlife.*

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

*The Project site includes access off of Short Avenue, as well as an emergency access road designed to allow for complete fire and emergency vehicle access through the site. As part of the development, improvements along Short Avenue will be required to meet city standards, including pedestrian access to Third Street.*

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.

*The Staff Report credibly explains that the proposed development has been designed as a unified site; however, adequate setbacks cannot be fully verified until the existing parcels are either adjusted through a Boundary Line*

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*Adjustment or formally merged into a single lot. Setbacks along internal parcel lines have not been demonstrated to meet code due to the current multi-parcel configuration – if all parcels are merged, the proposed buildings will meet all code requirements for setbacks and lot coverage. Buffering along the exterior boundaries of the project site have been reviewed and confirmed to meet applicable code standards. Formal consolidation of the parcels will be necessary to ensure full compliance with setback requirements for the development as designed.*

- 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.

*The physical location, size, and placement of the proposed multi-family residential structures are designed to be compatible with and relate harmoniously to the surrounding area while addressing site-specific conditions. The proposed buildings do not exceed the maximum allowable height of 35 feet for both the surrounding residential zoning and the Multi-Family Residential zoning of the project site, with the tallest structure measuring 34 feet, 7 inches. The daycare is strategically located adjacent to the Public Use zone, which includes the City’s Public Works building, providing a transition and buffer between the daycare and the predominantly residential uses surrounding the parcels. The Examiner has modified or added conditions to ensure the Project is more compatible with and relates harmoniously to the surrounding area. Overall, the design, scale, buffers and placement of structures maintain consistency with the intended development pattern and character of the neighborhood.*

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

*There were no environmental impacts identified through the SEPA process and a DNS was issued on January 15, 2026 (Exhibit C-03).*

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

*As conditioned, the Project will not be detrimental to public interest, health, safety, or general welfare, as it incorporates necessary measures to safeguard*

1                    *these aspects and provides much needed housing, employment opportunities,*  
2                    *as well as childcare services.*

3                    ■ ***As conditioned, the Project can satisfy applicable Design Guidelines.***

4                    40. The Staff Report credibly summarizes Design Guidelines found in CEMC 17.90.090  
5                    that apply to this Project, analyzes how they have been included in the design, or how  
6                    conditions or additional details will be reviewed as part of the building permit review process.  
7                    *(Staff Report, pages 18-20).*

8                    41. With the exception of standards addressing reviews of final building designs,  
9                    landscaping, and light and glare considerations found in the applicable Design Guidelines,  
10                    the Examiner adopts Staff findings regarding same.

11                    42. However, as noted above in previous findings, a preponderance of evidence in the  
12                    record supports modified findings and conditions to ensure that fugitive lighting from  
13                    windows, balconies, decks, or other features on the back sides of buildings facing backyards  
14                    of adjacent single-family homes are sufficiently and appropriately addressed, either through  
15                    design adjustments to placement of windows, decks, or other building features, or taller trees  
16                    and landscaping to adequately screen homes on the west side from lighting impacts generated  
17                    by light and glare emanating from upper floor units in the new buildings.

18                    43. Again, given credible hearing testimony and comments from neighboring property  
19                    owners expressing concerns about tall buildings next to backyards, privacy concerns, porch  
20                    lights, and general lighting impacts<sup>5</sup>, all of which can be generated from windows, decks, or  
21                    balconies on sides of upper floors of buildings that face towards single-family homes, the  
22                    Administrator should be delegated specific authority to review and approve final landscape  
23                    planting plans, and even building designs, which should be customized to adequately screen  
24                    and minimize potential loss of privacy and lighting impacts from windows, decks, or  
25                    balconies on upper floors of buildings that face towards single-family homes surrounding  
26                    portions of the project site.

27                    44. 100 percent screening may not be reasonable or capable of accomplishment, but more  
28                    than what is shown in current plans should be required, especially on the project's west side.  
29                    *Additional reviews to address credible lighting and privacy concerns should be required as*  
30                    *a condition of approval, so that appropriate screening can be provided to minimize general*  
31                    *lighting, glare, and privacy impacts generated by the new buildings near single family homes.*

32                    \_\_\_\_\_  
33                    <sup>5</sup> See, for example, written public comments from Baker, Barr, Cole, Daly, Foster, Lackey, Osiadacz, Renshaw,  
34                    and Rettke, all included in the record as part of Exhibit D.

1 45. There was no preponderance of evidence submitted as part of this record to rebut  
2 Staff's findings and conclusions that, as conditioned, the Multi-Family residential Units  
3 included as part of this Project satisfy all Type 1 Review criteria found in CEMC  
4 14.30.040(A)(1), and merit approval. The Examiner concurs with Staff and finds that the  
5 Project satisfies all Type 1 review criteria, which are already and more substantively  
6 addressed in the Type 3 review and the Site and Design Review for this Project, as addressed  
7 above in this Decision and in the un rebutted Staff Report.

8 46. Based on a preponderance of evidence in the record and all findings above, the  
9 applicant's consolidated project Master Application should be approved, subject to  
10 appropriate conditions.

11 47. Any factual matters set forth in the foregoing or following sections of this Decision  
12 are hereby adopted by the Hearing Examiner as findings of fact and incorporated into this  
13 section as such.

#### 14 IV. CONCLUSIONS.

15 Based upon the record, and all Findings set forth above, the Examiner issues the  
16 following Conclusions:

17 1. The Hearing Examiner has jurisdiction to conduct an open record public hearing on  
18 this consolidated Master Application, seeking approval of a day care use in the MFR zone as  
19 part of a larger multi-family residential project, all of which are subject to Site and Design  
20 Review approval.

21 2. The applicant met their burden to demonstrate that the requested approvals conform  
22 to, and in fact implement objectives of, the City's Comprehensive Plan. *Findings; Staff  
23 Report.*

24 3. Based on the record, the applicants demonstrated that their consolidated applications  
25 merit approval, subject to compliance with Conditions of Approval.

26 4. Approval of this Master Application will not and does not constitute, nor does it imply  
any expectation of, approval of any permit or subsequent reviews that may be required for  
building, grading, or other regulated activities on the Project site.

5. Any finding or other statement contained in this Recommendation that is deemed to  
be a Conclusion is hereby adopted as such and incorporated by reference.

FINDINGS OF FACT, CONCLUSIONS AND  
DECISION APPROVING TYPE 3 REVIEW TO  
AUTHORIZE DEVELOPMENT AND OPERATION  
OF TEANAWAY COURT, A MULTIFAMILY  
PROJECT WITH AN ASSOCIATED DAY CARE USE  
IN THE MULTI-FAMILY RESIDENTIAL ZONE —  
FILE NOS. CL3-2025-001, SDR-2025-004, AND  
SEP-2025-002

Page 18 of 25

GARY N. MCLEAN  
HEARING EXAMINER FOR THE CITY OF CLE ELUM  
CITY HALL – 119 WEST FIRST STREET  
CLE ELUM, WASHINGTON 98922

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**VI. DECISION.**

Based upon a preponderance of evidence in the record and all Findings and Conclusions provided above, the consolidated applications for the Teanaway Court Project reviews, assigned File Nos. CL3-2025-001, SDR-2025-004, and SEP-2025-002 are hereby **APPROVED**, subject to compliance with all Conditions of Approval that are attached to this Decision and incorporated herein by this reference.

ISSUED this 21<sup>st</sup> Day of April, 2026



\_\_\_\_\_  
Gary N. McLean  
Hearing Examiner

**FINDINGS OF FACT, CONCLUSIONS AND  
DECISION APPROVING TYPE 3 REVIEW TO  
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FILE NOS. CL3-2025-001, SDR-2025-004, AND  
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**GARY N. MCLEAN**  
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CITY HALL – 119 WEST FIRST STREET  
CLE ELUM, WASHINGTON 98922

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**CONDITIONS OF APPROVAL**  
for  
**TEANAWAY COURT**

**TYPE 3 CONSOLIDATED MASTER APPLICATION**  
**FOR A MULTIFAMILY RESIDENTIAL PROJECT WITH A DAYCARE USE**  
**ON AN MFR ZONED PROPERTY**

**LOCATION:** 4.29 acres located in the vicinity of Short Ave/E Fourth St and Floral Avenue  
**Parcel Nos.:** 113034, 123034, 283034  
**Zoning:** Multi-Family Residential (MFR)  
**FILE NOS.** CL3-2025-001, SDR-2025-004, AND SEP-2025-002

A. This Decision authorizes the Applicant/Permittee’s development and operation of the following Project:

Forty-one (41) residential units within six (6) three-story six-plex buildings and one (1) three-story five-plex building, a 5,000-square-foot child development center [i.e. day care], and a common building with laundry, meeting, and maintenance facilities. The project also includes surface parking, sidewalks, and other required site improvements.

B. The approved Day Care use and Project shall be developed and operated as described in the application materials and Staff Report for this matter, subject to modifications needed to comply with these Conditions of Approval.

C. The Permittee shall obtain any associated permit, building permit, license, or approval required by the city and any state, federal, or other regulatory body with jurisdiction over aspects of the Project authorized by this Permit; any conditions of other regulatory agency permits, licenses, or approvals shall be considered conditions of approval for this Permit. Approval of this Permit will not and does not constitute, nor does it imply any expectation of, approval of any permit or subsequent reviews that may be required for building, grading, or other regulated activities on the project site. The list of other permits or required approvals noted in subsequent conditions should not be read or construed as exhaustive of approvals that may be needed for various aspects of this project, all in accord with current law.

D. The Permittee shall comply with all professional report conclusions and recommendations (expressly including, without limitation, BMPs, construction details, and the like) submitted in connection with this Project review and any associated approvals issued by the City for this Project, as approved, referenced, relied upon, and/or modified by the City.

**FINDINGS OF FACT, CONCLUSIONS AND  
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FILE NOS. CL3-2025-001, SDR-2025-004, AND  
SEP-2025-002**

**GARY N. MCLEAN**  
**HEARING EXAMINER FOR THE CITY OF CLE ELUM**  
CITY HALL – 119 WEST FIRST STREET  
CLE ELUM, WASHINGTON 98922

1 E. The Project shall not introduce noise, smoke, dust, fumes, vibrations, odors, or other  
2 conditions that constitute a nuisance under city codes, including without limitation CEMC Chapter  
3 8.12 captioned “NUISANCES”, as presently written or as may subsequently be amended.

3 F. Before building permits can be approved, the Permittee’s Site Plan is subject to final Site and  
4 Design Review and approval by the Administrator, to ensure compliance with all applicable Site and  
5 Design Review standards and regulations found in City codes, including these conditions of approval,  
6 without limitation those addressing landscaping, modulation, minimizing light and glare, and buffers.  
7 The Administrator has full discretion and authority to require modifications and additional  
8 information on the site plan, to address credible lighting and privacy concerns on neighboring  
9 properties with single-family homes, particularly to the west of the site, so that appropriate screening  
10 can be provided (or building design features like window or deck locations and the like can be  
11 adjusted) to minimize lighting, glare, and privacy impacts generated by the new buildings near single  
12 family homes to the fullest extent practicable. (See Findings 22, 23, 24, 42, 43, and 44).

9 G. **Conditions derived from the Staff Report:**

10 1. Prior to the issuance of any building permits, the applicant shall either complete a  
11 Boundary Line Adjustment or parcel merger or provide documentation demonstrating that  
12 such action has already been completed and recorded with Kittitas County, to consolidate the  
13 project area into a single lot or otherwise configure the parcels so that all proposed structures  
14 comply with applicable setback requirements. Recorded documentation of the Boundary Line  
15 Adjustment or parcel merger shall be submitted to the City, and all setbacks shall be reverified  
16 for compliance.

17 2. The applicant shall dedicate nineteen (19) feet of additional right-of-way along the  
18 property’s Short Avenue frontage to accommodate public roadway improvements consistent  
19 with CEMC 16.12A.

20 3. The applicant shall submit civil plans and construct full frontage improvements along  
21 the property’s Short Avenue frontage, including but not limited to: twenty-four (24) feet of  
22 asphalt roadway, barrier curb and gutter on the west side, a six-foot sidewalk on the west side,  
23 street illumination, and stormwater facilities. All improvements shall comply with CEMC  
24 16.12A.

25 4. A. The applicant shall improve Short Avenue from Third Street to the southern  
26 boundary of the project site. Required improvements include thirty-two (32) feet of asphalt  
roadway and associated stormwater facilities, designed and constructed consistent with  
CEMC 16.12A. The alignment of these off-site improvements shall allow for the future  
extension of the six-foot sidewalk to Third Street.

B. All required Short Avenue right-of-way dedication and frontage improvements  
shall be designed, permitted, and constructed at the applicant’s expense prior to final

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certificate of occupancy, unless an alternative timing or bonding arrangement is approved by the City Engineer.

5. Building plans submitted for review shall include appropriate façade modulation for any buildings adjacent Short Avenue. Modulation shall have a minimum depth of four feet, a minimum width as appropriate to achieve visual interest, and shall not exceed a maximum width of thirty feet.

6. Any existing or relocated utility lines serving off-site properties shall be protected by recorded easements.

7. Prior to issuance of building permits, the applicant shall have approved civil design plans of the public sanitary sewer main along Short Avenue to the northern limits of the Short Avenue right-of-way, consistent with CEMC and the City’s Engineering Standard Details.

8. Prior to issuance of building permits, the applicant shall have approved civil design of the public water main along Short Avenue to the northern limits of the Short Avenue right-of-way, consistent with Chapter 13.12 CEMC and the City’s Engineering Standard Details.

9. Prior to issuance of building permits, the applicant shall have approved civil design plans of the private sanitary sewer service through the site, consistent with CEMC and the City’s Engineering Standard Details.

10. If the proposal is to service the development with a public sanitary sewer main extending through the private development, it will require dedication of a public utility easement in accordance with the City’s 2024 Construction Standards. Pursuant to CEMC 13.08.370, when commercial and residential uses are combined, separate utility accounts shall be established for each building served by a water meter. The daycare building will be classified as commercial, and a monitoring manhole shall be installed on the private sewer service prior to connection to the public main.

11. Prior to issuance of building permits, the applicant shall have approved civil design plans of the private fire and domestic service through the site, consistent with CEMC and the City’s Engineering Standard Details. Pursuant to CEMC 13.12, the private potable water distribution system and fire protection system must be separate systems. The private potable water distribution system shall have a single water meter and premise isolation placed at the western edge of Short Avenue right-of-way. The private fire protection system shall have a double detector check valve premise isolation placed at the western edge of Short Avenue right-of-way.

12. If the proposal is to service the development with a public water main extending through the private development, it will require dedication of a public utility easement in accordance with the City’s 2024 Construction Standards. Pursuant to CEMC 13.12, the

**FINDINGS OF FACT, CONCLUSIONS AND  
DECISION APPROVING TYPE 3 REVIEW TO  
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SEP-2025-002**

**GARY N. MCLEAN**  
**HEARING EXAMINER FOR THE CITY OF CLE ELUM**  
CITY HALL – 119 WEST FIRST STREET  
CLE ELUM, WASHINGTON 98922

1 public potable water distribution system and fire protection system will be provided in a  
2 combined public water main. The public water distribution system shall have an individual  
water meter and premise isolation for each building.

3 13. A monitoring manhole shall be installed on the private sanitary sewer collection  
system at the western edge of the Short Avenue right-of-way, as required by CEMC 13.08.

4 14. Building fire flow requirements shall be verified by the applicant's design team and  
5 approved by the Fire Chief prior to issuance of building permits.

6 15. Fire hydrant locations shall comply with IFC 2021 spacing and distance  
7 requirements, including maximum distances to buildings and fire department connections,  
and shall be subject to Fire Chief approval prior to building permit issuance.

8 16. An updated site plan shall be submitted showing minimum drive aisle widths meeting  
9 fire code requirements of 26'. As shown, the northern portion of the site plan shows drive  
aisles down to 23'.

10 17. All stormwater must be retained onsite consistent with the City's Construction  
11 Standards and Stormwater Management Manual for Eastern Washington. A stormwater  
12 drainage plan and report, prepared by a licensed engineer and registered in the state of  
Washington, shall be submitted for City review and approval.

13 18. All required landscaping shall be installed prior to issuance of a certificate of  
14 occupancy, unless a temporary certificate is approved with bonded landscaping. Required  
landscaping shall be maintained in a healthy condition and replaced as necessary to ensure  
ongoing compliance with CEMC 17.64.

15 19. Required EV charging, EV-ready, and EV-capable parking spaces shall be installed  
16 and operational prior to issuance of a certificate of occupancy.

17 20. Operation of the child development center shall not commence until all required state  
18 licensing and inspections have been completed, and proof of licensure has been provided to  
the City.

19 21. A temporary traffic control plan shall be submitted and approved by the City  
20 Engineer prior to construction within the Short Avenue right-of-way.

21 22. A City of Cle Elum Business License must be obtained before commencing business.  
22 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).

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23. Any applicable water connection charges shall be paid in full at or before the time a building permit is obtained.

24. Any applicable wastewater connection fees must be paid in full at or before the time a building permit is obtained.

25. Short Ave shall be clearly posted with no parking signage.

*\* End of Conditions.*

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**RIGHTS TO REQUEST RECONSIDERATION OR APPEAL**

***Reconsideration.***

Parties of record have standing to seek reconsideration of this Decision, provided such request is filed in writing within 14 calendar days of the date of issuance. All procedural requirements found in applicable rules and city codes must be satisfied. (See *Hearing Examiner Rules of Procedure, Sec. 3.11, captioned "Reconsideration"*).

***Appeal.***

As explained in CEMC 14.30.230, all Type 3 and Type 4 land use decisions and the decisions of the hearing examiner on appeals of Type 1 and 2 permits may be appealed by a party with standing by filing a land use petition in Washington State Superior Court, unless otherwise specified, in accordance with the provisions of Chapter 36.70C RCW. Such petition must be filed within twenty-one days of issuance of the decision. This process shall be the exclusive means of judicial review except for local land use decisions reviewable by a quasi-judicial body created by state law, such as the Shorelines Hearings Board.

State law provides short deadlines and strict procedures for appeals and failure to timely comply with filing and service requirements may result in dismissal of any appeal. Persons seeking to file an appeal are encouraged to promptly review appeal deadlines and procedural requirements and confer with advisors of their choosing, possibly including a private attorney.

**FINDINGS OF FACT, CONCLUSIONS AND  
DECISION APPROVING TYPE 3 REVIEW TO  
AUTHORIZE DEVELOPMENT AND OPERATION  
OF TEANAWAY COURT, A MULTIFAMILY  
PROJECT WITH AN ASSOCIATED DAY CARE USE  
IN THE MULTI-FAMILY RESIDENTIAL ZONE —  
FILE NOS. CL3-2025-001, SDR-2025-004, AND  
SEP-2025-002**

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