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

**FOR A PROPOSED PRELIMINARY PLAT FOR PHASE P-4 IN REGARD TO THE DEVELOPMENT
AGREEMENT ON THE BULLFROG FLATS UGA**

File Numbers: SUB-2026-001

APPLICANT: Bullfrog Flats, LLC

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

PROJECT LOCATION: The project site is located within the Bullfrog Flats development area in the City of Cle Elum, generally south of Bullfrog Road and west of SR-903

PARCEL NUMBER(S): 964104

DATE OF REQUEST: May 19, 2026

DATE OF COMPLETENESS: August 13, 2026

DATE OF HEARING: October 14, 2026

I. SUMMARY OF RECCOMENDATION:

The Administrative Official recommends approval, subject to conditions.

II. DESCRIPTION OF REQUEST:

The Bullfrog Flats Development Project is a phased, mixed-use development located in the western part of Cle Elum, between Bullfrog Road and SR 903. The current proposal consists of the Phase P-4 Preliminary Plat, submitted as subsequent development under the 2002 Bullfrog Flats UGA Master Site Plan and Development Agreement (the "2002 Development Agreement"), as subsequently amended.

The overall Bullfrog Flats development is being implemented through a series of phased subdivisions. The City previously approved a Master Plat, Boundary Line Adjustment, and preliminary plats for Phases S-1 (103 single-family lots), S-2 (130 single-family lots), and J (164 zero-lot-line townhouse lots), totaling 397 dwelling units.

The current application consists of a preliminary plat for Phase P-4, proposing 151 single-family residential lots on approximately 29.33 acres, together with associated public streets including the extension of Saddleback Drive to Bullfrog Road, utilities, landscaping, open space, and other supporting infrastructure. The proposed density of approximately 5.15 dwelling units per acre is consistent with the density range established in the Development Agreement for this phase.

In conjunction with the preliminary plat, the applicant requests amendments to the 2002 Development Agreement to modify certain residential development standards applicable to Phase P-4. Specifically, the applicant requests: (1) an increase in maximum lot coverage for single-family lots; (2) an increase in allowable impervious surface coverage for single-family lots; (3) removal of the limitation on front garage door width relative to the building façade; and (4) revised rear yard setback standards to allow covered rear porches within the setback area.

III. FACTS:

A. Processing

The Phase P-4 Preliminary Plat application is being processed in accordance with the current procedural provisions of CEMC Chapter 14.30, including the use of a Hearing Examiner and applicable public notice requirements. Vesting to substantive code requirements and development standards is governed by the 2002 Development Agreement.

The Phase P-4 Preliminary Plat application was received on May 19, 2026. A Notice of Incomplete Application was issued on June 16, 2026. The application was deemed complete for processing on August 13, 2026. Revised application materials were submitted on July 29, 2026 and August 25, 2026. No additional revisions are anticipated.

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

Public Notice: In accordance with CEMC 14.30.110, notice was provided for as follows:

- a. The subject property was posted with a land use action sign on August 20, 2026.
- b. Notice of Application was sent to the applicant, agencies with jurisdiction, adjoining property owners, and parties of record within 300 feet of the subject property on August 20, 2026.
- c. Notice was provided to the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Colville Reservation, and the Snoqualmie Tribe on August 20, 2026.
- d. A Notice of Adoption of Existing Environmental documents was issued on August 20, 2026 in compliance with requirements of the State Environmental Policy Act (SEPA)
- e. Notices were also provided at City Hall and on the city website under Public Hearings.
- f. On September 24, 2026, a Notice of Public Hearing was issued, including a legal notice in the Northern Kittitas County Tribune.

- g. On September 28, 2026, the city published the Staff Recommendation and Complete Record on the city's website.

B. Environmental Review:

The Bullfrog UGA Master Plan and Development Agreement have previously been evaluated under the State Environmental Policy Act (SEPA). Existing SEPA documents prepared by the City as lead agency include an Environmental Impact Statement (EIS, 2002), a Supplemental Environmental Impact Statement (SEIS, 2021), and two subsequent EIS addenda (2023, 2025). Together, these documents contain environmental information that is current and directly relevant to the proposed P-4 preliminary subdivision. The SEPA Rules (WAC 197-11-600) and the adopted Bullfrog Flats Development Agreement (Section 6.5), will guide the City's decision on SEPA compliance for this implementing action for the approved master plan.

The 2021 SEIS and 2025 EIS identified that wetland impacts could occur. Most specifically, the 2025 EIS Addendum stated that future road construction could potentially impact wetland buffers and could be mitigated using buffer averaging, as permitted by Cle Elum's critical area regulations (CEMC 18.01.070.A.8) (see 2025 Addendum at page 3.0-6). The P-4 application identifies an impact to a wetland buffer from road construction; the application also includes a technical report and buffer averaging plan (Raedeke Associates, 2026). The plan would mitigate wetland buffer impacts consistent with applicable code requirements, and would result in a net increase in buffer area for the affected wetland.

The range of potential impacts associated with the P-4 proposal – including but not limited to geologic hazards, wetlands and wildlife habitat, cultural resources and transportation – are addressed in the existing SEPA documents, and no new or significantly different impacts have been identified in the City's review. Appropriate mitigation measures are identified in the prior SEPA documents and technical reports and in the adopted Development Agreement conditions of approval. The application includes a mitigation plan for wetland buffer impacts, as noted above and discussed in greater detail later in this staff report. The proposed modification to lot coverage standards is within the flexibility provision of the Development Agreement and will not result in new significant impacts. Therefore, pursuant to the SEPA Rules, WAC 197-11-600(3)(ii), a new SEPA threshold determination and/or additional SEPA review are not required for this proposal.

C. Current Zoning and Land Use:

The Phase P-4 site encompasses approximately 29.33 acres within the Bullfrog Flats development and is zoned Planned Mixed Use (PMU). The comprehensive plan designation is also Planned Mixed Use (PMU). The site is currently undeveloped.

The Washington Department of Natural Resources Priority Habitats and Species database identifies elk habitat, a habitat corridor, and shrub-steppe habitat within the broader Bullfrog Flats property. The Cle Elum River provides habitat for several fish species and associated riparian habitat; however, the river and its floodplain are located within conservation easements established through the 2002 Development Agreement and are not within the vicinity of Phase P-4.

Six wetlands have been identified within the broader Bullfrog Flats development. Wetlands 1, 2, and 3 are located within the Cle Elum River Open Space Corridor and are protected through a multi-party Cooperative Agreement and recorded conservation easement. Wetlands 4, 5, and 6 are located near

the proposed development area. No wetlands or wetland buffers are located within the Phase P-4 preliminary plat boundary. However, construction of Saddleback Drive providing access to Phase P-4 and Bullfrog Road will affect the buffers of Wetlands 4, 5, and 6. The applicant proposes wetland buffer averaging and associated mitigation outside the Phase P-4 boundary within the future Phase M area.

The Cle Elum River is a shoreline of the state. All portions of the Bullfrog Flats property within designated shoreline jurisdiction are protected by existing conservation easements established as part of the 2002 approvals and are not in the vicinity of the Phase P-4 Preliminary Plat.

The surrounding properties contain uses and zoning as follows:

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	PMU	Public Open Space (future park)
South	PMU	Public Open Space
East	PMU	Public Open Space (trails)
West	PMU	Undeveloped Residential (multi-family)

D. Development Review:

1. Water:

The Bullfrog Flats development, including Phase P-4, will be served by the City of Cle Elum municipal potable water system, a Group A public water system regulated by the Washington State Department of Health. A Water System Analysis prepared by HLA Engineering and Land Surveying, Inc. evaluated existing system capacity, anticipated deficiencies, required improvements, and the development's proportionate share of those improvements per the signed Water Mitigation f

Phase P-4 will include the public water infrastructure necessary to serve its 151 residential lots and connect the phase to the City's water system. The proposed improvements include continuation of the 12-inch PVC transmission main along Saddleback Drive and installation of 8-inch PVC distribution mains, valves, fittings, water services, and fire hydrants within the residential streets.

All water system improvements serving Phase P-4 shall be designed and constructed in accordance with the City's adopted 2024 Construction Standards, except where a different standard is expressly vested by the 2002 Development Agreement, including the vested standard governing the permissible length of dead-end water mains.

Approval and development of Phase P-4 trigger certain requirements related to the Zone 3 New Reservoir as set forth in Section 4(b) of the Bullfrog Flats UGA Water System Impacts and Mitigation Agreement (the "Water Mitigation Agreement"). Depending upon actual and projected demand to be established by the City, the Applicant/Project Sponsor will be required to comply with all applicable requirements of the Water Mitigation Agreement associated with the New Reservoir trigger, specifically that the Project Sponsor shall deposit funds "sufficient to cover the cost of design and bid preparation for the Water System Improvements" in accordance with the timing and sequencing requirements of Section 5(d).

The New Reservoir trigger does not preclude continued platting, permitting, or development within Phase P-4 (or subsequent phases) while the required reservoir improvements are being designed and constructed. Development applications may still be considered for approval so long as total water demands (metered + permitted ERUs but not yet metered + plus those ERUs in pending application(s)) do not exceed total capacity within the existing Zone 3 water system. In the event total water demands in Zone 3 exceeds system capacity before the New Reservoir and associated Water System Improvements are completed and operational, the City reserves its ability to exercise any rights under public health, safety and welfare to withhold water connections, certificates of occupancy, or other authorizations that would result in demand exceeding available capacity until sufficient additional capacity is available. The City acknowledges that the applicant also reserves its rights under the Mitigation Agreement to be responsible for, and only for, its proportionate share of the Water System Improvements.

2. Wastewater:

The Bullfrog Flats development will be served by the City of Cle Elum municipal wastewater system, which is regulated by the Washington State Department of Ecology. The Upper Kittitas County Regional Wastewater Treatment Plant (WWTP) is owned and operated by the City of Cle Elum. The WWTP underwent a major upgrade and expansion in 2005, which increased its capacity to also treat the flows from the communities neighboring the City of Cle Elum, including the Town of South Cle Elum, City of Roslyn, and Trendwest. The Trendwest allocation of the WWTP was distributed between the UGA Properties and the MPR Properties, with the UGA Properties being comprised of the Bullfrog Flats area. The UGA Properties allocation was transferred to the City of Cle Elum in 2006 as part of the UGA Properties annexation.

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

All onsite wastewater system improvements serving Phase P-4 will be designed and constructed in accordance with the City of Cle Elum's adopted 2024 Construction Standards. Phase P-4 sewer improvements will include new sewer mains, manholes, and individual sewer side services for the 151 proposed residential lots. The Phase P-4 collection system will connect to the broader Bullfrog Flats wastewater system and ultimately discharge to the existing City sewer infrastructure. The final location, sizing, routing, and connection points for these improvements shall be reviewed and approved by the City during final engineering and prior to final plat approval.

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

3. Stormwater:

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

The applicant has proposed utilizing bioretention areas for runoff treatment and will provide flow control using infiltration ponds. This design is consistent with Ecology requirements, and consistent with the analysis in the 2002 FEIS and supplemental SEPA documentation described above. The City's 2024 Construction Standards requires all storm runoff occurring on all new lots and developments to be retained and disposed of onsite, no matter the impervious coverage. This Phase of development includes a minor modification request to increase lot coverage on single-family lots from 45% to 60%, and increase impervious coverage which is currently limited to 50% to 70%. However, consistent with the Construction Standards, stormwater collection, treatment, and disposal are all proposed onsite, and thus, no offsite stormwater improvements are necessary for the Bullfrog Flats Project application.

The applicant has designed a private stormwater collection system for the P-4 plat. The private system shall be kept separate from the public system as private and public stormwater shall not be combined. The developer will need to provide easements through each property to allow for the collection system to cross each lot as it flows to the private retention pond(s). Stormwater pipes which cross City right-of-way will be subject to a franchise agreement.

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

4. Irrigation:

Outdoor Water Use Standards for residential units in the overall development were established in the 2002 Development Agreement (DA). The DA lists the maximum irrigated landscape areas for different lot types. Based on all construction plans reviewed to-date, the developer seems to be minimizing the use of irrigation water for individual lots while maintaining irrigated planted buffer areas along both residential and arterial roadways. The City expects to estimate water usage for the buffer areas (in Equivalent Residential Units (ERUs)) until sufficient meter data is available to determine a more accurate water usage and will work with the applicant as that data is developed. The ERUs used for irrigation will be accounted for as part of the calculation of projected and actual demand.

5. Traffic:

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

Consistent with the provisions of the 2002 Development Agreement, Conditions 83-94 and the 2007 Transportation Monitoring Plan, the 2025 SEPA Addendum included traffic monitoring counts completed in the summer of 2024 and an updated traffic impact analysis to identify whether modifications to the traffic mitigation measures imposed in the 2002 Development Agreement and conditions of approval were warranted. Based on that analysis, staff recommended revised traffic mitigation conditions and execution of a new transportation mitigation agreement. The transportation mitigation agreement was signed on March 25, 2025 (Exhibit F-04).

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

Improvements Needed for 'Baseline' Background Conditions

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

Improvements Needed with Bullfrog Flats Project

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

Full buildout of the Bullfrog Flats Project includes new intersections at its three access points onto Bullfrog Road, its single access onto SR 903, and its single access onto Douglas Munro Blvd. Phased implementation will require secondary access provisions consistent with City standards and the International Fire Code.

A Transportation Mitigation Agreement (dated March 25, 2025) is part of this staff recommendation to fulfill the traffic improvements for concurrency.

All onsite transportation facilities will be designed and constructed to meet the adopted 2024 City of Cle Elum Construction Standards or vested development standards (what is being proposed by

applicant). The proposed plat streets meet the requirements for the vested development standards per the 2002 Development Agreement utilizing vested City details R-5, R-7, R-9, and ST-1.

6. Building:

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

6. Fire:

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

Phase P-4 includes provisions for secondary fire apparatus access during phased development. The preliminary civil plans identify a temporary 20-foot-wide fire apparatus access road connecting P-4 Road A to P Loop Road and a 20-foot-wide secondary fire apparatus access road through the future adjacent park development. Both access improvements are required as part of Phase P-4 development and shall be designed and maintained to support the imposed loads of fire apparatus and surfaced to provide all-weather driving capabilities, consistent with IFC Section 503.2.3. The temporary fire access improvements shall be designed, constructed, and maintained in accordance with applicable International Fire Code requirements and to the satisfaction of the City Fire Chief and Engineer. Both access routes shall remain in place and continuously available until the City determines that the permanent roadway and access configuration provides compliance with applicable fire access requirements, including the remoteness requirements of IFC Appendix D104. Compliance with Appendix D104 requires separation between the required fire apparatus access roads equal to not less than one-half the maximum overall diagonal dimension of the property or area to be served, as measured in a straight line between accesses. Accordingly, construction of roadways within future Phase P3, by itself, shall not authorize removal of either temporary access unless the resulting access configuration is demonstrated to comply with the applicable IFC requirements.

E. Public Comments:

During the public comment period, the City received comments from four (4) agencies and one (1) tribe. A summary of the comments and City responses is provided below. Full comments can be found in Exhibit D (D-01 through D-05).

1. On August 26, 2026, the Bonneville Power Administration (BPA) provided written comments included below:

“In this specific area of Bullfrog Development, BPA does not have any facilities. BPA has no comments at this time.”

2. On August 26, 2026, the **Confederated Tribes of the Colville Reservation (CTCR)** provided written comments, summarized below:
The CTCR requested that a cultural resource survey be completed for Parcel 964104 and adjacent parcels proposed for platting/future development. The area has not previously been surveyed, DAHP predictive modeling recommends or highly advises survey, and known historic and precontact cultural resources are present in the surrounding area.

Staff Response: The City acknowledges the Confederated Tribes of the Colville Reservation’s comment and notes that the CTCR previously requested additional on-site cultural resource surveys during the series of environmental review processes for the Bullfrog Flats Master Plan proposal. The environmental documents prepared for the site, which are referenced previously in this Staff Report, have included numerous cultural surveys and geologic testing in areas of the site proposed for development, including updated surveys in presented in the 2021 Supplemental EIS and 2023 SEIS Addendum. The Bullfrog Flats approval documents include Condition No. 125.b, which in general terms, requires on-site monitoring in areas of the site underlain by Holocene deposits that have a “high” or “very high” probability for cultural resources according to DAHP’s predictive model, and that were not previously surveyed or tested using geotechnical borings and/or shovel probing. In addition, all areas of the site are required to prepare an inadvertent discovery plan. These conditions are being implemented for current and ongoing development activities.

3. On August 28, 2026, the Washington State Department of Natural Resources provided written comments, summarized below:
DNR commented that, based on its remote review, some or all of the project parcel appears to consist of forestland. DNR advised that a Forest Practices Application (FPA) may be required if merchantable timber is removed or harvested as part of the proposal and/or the property is converted out of forestland, pursuant to RCW 76.09 and WAC 222. DNR recommended that the applicant coordinate with the local Forest Practices Forester regarding applicable requirements.

Staff Response: Staff acknowledges DNR’s comment. The applicant is responsible for complying with applicable state forest practices requirements, including obtaining a Forest Practices Application (FPA), if required by DNR, prior to removal or harvest of merchantable timber and/or conversion of forestland associated with the project. Staff recommends a condition requiring coordination with DNR prior to site clearing or timber removal.

4. On September 1, 2026, the Washington State Department of Ecology provided written comments, summarized below:
Ecology’s Water Resources Program noted that the project is located within the boundaries of WAC 173-539A and may therefore be subject to its requirements. Ecology stated that if the project proposes withdrawal of groundwater for a new use, the project must be water-budget neutral. Prior to withdrawing or using such water, the applicant must submit either a Request for

Determination of Water Budget Neutrality or an Application for a New Water Right Permit, as applicable based on the size of the project.

Staff Response: Phase P-4 will be served by the City of Cle Elum municipal water system and does not propose a new groundwater withdrawal. Water rights necessary to serve Phase P-4 have been transferred to the City pursuant to the applicable water supply agreements, and water system impacts associated with the development are addressed through the Bullfrog Flats UGA Water System Impacts and Mitigation Agreement. Accordingly, no separate groundwater withdrawal or new water right is proposed as part of Phase P-4. Ecology's comment is noted, and no additional condition is recommended.

5. On September 1, 2026, the Washington State Department of Fish and Wildlife provided written comments, summarized below:

WDFW reiterated its prior concerns regarding maintaining wildlife connectivity throughout the Bullfrog Flats development. WDFW requested an opportunity to review and comment on the project CC&Rs addressing human-wildlife interactions for consistency with Best Available Science and the existing Cooperative Agreement. WDFW also noted that wildlife connectivity is addressed through Master Plat Condition 130 and stated that, although WDFW met with the City and applicant on-site in spring 2025 to discuss potential connectivity measures, no further discussions have occurred. WDFW requests that wildlife connectivity be revisited and resolved prior to preliminary plat approval and that WDFW remain involved in future phases consistent with Condition 130.

Staff Response: WDFW's concerns regarding wildlife connectivity are acknowledged. This area of concern was raised during the environmental review process for the Master Plan and Master Plat, and at the public hearing for the application. The Hearing Examiner recommended Conditions 129 and 130 to respond to these concerns in part, and these conditions are included in the conditions of approval. Representatives of Blue Fern and WDFW did meet on site to discuss wildlife movement, and this staff report recommends that this discussion be continued prior to final plat approval. Similarly, the staff report recommends that Blue Fern should initiate communication with the signatories of the Cooperative Agreement and participate in the discussion required by condition 130. A copy of the proposed CC&Rs was previously sent to WDFW.

F. Applicable Law:

This project is subject to the vesting provisions of the 2002 Development Agreement (Exhibit F-01), including amendments and incorporated agreements thereto. Pursuant to those provisions, the applications are reviewed for consistency with the following:

- The goals and policies of the Cle Elum Comprehensive Plan and the zoning designation for the property effective as of the vesting date (October 30, 2002)
- The 120 Conditions of Approval to the 2002 Development Agreement dated October 30, 2002, together with the seven additional conditions recommended by City staff and the three additional

conditions imposed by the Hearing Examiner as part of the 2025 Master Plat approval, for a total of 130 Conditions of Approval. A composite list of all conditions is contained in Exhibit A-02.

- The Development Standards approved as Attachments to the Conditions of Approval, specifically Attachment 2 Development Standards, which also includes the May 2002 City of Cle Elum Construction Standards for the Private Construction of Public Facilities for Properties Subject to the Cle Elum UGA Master Site Plan.

When not vested to prior code provisions as addressed in the 2002 Development Agreement, this project will be vested to the Cle Elum Municipal Code in effect on the date of the Determination of Complete Application, August 13, 2026.

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

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

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

As one of the exceptions to vesting, Section 3.1.8 identifies that the development “shall be subject to a revised subdivision ordinance” that was undergoing City review at the time the 2002 Development Agreement was adopted. On September 27, 2005, the City adopted a revised subdivision ordinance, contained in Title 16 of the Code, through Ordinance No. 1235. Accordingly, this project is reviewed for compliance with the subdivision ordinance as set forth in Title 16 of the Code.

Preliminary Plat Approval

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

Type 4 Review

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

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

G. FINDINGS:

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

1. Development Agreement Conditions

The 2002 Development Agreement included 120 conditions that govern the Bullfrog UGA development, which was subsequently updated with the Master Plan approval under PMU-2024-002. The proposed subdivision is generally consistent with the conditions, and/or the applicant has acknowledged and agreed to comply with conditions that may not be applicable to Phase P-4 but are applicable to future phases of development. As discussed in the following section, the City is recommending revisions to certain conditions to reflect changes in conditions, such as prior satisfaction of some conditions.

2. Preliminary Plat Decision Criteria

16.12A.050 Preliminary Plat Approval Criteria	P-4
A. The preliminary plat is in the public interest;	The public interest determination for this proposed development was made as part of the approval of the 2002 Development Agreement, and subsequent Master Plat approval under PMU-2024-002.
B. The subject preliminary plat is consistent with the comprehensive plan;	Addressed in the 2002 Development Agreement. Current comprehensive plan designation for the parcel is Planned Mixed Use.
C. The preliminary plat shall conform to the applicable requirements of the zoning district in which it is located including but not limited to requirements for area, dimensions, use and density;	Governed by the 2002 Development Agreement. Current zoning district for the parcel is Planned Mix Use, and the standards of Chapter 17.16 Residential apply to single family development in parcel P-4.
D. The preliminary plat conforms to the applicable standards in Chapter 18.01 , Maintenance, Enhancement and Preservation of Critical Areas of this code;	Compliance will be addressed in plat conditions that are based on mitigation measures for geologic hazards and wildlife, habitat and wetlands as identified below (see 2020 Draft SEIS, Sections 3.1.1 and 3.3.3, respectively). These measures would be supplemented, as applicable, by information contained in technical memoranda interpreting the provisions of CEMC 18.01, prepared by AESI (Oct. 24, 2023) and Raedeke Associates (Sept 28, 2023), and included as appendices to the 2025 EIS Addendum. A supplemental technical memorandum prepared by Raedeke, included with the P-4 application, addresses wetland buffer impacts and a conceptual mitigation plan using buffer averaging. Buffer averaging to mitigate wetland impacts is permitted by Condition of Approval No. 126.b and by the Cle Elum critical area

	regulations (CEMC 18.01.070.A.8). However, specific information that addresses new vegetation proposed, and requirements for maintaining, monitoring, protecting and otherwise implementing the proposed buffer mitigation plan is not identified. A final mitigation plan containing this information should be submitted prior to final plat approval. The Phase P-4 Preliminary Plat contains geologically hazardous areas associated with steep slopes. The applicant submitted a geotechnical report evaluating the proposed residential development and identifying recommendations for setbacks, grading, and slope stability. However, portions of the proposed trail system appear to encroach into the geologically hazardous area setback. While the geotechnical report concludes that the proposed residential grading will not adversely affect slope stability, it does not specifically evaluate the proposed trail improvements or demonstrate that trail construction within the setback will not increase geological hazards or place users at risk as required by CEMC 18.01.070(E). Prior to approval of trail improvements within the geologically hazardous area setback, the applicant should provide supplemental geotechnical analysis demonstrating consistency with CEMC 18.01.070(E), including any necessary mitigation measures or design modifications. The Applicant will monitor construction pursuant to condition of approval 125.b relating to cultural resources, and will implement required procedures for the inadvertent discovery of cultural resources.
E. For those preliminary plats located within a designated floodplain, conformance with the applicable requirements of CEMC Chapter 15.24 ;	Not applicable. P-4 is not located within a designated floodplain.
F. The preliminary plat includes appropriate provisions for public, health, safety and welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways including trails, transit stops, potable water, sanitary waste disposal, parks and recreation, playgrounds, schools, sidewalks and safe	1. Public Health and Safety: The proposed development will include roadways with standard cross-slopes. All new curb ramps, sidewalks, and crosswalks will be ADA compliant. 2. Open Spaces and Parks: Phase P-4 includes at least one pocket park and exceeds the minimum area of .25 acres.

walking conditions for those students who will only walk to school;	3. Drainage and Utilities: The proposed development includes storm drainage, domestic water, and sewer consistent with current safety standards including hydrant spacing, minimum service pressure for domestic water, minimum fire flow capacity. Final design approval will require fencing of ponds per Department of Health requirements. 4. Fire and Emergency Access: Phase P-4 provides for secondary emergency access through temporary fire access improvements shown on the civil plans, which will remain in place until permanent roadway connections are completed through subsequent phases. Subject to final engineering and Fire Chief review, the proposed access provides appropriate provision for emergency access and fire protection.
G. The preliminary plat conforms or can conform to adopted standards for the construction of all public facilities including streets, sidewalks, stormwater control, sewer systems, water systems and street lighting;	The preliminary plat will require civil design plans prior to construction and can conform to the applicable City construction standards. The 2024 City Construction Standards apply, except for those provisions of the 2002 Construction Standards that the City and applicant have agreed remain applicable to the project. These include, but are not limited to, roadway sections, allowable cul-de-sac length, dead-end water main length, water valve spacing, pavement sections, and storm drainage pipe material. Compliance with the applicable standards will be confirmed through final engineering review.
H. Every proposed lot, tract or area in the preliminary plat has an approved access to a public right-of-way;	All proposed lots, tracts will have access to public right of way. Applicant will be required to construct public access points as condition of plat approval.
I. The proposed preliminary plat conforms to the established design requirements;	The plat conforms to design requirements outlined in Attachment 2 of the 2002 Development Agreement.
J. The proposed preliminary plat will not cause the level of service of public facilities or services to drop below established limits;	The requirements of the 2002 Development Agreement and Conditions of Approval, as modified by the Proposed Amendment to the Development Agreement ensure adequate levels of service for public facilities and services.
K. The proposed preliminary plat is consistent with any other applicable city regulations, and development or other agreements specific to the subject property.	See Exhibit A-02, which includes a composite list of conditions.

3. Proposed Minor Modifications

The 2002 Development Agreement, Section 6.3, acknowledges that modifications to the Master Site Plan approved in 2002 are likely to occur to achieve a variety of mutually beneficial flexibility objectives, including but not limited to new information, responding to changing community and market needs, encouraging reasonably priced housing, responding to changes in technology or patterns of living and working and encouraging modification that provide comparable benefit or functional equivalence with not significant reduction of public benefits, environmental protection, or increased material cost.

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

The criteria for minor modifications are summarized as follows:

6.4.1.1 The proposed modification does not change residential and commercial densities, number of units or square footage that exceeds the overall ranges specified in the Conditions of Approval.

6.4.1.2 The proposed modification does not reduce the amount of open space, reduce the Cle Elum River Corridor or alter the character of the I-90/Bullfrog interchange

6.4.1.3 The proposed modification does not reduce the amount or type of housing required.

6.4.1.4 The proposed modification does not trigger new SEPA review pursuant to Section 6.5 (referencing the criteria for requiring a supplemental EIS under WAC 197-11-600(3)(b)).

6.4.1.5 The proposed modification does not reduce required landscape buffers unless City determines the modification will accomplish the same screening functions.

6.4.1.6 The proposed modification does not include uses not included in the conditions of approval.

6.4.1.7 The proposed modification is functionally equivalent to, or superior to, the original standard or requirement.

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

The applicant's requests for minor modifications and staff's responses are summarized below:

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

objective, we respectfully request an increase in the lot coverage to 60% for all single-family detached lots and 75% for all multifamily lots.

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

Staff Response: Recent amendments to the CEMC allow a maximum lot coverage of 60 percent within the R-Residential District. See CEMC 17.16.090. Increasing the maximum lot coverage for single-family residential lots from 45 percent to 60 percent is consistent with the flexibility objectives of DA Section 6.3, including responding to changing community and market needs. The modification does not increase the overall number of residential units authorized by the Development Agreement, reduce required open space or housing types, introduce a new use, or otherwise alter the overall development program.

Staff finds that the proposed 60 percent maximum lot coverage for single-family residential lots satisfies the applicable minor modification criteria of DA Sections 6.4.1.1 through 6.4.1.8 and provides a functionally equivalent development standard without a significant reduction in public benefits or environmental protection. For consistency with current residential development standards elsewhere in the City, staff recommends approval of a maximum lot coverage of 60 percent for all single-family residential building types in P-4.

Minor Modification #2: *As outlined in Appendix D of the development agreement, the standards for impervious cover are currently limited to 50-55% for all single-family detached lots and 85% for all multifamily lots. With the proposed increase in lot coverage, there will be a corresponding rise in overall lot imperviousness. For the reasons outlined previously, this adjustment is essential to create a well-developed and desirable neighborhood. To support this objective, we respectfully request an increase in impervious cover to 70% for all single-family detached lots. The existing 85% limit for multifamily lots is considered sufficient, and no increase is proposed for these lots. Additionally, it is important to note that all impervious surfaces, including the requested increase, will be managed and mitigated through the stormwater infrastructure design for each site, ensuring no associated risk.*

Staff Response: The proposed modification does not increase the number of residential units authorized by the Development Agreement, reduce required open space, alter the Cle Elum River Corridor, reduce required housing types, or introduce uses not otherwise authorized by the Development Agreement. The additional impervious area will also be required to be incorporated into the project's final stormwater calculations and accommodated by the approved stormwater collection, treatment, and flow-control facilities in accordance with the applicable City standards.

Subject to demonstration through final civil design that the project's stormwater facilities are adequately sized and designed to accommodate the increased impervious coverage, staff finds that allowing up to 70 percent impervious coverage on single-family residential lots is functionally equivalent to the original standard for purposes of DA Section 6.4.1.7 and will not result in a significant reduction in environmental protection or public benefit. Staff therefore finds the request consistent with the applicable minor modification criteria of DA Sections

6.4.1.1 through 6.4.1.8 and recommends approval of a maximum impervious coverage of 70 percent for single-family residential lots.

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

Staff Response: The applicant proposes eliminating the numerical garage-door-width limitation while retaining the other applicable architectural and façade modulation requirements contained in the Development Agreement. Staff recognizes that application of a fixed 50 percent standard can disproportionately affect narrower lots and building plans and may limit the ability to provide two-car garages within the range of housing types proposed for Bullfrog Flats.

The modification does not increase the number of dwelling units, reduce required open space or housing types, or introduce a new use. Staff further finds that continued application of the Development Agreement's architectural modulation and design requirements can provide a functionally equivalent means of reducing the visual prominence of front-loaded garages, consistent with DA Section 6.4.1.7.

Accordingly, staff finds the request consistent with the applicable minor modification criteria of DA Sections 6.4.1.1 through 6.4.1.8 and recommends approval, provided that all other applicable architectural modulation and design standards remain in effect.

Modification #4: *As outlined in Section 7, the standard rear yard setback for single-family homes within the project is 20 feet. While uncovered porches are currently permitted within this rear setback, subject to impervious coverage allowances, roof covers over that portion of a porch within the 20' setback are not allowed.*

With an average lot depth of approximately 100 feet throughout the project, this rear setback along with a 20-foot garage setback results in a 60-foot deep buildable area for the primary structure, which is fairly confined for the variety of floor plans and interior spaces we are pursuing. As we will be filling the buildable area with interior living space in most cases, this current rear yard setback does not allow adequate room to incorporate covers/roofs over the rear porches. Considering the snowy winters and hot summers typical of Cle Elum, covered porches & patios provide an important functional and livability benefit for homeowners by offering protected outdoor space for year-round use.

Proposed Modification:

Therefore, we are requesting a Modification to the Development Agreement-Development Standards to add a Rear Yard Setback for front-loaded single-family homes as follows:

Rear Yard Setback:

House: 20 feet from property line to back of house.

Garage: 0 feet where lot backs up on another rear lot line or open space.

Porch Covers/Roofs: 10' from rear property line, not to exceed 20' in width. (AMENDED)

Given that a garage of 10'-20' in width could be located against the rear property line with an adjoint lot under the current standards, we feel an unenclosed porch with cover at a 10' foot setback maintains the intent of the standards while enhancing the usability and overall livability of the homes within the project.

Staff Response: Section 7 of the Development Agreement establishes a 20-foot rear yard setback for single-family residential structures. The applicant is not requesting a reduction in the required setback for the principal residential structure. Rather, the applicant requests that an unenclosed covered porch or patio be permitted to extend into the required rear yard, provided the covered portion remains a minimum of 10 feet from the rear property line and does not exceed 20 feet in width.

Staff finds that the limited encroachment provides additional flexibility for residential design and responds to the functional use of covered outdoor living areas within Cle Elum's climate while maintaining substantial separation between the principal residential structure and adjoining properties. The modification does not increase the number of dwelling units, reduce required open space or housing types, or introduce a new use. Because the principal structure remains subject to the 20-foot rear setback and the permitted encroachment is limited in both depth and width, staff finds that the proposed standard maintains the general purpose and function of the original rear-yard requirement.

Staff therefore finds that the proposed modification is functionally equivalent to the original standard for purposes of DA Section 6.4.1.7, is compatible with the scale and character of the residential development as required by DA Section 6.4.1.8, and is consistent with the remaining applicable minor modification criteria of DA Sections 6.4.1.1 through 6.4.1.6. Staff recommends approval subject to the following standard: *Unenclosed porch and patio covers may extend into the required 20-foot rear yard setback, provided no covered portion is located within 10 feet of the rear property line and the covered portion does not exceed 20 feet in width.*

4. SEPA

The SEPA Rules and the adopted Bullfrog Flats Development Agreement (Section 6.5), provide guidance for the City's decision on SEPA compliance for this implementing action of the approved master plan.

The Bullfrog UGA Master Plan and Development Agreement have previously been evaluated under the State Environmental Policy Act (SEPA). Existing SEPA documents prepared by the City as lead

agency include an Environmental Impact Statement (EIS, 2002, Exhibit H-01)), a Supplemental Environmental Impact Statement (SEIS, 2021, Exhibit H-02), and two subsequent EIS addenda (2023 Exhibit H-03, 2025 and Exhibit H-04)). Together, these documents contain environmental information that is current and directly relevant to the proposed P-4 preliminary subdivision.

The 2021 SEIS and 2025 EIS Addendum identified that wetland impacts could occur. Most specifically, the 2025 EIS Addendum stated that future road construction could potentially impact wetland buffers and could be mitigated using buffer averaging, as permitted by Cle Elum's critical area regulations (CEMC 18.01.070.A.8) (see 2025 Addendum at page 3.0-6). The P-4 application identifies a buffer impact from road construction and includes a technical evaluation and buffer averaging plan (Raedeke Associates, 2026, Exhibit B-10 and B-11). The plan would mitigate wetland buffer impacts consistent with applicable code requirements, and result in a net increase in buffer area for the affected wetland.

The range of potential impacts associated with the P-4 proposal – including but not limited to geologic hazards, cultural resources and transportation – are addressed in the existing SEPA documents and no new or significantly different impacts have been identified. Appropriate mitigation measures are identified in the prior SEPA documents and in the adopted Development Agreement conditions of approval. The proposed modification to lot coverage standards is within the flexibility provision of the Development Agreement and will not result in new significant impacts. Therefore, pursuant to the SEPA Rules, WAC 197-11-600(3)(ii), a new SEPA threshold determination and/or additional SEPA review are not required for this proposal.

5. Comprehensive Plan

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

6. Determination of Consistency

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

Based on its review of the applicable plans and regulations, staff concludes that the proposed project is consistent with the Cle Elum Comprehensive Plan and the CEMC, as vested, including but not limited to the uses and development standards of the Planned Mixed Use (PMU) zoning classification. As conditioned, the project will not cause levels of service to fall below the applicable standards established in the 2002 Development Agreement or the vested Comprehensive Plan.

H. CONCLUSIONS:

1. The Hearing Examiner has jurisdiction to issue a recommendation to City Council on the Preliminary Plat for Phase P-4.
2. This Preliminary Plat for Phase P-4 is consistent with the 2002 Development Agreement.
3. The City has reviewed the body of existing environmental information for the site and the proposal, including an EIS, SEIS, and two EIS addenda, and has concluded that the impacts associated with Preliminary Plat Phase-4 are adequately addressed in existing SEPA documents, that reasonable mitigation measures have been identified, and that the proposal will not result in new significant impacts. The City has adopted prior relevant documents for purposes of SEPA compliance. Therefore, pursuant to the SEPA Rules, WAC 197-11-600(3)(ii), a new SEPA threshold determination and/or additional SEPA review are not required for this proposal.
4. The project is consistent with the Comprehensive Plan as it is vested to the 2002 Development Agreement, which was determined to align with the Comprehensive Plan in effect at that time, and is further reflected and incorporated into the City's current 2037 Comprehensive Plan as a key component of Cle Elum's long-term housing strategies and community vision. The Preliminary Plat Phase P-4 is consistent with applicable Preliminary Plat approval criteria found in CEMC 16.12A.050.
5. The applicant has proposed four minor modifications to the Development Agreement, all of which have been determined to comply with the applicable criteria outlined within the 2002 Development Agreement.
6. The proposed preliminary plat complies with the provisions of RCW 58.17.110 and CEMC 16.12A.050(f), providing appropriately for: the public health, safety, and general welfare, open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, sidewalks, and other planning features that assure safe walking conditions for residents of the neighborhood.
7. Any finding or other statement contained in this Staff Report that is deemed to be a Conclusion is hereby adopted and incorporated by reference.

I. RECOMMENDATION

The Planning Consultant, on behalf of the City of Cle Elum, recommends approval of SUB-2026-001 based upon the above findings and conclusions and subject to the conditions of approval as follows:

2002 Development Agreement. Phase P-4 shall remain subject to all applicable conditions as found in Attachment B, Conditions of Approval, Cle Elum UGA Trendwest Master Site Plan, including Condition Nos. 1–120 derived from the 2002 Development Agreement, together with the seven additional conditions recommended by City staff and three additional conditions imposed by the Hearing Examiner as part of the 2025 Master Plat approval, for a total of 130 Conditions of Approval. The complete list of conditions is attached hereto as Exhibit A-01 to the

City's Staff Report, and has been updated to identify the current status of each condition, including whether the condition has been completed, remains applicable to Phase P-4, or otherwise carries forward to future phases of development.

Preliminary Plat:

1. Final Plat submittal shall include a note on the face of the plat which identifies the purpose of all identified Tracts, including ownership information, such as an HOA, if applicable. Tracts identified for access, stormwater or utility purposes shall be labeled "unbuildable". Consider flag lots or easements where tracts are proposed for access to one or more lots.
2. Final Plat submittal shall include a lighting plan, consistent with the requirements in Condition 37 to the 2002 Development Agreement's Conditions of Approval.
3. Prior to approval of the final plat, all required improvements shall be constructed or financially secured according to the standards and requirements of CEMC 16.30 and the 2002 Development Agreement, including but not limited to the following:
 - i. All lots shall be served with public water and public sewer from the City of Cle Elum. Prior to final plat approval, written verification must be submitted to the City indicating that all sewer and water extensions have been completed and inspected or financially secured.
 - ii. All frontage improvements, including roadway, curb, gutter, sidewalks on both sides of the streets, and streetlights shall be completed or bonded for.
 - iii. Civil engineering plans for public improvements shall be approved and a Clearing and Grading permit issued by the City prior to construction or bonding of public improvements.
 - iv. All construction of public improvements shall be inspected by the City of Cle Elum or its authorized agent, at the developer's expense.
 - v. The developer shall be responsible for scheduling and paying for all material and compaction testing for public improvements.
 - vi. Record drawings shall be prepared by the Developer's Engineer and delivered to the City.
4. Requirements and options for bonding for final plat improvements will be determined as part of final plat review as set forth in Condition 10 of the Development Agreement.
5. As a condition of final plat approval, the Applicant conveyed water rights to the city on May 29, 2025, sufficient to meet water supply requirements for the 151 residential units in Phase P-4.
6. Right-of-way shall be dedicated as displayed on the preliminary plat.
7. A 10-foot wide utility easement shall be dedicated on the frontage of each lot that abuts a public right of way.

8. Minimum 15-foot wide utility easements shall be provided over public utilities not located in the right of way and shall have compacted gravel surfacing material to provide public works access.
9. Current 2024 City Construction Standards apply, except for the 2002 Construction Standards the City and applicant have agreed will apply. The following is a non-exhaustive list of the 2002 Construction Standards that will apply: 1) Roadway Sections; 2) allowable length of cul-de-sacs (1,000 linear feet) 3) Dead-end water main length; 4) Water valve spacing; 5) Pavement Sections; 6) Storm Drainage Pipe material.
 - a. The applicant is proposing one 8" dead end watermain that exceeds the 2024 City of Cle Elum Standard limit of 300' (page 4-1). The City has commented on the proposed 2,600' dead-end watermain proposed for this plat. A watermain connection (loop) will be required to include a portion of future phase P-3 watermain to meet the minimum Development Standard for dead-end watermains.
 - b. The applicant is using the 2002 Development Agreement's maximum spacing for water valves of 1,200' (page 124 of the Conditions of Approval). The 2024 City of Cle Elum Standard is 750' maximum (page 4-2).
 - c. Storm pipe crossings over potable water mains will use C900 pressure rated PVC for the stormwater pipe. 2024 City of Cle Elum Standards page 3-19 requires a pressure rated pipe casing around the watermain, extending 10 feet each side of the crossing in this scenario.
 - d. Roadway pavement sections will be determined by the project Geotech (rather than meeting the 2024 City of Cle Elum standard details).
 - e. Roadway sections shall follow the standards set forth in the development agreement rather than those within the 2024 City of Cle Elum standard details ST-1 through ST-4.
10. There are numerous previously identified critical area mitigation measures applicable to construction activities within the project area, including measures related to geologic hazards and wetlands. These include, for example, identification of critical area and buffer limits on construction drawings, restrictions on construction staging within critical areas and buffers, and supplemental geotechnical review where improvements are proposed within geologically hazardous areas or associated setbacks. For example, prior to final engineering approval, a supplemental geotechnical evaluation is required for proposed trail improvements within a geologically hazardous area or associated setback to determine compliance with CEMC 18.01.070€, including that the improvements will not significantly increase geological hazards or place people in danger, and to identify any necessary mitigation or design modifications to ensure long-term slope stability.
 - Geologic Hazards: 47 Degrees North Master Site Plan Amendment Draft SEIS (2020), p. 3.1-14 and Appendix C, Section 4.5.1.2; and 2024 Bullfrog Flats Addendum (2025), Appendix B.
 - Wetlands: 47 Degrees North Master Site Plan Amendment Draft SEIS (2020), pp. 3.3-25–3.3-26 and Appendix E, p. 43.The applicable mitigation measures from these documents are incorporated into the conditions of approval.

11. Fire apparatus access roads shall be posted with permanent “No Parking – Fire Lane” signs complying with the IFC.
12. Prior to issuance of any building permit within Phase P-4, the temporary 20-foot wide fire apparatus access road connection between P-4 Road A and P Loop Road and the 20-foot wide secondary fire apparatus access road through the adjacent park development, as generally depicted on the preliminary civil plans, shall be constructed and available for fire apparatus access. Both access roads shall be designed and maintained to support the imposed loads of fire apparatus and surfaced to provide all-weather driving capabilities in accordance with IFC Section 503.2.3. The final design and construction of both access roads shall be reviewed and approved by the City Engineer and Fire Chief and shall comply with all other applicable International Fire Code requirements.

Both access routes shall remain in place and continuously available until the City Fire Chief or Engineer determines that the permanent roadway and access configuration serving Phase P-4 complies with applicable fire apparatus access requirements, including applicable IFC Appendix D remoteness requirements. Neither access route may be removed, obstructed, relocated, or materially modified without prior City approval.

13. Construction (and completion) of the Saddleback Drive (aka the Spine Road) shall be completed prior to final plating.
14. A portion of the proposed sanitary sewer construction for phase P-4 is located outside of the right of way. Proposed utility easements shall be shown for all sections of sanitary sewer outside of right-of-way.
15. Utility connection charges, including any and all capital reimbursement charges, as set forth in the Cle Elum Municipal Code, shall be paid to the City at the time of building permit issuance. Connection charges do not vest and shall be paid at the current rate at the time of building permit issuance.
16. All utilities, including water and sewer, must be connected and functioning prior to approval of any occupancy permits.
17. Road names must be approved by KITTCOM prior to final plat approval.
18. Upon discovery of any human remains, artifacts, or evidence of potential archaeological, historical, or cultural resources all construction activities or uses authorized shall be suspended pending authorization to proceed from the City, and/or the Washington State Department of Archaeology and Historic Preservation, in accordance with the provisions of state and federal law, including, but not limited to RCWs 68.50.645, 27.44.055, and 68.60.055.
 - a. If ground disturbing activities encounter human skeletal remains during construction, then all activity shall cease that may cause further disturbance to those remains. The area of the find will be secured and protected from further disturbance until the Washington State Department of Archaeology and Historic Preservation (DAHP) provides notice to proceed. The finding of human skeletal remains shall be reported to the Cle Elum Police Department and the

Kittitas County Coroner in the most expeditious manner possible. The remains will not be touched, moved, or further disturbed. The County Coroner will assume jurisdiction over the human skeletal remains and decide whether those remains are forensic or non-forensic. If the County Coroner determines the remains are non-forensic, then they will report that finding to the Department of Archaeology and Historic Preservation who will then take jurisdiction over the remains. The DAHP will notify any appropriate cemeteries and all affected tribes of the find. The State Physical Anthropologist will make a determination of whether the remains are Indian or Non-Indian and report that finding to any appropriate cemeteries and the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Colville Reservation, and the Snoqualmie Tribe. The DAHP will then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains.

- b. If ground disturbing activities encounter artifacts, or evidence of potential archaeological, historical, or cultural resources during construction, then all activity shall cease that may cause further disturbance to those items. The Project Sponsor shall immediately contact the Cle Elum Planning Department to determine how best to secure the site and to consult with the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Colville Reservation, the Snoqualmie Tribe, and the DAHP.

- 19. The final plat shall include all required information in CEMC 16.30.020.
- 20. In accordance with CEMC 16.30.040, the final plat shall be submitted to the city within 5 years of the date of preliminary plat approval.
- 21. All addresses shall be clearly shown on the face of the Final Plat (RCW 58.17.280). Additionally, a note shown on the face of the Final Plat stating: "The addresses shown on this plat are accurate as of the date of recording, but may be subject to change". The City of Cle Elum Public Works Department is responsible for the confirmation or reassignment of addresses at the time of building permit issuance. The following address shall be utilized for the created lots, see Exhibit A-03.
- 22. The Applicant/Project Sponsor shall comply with all applicable requirements of the Water Mitigation Agreement, including the timing and sequencing requirements of Section 5(d), depending upon actual and projected water supply demand as documented by the City and provided to the Applicant/Project Sponsor.

If, at any time, it is demonstrated that total actual water demands in Zone 3 exceeds actual system capacity before the New Reservoir and associated Water System Improvements are completed and operational, the City reserves its lawful ability to exercise any rights under public health, safety and welfare under RCW 58.17.170 to withhold water connections, certificates of occupancy, or other authorizations that would result in actual demand exceeding actual available capacity until sufficient additional capacity is available and reasonably condition the final plat on such basis.

23. Prior to site clearing or removal of merchantable timber, the applicant shall coordinate with the Washington State Department of Natural Resources (DNR) regarding applicable forest practices requirements and shall obtain any required Forest Practices Application (FPA) or other applicable DNR authorization.
24. A wetland buffer will be impacted by proposed road construction, and this impact will be mitigated using buffer averaging, consistent with the provisions of the City's critical area regulations (CEMC 18.01.070). It is noted that the City's regulation requires compliance with the guidance in Ecology's *Wetland Mitigation in Washington State, Part 2 Developing Mitigation Plans* (2006). The conceptual mitigation plan provided with the application (Raedeke, 2026) indicates that requirements regarding the applicability of buffer averaging criteria will be satisfied. Prior to final plat approval, a final buffer mitigation plan shall be submitted and will include more detailed information addressing, but not limited to the following best management practices: type(s) of vegetation that will be planted in the new buffer; protecting the buffer during construction activities, such as by marking construction limits in the field, staging equipment outside the buffer; proposed maintenance, including avoiding invasive species; protecting the wetland and buffer from intrusion and damage; monitoring the success of the mitigation plan; and contingency actions, to address failure of any elements of the mitigation plan.
25. Any private stormwater or irrigation pipes, facilities, or other infrastructure located within or crossing City right-of-way shall be subject to an approved franchise agreement with the City. The required franchise agreement shall be executed prior to installation of such infrastructure within City right-of-way.