

Before Hearing Examiner
Gary N. McLean

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

Regarding an **APPLICATION FOR A MAJOR**)
AMENDMENT TO THE BULLFROG FLATS)
UGA DEVELOPMENT AGREEMENT,)
submitted by)

File No. PMU-2026-001

BULLFROG FLATS LLC / BLUE FERN,)
Applicant)

**FINDINGS, CONCLUSIONS AND
RECOMMENDATION OF APPROVAL**

I. SUMMARY OF RECOMMENDATION.

Bullfrog Flats LLC submitted an application for a Major Amendment to the Bullfrog UGA Development Agreement to amend Conditions of Approval Nos. 14 and 15, seeking express authorization for marketing and sales facilities within residential portions of Bullfrog Flats and standards governing those uses during build-out of the approximately 1,334 dwelling units authorized by the Development Agreement. (*Ex. A-01, Staff Recommendation, p. 1*).

The application was submitted in anticipation of Risewell Homes beginning to show and sell new homes within the Bullfrog Flats development site. The applicant explains that the Development Agreement does not expressly address an on-site marketing and sales center as a permitted use in residential areas and seeks greater certainty for facilities needed to support new-home sales within the master-planned community. (*Ex. B-01, pp. 1-2*).

City Staff recommends approval with modified language that more precisely defines the scope, duration, and disposition of authorized marketing and sales facilities. Staff found that such facilities are accessory and incidental to implementation of the vested residential entitlements, but also concludes that the applicant's proposed reference to "reasonably necessary facilities and structures" is overly broad and could authorize activities or improvements beyond those customarily associated with residential marketing and sales. (*Ex. A-01, pp. 6-7*).

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RECEIVED

By Virgil Amick at
3:30 pm, September 4, 2026

For reasons explained in this Recommendation, the Hearing Examiner agrees that the requested amendment should be approved, with additional clarification addressing the types of temporary structures that may – and may not – be used for marketing and sales purposes. The Examiner’s recommended amendments to Conditions 14 and 15 are set forth in Attachment A. The Examiner also recommends that the Council expressly ratify and confirm prior acts consistent with those Conditions, as amended, substantially in the form set forth in Attachment B.

II. RECORD.

Exhibits entered into evidence as part of the record and supplemental materials submitted in connection with the hearing, as well as an audio recording of the public hearing held in Council Chambers on August 18, 2026 for this matter, are maintained by the City of Cle Elum and may be examined or reviewed by contacting the City Clerk’s Office.

Public Hearing Testimony: City Planning Consultant Colleda Monick; Duana Koloušková, Chief Legal Officer for the applicant; and Richard Rawlings, Planning Manager for Risewell Homes, offered sworn testimony regarding the amendment request, the existing welcome/marketing building, the anticipated new-home sales program, applicable permitting requirements, and questions raised by the Examiner. Nancy Bainbridge Rogers, of Hillis Clark Martin & Peterson, appeared on behalf of Risewell Homes. Clara Park, of Van Ness Feldman, appeared for and supported the City staff team during the hearing. (*Hearing Testimony*).

Following the hearing, City Staff transmitted the Applicant's proposed Recommendation in clean and redlined Word versions. The proposed revisions included ratification language and clarification concerning leasing activities. Staff advised that it had reviewed the proposed revisions and did not oppose the proposed changes. (*Ex. E-01*).

Exhibits: The City's Planning Consultant prepared the Staff Recommendation dated August 18, 2026. The application, public notices, department reviews, written public comments, and the post-hearing submittal described above were assembled by the City and are accepted into the record in their entirety:

EXHIBIT LIST

PMU-2026-001 - Bullfrog Flats Major Amendment

Ex. #	Pages	Date	Document Title
A-01	1-9	08/18/2026	Staff Recommendation - Findings of Fact, Conclusions, and Recommendation for Amendment to Bullfrog Flats Development Agreement
B-01	10-12	05/27/2026	Bullfrog Flats LLC application/request letter for Major Amendment
C-01	13	06/01/2026	Notice of Complete Application
C-02	14-28	06/11/2026	Notice of Application, agency/property-owner distribution materials, mailing lists, and initial site-posting confirmation
C-03	29	07/30/2026	Published Notice of Public Hearing

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Ex. #	Pages	Date	Document Title
C-04	30-46	07/30/2026	Notice of Public Hearing, mailing/distribution records, and photographs confirming site posting
D-01	47	06/11/2026	Written public comment - Elizabeth M. Kurtz
D-02	48-49	06/12/2026	Written public comment - Stephen Malek
D-03	50	06/12/2026	Written public comment - Wes Goumaz
D-04	51	06/13/2026	Additional written public comment - Wes Goumaz
E-01	—	08/19/2026	Post-Hearing Submittal from the applicant, forwarded to the Examiner by City Staff - Virgil Amick email transmitting Applicant's proposed Hearing Examiner Recommendation of Approval in clean and redlined Word versions; the redlined version includes proposed ratification language and revisions clarifying inclusion of leasing activities. City Staff advised that it had reviewed the proposed revisions and did not oppose the proposed changes.
E-02	14 slides	08/18/2026	Blue Fern slide presentation, hard copy provided to the Examiner during the public hearing, slides shown on screen during applicant's presentation at the hearing.

The Examiner visited the Bullfrog Flats project area and surrounding road network on the day of the hearing and has visited the site on numerous occasions in connection with prior Bullfrog Flats proceedings. The Examiner is fully advised concerning the project location, the existing Development Agreement and Conditions of Approval, the surrounding road network and land uses, and prior land use proceedings relevant to the situation presented in this matter. (*Site Visit; Official Notice of prior Bullfrog Flats proceedings*).

III. FINDINGS OF FACT.

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

Application, Site Location.

1. Bullfrog Flats is a large, phased master-planned development in the western portion of Cle Elum. The project site is generally bounded by Interstate 90, Bullfrog Road, State Route 903, the City Cemetery, and the Washington State Horse Park. The current amendment concerns residential portions of the Bullfrog UGA governed by the Bullfrog UGA Development Agreement and associated Conditions of Approval. (*Ex. A-01, pp. 1, 3*).

2. The subject application identifies parcels 964102, 12034, 964103, 964104, 964106, 964107, 964108, and 955367; the City's notices also identify parcel 964105. Residential development is underway within approved phases of the project. (*Ex. A-01, pp. 1, 3; Ex. C-02; Site visit*).

3. The Bullfrog UGA Development Agreement was originally executed in 2002 and was amended in 2017 and again in 2025. The Development Agreement authorizes approximately 1,334

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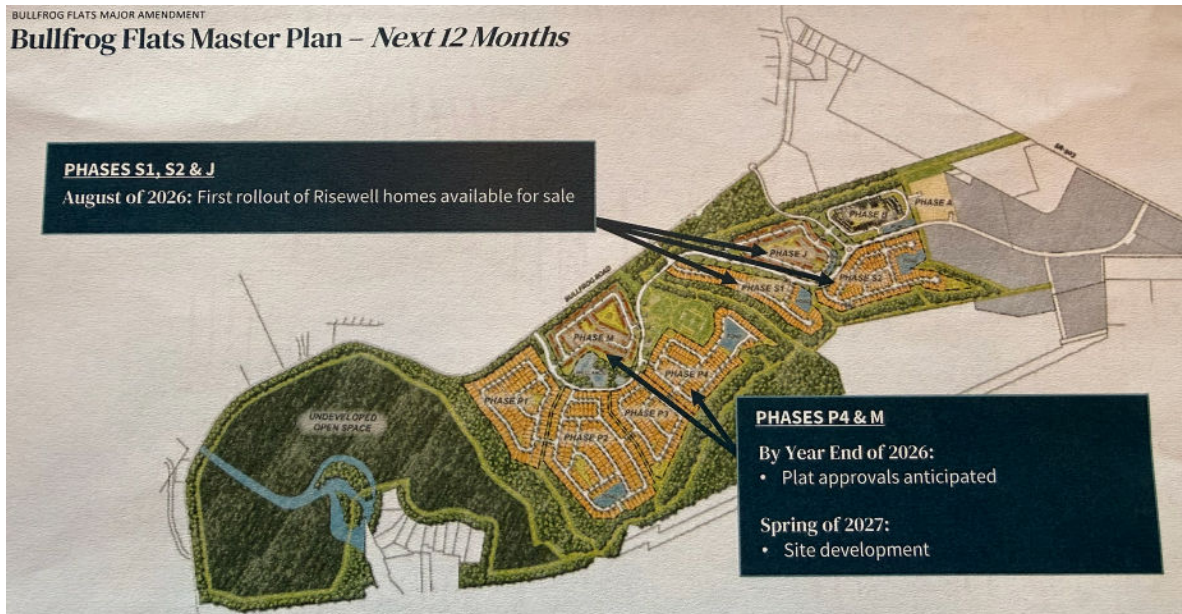
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residential dwelling units as part of the broader master-planned development. (Ex. B-01, p. 1; Ex. A-01, p. 1).

4. For orientation, and a short summary of where site development and home construction is already happening or expected to occur over the next 12 months, the Examiner is including a screenshot of a slide included in Blue Fern's hearing presentation materials, which the Examiner has marked and included in the record as Exhibit E-02. The illustration shows where homes are already available for sale, in Phases S1, S2, and J, three phases that have already received final plat approval; and Phases P4 and M, expected to come up for final plat approvals by the end of 2026.



Application Processing; Jurisdiction; Applicable Law.

5. The Applicant's amendment request is dated May 27, 2026, while the Staff Recommendation cover page and the City's Notice of Application identify May 28, 2026 as the request/application date. In any event, the application was deemed complete on June 1, 2026. Public Notice of the application was issued June 11, 2026, the property was posted, and the City received written comments from three citizens during the comment period. Notice of the August 18, 2026 open record public hearing was issued and published on July 30, 2026. (Ex. A-01, pp. 1-2; Ex. B-01, p. 1; Exs. C-01 through C-04).

6. Section 6.5 of the Development Agreement provides for amendments to be processed as Major Modifications. The City processed this request as a Type 4 matter under CEMC Chapter 14.30, with an open record hearing before the Hearing Examiner, a recommendation by the Examiner, and final action by the Cle Elum City Council. (Ex. A-01, pp. 1-2; Ex. C-02).

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7. The application is subject to the vesting provisions of the Bullfrog UGA Development Agreement. Staff reviewed the request for consistency with the vested Comprehensive Plan and zoning framework, the 120 Conditions of Approval attached to the 2002 Development Agreement, and the Development Standards incorporated into those approvals. (Ex. A-01, p. 3).

The Requested Amendment; Need for Regulatory Certainty.

8. The Development Agreement and Conditions of Approval do not expressly identify marketing and sales facilities as a permitted use within residential zones. The applicant maintains that such uses are incidental to its vested residential entitlement; Staff nevertheless concluded that an express amendment would provide useful regulatory certainty and avoid future interpretive disputes. (Ex. A-01, pp. 5-6; Ex. B-01, pp. 1-2).

9. Risewell Homes now owns Parcels J, S-1, and S-2 and anticipated beginning to show and sell new homes during the summer of 2026. The applicant requested authority for an on-site location where prospective purchasers may receive community information and home-availability information and conduct activities associated with new-home sales. (Ex. B-01, p. 1).

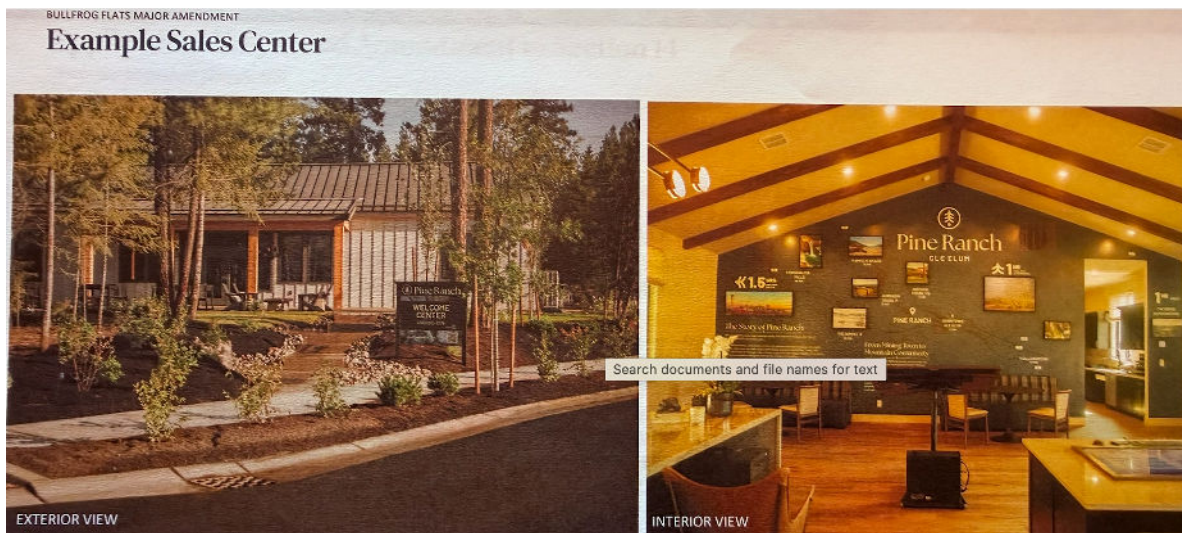
10. The applicant initially proposed language allowing marketing and sales uses, including any 'reasonably necessary facilities and structures,' throughout residential areas during the new-home sales period. It also proposed removal of temporary structures and conversion of permanent structures to permanent permitted uses after completion of residential sales. (Ex. B-01, p. 2).

11. Staff concluded that the phrase 'reasonably necessary facilities and structures' was too broad because it could be read to encompass activities and improvements beyond those customarily associated with residential marketing and sales. Staff therefore recommended more specific language limiting the use and establishing standards for operation, duration, conversion, and ultimate disposition of facilities. (Ex. A-01, pp. 6-8; *Testimony of Ms. Monick*).

12. Marketing and sales facilities are commonly used in large-scale master-planned residential communities. Staff found that such facilities serving Bullfrog Flats are accessory and incidental to implementation of the vested residential entitlements and generally consistent with the purpose and intent of the Development Agreement. The Examiner concurs. (Ex. A-01, pp. 6-7).

Existing Welcome / Marketing Facility; Permitting.

13. Only after the Examiner raised the question, subsequent testimony at the hearing established that a building intended for eventual marketing and sales use has already been constructed or placed within Bullfrog Flats. This circumstance was not readily apparent from the application materials or the Staff Report, though it was sufficiently clarified through questions and sworn testimony during the hearing. (*Testimony of Ms. Monick; Testimony of Mr. Rawlings; Confirmation by counsel, Ms. Koloušková, and Ms. Rogers*). The building is fresh, looks brand new, and includes signage, labeling the structure as a "Welcome Center". (*Site visit by the Examiner; Ex. E-02, slide showing "Example Sales Center, with Exterior View and Interior View, a screenshot of which is republished below*).



(Screenshot of a slide included as part of Ex. E-02, the Blue Fern hearing presentation).

14. No sales or leasing activity had occurred in that building as of the hearing. The building has instead been used as an informational or welcome facility. (*Testimony of Mr. Rawlings*).

15. The amendment under review concerns authorization of the marketing and sales use; it does not itself approve a particular building, site, or site plan, and it does not dispense with otherwise applicable construction, occupancy, Site and Design Review, building, fire, life-safety, or other permitting requirements. (*Ex. A-01, pp. 5, 7-9; Hearing Testimony*). In follow-up materials submitted after the hearing, the applicant team clarified that they intend the amendment to also apply to leasing. (*Ex. E-01*). Staff did not raise objections.

16. Witnesses confirmed that buildings proposed for marketing and sales use must comply with applicable building and fire requirements and obtain any additional permits, inspections, or approvals required before the proposed occupancy or use may lawfully occur. (*Testimony of Ms. Monick and Mr. Rawlings*).

Temporary and Permanent Marketing / Sales Facilities.

17. Staff recommends allowing marketing and sales activity in either temporary or permanent structures, requiring temporary facilities to be removed or converted when residential sales activity within the applicable plat phase is complete, and requiring permanent facilities to be designed and constructed for an identified long-term use consistent with the Development Agreement and applicable zoning. (*Ex. A-01, pp. 8-9*).

18. The Staff Recommendation also limits the use to marketing and sale of residential units within the Bullfrog UGA; limits each full residential plat or phase to one sales office while allowing model and demonstration homes; prohibits construction-support operations from being established as part of

the sales use unless separately authorized; and requires Site and Design Review, building and fire compliance, and compliant signage. (*Ex. A-01, pp. 8-9*).

19. The Examiner takes official notice of the prior consolidated Bullfrog Flats proceeding, File Nos. PMU-2024-002, BLA-2024-004, SUB-2024-001, -002, and -003. The prior record included the substantially different Sun Communities / 47° North proposal, which the applicant's hearing materials described as a major modification to 'put in manufactured homes and RV parking.' (*Official Notice, March 3, 2025 Bullfrog Flats Recommendation, Finding 2; prior Exs. C-85 and C-88*).

20. That history does not determine the merits of the pending amendment. It does, however, demonstrate why use of the word 'temporary' should not inadvertently reopen uncertainty over whether a manufactured home, mobile home, recreational vehicle, travel trailer, sales trailer, construction trailer, office trailer, or similar readily movable structure may be installed and used as a residential-neighborhood sales center.

21. The Examiner finds that the amendment should expressly provide that those readily movable structures are not authorized as temporary marketing and sales facilities. This limitation is consistent with Staff's goal of narrowly defining the use and preventing a broad reading of the phrase 'temporary structure.' (*Ex. A-01, pp. 6-7*).

22. The restriction should not prohibit modular construction. A modularly constructed building may be used if it is installed on an approved permanent foundation and otherwise complies with applicable Site and Design Review, building, fire, life-safety, and permitting requirements.

Public Comments.

23. While no one appeared and offered sworn testimony questioning or opposing the requested amendment, several local residents submitted written comments that were summarized and addressed in the Staff Report. Elizabeth M. Kurtz opposed the amendment, writing that she has concerns that approval could encourage challenges to the Development Agreement, result in legal expense or delay, and impose financial consequences upon the City or local taxpayers. Staff responded that the amendment would not modify the approved land-use plan, increase dwelling units, expand development capacity, or alter the fiscal mitigation obligations established under the Development Agreement. (*Ex. D-01; Ex. A-01, pp. 4-5*). The Examiner notes that any risk of legal challenges is never zero, but in this instance, both Blue Fern and Risewell Homes appeared and strongly supported the requested amendment.

24. Stephen Malek's written comment opposed separate marketing and sales facilities in residential areas and suggested that model homes could serve the same function. Alternatively, he requested clear limits concerning the number, location, size, duration, removal, and future use of such facilities. Staff agreed that the use should remain directly related to residential sales and that clear limits on duration and disposition are appropriate. (*Ex. D-02; Ex. A-01, pp. 4-5*).

25. Wes Goumaz submitted written comments concerning architecture, signage, lighting, and visual character. He encouraged designs consistent with the area's natural setting and western/historic

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character and cautioned against excessive signage, digital displays, neon lighting, and visual clutter. Staff responded that the amendment does not approve any particular building, sign, lighting plan, or site design, which remain subject to later applicable review. (*Exs. D-03 and D-04; Ex. A-01, p. 5*).

26. The Examiner has considered all written comments. The concerns expressed in such comments support use of precise language in any amendment and continued application of Site and Design Review and other regulatory requirements, but the record does not establish a basis to deny an appropriately limited amendment.

Scope of Amendment; SEPA.

27. The amendment does not authorize additional dwelling units, increase residential density, modify approved land-use allocations, expand the approved development footprint, alter circulation patterns, modify infrastructure requirements, or increase utility demand beyond that contemplated by the Development Agreement and prior environmental review. It facilitates implementation of residential development already authorized. (*Ex. A-01, pp. 5-6*).

28. The amendment does not create new commercial zoning entitlements or authorize unrelated business activities. The marketing and sales use remains subordinate to and directly related to residential development authorized by the Development Agreement. (*Ex. A-01, pp. 6-7*).

29. The SEPA Responsible Official determined that additional environmental review is not required for this amendment. The proposal does not constitute a substantial change to the approved development and does not create probable significant adverse environmental impacts beyond those previously evaluated. (*Ex. A-01, pp. 2, 7*).

30. The amendment does not approve construction of a specific facility or a specific site plan. Any future proposal requiring separate permits or development approvals remains subject to applicable review at the time of application. (*Ex. A-01, pp. 5, 7*).

Ratification and Confirmation.

31. Because the record establishes that a building intended for eventual marketing and sales use already exists and has been used as an informational or welcome facility, the Council's final legislative action should expressly address prior acts that are consistent with the intent and purposes of Conditions 14 and 15 as amended. The Examiner raised the issue during the public hearing, and all parties appeared to be supportive of including ratification language in any final action taken by the Council. The Applicant's post-hearing proposal expressly requested ratification, and City Staff advised that it had reviewed the proposed revisions and did not oppose the proposed changes. Such ratification should not waive or excuse compliance with otherwise applicable building, fire, life-safety, Site and Design Review, permitting, or other regulatory requirements. (*Hearing Testimony; Ex. E-01*).

32. Approval of the amendment should not be construed as a determination that marketing and sales uses incidental to the residential development were prohibited before adoption of the

amendment. Staff appropriately recommends preserving the respective interpretive positions while providing regulatory certainty going forward. (*Ex. A-01, p. 9*).

33. Except as modified or supplemented in this Recommendation, the factual findings and statements in the Staff Recommendation are supported by the record and are adopted as findings of the Hearing Examiner. (*Ex. A-01*).

34. Based on the record as a whole, the requested Major Amendment, with the revisions recommended by the Examiner and set forth in Attachment A, should be approved.

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

IV. CONCLUSIONS.

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

1. The Hearing Examiner has jurisdiction to conduct the open record public hearing and to issue a recommendation to the Cle Elum City Council, which is the final decision maker for this Type 4 Major Amendment. (*CEMC 14.30.040; CEMC 14.30.080; Ex. A-01, pp. 1-2*).

2. The requested amendment is consistent with the purpose and intent of the Bullfrog UGA Development Agreement and facilitates orderly implementation of residential development already authorized under that Agreement. (*Ex. A-01, pp. 6-7*).

3. The amendment does not increase development intensity, modify approved land-use allocations, create additional dwelling-unit entitlements, or create unrelated commercial development rights. (*Ex. A-01, pp. 5-7*).

4. The amendment is consistent with the Cle Elum Comprehensive Plan as applicable under the vested regulatory framework. (*Ex. A-01, p. 7*).

5. The SEPA Responsible Official properly determined that no additional environmental review is required for consideration of this amendment. (*Ex. A-01, pp. 2, 7*).

6. The Examiner's additional limitations concerning temporary marketing and sales facilities are reasonable, supported by the record, and consistent with Staff's objective of narrowly defining the permitted use. Those limitations do not prohibit modular construction installed on an approved permanent foundation and otherwise compliant with applicable regulatory requirements.

7. Approval of this amendment need not resolve whether marketing and sales uses incidental to the residential development were permissible before amendment. The amendment may provide regulatory certainty prospectively while preserving prior interpretive positions. (*Ex. A-01, p. 9*).

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1 8. Any factual statement in this Recommendation that is deemed to be a Conclusion of Law is
2 adopted and incorporated as such.

3 9. Subject to the revisions identified in this Recommendation, the requested Major Amendment
4 merits approval.

5 **V. RECOMMENDATION.**

6 Based upon a preponderance of evidence in the record and all Findings and Conclusions
7 provided above, the Hearing Examiner respectfully recommends that the Cle Elum City Council
8 approve the requested Major Amendment to the Bullfrog UGA Development Agreement,
9 substantially in the form set forth in Attachment A.

10 The Hearing Examiner further recommends that the Council's motion, resolution, or other
11 legislative action approving the amendment expressly include the ratification and confirmation
12 provision set forth in Attachment B.

13 ISSUED this 4th Day of September, 2026

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16 Gary N. McLean
17 Hearing Examiner
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ATTACHMENT A

RECOMMENDED AMENDMENTS TO CONDITIONS OF APPROVAL NOS. 14 AND 15

Condition 14, re: Permitted Residential Uses, is amended to add the following permitted use in the Residential Zones:

Model and demonstration homes, sales and leasing offices, customer parking, and other customary activities directly related to the marketing, sale, and leasing of residential units within the Bullfrog UGA.

Condition 15, Development Standards for Marketing, Sales, and Leasing Facilities, is amended to add the following language:

Marketing, sales, and leasing of new residential units within the Bullfrog UGA are permitted uses in all Residential Zones through completion of new-home sales and initial leasing within the UGA. Permitted activities and facilities include sales and leasing offices, model and demonstration homes, design studios, customer and visitor parking, and other facilities and activities customarily incidental to the marketing, sale, and leasing of new residential units, whether conducted in a temporary or permanent structure, subject to the following standards:

1. Marketing, sales, and leasing facilities shall be limited to the marketing, sale, and leasing of residential units located within the Bullfrog UGA and shall not be used for unrelated commercial activities. Activities customarily conducted in connection with the sale or leasing of new residential units, including design selection, lender, title and escrow coordination, and homeowner or resident orientation, are not unrelated commercial activities for purposes of this Condition.

2. No more than one (1) sales or leasing office shall be permitted within any one residential plat (full phase; e.g., all of S-2, all of P-4). Model and demonstration homes may be used for marketing, sales, and leasing activity, including tours and execution of purchase or lease agreements, and shall not count toward the limits established in this Condition. This Condition does not limit the number of model or demonstration homes permitted within any phase.

1 3. The sales or leasing office and model-home use is limited to residential
2 marketing, sales, and leasing activities and uses customarily incidental
3 thereto. Contractor yards, construction staging areas, equipment or material
4 storage, fleet parking, maintenance facilities, and other construction-related
5 operational uses shall not be established as part of or in support of the
6 marketing, sales, or leasing use. This Condition does not prohibit contractor
7 yards, construction staging areas, or similar construction-support activities
8 that are separately authorized through applicable permit approvals.

9 4. Any temporary marketing, sales, or leasing facility shall be removed or
10 converted to permanent use upon completion of residential sales or initial
11 leasing activity within the applicable plat phase. A manufactured home,
12 mobile home, recreational vehicle, travel trailer, sales trailer, construction
13 trailer, office trailer, or other vehicle, trailer, or similar readily movable
14 structure shall not be used as a temporary marketing, sales, or leasing facility.

15 5. The limitation in Paragraph 4 does not prohibit a modularly constructed
16 building installed on an approved permanent foundation and otherwise
17 compliant with applicable Site and Design Review, building, fire, life-safety,
18 and other permitting requirements.

19 6. Any permanent structure utilized for marketing, sales, or leasing purposes
20 shall be designed and constructed for an identified long-term use consistent
21 with the Development Agreement and applicable zoning designation. At the
22 time of permit application, the applicant shall identify the intended permanent
23 use of the structure.

24 7. Any permanent structure utilized for marketing, sales, or leasing purposes
25 shall ultimately be converted to:

- 26 a. A dwelling unit permitted within the applicable residential zone;
- b. A community building or other facility owned or managed by the
homeowners' association; or
- c. Another use specifically permitted within the applicable zoning
designation and approved by the City.

8. Approval of marketing, sales, and leasing facilities shall not increase the
maximum number of dwelling units authorized by the Development

Agreement, modify approved residential densities, or create additional development rights.

9. Marketing, sales, and leasing facilities shall be subject to Site and Design Review and shall comply with the development standards applicable under the Development Agreement and Conditions of Approval, including Attachment 2 and Condition 15, together with the building and fire codes in effect at the time of permit application. Nothing in this Condition alters the vesting provisions of the Development Agreement.

10. Signage associated with a temporary marketing, sales, or leasing facility shall be limited to that necessary to identify the temporary use and direct visitors to the facility. All signage shall comply with the applicable sign regulations contained in the vested 2002 Development Agreement and Development Standards. Any temporary freestanding, directional, wall, or window signage shall be removed upon termination of the temporary use or conversion of the building to a permitted residential use.

11. Upon the effective date of this amendment, marketing, sales, and leasing facilities authorized by this Condition are permitted uses within Residential Zones and require no separate temporary-use permit or additional land-use approval beyond Site and Design Review and required construction permits.

12. Approval of this amendment is intended to provide regulatory certainty and does not constitute a determination that marketing, sales, or leasing uses incidental to the residential development authorized by the Development Agreement were prohibited prior to its adoption. The positions of the Applicant and property owners regarding interpretation of the Development Agreement and Conditions of Approval as previously adopted are reserved.

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ATTACHMENT B

**RECOMMENDED
RATIFICATION AND CONFIRMATION LANGUAGE**

Ratification and Confirmation. All acts taken prior to the effective date of the amendments to Conditions 14 and 15 that are consistent with the intent and purposes of those Conditions, as amended, are hereby ratified and confirmed. Such ratification and confirmation does not waive or excuse compliance with otherwise applicable building, fire, life-safety, Site and Design Review, permitting, or other regulatory requirements.