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CITY OF CLE ELUM
FINDINGS of FACT, CONCLUSIONS, & RECOMMENDATION
for
PRELIMINARY PLAT AND DEVELOPMENT AGREEMENT

File Numbers: SUB-2023-003, DA-2024-001, SEPA-2024-004

APPLICANT:	Wildwood Ranch LLC
APPLICANT ADDRESS:	P.O. Box 895, Roslyn, WA 98941-0895
PROJECT LOCATION:	1317 E Third Street (and abutting parcel to the east), Cle Elum, WA
PARCEL NUMBER(S):	623134 and 063034
DATE OF REQUEST:	October 11, 2023
DATE OF COMPLETENESS:	October 22, 2024
DATE OF HEARING:	November 12, 2026

I. SUMMARY OF RECOMMENDATION:

Staff recommends approval of the Preliminary Plat, subject to the conditions of approval identified in this Staff Report and contingent upon City Council approval of the associated Development Agreement. Because the Preliminary Plat relies upon the development standards and modifications proposed through the Development Agreement, the Preliminary Plat cannot be approved unless the Development Agreement is approved.

II. DESCRIPTION OF REQUEST:

Proposal for a mixed residential development on approximately 11.97 acres, to create 92 lots with a mix of single-family and common wall units developed over six phases. The applicant is also seeking approval of a Development Agreement that will establish the standards that are applicable to the development and other conditions that control the development, use, and mitigation of the property.

III. FACTS:

A. Processing:

The applications are being processed under Cle Elum Municipal Code (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, and City Council as the Decision body.

In July of 2022 the City of Cle Elum Development Review Team conducted a Pre-Application Meeting (PREAP-2022-004) with the Sponsor of a proposed project to subdivide a 10-acre parcel (063034) zoned Multi-Family Residential into 76 lots and the construction of 76 single family residences.

In October 2023, the city received a preliminary subdivision application for 88 lots developed over 6 phases. The City reviewed the submittals and issued a Notice of Incomplete Application on October 26, 2023 (Exhibit E-01), requesting additional information including a Critical Areas Report; Title Report; withdrawal of the color concept map that did not match the civil plans; and an updated Narrative. Further, as noted in the Notice, the proposal did not meet several development standards and preliminary plat criteria, and the Notice advised the applicant to revise design standards to meet city standards, or consider submitting a request for a Development Agreement.

Revised submittals for a 93-lot subdivision were provided to the City in June of 2024, and the City provided initial comments back to the applicant in July 2024 regarding the provisions of the Development Agreement (Exhibit E-02). After another round of updated submittals were received on August 27, 2024, the City determined that the applications were complete for processing on October 22, 2024 (Exhibit C-01). While the City determined the applications to be complete for the purposes of commencing formal processing, this determination is procedural in nature and does not signify that all the required information had been provided or that the proposal was consistent with applicable codes and regulations.

In response to the comments received during the Notice of Application comment period (See Section III.A.1), the City requested additional information on April 16, 2025 (exhibit E-03) and again on May 21, 2025 (exhibit E-04).

In addition to issuing letters requesting revisions and/or additional information, City staff met in person with the applicant on multiple occasions to discuss the project and submitted documents, including meetings on July 23, 2024, September 23, 2024 (exhibit E-03),April 22, 2025 and September 16, 2025 (exhibit E-07). To avoid potential complications with concurrent processing, City staff also discussed the option of de-coupling the development agreement and preliminary plat reviews; however, the applicant has chosen to proceed with concurrent review.

Revised plans, narratives, technical reports, and development agreement materials were submitted to the City on March 11, April 23, April 29, and June 11, 2026, in response to staff review comments, agency input, and issues identified during the public review process. The

revised materials refined the proposed subdivision layout, development standards, phasing, and supporting analyses associated with the application.

Unless otherwise expressly modified herein, all applicable provisions of the Cle Elum Municipal Code in effect on October 22, 2024, shall apply to the development.

1. **Public Notice:** In accordance with CEMC 14.30.110, notice was provided as follows:
   - The subject property was posted with a land use action sign on October 22, 2024.
   - Notice of Application was sent to the applicant, agencies with jurisdiction, adjoining property owners within 300 feet of the subject property, the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Colville Reservation, and the Snoqualmie Tribe on November 21, 2024. The comment period ended on December 20, 2024. Submitted comments are summarized in section III.D.7.
   - A legal notice was published in the Northern Kittitas County Tribune on November 21, 2024.
   - Notices were also provided at City Hall and on the city website under Public Hearings.
   - On August 14, 2025, an MDNS was issued.
   - On August 29, 2025, an appeal of the MDNS was submitted to the City.
   - On March 11, April 23, April 29, and June 11, 2026, revised plans were submitted to the City.
   - On October 22, 2026, a SEPA Addendum was issued.
   - On October 22, 2026, a Notice of Public Hearing was sent to the applicant agencies with jurisdiction, adjoining property owners within 300 feet of the subject property, the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Colville Reservation, and the Snoqualmie Tribe.
   - On October 22, 2026, a Notice of Public Hearing was published in the Northern Kittitas Tribune.
   - On October 28, 2026, the City's Staff Recommendation was made available on the City's website.

2. **Environmental Review:** This application was required to undergo State Environmental Policy Act (SEPA) review because it proposes the construction of 92 units, exceeding the four dwelling unit threshold (CEMC 14.40.040(A)(1)). Notice was mailed on August 14, 2025. The public comment period ended on August 29, 2025. Three (3) comments were received from Agencies and eight (8) from the public (exhibit D-28 through D-37) which are outlined in accordance with WAC 197-11-340(2) and CEMC 14.40. The MDNS was appealed at the time this staff report was prepared. The appeal is discussed further below in Section E.

   Following issuance of the August 14, 2025 MDNS, the applicant submitted revisions to the Preliminary Plat and Development Agreement. The revisions reduced the subdivision from 93 to 92 residential lots, reduced the proposed Development Agreement term from 15 years to 10 years, made minor design modifications, and revised provisions related to phasing, vesting, permit processing, applicable codes, critical areas, and implementation of mitigation measures.

   On October 22, 2026, the City issued an Addendum to the MDNS pursuant to WAC 197-11. The City determined that the revised proposal would not result in new or different

significant environmental impacts or require mitigation beyond that identified in the prior environmental review. The Addendum did not change the environmental analysis or determination contained in the August 14, 2025 MDNS, and no additional SEPA comment period was required.

B. Current Zoning and Land Use:

1. The subject property is made up of 2 parcels, approximately 11.97 acres and is zoned Multi-Family Residential (approximately 10 acres) and Residential (approximately 1.75 acres). The City's adopted Future Land Use Map designates the larger parcel as Residential and the smaller parcel as Commercial. The property is currently undeveloped.

   The applicant's Critical Area Report (Exhibit B-08) identifies Deer Canyon Creek, located north of the project site, as a fish-bearing stream (Type F), and a man-made pond southeast of the development to be a Fish and Wildlife Habitat Conservation area.

2. The surrounding properties contain uses and zoning as follows:

Direction	Zoning	Land Use
North	Kittitas County	Vacant Land/Single-Family Residences
South	General Commercial & Kittitas County	Motor Rental/Vacant Lot & Single-Family Residences
East	Kittitas County	Single-Family Residences
West	Single-Family Residential	Vacant Land/Single-Family Residences

C. Development Review Comments:

1. **PUBLIC WORKS/ENGINEERING:**

   Access to the subdivision will be from an easterly extension of East First Street at the intersection with Spansky Road, and an easterly extension of East Third Street. The proposed development will cause increased pedestrian and vehicle traffic without adequate safety precautions for pedestrians. Current frontage infrastructure does not meet City of Cle Elum municipal code and is not adequate to support the additional pedestrian and vehicular traffic. Therefore, in order to alleviate the resulting impacts from the change in use proposal, the City is requiring the following improvements in accordance with CEMC 16.12A:

   a. Adequate right-of-way shall be dedicated in accordance with CEMC 16.12A.

   b. East First Street shall be improved for the length of the property including street, parking lane, barrier curb and gutter, and sidewalks on the north side, illumination, and stormwater facilities, consistent with CEMC 16.12A. Utilities, including but not limited to power poles and a fire hydrant will need to be relocated as necessary to accommodate the proposed alignment.

c. The centerline of an extension of East 3rd Street is also City of Cle Elum boundary with Kittitas County. Therefore, the northern half of the road extension will be located outside the City of Cle Elum in Kittitas County. The south half of East Third Street shall be improved for the length of the property including street, parking lane, barrier curb and gutter, sidewalks, illumination, and stormwater facilities, consistent with CEMC 16.12A. The north half of East Third Street shall be improved for the length of the property including per Kittitas County standards with a minimum of a 12-foot asphalt lane. Work within the Kittitas County right-of-way requires review and approval by Kittitas County, and all necessary permits must be obtained through the County.

d. Internal local residential access roads shall be designed and constructed consistent with CEMC 16.12A. Any proposed qualitative deviations should be addressed in a Development Agreement.

e. Rolled curb may be permitted by the Public Works Director but requires 6-inch depth concrete sidewalks immediately adjacent to curb.

f. The lot frontages are too narrow to safely accommodate both driveway access and on-street parking, per City standard local residential street classification. This would create sight distance conflicts with unsafe backing movements or obstructed visibility if cars are parked too close to the driveway throat.

   The proposed road section also eliminates the standard planter strip between the curb and sidewalk, placing the sidewalk directly adjacent to the back of curb. This area is important for winter maintenance operations because it provides a designated location for snow storage.

   Without the planter strip, snow would need to be pushed toward the edge of the roadway, reducing available roadway width and creating conflicts with pedestrians, vehicles, and on-street parking. Alternatively, snow would need to be hauled out of the subdivision, placing an unnecessary operational and financial burden on City maintenance staff.

   The recommendation is to maintain the standard planter strip between the curb and sidewalk to provide necessary snow storage capacity while also creating physical separation between pedestrians and vehicular traffic. If the planter strip is to be eliminated and the sidewalk placed adjacent to the curb, on-street parking should be prohibited to preserve adequate roadway width for snow storage and winter maintenance operations.

   Therefore on-street parking will be prohibited in locations where lot frontage is less than 50 feet in width unless rolled curb is used in place of barrier curb. Lots with less than 30 feet in frontage width shall share a driveway with the adjacent lot. As a result of the reduced street parking, all parcels shall have two parking spaces excluding the parking garage.

g. The proposed cul-de-sac meets the International Fire Code and City of Cle Elum Construction Standards requirements for minimum radius. However, the proposed landscape island and adjacent parking configuration are inconsistent with City standards and reduce the available roadway width such that adequate two-way vehicle traffic cannot be maintained.

   The center of a cul-de-sac is an important operational area for winter snow storage and plowing. The proposed landscape island will interfere with the City's ability to efficiently plow and clear the cul-de-sac. If adequate snow storage is not provided within the roadway area, the City may be required to haul snow off-site, creating an ongoing and unnecessary burden and additional operational cost for City maintenance crews.

   The recommendation would be to remove proposed landscape island to provide adequate roadway width for two-way traffic and sufficient unobstructed area within the center of the cul-de-sac to accommodate effective snow plowing and winter snow storage. No landscaping, parking, or other permanent obstruction shall be permitted within the area necessary for City snow removal operations.

2. **WATER:**

   The proposed development is located within Zone 1. Zone 1 reservoir has adequate capacity and standby storage to service the 92 ERUs associated with the proposed development.

   There is an existing 12-inch water main located at the northwest corner of the propped development at East Third Street, and 12-inch water main located along the southern property line at the intersection of East First Street and Spansky Way. There is also an existing 6-inch water main running through the property that would need to be abandoned with this proposed development.

   a. Pursuant to the City's 2024 Construction Standards, Chapter 4 - Water System Improvements, water lines shall be extended by the Developer to the point where the adjoining property owner's responsibility for further extension begins. Extensions will be consistent with and implement the City's adopted Water System Plan, including alignments, sizes, and depths necessary to serve future areas within the Urban Growth Area (UGA) boundary. There is an existing water main located just to the south of the property. Extending the water line to the north property line is required. The new water mainline will need to be designed per CEMC and City Engineering Standard Details. The site plan will need to show the proposed water services and/or proposed new sewer mainline per Chapter 13.12 CEMC.

   b. The existing water main on East Third Street shall be extended with an 8-inch water main to the easterly project limits.

c. Temporary dead-end mains over 500 feet in length will only be allowed where future water main looping via public right of way will be assured. No permanent dead-end water mains over 300 feet in length will be allowed to be part of the City of Cle Elum's public water system.

d. The existing 12-inch water main in Spansky Way shall be extended with an 8-inch water main into and throughout the subdivision to provide water service to each proposed lot and connect to the existing water main in East Third Street. The existing 6-inch water main shall be relocated and replaced with an 8-inch water main to provide adequate fire flow. The water main connection between East Third Street and Spansky Way shall remain active regardless of development phasing.

e. Work within the Kittitas County right-of-way requires review and approval by Kittitas County, and all necessary permits must be obtained through the County.

3. **WASTEWATER:**

The Wildwood development will be served by the City of Cle Elum municipal wastewater system, 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 2003 East Cle Elum Sewer Study included the subject property within the lift station service boundary. The lift station has adequate capacity to service the proposed development.

a. Pursuant to the City's 2024 Construction Standards, Chapter 5 - Sanitary Sewer System, sewer lines shall be extended by the Developer to the point where the adjoining property owner's responsibility for further extension begins. Extensions will be consistent with and implement the City's adopted General Sewer Plan, including alignments, sizes, and depths necessary to serve future areas within the Urban Growth Area (UGA) boundary.

b. The proposed development will need to extend a 12-inch gravity sanitary sewer main from the Airport Road lift station up Spansky Way to the proposed development. The new 12-inch sewer main in Spansky Way shall be extended with an 8-inch sewer main into and throughout the subdivision, providing sewer service to each proposed parcel.

c. The proposed development is anticipated to discharge approximately 20,000 gallons per day to an existing sanitary sewer lift station. This represents a substantial increase in loading to the existing sewer system and will increase the operational demands placed on the lift station.

The City must have the ability to continuously monitor the lift station serving the development to identify elevated wet well levels, pump failure, loss of power, and other abnormal operating conditions before they result in sewer backups, surcharging, or sanitary sewer overflow conditions.

As a condition of development approval, the developer shall be required to connect the existing sanitary sewer lift station receiving flows from the development to the City's Supervisory Control and Data Acquisition (SCADA) system prior to the development being placed into service.

The SCADA improvements shall, at a minimum, provide the City with 24-hour remote monitoring and alarm notification for wet well levels, pump operation/failure, power failure, and other critical lift station operating conditions identified by the City. The improvements shall be designed and installed in accordance with City standards and requirements and shall be reviewed and approved by the City prior to installation.

The SCADA connection shall be fully operational, tested, and accepted by the City prior to issuance of final approval, certificate of occupancy, or authorization to discharge sanitary sewer flows from the development, as applicable. The developer shall not be permitted to commence sanitary sewer discharge from the development until the required monitoring and alarm system has been accepted by the City.

This condition is necessary to provide the City with continuous operational awareness of the lift station and timely notification of abnormal conditions associated with the increased wastewater loading generated by the proposed development.

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

    a. The plan shall provide for the on-site treatment and detention/retention of all increased runoff based on the design storm over the predevelopment conditions.

b. Treatment standards shall be based on best management practices identified in the Washington State Department of Ecology's Stormwater Management Manual for Eastern Washington or an equivalent manual deemed acceptable by the city. No untreated stormwater shall be discharged offsite or to critical areas on or adjacent to project site. The off-site man-made pond located to the southeast of the subject property shall be recognized as a Fish and Wildlife Habitat Conservation Area pursuant to CEMC 18.01.030.G.7. Any potential discharges to the pond shall meet Ecology and Fish and Wildlife requirements.

c. The overflow of runoff in excess of the design storm quantities must be situated or directed to locations to where it would have discharged prior to development. Appropriate methods must be used to attenuate flows so that erosion or damage to downstream properties or critical areas does not occur. The drainage plan shall include all calculations for the determination of the required size of the stormwater treatment and retention/detention system.

5. **TRAFFIC:**

The Wildwood development will be served by transportation systems under the jurisdiction of the City of Cle Elum and Kittitas County Public Works.

A Traffic Impact Analysis (TIA) (Exhibit B-09) was performed by Transportation Engineering Northwest (TENW, June 22, 2023, revised on April 4, 2024) which considered 53 detached and 40 attached residential homes for the site. Vehicular access to the site will be provided by three new roadways—two connecting to E 3rd Street to the north and one primary access forming a new T-intersection at E 1st Street and Spansky Road. The purpose of the report was to identify potential significant and adverse traffic impacts resulting from the project and proposed where appropriate, outline programmatic and/or physical improvements to minimize or eliminate those impacts should be considered.

Importantly, the applicant's proposed Development Agreement is requesting a 10-year buildout of the subdivision, but the TIA's analysis anticipates full buildout and utilization of the project by 2028. Therefore, the TIA projections and subsequent mitigation recommendations need to be revised to reflect that Development Agreement's buildout period rather than a standard preliminary plat approval period.

The analysis evaluated the effects of the development on the local transportation network. Existing roadway conditions were assessed, including E First Street, E Third Street, Spansky Road, SR 903, and Airport Road.

The TIA provided the following information: Traffic volume data collected in September 2022 showed that all study intersections currently operate at level of service (LOS) B or better during the weekday PM peak hour, meeting the City of Cle Elum's standard of LOS D. Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, the project is expected to generate approximately 770 new weekday daily trips, including 53 trips during the AM peak hour and 70 during the PM peak hour. These trips are expected to

primarily utilize SR 903, with 75 percent of traffic distributed to and from this corridor. An additional 10 percent will use E 1st Street, 10 percent will use E 3rd Street, and the remaining 5 percent will use Airport Road.

Projections for the year 2028 indicate that all intersections will continue to operate at acceptable levels of service even with the added project traffic. The intersection of SR 903 and Spansky Road is anticipated to operate at LOS C on the southbound approach, with an average delay of 15 seconds per vehicle, which remains within the city's acceptable threshold.

To mitigate the traffic impacts associated with the project, several measures are recommended. The project should include installation of stop control on the northbound approach of Spansky Road at the newly configured intersection with E 1st Street. Additionally, it is recommended that stop control be added to the westbound approach of Airport Road at its intersection with Spansky Road, supplementing the existing southbound stop control. Improvements at this intersection should also include new signage and channelization to clearly delineate the travel lanes from an adjacent commercial parking area. Furthermore, the applicant is expected to provide a proportional share contribution toward these improvements. At the Airport Road/Spansky Road intersection, the project will contribute approximately 27.5 percent of total anticipated 2028 vehicle trips, which forms the basis for the recommended cost-sharing calculation.

6. **BUILDING:**

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

7. **FIRE:**

Development within the project shall comply with the fire and life safety standards adopted by the City at the time of construction permit issuance, including applicable provisions of the International Fire Code and adopted appendices. The approved preliminary plat layout and street configuration shall remain vested pursuant to this Agreement unless modifications are necessary to address identified life-safety or emergency access deficiencies.

Maximum spacing of fire hydrants shall be 300 feet. Additional hydrants may be required to protect structures as determined by the Fire Chief and Public Works Director. Fire hydrants shall be located at the ends of curb returns or at property lines between lots, and not be located within driveways, driveway ramps, or curb ramps. Hydrants should be equipped with a 5-inch Storz fitting, which is a standardized fitting used by many fire departments for quicker connections to fire hoses.

8. **PUBLIC COMMENTS:**

During the Notice of Application and Environmental Review public comment periods, the City received comments from six agencies, two tribes, and twenty-nine members of the public. A summary of the comments is provided below.

i. On November 22, 2024, the **Snoqualmie Indian Tribe** (Exhibit D-01) provided written comments, summarized below:
Reserve the right to fish at usual and accustomed areas and the "privilege of hunting and gathering roots and berries on open and unclaimed lands".

ii. On November 26, 2024, the **Confederated Tribes of the Colville Reservation** (Exhibit D-02) provided written comments requesting a professional archaeological survey.

iii. On December 11, 2024, **Kittitas County Department of Public Works** (Exhibit D-03) provided written comments, summarized below:
   a. *An approved access permit shall be required from the Kittitas County Department of Public Works prior to creating any new driveway access or road access to Deer Meadow.*
   b. *All addressing will be completed through the City of Cle Elum.*
   c. *Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain access.*
   d. *The site plan shown in the TIA shows approximately 90 new parcels to be created. The private road "Deer Meadow" shall be upgraded to meet Kittitas County Design Standards as outlined in section 12.04.050 and Table 12.04-1 as a road with 31+ lots. The road will be to be recertified verifying these conditions.*
   e. *A grading permit from Kittitas County Public Works may be required for construction activities on Deer Meadow Road. Please consult with Kittitas County Public Works and KCC 14.005 prior to beginning work.*

iv. On December 12, 2024, the **Department of Archeology and Historic Preservation (DAHP)** (Exhibit D-04) provided written comments requesting a professional archeological survey with consultation with concerned Tribes.

v. On December 12, 2024, the **Washington Department of Fish and Wildlife** (Exhibit D-05) provided written comments, summarized below:
   a. *Identify the exact location of the underground section of Deer Canyon Creek and ensure the appropriate 50-foot riparian buffer is applied along the creek, even where it is currently underground.*
   b. *Formal identification and protection of the pond and associated riparian habitat and the development of a habitat management plan to ensure no net loss of functions and values of this existing critical area.*

c. *Recommends seasonal groundwater monitoring throughout the year to ensure the proposed treatment methods will meet state standards year-round and that the stormwater will not negatively impact water quality or quantity within the pond.*

vi. On December 18, 2024, the **State of Washington Department of Ecology** (DOE) (Exhibit D-06) provided written comments, summarized below:
If withdrawing or using any groundwater, a Request of Determination of Water Budget Neutrality or an Application for a New Water Right Permit must be applied for.

vii. On August 14, 2025, the **Bonneville Power Administration** (BPA) (Exhibit D-28) provided written comments, summarized below:
BPA determined that the proposed development would not directly impact its facilities located approximately 240 feet north of the subject property and had no objections to the proposal.

viii. On August 27, 2025, the **Washington State Department of Ecology** (DOE) (Exhibit D-29) provided written comments, summarized below:
Water Resources: If withdrawing groundwater for a new use, the project must comply with WAC 173-539A and demonstrate water budget neutrality. A Request for Determination of Water Budget Neutrality or an Application for a New Water Right Permit must be submitted prior to withdrawing or using water.

Water Quality: If construction activities have the potential to discharge stormwater off-site, coverage under the NPDES Construction Stormwater General Permit is recommended. Permitted construction sites must implement a Stormwater Pollution Prevention Plan, with permit coverage and erosion control measures in place prior to clearing, grading, or construction.

ix. The City received twenty-nine written comments (see exhibit D-07 to D-27 and D-30 to D-37) from the public expressing a broad range of concerns related to the proposed project. While the specific topics varied, several common themes emerged. These included traffic impacts, protection of wildlife habitat and critical areas, the adequacy of infrastructure such as water, sewer, and stormwater systems, and preferences for lower density or larger lots. Residents also raised issues related to aesthetics, neighborhood compatibility, emergency services, and access via existing roadways. A number of comments emphasized the importance of adhering to current zoning standards and ensuring appropriate phasing of development. The subjects raised in these comments are discussed throughout the staff report.

Comment Topic	**Frequency**
Traffic	17
Critical Areas/Wildlife Habitat	14

Infrastructure capacity (Water and Sewer)	12
Impervious Surfaces/Drainage/Runoff	11
Larger Lots/Decreased Density	11
Compatibility/Aesthetics/Property Values	10
Deer Meadow Drive Infrastructure/Access	9
Zoning deviations/Adhere to current codes	7
Construction timeline/phasing	5
Noise	5
Emergency services/Police and Fire capacity	5
Open Space dedication/On-site Parks	5
Flooding	4
Light Pollution/Glare	3
Lack of Parking	3
Inadequate SEPA Review/Environmental Analysis	3
Public Notice/Participation/Procedural Concerns	2
Energy usage	2
Infrastructure Maintenance (Road, SW, Streetlights, etc.)	2
Fence or buffer for existing homes	2
Would require existing homes to connect to water and sewer	2
Snow Removal	1
View Obstruction	1
Lack of affordable stores	1
Previous Alley Vacation	1
Avoid conflict with City Heights	1

D. APPLICABLE LAW:

This project is subject to the Cle Elum Municipal Code in effect on the date of the Determination of Complete Application, October 22, 2024. The project shall comply with the Code as adopted on that date, except where specific modifications are provided herein. The applicant may elect to follow any standards adopted after October 22, 2024, only if explicitly identified and approved through this agreement.

Development Agreement
The applicable requirements for Development Agreements are set forth in CEMC 14.10.080. Compliance with the general requirements, minimum standards, and procedures are addressed in detail in the Findings section below.

Preliminary Plat Approval
The applicable decision criteria and development standards for preliminary plats are outlined in CEMC 16.12A.050 and 16.12A.060. Compliance with these criteria and standards is evaluated in detail in the Findings section below. Because the subject applications are tied to the proposed Development

Agreement, many of the decision criteria and development standards will be reviewed in the context of the standards set forth in that Agreement.

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 Hearing Examiner shall make a recommendation on Type 4 applications, and the Examiner's recommendation and a complete copy of the record shall be provided to the City Council.

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 Title 14.

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

E. <u>SEPA APPEAL:</u>

On August 29, 2025, Friends of Deer Meadow, LLC ("Appellants") filed an appeal of the MDNS. Appellants primarily allege that the MDNS:

1. Fails to analyze certain environmental impacts, including stormwater, groundwater impacts, water supply, water quality, critical areas and wildlife, emergency response, traffic and parking, and land use;
2. Relies on a deficient SEPA Checklist; and
3. Is procedurally deficient.

After review, staff concludes the MDNS is supported by substantial evidence, procedurally complies with SEPA (Ch. 43.21C RCW, Ch. 197-11 WAC), and is not clearly erroneous. The record establishes that all potential environmental impacts have been avoided, minimized, or mitigated through enforceable mitigation measures and conditions of approval. The Appellants' notice of appeal does not demonstrate the MDNS was clearly erroneous, unsupported by substantial evidence, or legally deficient.

Standard of Review and Burden of Proof

The City's SEPA threshold determination carries substantial weight. CEMC 14.40.080.A.3; WAC 197-11-680(3)(a)(viii). Under SEPA, a threshold determination of non-significance is subject to the clearly erroneous standard of review. A decision is clearly erroneous only when the reviewing body is left with the definite and firm conviction that a mistake has been committed. SEPA does not require lead agencies consider every conceivable environmental impact. Rather, they need only consider impacts that are likely and not merely speculative. WAC 197-11-060(4)(a). SEPA requires a thorough and

reasonable evaluation of probably significant adverse impacts and allows reliance on existing regulations and enforceable mitigation. WAC 197-11-158.

Appellants bear the burden of proving the Project continues to have probably significant adverse impacts, even with mitigation measures. WAC 197-11-350(2).

Staff Responses to Issues on Appeal

Appellants allege the MDNS fails to evaluate several potential impacts, including impacts to stormwater, groundwater impacts, water supply, water quality, critical areas and wildlife, emergency response, traffic and parking, and land use. However, Appellants do not explain how the project is likely to cause such impacts or explain why they would be significant, let alone provide evidence supporting these claims. SEPA does not require mitigation for speculative effects that are not supported by evidence. Further, under SEPA, the City can rely on existing plans, laws, and regulations for adequate analysis and mitigation for a project's environmental impacts. WAC 197-11-158. For example, the 2024 Stormwater Management Manual for Eastern Washington governs stormwater retention, and Chapter 18.01 CEMC provides applicable critical areas protections the project must comply with. Additional analysis or mitigation through SEPA is not needed when existing laws sufficiently address potential impacts.

Staff also complied with all procedural requirements of SEPA. Several of Appellants' claimed deficiencies are not errors warranting reversal of the threshold determination. The Appellant does not cite any authority suggesting the quality of the SEPA Checklist is grounds to appeal an MDNS, that the City needed to hold a public hearing on the MDNS before issuing it, or that the City was required to respond to all public comments or social media posts. Appellants also incorrectly assert that the City has already accepted the deviations proposed in the Development Agreement. This is incorrect because the City Council must approve the Development Agreement for the deviations to become effective.

IV. FINDINGS:

The following analysis evaluates the proposal as submitted and identifies whether the application can be approved, approved with conditions, or denied based on the current record.

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.

PART 1 – DEVELOPMENT AGREEMENT ANALYSIS

A. Development Agreement

CEMC 14.10.080 requires the following minimum standards to be addressed.

1. Development agreements shall include the following types of development controls, standards, and conditions:

a. Limits on density, permitted uses, residential densities, commercial floor area or acreage limitations, and/or building sizes;

Staff Response:
Staff can confirm that the proposed Development Agreement addresses the requirements of 14.10.080(B)(1)(a) related to residential density, permitted uses, and development standards. The agreement includes provisions addressing setbacks, lot dimensions, and overall density limitations intended to govern future development of the site.

b. Mitigation measures identified through the environmental review process and/or critical area regulations;

Staff Response:
The Development Agreement addresses the requirements of CEMC 14.10.080(B)(1)(b) related to mitigation measures identified through environmental review and critical area regulations.

Section 8.6 (Critical Areas Development of the Development Agreement) provides that the development incorporates and conforms with mitigation measures identified in the Critical Areas Report, commits to compliance with Chapter 18.01 CEMC (Critical Areas), and includes mitigation measures imposed through the SEPA MDNS issued August 14, 2025 and the SEPA Addendum issued on October 22, 2026, as well as any future SEPA review. This provision establishes a clear framework linking the Development Agreement to both project-specific analyses and applicable regulatory requirements.

The Critical Areas Report, dated April 10, 2025 (Exhibit B-08), identifies key environmental features on the site, including Deer Canyon Creek and a man-made pond classified as riparian habitat, and outlines mitigation measures intended to avoid, minimize, and mitigate impacts to those resources. The Development Agreement acknowledges and incorporates these measures as part of the overall development framework.

Implementation of mitigation measures will be further evaluated and confirmed during subsequent review at the final plat and permitting stages. This includes verification of buffer delineations, vegetation management, and stormwater controls to ensure consistency with the Critical Areas Report, Chapter 18.01 CEMC, and applicable state regulations.

With these provisions and conditions, the Development Agreement is consistent with the applicable code requirements related to environmental mitigation and critical areas protection.

c. Design standards for buildings and other improvements including height, setbacks, architecture, landscaping, and site design;

Staff Response:
While the proposal requests deviations from several standard subdivision and zoning provisions, staff finds that the applicant has provided additional narrative justification and supporting materials describing how the proposed standards are intended to function as an integrated development framework for the site. Staff recognizes that the requested

modifications are interrelated and are intended to support a compact residential neighborhood design with reduced roadway and alley infrastructure.

However, staff also notes that certain aspects of the proposed design, including parking functionality, driveway spacing, frontage constraints, emergency access, and long-term on-street parking management, continue to warrant careful review and may require additional conditions or refinement during subsequent engineering, fire, and final plat review to ensure consistency with public safety and operational standards.

d. Parks and open space preservation and/or dedication; and

Staff Response:
Section 8.10 of the Development Agreement states that parks and open space are proposed within the SD-1 and SD-2 tracts shown on the preliminary plat and that such areas will be privately owned and maintained by the homeowners' association. Section 9.1(f) further provides that park and open space improvements will be constructed as part of Phase 2 of the development.

Staff finds that these provisions satisfy the requirements of CEMC 14.10.080(B)(1)(d) by identifying the proposed parks and open space areas, establishing ownership and long-term maintenance responsibility, and committing to construction of the improvements as part of the development. While the Development Agreement does not establish detailed design standards or identify specific recreational amenities, the Cle Elum Municipal Code does not prescribe minimum park acreage, amenity requirements, or other performance standards that must be incorporated into a development agreement. Rather, the code requires that parks and open space preservation and/or dedication be addressed as part of the agreement.

The preliminary civil plans submitted with the application identify the proposed park and open space tracts and provide additional detail regarding their layout and improvements. Any future development of these areas remains subject to applicable City engineering, stormwater, landscaping, and construction standards, as well as review through subsequent permit approvals as applicable.

e. Other appropriate requirements.

Staff Response:
Staff identified that the applicant has provided sufficient information regarding the applicant’s phasing plan.

2. Controls, standards, and conditions may be established by referencing the applicable sections of the Cle Elum Municipal Code. By the terms of a development agreement, the city council may vary or deviate from the otherwise applicable sections of the Cle Elum Municipal Code.

Staff Response:
The applicant is proposing a unique set of design standards to apply to the project. While a Development Agreement may allow for variations from standard code provisions, such deviations must be clearly articulated, justified, and adopted through explicit terms and are subject to council approval. The Applicant provided a table of proposed deviations and the justifications for each (Exhibit B-18).

The following are Staff's analysis of each proposed deviation from the CEMC:

<table>
<tr><th colspan="2">Proposed Deviations from Chapter 16.12A Subdivisions</th></tr>
<tr><td colspan="2">16.12A.060(A)(1) Blocks. Blocks shall not exceed eight hundred feet in length nor less than three hundred feet on any single side, unless terrain or property boundaries prevent compliance with this standard.</td></tr>
<tr><td>Applicant's Proposed Standard:</td><td>Applicant Justification</td></tr>
<tr><td>Blocks. Blocks shall not exceed eight hundred feet in length nor less than 250 feet on any single side, unless terrain or property boundaries prevent compliance with this standard.</td><td>All blocks meet code except west side of Phase 3 and Phase 4 of the proposed development. West side of Phase 3 block is approximately 250-ft in length. Phase 4 block contains a cul-de-sac and is only 40-feet from meeting the 300-ft requirement. Due to existing property boundaries, no ability to tie into an off-site connecting street, maintaining sufficient lot depth and density around cul-de-sac, we request a reduction of the minimum block length to 250 feet.</td></tr>
<tr><td colspan="2">Staff Analysis:
CEMC 16.12A.060(A)(1) sets a 300–800 foot block length standard, but it also clearly allows flexibility where terrain or property boundaries prevent compliance.

Based on the layout, those areas are constrained by existing property boundaries, and there's no real opportunity to extend a connecting street. Most of the adjacent land to the north and east is outside city limits, and there are no existing or planned city streets to tie into, so the network essentially dead-ends at the project boundary.

Given that the block boundaries in these locations are defined by the project limits and a lack of available street connections—particularly with adjacent land outside city limits—Staff finds that the reduced block lengths are a function of well-defined and fixed boundaries, consistent with the City's definition of a "block," and fall within the flexibility allowed under CEMC 16.12A.060(A)(1).</td></tr>
<tr><td colspan="2">CEMC 16.12A.060(C)(2) Cul-de-sacs. Dead end streets or cul-de-sacs are not permitted unless terrain and parcel conditions result in greater impacts than connected streets. Where permitted, dead end streets shall be constructed with a turnaround located within the right-of-way or in a temporary easement. In no case shall a cul-de-sac exceed four hundred feet in length. Cul-de-sacs shall be located within a minimum right-of-way radius of fifty feet and shall have a minimum paved radius of forty-five feet</td></tr>
<tr><td>Applicant's Proposed Standard</td><td>Applicant's Justification</td></tr>
</table>

Cul-de-sacs. Dead end street or cul-de-sac is permitted as proposed by this development. Where permitted, dead end streets shall be constructed with a turnaround located within the right-of-way or in a temporary easement. Cul-de-sacs shall be located within a minimum right-of-way radius of fifty feet and shall have a minimum paved radius of 49.5 feet.	Proposed development is on the fringe of City limits where there is no connection to future alleys or through streets other than Third Street and First Street. Closest road to the west is Cottage Ave which is 400-ft away. The alley way that divided the project parcels was recently vacated which also eliminated any future alley connections. In order to address emergency access, developer is proposing additional right-of-way, parking, and any necessary signage the Fire Chief may propose within the cul-de-sac. Also, driveways within the cul-de-sac highly limit the ability for cars to park illegally in the drive lane. Cul-de-sac: 60-ft vs. 50-ft right-of-way. Paved radius: 49.5-ft vs. 45-ft paved radius.
Staff Analysis: CEMC 16.12A.060(C)(2) prohibits cul-de-sacs unless terrain or parcel conditions result in greater impacts than a connected street network. The applicant proposes a single cul-de-sac to serve the development. The applicant's justification is based on existing parcel conditions rather than terrain. The project is located on the western edge of the city limits, with no existing or planned street connections beyond the project boundary, and the previously approved alley vacation eliminated the opportunity for an internal alley connection. Based on the proposed street layout and surrounding roadway network, a through street connection does not appear feasible at this location. The proposed cul-de-sac exceeds the minimum dimensional requirements of the development standards, including a 60-foot right-of-way radius and a 49.5-foot paved radius. Although the applicant proposes accommodating parking within the cul-de-sac, the City is not approving on-street parking in this location. The cul-de-sac shall be designed and signed to prohibit on-street parking, with curb markings and signage installed as required by the Fire Chief and Public Works Director during engineering review to ensure adequate emergency vehicle access.	
CEMC 16.12A.060(C)(3) *Alley*. Paved alleys with a minimum width of sixteen feet within a twenty feet of right-of-way shall be provided unless prohibited by physical limitations that are not caused by the proposed street layout or the design of the project.	
Applicant's Proposed Standard	Applicant's Justification
No alley requirements for this project.	Proposed development is on the fringe of City limits where there is no connection to future alleys or through streets to the west other than Third Street and First Street. Closest road to the west is Cottage Ave which is 400-ft away. The alley way that divided the project parcels was recently vacated which also eliminated any future alley connections. In order to address emergency access, developer is proposing additional right-of-way, parking, and any necessary signage the Fire Chief may propose within the cul-de-sac. Also, driveways within the cul-de-sac highly limit the ability for cars to park illegally in the drive lane. Cul-de-sac: 60-ft vs. 50-ft right-of-way. Paved radius: 49.5-ft vs. 45-ft paved radius.

	Justification below: 1. Proposed project provides low volume side streets and sidewalks for pedestrians to safely walk. 2. Lower infrastructure costs by eliminating grading, paving, stormwater, lighting, and utility extensions for additional right-of-way and passing cost savings to the buyers. 3. Reduces overall impervious surface area in the spirit of low-impact-development. 4. Much easier snow management and maintenance. Nowhere to store snow in a 16-ft alley. 5. Simplifies building pad design especially for multi-family. 6. Improves safety and visibility by creating blind corners and backing into narrow alleys. 7. Front yards are more visible, deterring theft and vandalism. 8. Garbage collection is easier from the main street than narrow alleys (especially with snow or tight turning radius). 9. Closest alley accessed residential block is over 2,000-ft away. 10. Alleys use a large amount of area that significantly reduce density. 11. City just recently vacated an alley dividing the 2 project parcels for not having much public value for the City.
Staff Analysis: CEMC 16.12A.060(C)(3) requires alleys unless physical limitations justify otherwise. In this case, the requirement must also be evaluated in light of long-term City maintenance responsibility and existing development patterns. Public Works has expressed a general preference against expansion of alley infrastructure due to ongoing maintenance obligations and lifecycle costs. In fringe areas without an established or continuous alley network, new alleys would create additional City-maintained right-of-way without corresponding system-wide connectivity or operational benefit. The proposed development instead provides direct frontage access consistent with surrounding conditions and does not rely on or connect to an existing alley system.	
CEMC 16.12A.060(C)(9)(N4) In residential areas, sidewalks shall be separated from the curb by a minimum four feet planting strip or filter strip.	
Applicant's Proposed Standard	Applicant's Justification
In residential areas, sidewalks may be separated from the curb by a minimum four feet planting strip or filter strip. The design benefit or constraint shall be demonstrated when not separating sidewalks from curbs.	Allow creativity in design for a more modern development and variety of street scape. Areas of planter strips will be determined during the final engineering design. The most likely area with planter strips will be along 1st and 3rd Street in order tie into future development that may occur west of the

	proposed Wildwood Development. Areas that will have larger separation of driveways may also be considered to have sidewalk and curb separation.
Staff Analysis: The applicant proposes to allow flexibility in the placement of sidewalks and planting strips by permitting sidewalks to be constructed adjacent to the curb where a design benefit or site constraint can be demonstrated. This approach would allow deviations from the standard requirement in CEMC 16.12A.060(C)(9)(N4) on a case-by-case basis. The preliminary plat does not identify the locations where this flexibility would be utilized or the specific design benefits or constraints that would warrant eliminating the required planting or filter strip. As a result, staff is unable to evaluate whether the requested deviation is appropriate for any particular street segment at this stage of review. If the Hearing Examiner and City Council approve the requested development standard modification, staff recommends that any location proposing sidewalks adjacent to the curb be supported by documentation demonstrating the applicable design benefit or physical constraint, subject to review and approval by the Public Works Director during engineering plan review.	
CEMC 16.12A.060(C)(11): Vehicular access to single-family residential lots shall be limited to the alley unless otherwise approved through an alternative access plan as part of an approved subdivision by the city.	
Applicant's Proposed Standard	Applicant's Justification
Vehicular access to single-family residential lots shall be limited to public street access.	See justification for the removal of alleys above in 16.12A.060(C)(3).
Staff Analysis: CEMC 16.12A.060(C)(11) limits vehicular access to single-family residential lots from alleys. Because the applicant is requesting approval to eliminate alleys throughout the subdivision, compliance with this standard is not feasible. If the requested modification to CEMC 16.12A.060(C)(3) eliminating alleys is approved, vehicular access to the affected lots would necessarily occur from the public street rather than an alley.	
Proposed Deviations from Chapter 16.30 *Final Plats*	
CEMC 16.30.040 *Certification and Recording*: Upon approval, the director shall sign the final plat for the applicant/developer to record with the county auditor. No building permits shall be issued by the city until a recoded copy of the final plat is received.	
Applicant's Proposed Standard	Applicant Justification
Certification and Recording. Upon approval, the council shall certify its acceptance by authorizing the mayor to sign the plat. The developer shall have the final plat recorded with county auditor.	Common practice is to have the developer record the final plat.
Staff Analysis: The proposed deviation follows recently amended the code to permit this process, recognizing the benefits of allowing the developer to handle recording.	

Proposed Deviations from Chapter 17.16 Residential District	
CEMC 17.16.010 Outright permitted uses. In the residential district, no building or premises shall be used, and no building shall hereafter be erected, moved into the district, or structurally altered, unless otherwise provided in this title, except for one or more of the following uses: A. One single-family dwelling (including manufactured homes) or duplex per legal lot of record; B. Accessory buildings, such as are ordinarily appurtenant to single-family dwellings or duplexes, including but not limited to, private workshops, private greenhouses, parking for private recreational vehicles and trailers, and a private garage of not more than three-car capacity; in no case shall an accessory building(s) exceed the size of the primary building on site. Where a lot is served by an alley, all on-site parking or garages shall be accessed only from the alley; C. Accessory dwelling units, provided: 1. Only one accessory dwelling unit is permitted per lot; 2. The accessory unit shall not be larger than the primary dwelling unit; 3. One additional off-street parking space is provided; and 4. Either the primary unit or the accessory unit is occupied by the owner of the property. D. Adult family homes and group homes as required and meeting minimum state requirements; E. Home occupations engaged in by individuals living in the residence, subject to the limitations in this title; F. (In home) family day care located in a private home that supplies care, attention, supervision, and oversight for one to twelve children, governed by Washington State DSHS licensing provisions for said day care use and conducted in accordance with said state DSHS requirements.	
Applicant's Proposed Standard	Applicant's Justification
Remove 17.16.010 and use current code Chapter 17.14 Permitted Land Uses.	Update to match existing code and permitted uses.
Staff Analysis: The application is vested to the development regulations in effect at the time the application was determined complete. However, pursuant to the City's development agreement provisions, the Development Agreement may establish alternative development standards where approved by the City. The applicant proposes to replace the vested permitted use provisions of CEMC 17.16.010 with the City's current permitted use regulations contained in Chapter 17.14 CEMC. If approved, the Development Agreement should clearly identify Chapter 17.14 CEMC as the governing standard for permitted uses to ensure there is no ambiguity regarding which regulations apply throughout the life of the agreement.	
CEMC 17.16.040 *Front yard* A front yard having a minimum depth of twenty feet is required.	
Applicant's Proposed Standard	Applicant's Justification
There shall be a front yard having a minimum depth of ten feet. Driveways shall be minimum 20-ft long from back of sidewalk to front of garage.	To ensure additional off-site parking availability.
CEMC 17.16.040 requires a minimum 20-foot front yard setback in the residential zoning district. The applicant proposes to reduce the minimum front yard setback to 10 feet while maintaining a minimum 20-foot driveway length measured from the back of sidewalk to the face of the garage. The requested modification is intended to accommodate the proposed site layout and provide a consistent development pattern with the adjoining multi-family portions of the project. The	

<table>
<tr><td colspan="2">proposed 20-foot driveway depth is intended to preserve space for vehicle parking without encroaching into the public sidewalk. If approved, the reduced setback would be implemented through the Development Agreement.</td></tr>
<tr><td colspan="2">CEMC 17.16.070 Site Area For every building hereafter erected or structurally altered or moved into the district, there shall be provided a lot area of not less than five thousand square feet per unit for one-family dwellings, and not less than seven thousand square feet per unit for duplexes.</td></tr>
<tr><td>Applicant’s Proposed Standard</td><td>Applicant’s Justification</td></tr>
<tr><td>The minimum lot size for single-family dwellings shall be determined by the minimum density and the ability of the proposed lots to support a dwelling and the required setbacks and parking.</td><td>To allow uniformity throughout the property and align with more current development such as City Heights and Bull Frog Flats. Rather than submit a rezone for tax parcel 623134, the applicant wishes to address this within the development agreement. Allowing smaller lots will not increase the overall allowable density of the project. Applicant has provided an architectural plan and a preliminary plat that demonstrates single housing types, lot sizes, and overall uniformity throughout the project. See enclosed architectural video. Home square footage that is different than what is currently being proposed. 1,200 – 2,500 square feet.</td></tr>
<tr><td colspan="2">Staff Analysis: CEMC 17.16.070 establishes a minimum lot area of 5,000 square feet for single-family dwellings and 7,000 square feet for duplexes. The applicant proposes to replace the minimum lot size requirement with a performance-based standard, whereby lot size is determined by the ability of each lot to accommodate a dwelling, required setbacks, parking, and the overall density established by the development.

The preliminary plat proposes single-family lots ranging from approximately 2,900 square feet to 7,900 square feet, with proposed home sizes ranging from approximately 1,200 to 2,500 square feet. According to the applicant, the requested modification is intended to provide a more consistent development pattern with other recently approved residential developments while maintaining the overall density of the project.

If approved, the Development Agreement would establish the proposed performance-based standard in lieu of the minimum lot area requirements of CEMC 17.16.070. The preliminary plat and associated site plans illustrate how the proposed lots are intended to accommodate the planned dwellings, setbacks, parking, and associated site improvements.</td></tr>
<tr><td colspan="2">CEMC 17.16.090 Lot Coverage and Width. The lot area covered by single-family dwellings, duplexes, accessory structures, and paving/concrete for parking areas or walkways shall not exceed sixty percent of the lot area. No residential lot having a width of less than forty feet, a depth of less than seventy-five feet, nor less than twenty feet of street frontage shall be created.</td></tr>
<tr><td>Applicant’s Proposed Standard</td><td>Applicant’s Justification</td></tr>
<tr><td>The lot area covered by single-family dwellings, duplexes, accessory structures, and paving/concrete for parking areas or walkways shall not exceed sixty percent of the lot area. No residential lot having a depth of less than seventy-five feet, nor</td><td>To meet state wide development trends and help achieve underlying density. Allowing smaller lots will not increase the overall allowable density of the project. Applicant has provided an architectural plan and a preliminary plat that demonstrates housing types, lot sizes, and overall uniformity throughout</td></tr>
</table>

less than twenty feet of street frontage shall be created.	the project. This proposed language more aligns with today's City code.
Staff Analysis: Staff finds the applicant has demonstrated that the proposed lots are capable of accommodating the intended housing types and associated improvements. However, the removal of the minimum lot width standard may affect driveway spacing, on-street parking availability, snow storage, and overall street functionality. While these issues do not necessarily preclude approval of the requested deviation, they remain subject to review and approval by the City Engineer, Fire Chief, and other applicable departments.	

Proposed deviations from Chapter 17.20 Multiple-Family Residential District	
CEMC 17.20.010 The following uses are permitted in the multiple family district: A. Single-family dwellings, multiple-unit dwellings and townhouses; B. Parks and playgrounds (including park buildings); C. Accessory buildings, such as are ordinarily appurtenant to multiple-unit dwellings, including, but not limited to, carports and garages; D. Boardinghouses and lodging houses; E. Nursing homes; F. Retirement residences; G. Bed and breakfast guesthouse, when accessory to the permanent residence of the operator.	
Proposed Standard (DA)	Applicant Justification
Single-family dwellings, **common wall units**, multiple-unit dwellings and townhouses;	Update to current practices and allow more variety of housing options.
Staff Analysis: Staff notes that common wall units are already permitted under CEMC 17.70, and inclusion within CEMC 17.20.010 is therefore redundant but acceptable as a clarifying provision within the development agreement.	
CEMC 17.20.030 *Front Yard.* There shall be a front yard having a minimum depth of ten feet.	
Proposed Standard (DA)	Applicant Justification
There shall be a front yard having a minimum depth of ten feet. **Driveways shall be minimum 20-ft long from back of sidewalk to front of garage.**	To ensure additional off-site parking availability. See architectural plan for dimensions of proper spacing.
Staff Analysis: CEMC 17.20.030 requires a minimum front yard setback of 10 feet. The applicant proposes to retain the minimum front yard setback while adding a requirement that driveways have a minimum length of 20 feet measured from the back of sidewalk to the face of the garage. The proposed driveway standard is associated with the requested modification eliminating alley access, which results in vehicular access and garage parking being provided from the front of each lot. According to the applicant, the additional driveway length is intended to provide sufficient space for vehicle parking on private property without encroaching into the sidewalk or public right-of-way. If approved, the Development Agreement would retain the minimum front yard setback established by CEMC 17.20.030 while establishing the minimum driveway length as an additional development standard.	

CEMC 17.20.080 *Lot Coverage.* The lot area covered by structures shall not exceed forty-five percent of the lot area.	
Proposed Standard (DA)	Applicant Justification
The impervious surfaces on the lot or development site, including structures, sidewalks, and driveways, shall not cover more than eighty percent of the total lot area.	To meet statewide development trends and help achieve underlying density. Proposed language matches current City code.
Staff Analysis: Staff notes CEMC 17.20.080 currently limits lot coverage to 45 percent of the lot area based on structures. The applicant proposes to apply an updated standard limiting total impervious surface, including buildings, driveways, and sidewalks, to 80 percent of the lot area. This approach aligns with more current development standards that account for overall site coverage rather than structures alone. The applicant notes the intent is to support the proposed density while maintaining clear limits on total built and paved surfaces, consistent with modern City practice.	
CEMC 17.20.050 *Side Yard.* There shall be a side yard of not less than ten feet in width on each side of a building, and not less than five feet in width between lot side and buildings in the rear yard. A side street side yard shall have a minimum width of fifteen feet.	
Proposed Standard (DA)	Applicant Justification
There shall be a side yard of not less than 5 feet in width on each side of a building, and not less than five feet in width of fifteen feet. When the common property line of two lots (common-wall unit) will be covered by a proposed building(s), the required applicable interior setbacks shall not apply along the comm-wall property line.	To avoid any conflicting setback requirements in common wall situations.
Staff Analysis: CEMC 17.20.050, as vested, requires minimum side yard setbacks of 10 feet, with a minimum 15-foot side street setback. The applicant proposes to establish a minimum five-foot side yard setback and to clarify that interior side yard setbacks do not apply along a shared property line where a common-wall dwelling is constructed. The proposed standard is generally consistent with the City's current development regulations, which have since been amended to reduce the minimum side yard setback for applicable residential development. If approved, the Development Agreement would establish the proposed side yard setbacks and common-wall provisions as the governing standard for the project.	
CEMC 17.20.090(G) *Parking and Access.* If alley access is available and not incompatible with adjacent single-family development, access to parking shall be from the alley. When access is provided from the street, the driveway width and location shall be approved by the city engineer. Parking may be located in or under the structure, or in the required rear and side yards (other than a side street side yard). Parking may not be located in the required front or side street side yards except for single-family residences. Driveways and parking areas for more than four vehicles shall be screened from adjacent residential properties by a wall or solid evergreen hedge at least five	

feet in height. If parking is located in or under the structure, the parking must be screened by a front facade and a view obscuring facade or fence along the side of the structure.

Applicant's Proposed Standard	Applicant's Justification
Parking and Access a) The proposed development conforms to the Development Standards for Local Residential Access streets as set forth in CEMC 16.12A.060.C, excluding the following design requirements. b) Sidewalks. Sidewalks may not be separated from the curb by a planting or filler strip in order to provide efficient land use consistent with efficient urban use of property. c) Rolled Curbs. Owner shall have the option of either barrier or rolled curbs for the Development. d) Alley. An alley layout is not required within this development proposal. The street layout has been designed to limit paved areas to the minimum necessary to access all lots from existing and new streets. In lieu of alleys, emphasis was put on grouping private open space together adjacent to existing development that will serve as private open space between new development and neighboring parcels. e) Vehicular access to all lots will be from public streets. f) The vested standard for construction of roads and all other construction within the publicly owned right-of-way shall be based on the current (2024) published edition of the "Standard Specifications for Road, Bridge and Municipal Construction" and "Standard Plans for Road and Bridge construction" as published by Washington State Department of Transportation and American Public Works Association as modified by the city's construction standards.	The project site is located on the exterior limits of the City and not within the core residential area where alley access is more prominent. Modifying this code provides a variety of options and ability to meet the underlying density while keeping a nice curb appeal.

Staff Analysis: CEMC 17.20.090(G) establishes standards for residential parking and access, including provisions related to alley access, driveway design, parking location, and screening. The applicant proposes to replace the vested parking and access provisions with project-specific standards addressing roadway design, sidewalks, curb types, elimination of alleys, vehicular access from public streets, and application of the City's current roadway construction standards.

Several components of the proposed standard correspond to separate modifications requested elsewhere in the Development Agreement, including the elimination of alleys, front-loaded vehicular access, sidewalk design, and roadway standards. If approved, the Development Agreement would establish these project-specific parking and access standards in lieu of the vested provisions of CEMC 17.20.090(G).

Proposed deviation from Chapter 17.70 Zero Lot Line and Common Wall Developments	
CEMC 17.70.040(D) All dwelling units shall meet the development regulations of the zoning district they are located in: including setbacks (except for the designated zero lot line or common wall line), lot coverage, height, and density.	
Applicant's Proposed Standard	**Applicant's Justification**
There shall be a side yard of not less than 5 feet in width on each side of a building, and not less than five feet in width between lot side and buildings in the rear yard. A side street side yard shall have a minimum width of fifteen feet. When the common property line of two lots(common-wall unit) will be covered by a proposed buildings(s), the required applicable interior setbacks shall not apply along the common-wall property line. (limited to parcel 063034)	To avoid any conflicting setback requirements in common wall situations and current zoning.
Staff Analysis: CEMC 17.70.040(D) requires dwelling units to comply with the development regulations of the underlying zoning district, including applicable setback requirements. The applicant proposes to establish project-specific side yard standards for common-wall units, including a minimum five-foot side yard setback and an exception to interior side yard setbacks along the shared common-wall property line. The proposed standard is intended to establish the setback requirements applicable to common-wall development within Parcel 063034 and to avoid conflicts between the underlying zoning regulations and the common-wall configuration. If approved, the Development Agreement would establish these project-specific setback standards for the identified parcel.	

3. Development agreements must specify a termination date for the agreement, establish a vesting period and specify the regulations that the development will vest to, and reserve the authority for the city of Cle Elum to impose new or different regulations and conditions to the extent required by a serious threat to public health and safety or the environment.

Staff Response:
CEMC 14.10.080 requires development agreements to specify a termination date, establish a vesting period, identify the regulations to which the development will vest, and reserve the City's authority to impose new or different regulations where necessary to address a serious threat to public health, safety, or the environment.

The proposed Development Agreement establishes a 10-year term, identifies the applicable vested regulations, specifies the duration of the vesting period, and reserves the City's authority to impose new or different regulations where necessary to address serious threats to public health, safety, or the environment.

PART 2 – PRELIMINARY PLAT ANLAYSIS

The staff analysis and recommendations related to the Preliminary Plat are contingent upon approval of the Development Agreement that proposes several modified development standards.

B. Preliminary Plat Decision Criteria

16.12A.050 Preliminary Plat Approval Criteria	Staff Analysis
A. The preliminary plat is in the public interest;	The preliminary plat would facilitate residential development consistent with the City's long-range planning objectives by providing additional housing opportunities and extending public infrastructure. However, the preliminary plat relies on the associated Development Agreement to authorize several proposed modifications to City development standards. Because these modifications are integral to the proposed subdivision, the preliminary plat cannot be approved independently of the Development Agreement. Accordingly, staff finds that the preliminary plat may be determined to be in the public interest only if the Development Agreement is approved and the preliminary plat is conditioned to remain consistent with the final approved agreement. If the Development Agreement is not approved, the preliminary plat would not satisfy this approval criterion.
B. The subject preliminary plat is consistent with the comprehensive plan;	The preliminary plat is generally consistent with the goals and policies of the Cle Elum Comprehensive Plan by facilitating residential growth within the Urban Growth Area, extending public infrastructure, and supporting the City's planned accommodation of future population growth. However, consistency with the Comprehensive Plan is dependent upon approval of the associated Development Agreement. Several aspects of the proposed development, including modified development standards, parks and open space provisions, and other project-specific regulations, are established through the Development Agreement rather than

	the underlying zoning regulations. As such, the preliminary plat's consistency with the Comprehensive Plan should be evaluated in conjunction with the Development Agreement and any conditions of approval adopted by the City.
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;	The preliminary plat is consistent with the applicable zoning districts, as modified through the proposed Development Agreement. The proposal relies on the Development Agreement to establish project-specific standards governing area, dimensions, setbacks, parking, landscaping, block design, and other development requirements that differ from the underlying zoning regulations. Accordingly, the preliminary plat meets the applicable zoning requirements in light of the deviations proposed through the Development Agreement, provided the Development Agreement is approved. If approved, the preliminary plat should be conditioned to remain consistent with the final approved Development Agreement.
D. The preliminary plat conforms to the applicable standards in Chapter 18.01, Maintenance, Enhancement and Preservation of Critical Areas of this code;	Based on the submitted Critical Areas Report and current project materials, the preliminary plat conforms to the applicable standards of Chapter 18.01 CEMC. The report identifies the presence of Deer Canyon Creek, a Type F (fish-bearing) stream located north of the project site, as well as a man-made pond to the southeast, which also qualifies as fish-bearing. The plat identifies a designated critical areas tract adjacent to Deer Canyon Creek and includes a building setback line to further ensure protection of sensitive areas. Staff has reviewed the Critical Areas Report, additional coordination may be necessary to ensure that the final plat and associated site design fully reflect the critical area protections required under Chapter 18.01—particularly with respect to stormwater controls adjacent to environmentally sensitive features. To ensure continued compliance, staff recommends that final plat approval and construction permitting be conditioned upon verification of critical area boundaries, implementation of appropriate buffer widths and building setbacks, and incorporation of mitigation measures as outlined in the final, approved Critical Areas Report.
E. For those preliminary plats located within a designated floodplain, conformance with the applicable requirements of CEMC Chapter 15.24;	Not applicable.

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 walking conditions for those students who will only walk to school;	The preliminary plat includes provisions for public streets, utility infrastructure, drainage facilities, and other public improvements necessary to serve the proposed development. The proposal also identifies HOA-owned tracts for stormwater management and open space, with ownership, maintenance, and related responsibilities addressed through the proposed Development Agreement. The City Code does not establish specific standards governing the amount, location, or design of parks or recreational open space applicable to this proposal. As proposed, parks and open space will be provided through the designated tracts identified in the preliminary plat and Development Agreement. Sidewalks, drainage facilities, potable water, sanitary sewer, and other public improvements will be designed and constructed in accordance with applicable City engineering, construction, and development standards as part of subsequent plan review and permitting.
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 relies on deviations from adopted City standards regarding sidewalk locations, alley ways, and lot widths. The reduction in lot widths presents difficulties for on-street parking, emergency vehicle travel, garbage collection, and snow removal. Staff recommends the proposed streets be posted no-parking and either all lots be required to provide two off street parking spaces exclusive of garage space, or the plat include shared HOA owned and maintained parking lots on each block for visitors.
H. Every proposed lot, tract or area in the preliminary plat has an approved access to a public right-of-way;	The preliminary plat does currently demonstrate compliance identifying that every proposed lot, tract, or area has approved access to a public right-of-way (i.e., providing a minimum frontage of twenty feet).
I. The proposed preliminary plat conforms to the established design requirements;	The preliminary plat does not demonstrate conformance with established design requirements for subdivisions. The proposal relies on a Development Agreement to implement extensive modifications to adopted standards, including provisions related to alleys, block lengths, lot dimensions, setbacks, lot width, layout, and common wall development standards. The applicant has provided additional clarification and justification for the requested deviations, which assists in understanding how the proposed standards are intended to function in lieu of the underlying code.

J. The proposed preliminary plat will not cause the level of service of public facilities or services to drop below established limits;	The proposed preliminary plat is located within the city limits and lies predominantly within a zoning district that anticipates medium- to high-density residential development. As such, the City has planned for this level of growth in its Capital Facilities Plan and Comprehensive Plan. The anticipated density is consistent with what has been accounted for in long-range infrastructure and service capacity planning – in the multi-family residential zoning district. While the proposed development will generate additional demand on public facilities and services, such as transportation, water, sewer, and emergency response, the associated development costs and future property tax revenue are expected to contribute to maintaining or improving the level of service. Additionally, the City retains the ability to require off-site improvements or service upgrades if necessary as part of final plat approval or permitting.
K. The proposed preliminary plat is consistent with any other applicable city regulations, and development or other agreements specific to the subject property.	The proposed preliminary plat has been reviewed in conjunction with the associated Development Agreement, which establishes project-specific development standards applicable to the subject property. The proposal relies on the Development Agreement to modify certain subdivision and zoning standards that would otherwise apply under the Cle Elum Municipal Code. Accordingly, consistency with applicable City regulations and development agreements should be evaluated based on the preliminary plat and Development Agreement as a unified proposal. Subject to approval of the Development Agreement, the preliminary plat is consistent with the applicable regulatory framework governing the development of the property.

16.12A.060 Development Standards

CEMC 16.12.A.060 establishes a range of design standards applicable to subdivisions. The applicant proposes to comply with most of these standards, with modifications. Analysis from deviations are provided above.

A. *Design.* All subdivisions shall conform to the following design requirements(1-12)

Code Section	Staff Analysis
1. *Blocks*. Blocks shall not exceed eight hundred feet in length nor less than three hundred feet on any single side, unless terrain or property boundaries prevent compliance with this standard;	Applicant is proposing to deviate from this standard, see 10. Findings (2) above for proposed standard, justification, and analysis.

2. *Arterial streets*. Blocks abutting an arterial street shall be designed to provide limited access from the arterial. Individual lots may not be accessed from an arterial street;	Not applicable, as project site does not abut any arterial streets.
3. Property lines at street intersections shall be arcs having radii of at least twenty feet or shall be cords of such arc;	Curved corners appear consistent with 20' radius; confirm at final plat.
4. The shape and orientation of lots shall be appropriate to the location of the proposed subdivision and the type of development contemplated. Generally, lots should be rectangular in shape and side lot lines should be at approximately right angles to the street which they intersect;	The proposed lot layout is consistent with this requirement. The majority of lots are rectangular in shape with side lot lines oriented at approximately right angles to the street frontage. Lots located along proposed cul-de-sac deviate from a strict rectangular form, exhibiting a wedge-shaped configuration.
5. Lots with frontages on a public street on both the front and rear lot lines, with the exception of corner lots and alleys, shall be avoided by appropriate subdivision design;	None proposed.
6. *Future subdivision*. If a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged to allow for logical future subdivision;	Not applicable.
7. *Reserve strips*. There shall be no reservation of strips of land that prevent or limit access to land dedicated or intended to be dedicated to public use;	No strips limiting access.
8. *Clearing.* A tree preservation and clearing plan shall be submitted for approval and large trees shall be preserved whenever possible by appropriate design and clearing shall not occur where prohibited by critical areas ordinances;	Not applicable to project, no major trees exist on project site.
9. *Variances*. Variances to development standards are subject to the provisions of CEMC Section 14.30.190;	The applicant is not requesting variances to the existing development standards under CEMC 14.30.190. Instead, the applicant is proposing a development agreement that establishes an alternative set of development standards specific to this subdivision. Staff notes that, because the project is proceeding via a development agreement rather than variance requests, the standard variance provisions of CEMC 14.30.190 do not apply. The proposed development standards are evaluated under the findings for the development agreement rather than through a variance analysis.
10. *Streets*. All lots shall abut on a dedicated and improved public street for at least twenty feet;	Lots are all proposed to have the minimum of 20’ feet of right of way.

11. *Utilities*. City utilities (water and sewer) shall be installed and maintained at a minimum depth of not less than forty-eight inches below the street. All other utilities shall be installed underground and shall meet or exceed state and federal safety codes for installation;	Will be verified at time of final plat.
12. Secondary access required. Subdivisions containing forty or more lots shall contain at least two ingress-egress routes which are interconnected. Subdivisions containing fewer than forty lots shall be subject to review of the egress routes. When determined necessary by the city public works director more than one egress route shall be required.	Secondary access is provided. Access to the site is proposed on Deer Meadow Drive and Spanksy Way.

B. *Stormwater, CEMC 16.12A.060(B) (1-9).*
Each development shall be provided with a drainage system for the collection, control, and/or disposal of surface water runoff consistent with the requirements of subsections 1 through 9. Compliance with these requirements will be evaluated during civil construction plan review. As a condition of approval, the applicant shall submit an engineered stormwater drainage plan, including supporting calculations, demonstrating that increased runoff over predevelopment conditions will be treated and detained/retained onsite in accordance with CEMC 16.12A.060(B), the applicable provisions of the *Stormwater Management Manual for Eastern Washington*, and City development standards. The plans shall also demonstrate that overflow exceeding the design storm will be appropriately managed to prevent erosion or damage to downstream properties.

C. *Streets.* All subdivisions shall be served by public streets meeting the following requirements:

Code Section	Staff Analysis
1. Street layout shall be designed to efficiently serve the development. Where existing streets abut the development they shall be extended to serve the development. Streets shall be stubbed to serve future development on adjacent undeveloped parcels if development can be reasonably expected, where terrain and parcel configuration allow, streets should form a grid or modified grid pattern similar to the existing areas of the city;	The proposed street layout is efficiently designed to serve the development, considering the configuration of the property and surrounding development. The proposed streets provide internal circulation and connections to existing streets and the applicant is requesting modifications to certain street design standards through the accompanying Development Agreement.
A2. *Cul-de-sacs.* Dead end streets or cul-de-sacs are not permitted unless terrain and parcel conditions result in greater impacts than connected streets. Where permitted, dead end streets shall be constructed with a turnaround located within the right-of-way or in a temporary easement. In no case shall a cul-de-sac exceed four hundred feet in length. Cul-de-	Applicant is proposing to deviate from this standard, see 10. Findings

sacs shall be located within a minimum right-of-way radius of fifty feet and shall have a minimum paved radius of forty-five feet;	
3. *Alley.* Paved alleys with a minimum width of sixteen feet within a twenty feet of right-of-way shall be provided unless prohibited by physical limitations that are not caused by the proposed street layout or the design of the project;	Applicant is proposing to deviate from this standard, see 10. Findings
4. Where a proposed development abuts a public street that is not improved with the required frontage improvements, the developer shall be responsible for making the remaining improvements to that street for the length of the proposed development;	Deer Meadow Drive is not improved. Applicant is proposing to meet this condition.
5. Street grades shall conform in general to the natural terrain and shall not be less than one-half of one percent and generally not greater than eleven percent. Short sections of steeper grades are permitted where approved by the city engineer and will not result in hazardous traffic conditions;	Applicant is proposing to meet this condition.
6. Intersections of streets shall be made at ninety-degree angles unless terrain or other physical limitations not caused by the subdivision design or the developer require a different angle that will not result in a traffic hazard;	Applicant is proposing to meet this condition.
7. Curb radii shall not be less than ten feet;	Applicant is proposing to meet this condition.
8. The paved portion of the street shall be constructed to the following standards unless a geo-technical engineer can certify that another pavement section is suitable: a. Two inches asphalt concrete pavement or Portland cement concrete, b. Three inches crushed surfacing-top course (five-eighths to zero), c. Four inches ballast (two and one-half inches to zero);	Condition.
9. *Roadway and right-of-way widths.* Roadways shall be built to the following standards (see table in code)	Condition.
10. Sidewalks shall be located in the right-of-way and must be constructed of Portland cement concrete. Curb ramps for physically handicapped persons shall be constructed at all intersections and other appropriate locations;	Condition.

11. Vehicular access to single-family residential lots shall be limited to the alley unless otherwise approved through an alternative access plan as part of an approved subdivision by the city;	Applicant is proposing to deviate from this standard, see 10. Findings
12. The standards for the construction of roads and all other construction within the publicly owned right-of-way, shall consist of the current published addition of the "Standard specifications for Road, Bridge and Municipal Construction" and "Standard plans for Road and Bridge Construction" as published by the Washington State Department of Transportation and the American Public Works Association.	Condition.

17.16 Residential District

A. Residential (R)

Per CEMC 17.16.005, the purpose of the residential district is to create and maintain stable and attractive residential neighborhoods, while providing diversity in housing types and maintaining affordable housing. Residential zones should also protect sensitive natural areas, provide for the efficient use of land and public services, and provide appropriate vehicle and pedestrian access.

Per CEMC 16.12A.050(C), preliminary plats must conform to the applicable requirements of the zoning district in which it is located. This includes area, dimensions, use and density. Therefore, compliance with Chapter 17.16 is required for preliminary plat approval. Similarly, CEMC 17.70.040(B) and (D) require common wall units to comply with applicable requirements of the zoning districts they are located in.

The following are findings regarding the proposal's compliance with the development regulations for the Residential zoning district.

In the residential district, no building or premises shall be used, and no building shall hereafter be erected, moved into the district, or structurally altered, unless otherwise provided in this title, except for one or more of the following uses: A. One single-family dwelling (including manufactured homes) or duplex per legal lot of record; B. Accessory buildings, such as are ordinarily appurtenant to single-family dwellings or duplexes, including but not limited to, private workshops, private greenhouses, parking for private recreational vehicles and trailers, and a	The applicant is proposing to deviate from this standard and utilize the updated code and refer to the table of permitted uses.

private garage of not more than three-car capacity; in no case shall an accessory building(s) exceed the size of the primary building on site. Where a lot is served by an alley, all on-site parking or garages shall be accessed only from the alley; C. Accessory dwelling units, provided: 1. Only one accessory dwelling unit is permitted per lot; 2. The accessory unit shall not be larger than the primary dwelling unit; 3. One additional off-street parking space is provided; and 4. Either the primary unit or the accessory unit is occupied by the owner of the property. D. Adult family homes and group homes as required and meeting minimum state requirements; E. Home occupations engaged in by individuals living in the residence, subject to the limitations in this title; F. (In home) family day care located in a private home that supplies care, attention, supervision, and oversight for one to twelve children, governed by Washington State DSHS licensing provisions for said day care use and conducted in accordance with said state DSHS requirements.	
The following purposes and uses of buildings shall be allowed only upon approval of a conditional use permit in accordance with the provisions of CEMC Section 14.30.170. Conditional uses shall also require design review either in conjunction with or after the approval of a conditional use permit. A. Libraries; B. Public schools, day care centers, churches, senior centers, community centers and parks and playgrounds; C. Telephone exchanges, electric substations and similar installations for public service; D. Retirement homes and nursing homes; E. Municipal buildings; F. The office of a physician, dentist or other professional person when located in an existing	The preliminary plat does not propose any conditional uses. This standard is satisfied.

residential structure where the primary use is commercial rather than residential; G. Bed and breakfast guesthouse, when accessory to the permanent residence of the operator. Preference shall be given to facilities in historic structures; H. Host short-term rental.	
A front yard having a minimum depth of twenty feet is required. If on any given block, over fifty percent of the existing structures on the same street frontage are set back less than twenty feet, the required front yard shall be reduced to the average of the existing front yard setbacks along that street frontage.	The applicant is proposing a deviation from this standard to allow a minimum front yard setback of ten (10) feet with a minimum twenty (20) foot driveway measured from the sidewalk to the front of the garage.
There shall be a rear yard having a minimum depth of twenty feet for the principal structure(s). Where a lot is served by an alley, the rear yard for a garage shall be a minimum depth of five feet. Accessory buildings shall maintain a minimum setback of five feet.	No modification is proposed. The preliminary plat complies with this standard.
There shall be a side yard of not less than five feet in width. A side yard adjacent to a public right-of-way, an alley or street shall have a minimum width of fifteen feet. Side yard setbacks shall be measured from the drip line of the principal structure's eave to the property line.	No modification is proposed. The preliminary plat complies with this standard.
For every building hereafter erected or structurally altered or moved into the district, there shall be provided a lot area of not less than five thousand square feet per unit for one-family dwellings, and not less than seven thousand square feet per unit for duplexes.	The applicant is proposing a modification to allow minimum lot size to be determined by the proposed density and the ability of each lot to accommodate a dwelling, required setbacks, and required parking, rather than the minimum lot area otherwise required by the zoning district.
No building hereafter erected or structurally altered within or moved into the district shall exceed thirty-five feet.	No modification is proposed. The preliminary plat complies with the maximum building height requirement of thirty-five (35) feet.
The lot area covered by single-family dwellings, duplexes, accessory structures, and paving/concrete for parking areas or walkways shall not exceed sixty percent of the lot area. No residential lot having a width of less than forty feet, a depth of less than seventy-five feet, nor less than twenty feet of street frontage shall be created.	The preliminary plat complies with the maximum sixty percent (60%) lot coverage standard. The applicant is proposing a deviation to remove the minimum forty (40) foot lot width requirement while retaining the minimum lot depth and street frontage standards. Staff finds the applicant has demonstrated that the proposed lots are

	capable of accommodating the proposed housing types and associated improvements. Potential impacts related to street functionality, parking, and emergency access remain subject to review by the applicable City departments.
Home Occupations 17.16.100	No modification is proposed. The preliminary plat does not conflict with the home occupation provisions.
Manufactured homes shall be installed in compliance with applicable codes, including but not limited to: A. Homes shall be permanently installed on a foundation. B. All installations must have an eighteen-inch minimum crawl space. C. The tongue, wheels and any other transport hardware must be removed from the structure. D. Skirting shall completely enclose the structure. E. Permanent steps shall be installed to all entrances. F. A minimum of seven hundred twenty square feet is required and the home must be transported in at least two pieces of equal width to the site. A minimum width of sixteen feet is required. G. Must meet minimum snow load requirements.	No modification is proposed. The preliminary plat does not modify these development standards, which would apply, as applicable, at the time of building permit review.
Recreational vehicles including campers, travel trailers, mobile homes and other similar items the property of the lot owner or lessee may be parked for storage in the residential district provided they are parked on site; no on-street parking is permitted.	No modification is proposed. The preliminary plat does not modify these requirements.

17.20 Multiple Family Residential District

B. Multi-Family Residential (MFR)

Per CEMC 17.20.050, the purpose of the multiple family residential district is to create and maintain stable and attractive residential neighborhoods, allowing apartments and townhouse dwellings. Multiple family residential districts should also protect sensitive natural areas, provide for the efficient use of land and public services, reinforce more intense land uses such as retail, and provide appropriate vehicular and pedestrian access.

The following are findings regarding the proposal's compliance with the development regulations for the Multi-Family Residential zoning district.

The following uses are permitted in the multiple family district: A. Single-family dwellings, multiple-unit dwellings and townhouses; B. Parks and playgrounds (including park buildings); C. Accessory buildings, such as are ordinarily appurtenant to multiple-unit dwellings, including, but not limited to, carports and garages; D. Boardinghouses and lodginghouses; E. Nursing homes; F. Retirement residences; G. Bed and breakfast guesthouse, when accessory to the permanent residence of the operator.	The applicant is proposing a deviation authorizing common wall units as an additional permitted housing type. All other proposed uses are consistent with the permitted uses of the Multiple Family Residential district.
The following purposes and uses of buildings shall be allowed only upon approval a conditional use permit in accordance with the provisions of CEMC Section 14.30.170. Conditional uses shall also require design review either in conjunction with or after the approval of a conditional use permit. A. Libraries; B. Public or private schools and churches or other houses of religious assembly; C. Hospitals and sanitariums, except for inebriates and persons suffering from mental diseases; D. Telephone exchanges, electric substations and similar installations for public service; E. Day care centers; F. Private clubs, fraternities and lodges, excepting those selling or furnishing beer, wine or intoxicating liquors, and also excepting those the chief activity of which is a service customarily carried on as a business; G. Municipal buildings, senior centers and community centers.	The preliminary plat does not propose any conditional uses.
There shall be a front yard having a minimum depth of ten feet.	The proposed Development Agreement retains the minimum ten (10) foot front yard setback and adds a requirement that driveways serving garages provide a minimum twenty (20) foot

	length measured from the back of the sidewalk to the front of the garage.
There shall be a rear yard having a minimum depth of twenty feet. When a lot is served by an alley the parking, carport or garage shall have a rear yard having a minimum depth of five feet.	No modification is proposed. The preliminary plat complies with the rear yard setback requirements.
There shall be a side yard of not less than ten feet in width on each side of a building, and not less than five feet in width between lot side and buildings in the rear yard. A side street side yard shall have a minimum width of fifteen feet.	The applicant is proposing a modification to reduce the minimum side yard setback from ten (10) feet to five (5) feet.
Within the multiple family residential district, the minimum lot size for multiple unit dwellings shall be fifteen thousand square feet. The minimum lot size for single-family dwellings shall be determined by the minimum density and the ability of the proposed lots to support a dwelling and the required setbacks and parking. The minimum density shall be seven dwelling units per acre and the maximum density shall be sixteen dwelling units per acre.	No modification is proposed. The preliminary plat complies with the minimum lot size and density requirements of the Multiple Family Residential district.
No building hereafter erected or structurally altered within or moved into the district shall exceed thirty-five feet.	No modification is proposed. The preliminary plat complies with the maximum building height requirement of thirty-five (35) feet.
The lot area covered by structures shall not exceed forty-five percent of the lot area.	The applicant is proposing a modification to replace the maximum forty-five percent (45%) structural lot coverage standard with a maximum eighty percent (80%) impervious surface standard, including structures, sidewalks, and driveways.
All buildings except single-family dwellings and duplexes and their accessory structures shall be subject to the city's site and design review process (CEMC Section 14.30.140). Following are design guidelines for the RM district: A-G	The applicant is not proposing to modify the requirement for Site and Design Review but requests modifications to certain development standards applicable to the design of the project, including sidewalk configuration, curb type, alley requirements, and roadway construction standards. The proposed development would remain subject to Site and Design Review in accordance with CEMC 14.30.140.

17.70 Zero Lot Line and Common Wall Developments

C. Zero Lot Line and Common Wall Developments

A zero lot line or common wall development may be established in conjunction with the subdivision of property through a long plat or a short plat in conformity with CEMC Title 16. Zero lot line or common wall applications in conjunction with short plats shall be subject to a public hearing.	The proposal is submitted as a long plat in conjunction with a common wall development and is consistent with the procedural requirements of this section.
Each plat prepared pursuant to these standards shall contain the following notation on the face of the plat: *This plat has been approved under the provisions of Chapter 17.70 CEMC relating to zero lot line or common wall construction. No building permit may be issued for any construction upon the lands encompassed within this plat except in strict conformity with the restrictions contained in the Cle Elum Municipal Code.*	No modification is proposed. If approved, the required plat notation shall be included on the face of the final plat in accordance with this section.
Notwithstanding any other provisions in CEMC Title 16 and this title, a zero lot line or common wall development may be approved and thereafter developed in conformity with the following design standards in the following zoning districts: single-family residential, multi-family residential, and planned mixed use: A. All dwellings constructed under the provisions of this chapter shall be so constructed in conformance with applicable building code(s) for structures located on a property line. B. All lots located within the zero lot line or common wall development shall meet the minimum lot size requirements of the zone they are located in. C. All lots within a zero lot line or common wall development shall be designated as having the following property lines: 1. Front street property line, which shall be the property line adjacent to the street or public thoroughfare; 2. Rear lot line, which shall be the lot line opposite the front street property line; 3. "Interior property line," which shall mean the following:	No modifications to these standards are proposed. The preliminary plat has been designed to accommodate a common wall development, and compliance with the applicable design, utility, parking, easement, and construction standards will be verified through final plat and building permit review, as applicable.

a. The lot line shared with the adjoining parcel or lots, except for corner lots, where the side street property line shall be known as the side street property line; b. Zero lot line shall be the one interior lot line on each parcel containing a single-family dwelling built on that property line. The easement required in subsection (J) of this section shall be located on the lot adjacent to the designated zero lot line; c. "Common wall property line" shall mean the property line on which the attached single-family dwelling structure is located, and which is shared with an adjoining property owner; d. The interior lot line opposite the zero lot line or common wall line shall be subject to all applicable setback requirements of the underlying zone. 4. For zero lot line and common wall development, the dwelling unit shall be placed upon only one interior property line with zero setbacks. D. All dwelling units shall meet the development regulations of the zoning district they are located in: including setbacks (except for the designated zero lot line or common wall line), lot coverage, height, and density. E. Accessory buildings and structures shall observe setback requirements applicable to the zone. F. Each dwelling unit shall be provided with a separate water meter, electric meter, gas meter (if applicable), and sewer, wholly contained on its lot. G. No zero lot line shall be allowed for the yard adjacent to a public or private street. H. A minimum of two off-street parking spaces shall be provided on each platted lot. I. Each dwelling shall be located on its own individual lot. The plat or site plan shall indicate the zero lot line or common wall property line(s). J. Zero lot line developments shall dedicate an easement and restrictions appurtenant thereto. A construction maintenance agreement between the owners of the zero lot line lots shall be recorded in the county	

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auditor's office, or on the face of the final plat. The easement shall provide for a minimum five-foot easement extending in all directions from all zero setback walls. The purpose of the easement is for construction, maintenance, and repair of the dwellings located on the zero lot line.	
For all applications for zero lot line or common wall development, the applicant shall submit with the application the following exhibits: A. A location map indicating existing zoning on the site and adjacent areas. B. A site plan of no less than one inch to one hundred feet, including the following information: 1. Lot lines and setbacks, including designation of the zero lot line or common wall line, location, shape, size, and height of existing and proposed buildings; 2. Existing and proposed landscaping (if applicable); 3. Recreation facilities (if applicable); 4. Location of off-street parking. C. Information indicating the following: 1. Gross and net acreage; 2. Lot sizes (dimensions in square footage); 3. Building heights and stories; 4. Building coverage for each lot; 5. Such other architectural and engineering data as may be required to evaluate the project.	The applicant has submitted the plans and supporting materials necessary for review of the proposed common wall development. Staff finds the application is consistent with the submittal requirements of this section.

PART 3 - CRITICAL AREAS

A Critical Areas Report was prepared by Raedeke Associates, Inc. and revised on April 10, 2025, for the purpose of identifying and evaluating critical areas and critical area buffers associated with the proposed Wildwood subdivision. The report included a site investigation and review of available mapping and resource information to identify streams, fish and wildlife habitat conservation areas, and other critical areas regulated under Chapter 18.01 CEMC.

The Critical Areas Report identified Deer Canyon Creek, located north of the project site, as a Type F (fish-bearing) stream subject to regulation under CEMC 18.01. The report also identified a man-made pond located southeast of the project site that provides fish and wildlife habitat functions and is regulated as a Fish and Wildlife Habitat Conservation Area pursuant to CEMC 18.01.030(G). The report

concluded that no wetlands are located within the project site and that the proposed development has been designed to avoid direct impacts to regulated critical areas and associated buffers.

The project site is located within a designated Critical Aquifer Recharge Area (CARA), consistent with the City's broader aquifer recharge area designation. Pursuant to CEMC Chapter 18.01, development within CARAs must protect groundwater quality, avoid significant adverse impacts to aquifer recharge, minimize impervious coverage, and comply with applicable stormwater management standards. The proposed residential development will be served by municipal water and sanitary sewer systems. Compliance with applicable CARA protection requirements, including stormwater management and construction best management practices, shall be demonstrated through the required engineering and stormwater review.

The preliminary plat includes a designated critical areas tract along the northern portion of the property intended to protect Deer Canyon Creek and its associated buffer. Development activities are proposed outside identified critical area buffers. The Development Agreement further requires compliance with Chapter 18.01 CEMC, the approved Critical Areas Report, and any mitigation measures imposed through environmental review.

During agency review, the Washington Department of Fish and Wildlife commented on the need to verify the location of Deer Canyon Creek where portions of the channel may be underground, ensure appropriate buffering is maintained, and evaluate potential impacts to the off-site pond and associated habitat. WDFW also recommended groundwater monitoring and confirmation that stormwater management facilities will not adversely affect water quality or habitat functions.

Based on the submitted Critical Areas Report and current project design, staff finds that the proposal generally conforms to the requirements of Chapter 18.01 CEMC, provided that all recommendations and mitigation measures contained in the Critical Areas Report are implemented and that final engineering plans demonstrate compliance with applicable critical area buffer, stormwater, groundwater protection, and habitat protection requirements.

D. Determination of Consistency

Pursuant to CEMC 14.30.130, the City is required to evaluate whether proposed projects are consistent with the goals, policies, and objectives of the Cle Elum Comprehensive Plan and the applicable provisions of the Cle Elum Municipal Code (CEMC). This determination must also assess whether the proposed development will maintain or exceed adopted levels of service, particularly with respect to transportation concurrency as required by WAC 365-196-840.

As conditioned, the proposed preliminary plat and Development Agreement are consistent with the goals and policies of the Comprehensive Plan related to housing, infrastructure, growth, and public facilities and services. The proposal would extend public infrastructure within an area planned for residential development and provide a variety of housing types consistent with the City’s long range planning objectives.

While the proposal includes several deviations from development standards, the majority of those modifications are addressed through the proposed Development Agreement and are

consistent with the intent of the City's zoning, subdivision, and development regulations when evaluated within the context of a planned development. Conditions of approval requiring additional clarification related to open space, pedestrian circulation, phasing, and applicable development standards will ensure the project maintains consistency with policies related to design, public health and safety, and connectivity.

Staff finds, as conditioned, the proposal is capable of maintain adopted levels of service and demonstrating sufficient consistency with the Comprehensive Plan and applicable development regulations to support approval.

Staff's analysis of the project's consistency with specific Comprehensive Plan Goals and Policies is below:

Cle Elum Comprehensive Plan 2037 Future Land Use Map:

1. The City's adopted Future Land Use Map designates the larger parcel (063034) as Residential and the smaller parcel (623134) as Commercial.

   The Future Land Use Map identifies zoning districts considered consistent with each land use designation and serves as a guide for future zoning decisions, including annexations and rezones. Although the smaller parcel's existing Residential zoning differs from its Commercial Future Land Use designation, the applicant is not requesting a rezone or change in permitted land use. The proposed development is being evaluated under the property's existing zoning and applicable development regulations.

   Pursuant to RCW 36.70B.030 and RCW 36.70B.040, applicable development regulations provide the primary basis for determining project consistency with permitted uses and development standards. The Comprehensive Plan also contains policies supporting residential infill, neighborhood compatibility, efficient provision of public facilities and services, and expanded housing opportunities, as discussed below.

2. The following goals and policies have been identified as relevant to the proposal.

   Goal LU-1: Management and Implementation
   Policy LU – 1.1 To influence the character of the City of Cle Elum by managing land use and developing facilities and services in a manner that directs and controls land use patterns and intensities.
   Policy LU – 1.2 Land use changes should be guided by topography, soils conditions, adjacent land uses, and the ability of the City to provide facilities and services.
   Policy LU – 1.3 Ensure that new development does not outpace the City's ability to provide and maintain adequate public facilities and services by allowing new development to occur only when and where adequate facilities exist or can be provided. Policy LU – 1.5 The City will coordinate concurrency management review. Developers shall provide information relating to impacts that the proposed development will have on public facilities and services.

Policy LU – 1.9 Seek to provide adequate and appropriate lands for development for all necessary uses to accommodate the City of Cle Elum 2025 Population Projections.

Goal LU-2: Maintain residential quality and livability suitable for a rural town.
Policy LU – 2.11 Preserve the "established" character in existing neighborhoods that are significantly built-out by zoning for infill development to occur at densities, and with similar standards, consistent with the existing development pattern.

Goal LU-3: Preserve Cle Elum's natural environment while allowing for growth and development.
Policy LU – 3.1 Give priority to the creation of guidelines and zoning amendments that encourage infill residential development within the existing incorporated area in an effort to reduce sprawl, more efficiently provide public services, create more housing options and integrate new development in existing residential areas and designated cultural and historic sites, districts, and buildings.

Policy LU – 3.4 All planning area waterways and wetlands shall be preserved to the maximum extent practicable through the use of the Cle Elum Critical Areas Ordinance, SEPA, Shorelines Regulations, the Kittitas County Shorelines Master Program and applicable local, state and federal, and tribal laws.
Policy LU – 3.5 All new development shall comply with the provisions of the most recent edition of the Stormwater Management Manual for Eastern Washington as adopted by the City and the Washington State Department of Ecology Best Management Practices.

Goal LU-4: Preserve and Protect Residential Neighborhoods
Policy LU – 4.5 Encourage the formation of neighborhood or homeowners' associations to help develop a sense of community and "ownership" within neighborhoods.
Policy LU – 4.7 The City shall continue to enforce its Building, Land Use, Zoning and Nuisance regulations to promote the general public health, safety, and welfare.

Goal LU-6: Open Space
Policy LU – 6.2 Open space areas should be encouraged to be used as buffers for different types of land uses.
Policy LU – 6.3 Lands designated for open space should provide for multiple open space benefits whenever possible including active or passive recreation opportunities, scenic amenities, fish and wild life habitat, etc.

Goal LU-12: Water Quality & Quantity
Policy LU – 12.1 Maintain healthy, functioning ecosystems through the protection of unique, fragile, and valuable elements of the environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats, to conserve the biodiversity of plant and animal species.

Policy LU – 12.3 The City shall consider the impacts of new development on water quality as part of its review process and will require any appropriate mitigating measures.
Policy LU -12.6 Adequate on-site disposal of surface water runoff shall be provided by all types of development.

Goal LU-13: Drainage, flooding, and stormwater runoff
Policy LU – 13.2 Development shall take adequate measures to minimize significant erosion and flash flooding conditions by: Limiting the total amount of impervious surface to be created; Planting sufficient vegetation to offset the effects of the impervious surfaces created; and/or providing sufficient drainage facilities to control storm runoff.

Goal LU-14: Air Quality
Policy LU – 14.4 Keep dust to a minimum on all public streets and alleys:

1. All streets and roads inside the City should be paved and maintained; and
2. Dust abatement programs should be continued for remaining unpaved roads until paving can be done.

Objective 3: Evaluate existing and future land use for its impacts to the circulation system; ensure that a consistent level of service is provided to the public; and any improvements that may be required, are concurrent to the development. (RCW 36.70(A).040; CWPP 4.8; KC Comp Plan GPO 4.16, 4.18).
Policy T-24 At a minimum, the developer or landowner's proposal shall include provisions for sidewalks, lighting, landscaping, access, off-street parking, stormwater control, and road and signage improvements.

Objective 4: Promote the development and enhancement of non-motorized transportation Citywide. (CWPP 4.6; KC Comp Plan GPO 4.14.)
Policy T-29 Streets and pedestrian paths in residential neighborhoods should be arranged as interconnecting networks and should connect to other streets.

Goal H-1: The City of Cle Elum includes a diverse mix of housing types that meets the needs and are affordable to all segments of its population, especially low and moderate income households. The range of housing types also reflect market conditions, the City's rural setting, and small-town character.
Policy H – 1.1 Encourage the development of flexible lot sizes and single-family residential infill that is compatible in existing neighborhoods.

Goal H-2: A practical palette of options and incentives encourage sustainable and attractive affordable housing in new developments and historic property rehabilitations.
Policy H – 2.1 Promote diversity in style and cost by allowing innovative mixtures of housing types and creative approaches to housing design and development.

Goal H-4: The City of Cle Elum has adequate land capacity for forecasted population and residential growth targets at urban densities in its City limits and UGA in order to promote stable housing prices, foster affordability and broaden housing choices.

> Policy H – 4.4 Promote infill development that is compatible in scale, design, materials, massing, and intensity that enhances/preserves the character of existing neighborhoods while creating new housing choices. Develop and adopt design guidelines that will help infill design be compatible with existing neighborhood character.

The proposed subdivision is consistent with the Comprehensive Plan goals and policies encouraging residential infill development, efficient use of existing infrastructure, and expanded housing opportunities. The property is located within City limits and is zoned for residential development, notwithstanding the Commercial Future Land Use designation applicable to the smaller parcel. Staff finds that the proposed residential development advances the Comprehensive Plan's broader objectives related to residential infill, neighborhood compatibility, and housing diversity.

The applicant has requested modifications to certain development standards through the accompanying Development Agreement, including provisions related to lot dimensions, setbacks and street design. The proposed deviations are consistent with the Comprehensive Plan. For example, consistent with Policies LU-3.1 and H-1.1, the deviations encourage residential development and reduce sprawl, create more housing options and integrate new development in an existing residential area. Consistent with Policy LU-4.7, the deviations do not undermine general public health, safety, and welfare, as demonstrated by the analysis in this Staff Report.

The Comprehensive Plan also emphasizes environmental protection, stormwater management, adequate public facilities, and open space. These considerations are addressed through the City's environmental review, applicable development regulations, and proposed conditions of approval.

Based on the above, staff finds the proposed subdivision is consistent with the applicable Comprehensive Plan goals and policies, subject to the approval of the accompanying Development Agreement and compliance with the applicable conditions of approval. Without approval of the Development Agreement, the preliminary plat would not comply with all applicable development standards and could not be approved as proposed.

8. <u>CONCLUSIONS</u>:

A. The Hearing Examiner has jurisdiction to issue a recommendation to City Council on the Subdivision CEMC 14.30.040.

B. As conditioned, the proposed Development Agreement satisfies the applicable requirements of CEMC 14.10.080 by establishing the development standards, vesting provisions, phasing requirements, and mitigation measures applicable to the project.

C. The proposed deviations from the Cle Elum Municipal Code are appropriate within the context of a master planned residential development and, as conditioned, remain generally consistent with the intent of the underlying zoning, subdivision, and development regulations.

D. The preliminary plat is consistent with the goals and policies of the Cle Elum Comprehensive Plan related to housing opportunities, infrastructure extension, and planned growth.

E. As conditioned through the Development Agreement and conditions of approval, the preliminary plat conforms to the applicable zoning, subdivision, critical areas, and public facility requirements of the Cle Elum Municipal Code.

F. Based upon the findings and conclusions contained within this staff report, and subject to the conditions of approval, staff recommends approval of the Preliminary Plat and Development Agreement.

9. RECOMMENDATIONS:

The Planning Consultant, on behalf of the City of Cle Elum, recommends approval of SUB-2023-003, and DA-2024-001 based upon the above findings and conclusions and subject to the conditions of approval as follows:

1. Approval of the Preliminary Plat is expressly contingent upon approval and execution of the Development Agreement. If the Development Agreement is denied, withdrawn, or not executed, the Preliminary Plat shall be deemed denied because the proposal would not comply with applicable development regulations and zoning standards identified in the findings and conclusions of this staff report.

2. Prior to final plat approval for any phase containing SD-1 or SD-2 tracts, the applicant shall submit revised tract plans, landscaping plans, and homeowners' association documents clearly identifying the intended function, ownership, maintenance responsibilities, access provisions, and permitted improvements within all stormwater and open space tracts. Any proposed recreational amenities, including but not limited to pathways, seating areas, picnic facilities, or passive recreation features located within or adjacent to stormwater facilities, shall be demonstrated to be compatible with the intended stormwater management function, maintenance access requirements, public safety considerations, and applicable City engineering standards. The City may require revisions to tract design, maintenance provisions, or recreational improvements to ensure long-term functionality, safety, and maintenance access.

3. Revised civil plans shall identify continuous pedestrian facilities throughout the development, including sidewalk locations, widths, driveway crossing treatments, and any proposed deviations from planting strip requirements, consistent with the findings regarding pedestrian safety and walkability.

4. The preliminary plat and associated development plans shall clearly identify all detached single-family lots and all common wall or attached housing lots and demonstrate compliance with applicable density, setback, parking, and dimensional standards identified in the approved Development Agreement.

5. The applicant shall construct all frontage, utility, roadway, stormwater, pedestrian, and fire protection improvements identified in the Public Works and Engineering review comments and required under the approved Development Agreement and City construction standards.

6. Rolled curb may be permitted subject to approval by the Public Works Director. Where rolled curb is utilized, sidewalks immediately adjacent to the curb shall be constructed with a minimum six-inch concrete depth and shall otherwise comply with applicable City construction standards.

7. On street parking shall be prohibited along lots having less than 50 feet of street frontage unless rolled curb is utilized in place of barrier curb. Any required parking restrictions shall be identified on the final plat and implemented through signage or other measures approved by the Public Works Director.

8. Lots having less than 30 feet of street frontage shall share a driveway with an adjacent lot. Shared driveways shall be shown on the final plat and supported by all necessary access, maintenance, and reciprocal use easements or agreements, in a form acceptable to the City.

9. Due to limitations on available on-street parking, each residential lot shall provide a minimum of two off-street parking spaces, exclusive of enclosed garage parking. Required parking shall comply with applicable City dimensional and access standards.

10. The standard planter strip between the curb and sidewalk shall be provided consistent with applicable City street standards to accommodate snow storage and provide separation between pedestrians and vehicular traffic. If the Public Works Director approves elimination of the planter strip and placement of the sidewalk immediately adjacent to the curb, on-street parking shall be prohibited in affected areas as necessary to maintain adequate roadway width and snow-storage capacity.

11. The proposed landscape island within the cul-de-sac shall be removed or revised as required by the Public Works Director to provide adequate roadway width for two-way traffic and sufficient unobstructed area for snow plowing and winter snow storage. No landscaping, parking, or other permanent obstruction shall be located within areas determined by the Public Works Director to be necessary for City snow-removal operations.

12. The existing six-inch water main affected by the proposed development shall be relocated and replaced with a minimum eight-inch water main to provide adequate fire flow for the development. The design, location, and construction of the replacement water main shall be reviewed and approved by the City prior to construction.

13. The water-main connection between East Third Street and Spansky Way shall remain active and operational throughout development of the project, regardless of project phasing, unless an alternative configuration is expressly approved by the Public Works Director.

14. Prior to authorization of sanitary sewer discharge from the development, the developer shall connect the existing sanitary sewer lift station receiving wastewater flows from the development to the City's Supervisory Control and Data Acquisition (SCADA) system. At a minimum, the improvements shall provide 24-hour remote monitoring and alarm notification for wet-well levels, pump operation and failure, power failure, and other critical operating conditions identified by the City. The improvements shall be designed and installed in accordance with City requirements and shall be fully operational, tested, and accepted by the City prior to authorization of sanitary sewer discharge from the development.

15. Stormwater runoff shall be treated and detained/retained onsite in accordance with CEMC 16.12A.060(B). Prior to approval of civil construction plans, the applicant shall submit an engineered stormwater drainage plan, including supporting calculations, demonstrating compliance with the applicable provisions of the *Stormwater Management Manual for Eastern Washington* and City development standards. The plans shall address overflow conditions and demonstrate that downstream properties will not be adversely impacted. All stormwater plans shall be reviewed and approved by the City Engineer.

16. The applicant shall comply with all mitigation measures and recommendations identified in the approved Critical Areas Report, SEPA determination, agency review comments, and applicable provisions of Chapter 18.01 CEMC, including required buffer protection, stormwater controls, and habitat mitigation measures.

17. Prior to final plat approval, all critical area tracts, buffers, building setback lines, and associated protection areas identified in the approved Critical Areas Report shall be surveyed and shown on the final plat. The final plat shall include all required critical area notes, restrictions, and disclosures consistent with Chapter 18.01 CEMC.

18. All lots adjacent to a critical area tract or buffer shall maintain the minimum buffer and building setback requirements established by the approved Critical Areas Report and Chapter 18.01 CEMC. Building setback lines shall be depicted on the final plat where applicable.

19. The applicant shall complete any archaeological review, consultation, survey, or mitigation measures required by the Department of Archaeology and Historic Preservation or affected Tribes prior to land disturbing activity. If cultural resources are discovered during construction, work shall cease in the affected area until appropriate review and consultation has occurred.

20. Final roadway, hydrant, cul-de-sac, and emergency access designs shall be subject to review and approval by the Fire Chief and Public Works Director to ensure adequate emergency access and fire protection throughout all phases of development.

21. Public infrastructure necessary to serve each phase of development, including roadway access, water, sewer, drainage, and fire protection infrastructure, shall be installed and operational prior to approval of the applicable final plat phase. Prior to development exceeding 30 dwelling units, the applicant shall construct a secondary emergency access connection in a location and configuration approved by the City Engineer and Fire Chief.

22. Each final plat application shall substantially conform to the approved preliminary plat, Development Agreement, approved engineering plans, and all applicable conditions of approval unless otherwise modified through an approved amendment process.

23. All Final Plat submittals 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”.

24. 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 XX.

25. 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 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.

26. All required public improvements shall be completed prior to final plat approval, unless otherwise secured by a surety acceptable to the City. Pursuant to RCW 58.17.130, any improvements not completed prior to final plat approval shall be secured by a bond equal to 150 percent of the estimated cost of completion, as approved by the City Engineer. Improvements eligible for bonding shall be limited to sidewalks, landscaping, street lighting, and final pavement lifts.

27. In accordance with CEMC 16.30.040, the final plat application for each phase shall be submitted to the City within five (5) years of the date of preliminary plat approval, unless the Wildwood Ranch Development Agreement is approved by the City Council, in which case the preliminary plat approval period shall be extended in accordance with the terms of the approved Development Agreement.