Before Hearing Examiner
Gary N. McLean

BEFORE THE HEARING EXAMINER
FOR THE CITY OF CLE ELUM

Regarding the **APPLICATION FOR A PRELIMINARY SUBDIVISION OF BULLFROG FLATS PHASE P-4,** SUBMITTED BY **BULLFROG FLATS LLC / BLUE FERN,** Applicant	**File No. SUB-2026-001** **FINDINGS, CONCLUSIONS AND RECOMMENDATION OF APPROVAL**

I. SUMMARY OF RECOMMENDATION.

Bullfrog Flats LLC seeks preliminary subdivision approval for Phase P-4, a 29.33-acre residential phase within the previously approved Bullfrog Flats Master Plat. At the October 14, 2026 public hearing, the applicant presented a 151-lot proposal in two construction phases, consisting of 89 and 62 lots. The application also requests four minor modifications of the residential development standards in the governing Development Agreement. *(Exs. A-01, B-03, J-02).*

Based upon the record, the Hearing Examiner recommends that the City Council approve the preliminary plat and associated minor modifications, subject to the applicable Master Plat conditions, the City's phase-specific conditions, and the additional clarifications in this Recommendation. The Council should ensure that the final identified preliminary plat accurately depicts the 151-lot proposal presented at hearing. This Recommendation does not reopen the Master Plat or approve separate development proposals for other phases or the Business Park.

II. RECORD.

Exhibits entered into evidence as part of the record and supplemental materials submitted in connection with the hearing, as well as an audio recording of the public hearing held in Council

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

Chambers on October 14, 2026 for this matter, are maintained by the City of Cle Elum and may be examined or reviewed by contacting the City Clerk's Office.

Public Hearing Testimony: City planning consultant Colleda Monick testified in support of conditional approval. The applicant's engineer, Holli Heavrin, explained the proposed layout, construction phasing, infrastructure and requested modifications; applicant counsel Duana Kolouškovᡠaddressed legal and procedural questions. Local resident, Kathy Wyborski, was the only member of the public who provided testimony during the open comment portion of the hearing, expressing general concerns that some sort of data center may be possible in the separate Business Park portion of the larger Bullfrog Flats planning area. The Business Park is not the subject of this proceeding. The Examiner also questioned City representatives concerning trails, wildlife movement and cultural-resource protocols, including an inadvertent discovery during work at an adjacent development site. Richard Weinman, the City's SEPA consultant and designated SEPA Responsible Official, provided substantive testimony describing a discovery on the neighboring development site, how the IDP was implemented, and other interesting details addressed in findings below. Ms. Monick verified events described by Mr. Weinman. *(Testimony of Mr. Weinman and Ms. Monick; Exs. J-01, J-02).*

At the Examiner's request, the applicant submitted additional written justification and architectural illustrations concerning the requested garage-door façade modification after the hearing. The October 16, 2026 Sanbell submittal is now included in the record as Exhibit J-03.

Exhibits: The City's Planning Consultant prepared the Staff Recommendation dated October 14, 2026. The City Exhibit List, File No. SUB-2026-001, identifies Exhibits A through J. Rather than reproduce that list, the Examiner incorporates it by reference. The key records that include substantial evidence supporting approval of the requested preliminary plat include the Staff Recommendation and Master Plat conditions *(Exs. A-01 and A-02)*; the preliminary plat, civil plans and technical studies *(Exs. B-01 through B-11)*; public notice and agency comments *(Exs. C-01 through D-05)*; the Development Agreement and SEPA documents (*Exs. F-01 through H-04)*; and the materials submitted at or following the hearing as authorized by the Examiner. *(Exs. J-01 through J-03).*

The Examiner visited the Bullfrog Flats P-4 project area and surrounding road network on the day of the hearing and has visited the site on numerous occasions in connection with prior Bullfrog Flats proceedings. The Examiner is fully advised concerning the project location, the existing Development Agreement and Conditions of Approval, the surrounding road network and land uses, and prior land use proceedings relevant to the situation presented in this matter. *(Site Visit; Official Notice of prior Bullfrog Flats proceedings)*.

III. FINDINGS OF FACT.

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

Application and Preliminary Plat.

1. Bullfrog Flats is a phased master-planned development within the City of Cle Elum, generally

between Bullfrog Road and State Route 903. The City Council approved the Master Plat and the initial residential phases in March 2025. The project is governed by the 2002 Bullfrog UGA Development Agreement, as amended, and the applicable Master Plat conditions. The current application concerns Phase P-4 and four associated minor modifications, not any new overall development proposal. *(Exs. A-01, A-02, F-01, F-02).* The current application is squarely within the scope of previously approved City planning instruments that control development in the Bullfrog Flats site.

2. Phase P-4 is located on Parcel 964104 and contains approximately 29.33 acres. The applicant's October hearing presentation describes 151 single-family lots, divided into Phase 1 (89 lots) and Phase 2 (62 lots), with associated public streets, stormwater facilities, open-space and park tracts, trails and connections to the larger street network. The illustrations below depict the proposed Phase P-4 layout and the two construction phases. They are reproduced from the applicant's hearing exhibit for orientation; the controlling preliminary plat is Exhibit B-04, subject to the clarification addressed in findings below. *(Exs. B-04, B-05, J-02).*

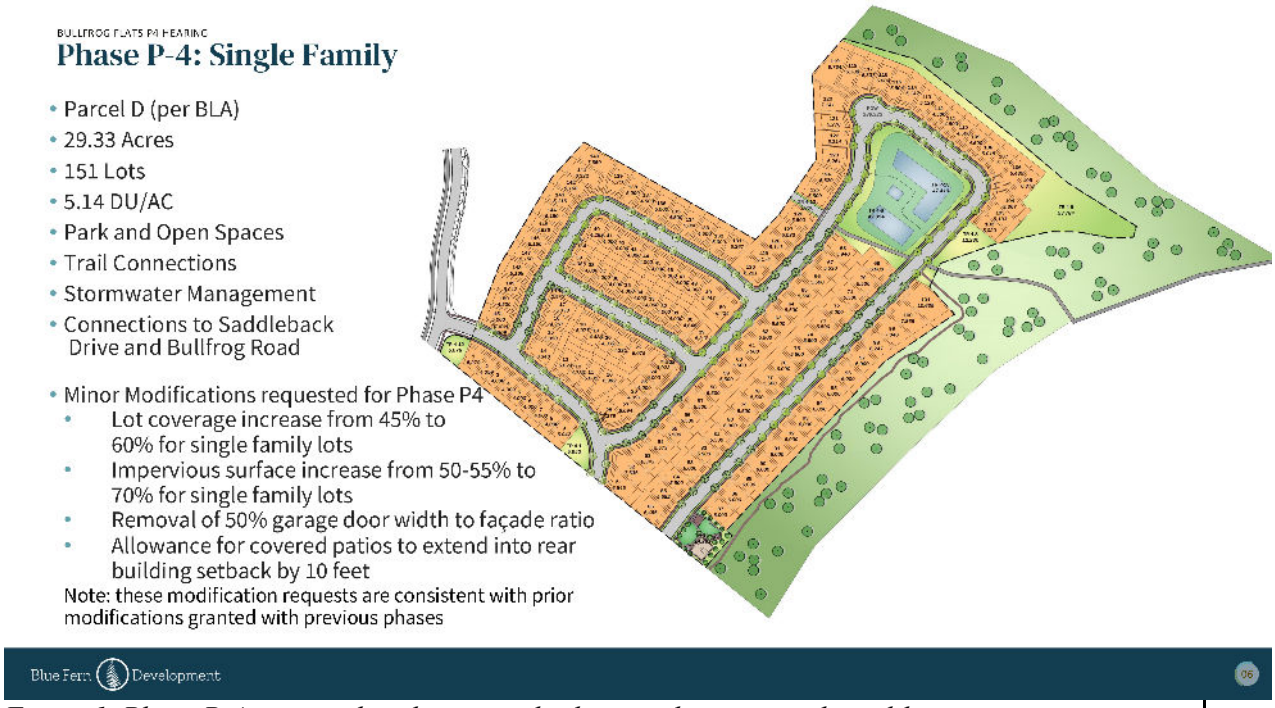


Figure 1. Phase P-4 proposed preliminary plat layout, showing residential lots, streets, stormwater facilities, and open-space tracts. (Ex. J-02, Applicant's PowerPoint Presentation, October 14, 2026, slide 6).

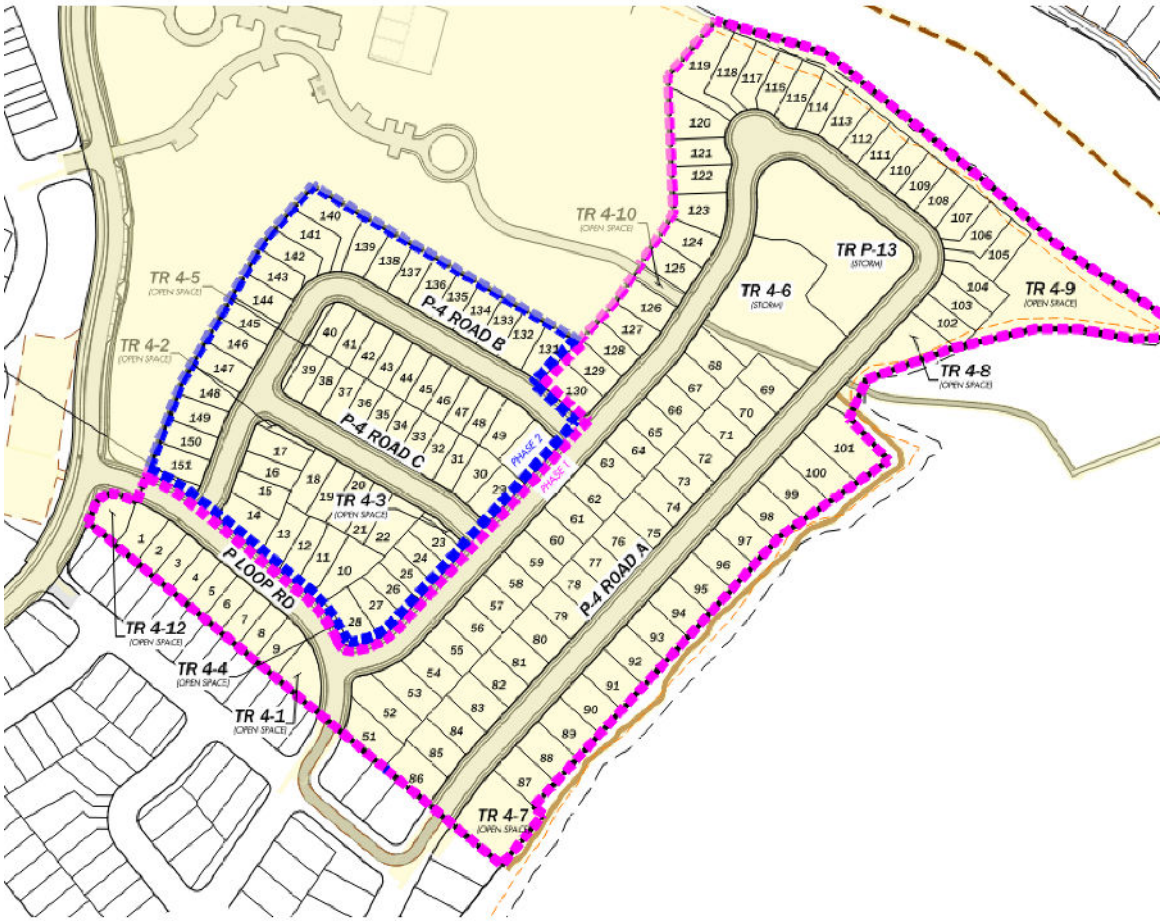


Figure 2. Phase P-4 preliminary plat showing the proposed construction phasing, with 89 lots in Phase 1 (blue outline) and 62 lots in Phase 2 (magenta outline), for a total of 151 lots. (Ex. J-02, Applicant's PowerPoint Presentation, October 14, 2026, slide 7).

3. Some earlier application materials, including the preliminary plat illustration dated August 25, 2026, refer to 152 lots. In contrast, the Staff Recommendation and October hearing presentation describe 151 lots; the latter expressly identifies 89 and 62 lots in the two construction phases. The Council's approval should identify a conforming preliminary plat showing the 151-lot configuration and confirm that any lot-number revision does not materially change the reviewed layout, access, tracts or mitigation. *(Exs. A-01, B-02, B-04, J-02; Testimony of Ms. Heavrin).*

4. The City received the subdivision application in May of 2026, issued a notice of incompleteness on June 16, and deemed it complete on August 13, 2026. Notice of application and public hearing were issued, and the City adopted existing SEPA documents for this phase. The open-record hearing occurred October 14, 2026. *(Exs. C-01 through C-04, I-01, I-02).*

Adequate Provisions for Development and Public Safety.

5. The application materials and Staff Recommendation identify roads, pedestrian connections, utilities, stormwater treatment and infiltration, park or open-space tracts, and other improvements to serve Phase P-4. These facilities remain subject to detailed engineering approval and applicable Master Plat and phase-specific requirements. The proposed subdivision may satisfy the preliminary plat standards if the recommended conditions are implemented. *(Exs. A-01, A-02, B-04 through B-07).*

6. The water system includes an extension of City mains and must comply with the Water Mitigation Agreement and applicable service-capacity and sequencing requirements. Staff identifies an approximately 2,600-foot dead-end water main and requires a future looping connection involving Phase P-3. Final engineering must establish an acceptable arrangement for service, looping and fire flow. *(Exs. A-01, B-05, F-03).*

7. Stormwater is proposed to be collected, treated and infiltrated on the site. The drainage design must accommodate the maximum impervious coverage ultimately authorized for the residential lots. Wastewater, electrical and other services are subject to the City's and service providers' applicable installation, easement and approval requirements. *(Exs. A-01, B-05, B-06, J-02).*

8. The proposed street network and phased construction require temporary emergency-access connections, including access through the park area, until permanent connections provide adequate fire apparatus access. The City's conditions appropriately require review and completion of those facilities at the relevant construction stages. *(Ex. A-01; Testimony of Ms. Heavrin and Ms. Monick).*

9. Construction of the Saddleback Drive extension would affect wetland buffers associated with wetlands in the adjoining future Phase M area. The applicant proposes buffer averaging and mitigation. A final plan, approved before disturbance of affected buffers, remains necessary to establish the precise construction limits, mitigation and monitoring. Proposed trails also require applicable geotechnical review where they may affect sensitive slopes. *(Exs. A-01, B-07, B-10, B-11, J-02).*

10. Washington Department of Fish and Wildlife commented on wildlife movement and connectivity and implementation of earlier Master Plat requirements. Appropriate coordination and documentation are needed before final plat approval to ensure that applicable wildlife conditions continue to be implemented. *(Exs. A-01, A-02, D-05).*

Cultural Resources; Inadvertent Discovery and Contractor Awareness.

11. During the October 14th hearing, in response to the Examiner's questions concerning cultural-resource protections, testimony from a City consultant described an inadvertent discovery of possible archaeological or cultural-resource materials during construction at an adjacent, previously approved Bullfrog Flats development area. *(Testimony of Mr. Weinman).* This issue was not mentioned in the Staff Report, or any other materials transmitted to the Examiner before the hearing. In the future, something of this significance should be fully disclosed and addressed in the Staff Report – before a public hearing – so the public, as well as the Examiner, are fully informed on issues of this sort.

12. In any event, according to the consultant's testimony, work in the affected area was stopped, the Washington State Department of Archaeology and Historic Preservation (DAHP) and other appropriate contacts were notified, and, following review, DAHP authorized construction to resume. *(Testimony of Mr. Weinman, confirmed by Ms. Monick).* This incident demonstrates both the importance and practical effectiveness of a properly implemented Inadvertent Discovery Plan (IDP). Prompt cessation of work and notification allowed possible cultural resources to be evaluated before construction continued. DAHP's reported authorization to resume work on that occasion does not eliminate the need for monitoring, immediate stop-work measures or agency consultation if another discovery occurs, including during work on Phase P-4.

13. The Examiner finds that the IDP must be understood and followed in the field, not merely included among permit documents. Every construction contractor and subcontractor on the site should be familiar with the IDP. In particular, before site disturbance, personnel performing or supervising excavation, clearing, grading, trenching, utility installation or other ground-disturbing work should be specifically briefed on how to recognize potential cultural materials, protect a discovery location, stop work, notify the designated contacts and obtain authorization under the IDP before work resumes. The applicant must ensure that newly arriving contractors receive the same instruction. These measures supplement, and do not displace, existing archaeological monitoring and inadvertent-discovery obligations, including applicable Master Plat Condition 125. *(Exs. A-01, A-02).*

Public Comment and Requested Minor Modifications.

14. Kathy Wyborski raised a question concerning potential data-center development in the Business Park portion of Bullfrog Flats. Blue Fern's counsel, Ms. Kolouškova, confirmed that a data center is among the types of uses that could be approved on the business park site. Any future development proposal in the Business Park would require separate review, notices, and opportunities for public comment. This residential subdivision proceeding does not approve a data center or otherwise determine the merits of any future Business Park application. *(Testimony of Ms. Wyborski; Response provided by Ms. Kolouškova).*

15. The applicant seeks four minor changes to Phase P-4 residential development standards under Section 6.4.1 of the Development Agreement. The requests concern maximum lot coverage, maximum impervious surface coverage, a garage-door width-to-façade limit, and covered patio encroachment into the rear setback. The same or comparable modifications were approved for earlier residential phases, but each request must still be evaluated against the applicable criteria on this record. *(Exs. A-01, B-03, F-01; Testimony of Ms. Heavrin and Ms. Kolouškova).*

16. Modification No. 1 increases the maximum lot coverage for single-family lots from 45 percent to 60 percent. The proposed change retains the approved residential use and density and is adequately supported for this phase. *(Exs. A-01, B-03).*

17. Modification No. 2 increases maximum impervious surface coverage from 50 to 55 percent to 70 percent. This change is supportable only if the final stormwater design and facilities are sized and approved to handle the additional runoff and meet applicable water-quality and flow-control requirements. *(Exs. A-01, B-03, B-06).*

18. Modification No. 3 removes the numerical limit restricting the combined width of front-entry garage doors to 50 percent of the front façade. In its October 16 supplemental submission, the applicant explains that the limit can constrain two-car garages on narrower homes and presents architectural examples showing roof variations, entry features, wall articulation, windows, material changes and other features that reduce the visual dominance of garage doors. The Examiner finds the request adequately supported provided all other applicable façade modulation and design standards remain in effect. *(Exs. B-03, J-03).*

19. Modification No. 4 permits an unenclosed covered rear porch or patio to extend up to 10 feet into a 20-foot rear setback, while retaining the principal residence setback. Staff's proposed limits include a minimum 10-foot distance from the rear property line and a maximum 20-foot covered width. With those limitations, the change preserves the basic residential setback function. *(Exs. A-01, B-03).*

20. The Staff Recommendation analyzes the preliminary plat against the subdivision criteria and proposes 25 phase-specific conditions. Subject to those conditions, the applicable Master Plat conditions, and the clarifications recommended here, a preponderance of the evidence supports preliminary subdivision approval and the four minor modifications. *(Exs. A-01, A-02, B-01 through B-11, J-03).*

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

IV. CONCLUSIONS.

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

1. The Hearing Examiner has jurisdiction to conduct the open-record hearing and issue a recommendation on this consolidated Type 4 application for preliminary plat approval. The City Council is the final decision maker. *(CEMC 14.30.020(B), 14.30.040, 14.30.080).*

2. The proposed Phase P-4 preliminary plat satisfies the approval criteria of CEMC 16.12A.050 and RCW 58.17.110, subject to identification of the final 151-lot plat and compliance with applicable conditions.

3. The four requested modifications meet the applicable criteria of Section 6.4.1 of the Development Agreement for this phase, subject to the limitations, required engineering review and continued application of unmodified standards. *(Exs. A-01, B-03, F-01, J-03).*

4. The City's adoption and use of existing SEPA documents is supported by the record, subject to continued implementation of applicable mitigation and critical-area standards. *(Exs. A-01, C-02, H-01 through H-04).*

5. The cultural-resource protections and contractor briefing required below are reasonable and appropriate to implement the IDP and applicable monitoring obligations. They respond to the testimony concerning an earlier inadvertent discovery without treating the reported clearance of that incident as authorization to dispense with protections during Phase P-4 construction. *(Ex. A-02; Testimony of Mr. Weinman and Ms. Monick).*

6. No approval of any future phase or Business Park proposal is granted by this Recommendation. The Council may impose the conditions necessary to implement the applicable subdivision and Development Agreement criteria.

7. Any finding or other statement in this Recommendation that is deemed to be a Conclusion of Law is adopted and incorporated as such.

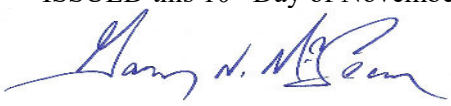
V. RECOMMENDATION.

Based upon a preponderance of evidence in the record and all Findings and Conclusions provided above, the Hearing Examiner respectfully recommends that the Cle Elum City Council approve the Phase P-4 preliminary plat application, assigned File No. SUB-2026-001, for 151 residential lots, and APPROVE the four requested minor modifications, subject to the Conditions of Approval in Attachment A following this Recommendation.

Attachment A sets forth the Hearing Examiner's supplemental conditions first, followed by Staff Conditions 1 through 25 from Exhibit A-01, pages 21 through 25. All applicable conditions of the prior Master Plat approval, including the cultural-resource requirements in Condition 125, remain in force and are incorporated by reference. The existing 130 Master Plat conditions are maintained separately in Exhibit A-02.

The four approved modifications apply to Phase P-4 only: maximum lot coverage of 60 percent; maximum impervious coverage of 70 percent subject to approved drainage design; removal of the numerical 50-percent garage-door/front-façade ratio with remaining design/modulation requirements preserved; and unenclosed covered rear patios or porches extending no more than 10 feet into the rear setback, with at least 10 feet remaining to the rear property line and no more than 20 feet of covered width.

ISSUED this 10th Day of November, 2026



Gary N. McLean
Hearing Examiner

ATTACHMENT A

CONDITIONS OF APPROVAL
BULLFROG FLATS PRELIMINARY PLAT, PHASE P-4
FILE NO. SUB-2026-001

The Hearing Examiner's supplemental conditions appear first. Staff's 25 recommended Phase P-4 conditions follow, without changes to their substantive wording. Applicable Master Plat Conditions 1–130 remain effective as stated in Exhibit A-02 and are not reproduced below.

A. HEARING EXAMINER'S SUPPLEMENTAL CONDITIONS, BASED ON THE RECORD

E-1. The Council's approval shall identify a preliminary plat consistent with the 151-lot configuration presented at the hearing. Any necessary conforming revision to Exhibit B-04 shall be reviewed by City staff before final action, to confirm that no material change to the reviewed site layout, access, open-space tracts or mitigation is introduced.

E-2. Before construction work in Phase P-4 begins, the applicant shall provide the approved Inadvertent Discovery Plan (IDP) and applicable archaeological monitoring requirements to all construction contractors and subcontractors and ensure that their onsite supervisors and personnel are familiar with those requirements. Before ground disturbance begins, a qualified cultural-resource professional or the applicant's designated project supervisor familiar with the approved IDP shall conduct a documented briefing, with particular emphasis on personnel performing or supervising clearing, grading, excavation, trenching, utility installation and other soil-disturbing activities. The briefing shall address recognition of possible archaeological or cultural materials, protection of a suspected discovery location, immediate stop-work procedures, required contacts and notifications, and the procedure for obtaining authorization before work resumes. Newly engaged contractors shall receive the same instruction before starting onsite work. Copies of the IDP and briefing attendance records shall be maintained onsite and provided to the City upon request. This condition supplements, and does not supersede, Master Plat Condition 125 or any required monitoring or agency consultation.

E-3. Before final plat approval, the applicant shall document further coordination with WDFW regarding wildlife connectivity and implementation of applicable Master Plat conditions, for City review and any further action required by those conditions.

E-4. Before clearing, grading or roadway work within affected wetland buffers, the applicant shall secure City approval of a final buffer-averaging and mitigation plan that addresses impact limits, planting, protection, maintenance, monitoring and implementation on adjoining property.

E-5. Before relevant construction-plan approval, final engineering shall demonstrate stormwater capacity for the approved impervious coverage, acceptable water-main looping and temporary emergency-access arrangements consistent with the Staff Recommendation and applicable standards.

B. STAFF'S PROPOSED CONDITIONS OF APPROVAL

The following Conditions 1–25 are taken from the City Staff Recommendation, Exhibit A-01, pages 21–25. Their wording has not been revised by the Hearing Examiner.

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

7. A 10-foot wide utility easement shall be dedicated on the frontage of each lot that abuts a public right of way.

8. Minimum 15-foot wide utility easements shall be provided over public utilities not located in the right of way and shall have compacted gravel surfacing material to provide public works access.

9. Current 2024 City Construction Standards apply, except for the 2002 Construction Standards the City and applicant have agreed will apply. The following is a non-exhaustive list of the 2002 Construction Standards that will apply: 1) Roadway Sections; 2) allowable length of cul-de-sacs (1,000 linear feet) 3) Dead-end water main length; 4) Water valve spacing; 5) Pavement Sections; 6) Storm Drainage Pipe material.

    a. The applicant is proposing one 8" dead end watermain that exceeds the 2024 City of Cle Elum Standard limit of 300' (page 4-1). The City has commented on the proposed 2,600' dead-end watermain proposed for this plat. A watermain connection (loop) will be required to include a portion of future phase P-3 watermain to meet the minimum Development Standard for dead-end watermains.

    b. The applicant is using the 2002 Development Agreement's maximum spacing for water valves of 1,200' (page 124 of the Conditions of Approval). The 2024 City of Cle Elum Standard is 750' maximum (page 4-2).

    c. Storm pipe crossings over potable water mains will use C900 pressure rated PVC for the stormwater pipe. 2024 City of Cle Elum Standards page 3-19 requires a pressure rated pipe casing around the watermain, extending 10 feet each side of the crossing in this scenario.

    d. Roadway pavement sections will be determined by the project Geotech (rather than meeting the 2024 City of Cle Elum standard details).

    e. Roadway sections shall follow the standards set forth in the development agreement rather than those within the 2024 City of Cle Elum standard details ST-1 through ST-4.

10. There are numerous previously identified critical area mitigation measures applicable to construction activities within the project area, including measures related to geologic hazards and wetlands. These include, for example, identification of critical area and buffer limits on construction drawings, restrictions on construction staging within critical areas and buffers, and supplemental geotechnical review where improvements are proposed within geologically hazardous areas or associated setbacks. For example, prior to final engineering approval, a supplemental geotechnical evaluation is required for proposed trail improvements within a geologically hazardous area or associated setback to determine compliance with CEMC 18.01.070, including that the improvements will not significantly increase geological hazards or place people in danger, and to identify any necessary mitigation or design modifications to ensure long-term slope stability.

    - Geologic Hazards: 47 Degrees North Master Site Plan Amendment Draft SEIS (2020), p. 3.1-14 and Appendix C, Section 4.5.1.2; and 2024 Bullfrog Flats Addendum (2025), Appendix B.

- Wetlands: 47 Degrees North Master Site Plan Amendment Draft SEIS (2020), pp. 3.3-25–3.3-26 and Appendix E, p. 43.

The applicable mitigation measures from these documents are incorporated into the conditions of approval.

11. Fire apparatus access roads shall be posted with permanent "No Parking – Fire Lane" signs complying with the IFC.

12. Prior to issuance of any building permit within Phase P-4, the temporary 20-foot wide fire apparatus access road connection between P-4 Road A and P Loop Road and the 20-foot wide secondary fire apparatus access road through the adjacent park development, as generally depicted on the preliminary civil plans, shall be constructed and available for fire apparatus access. Both access roads shall be designed and maintained to support the imposed loads of fire apparatus and surfaced to provide all-weather driving capabilities in accordance with IFC Section 503.2.3. The final design and construction of both access roads shall be reviewed and approved by the City Engineer and Fire Chief and shall comply with all other applicable International Fire Code requirements.

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

13. Construction (and completion) of the Saddleback Drive (aka the Spine Road) shall be completed prior to final platting.

14. A portion of the proposed sanitary sewer construction for phase P-4 is located outside of the right of way. Proposed utility easements shall be shown for all sections of sanitary sewer outside of right-of-way.

15. Utility connection charges, including any and all capital reimbursement charges, as set forth in the Cle Elum Municipal Code, shall be paid to the City at the time of building permit issuance. Connection charges do not vest and shall be paid at the current rate at the time of building permit issuance.

16. All utilities, including water and sewer, must be connected and functioning prior to approval of any occupancy permits.

17. Road names must be approved by KITTCOM prior to final plat approval.

18. Upon discovery of any human remains, artifacts, or evidence of potential archaeological, historical, or cultural resources all construction activities or uses authorized shall be suspended pending authorization to proceed from the City, and/or the Washington State Department of Archaeology and Historic Preservation, in accordance with the provisions of state and federal law, including, but not limited to RCWs 68.50.645, 27.44.055, and 68.60.055.

a. If ground disturbing activities encounter human skeletal remains during construction, then all activity shall cease that may cause further disturbance to those remains. The area of the find will be secured and protected from further disturbance until the Washington State Department of Archaeology and Historic Preservation (DAHP) provides notice to proceed. The finding of human skeletal remains shall be reported to the Cle Elum Police Department and the Kittitas County Coroner in the most expeditious manner possible. The remains will not be touched, moved, or further disturbed. The County Coroner will assume jurisdiction over the human skeletal remains and decide whether those remains are forensic or non-forensic. If the County Coroner determines the remains are non-forensic, then they will report that finding to the Department of Archaeology and Historic Preservation who will then take jurisdiction over the remains. The DAHP will notify any appropriate cemeteries and all affected tribes of the find. The State Physical Anthropologist will make a determination of whether the remains are Indian or Non-Indian and report that finding to any appropriate cemeteries and the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Colville Reservation, and the Snoqualmie Tribe. The DAHP will then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains.

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

19. The final plat shall include all required information in CEMC 16.30.020.

20. In accordance with CEMC 16.30.040, the final plat shall be submitted to the city within 5 years of the date of preliminary plat approval.

21. All addresses shall be clearly shown on the face of the Final Plat (RCW 58.17.280). Additionally, a note shown on the face of the Final Plat stating: "The addresses shown on this plat are accurate as of the date of recording, but may be subject to change". The City of Cle Elum Public Works Department is responsible for the confirmation or reassignment of addresses at the time of building permit issuance. The following address shall be utilized for the created lots, see Exhibit A-03.

22. The Applicant/Project Sponsor shall comply with all applicable requirements of the Water Mitigation Agreement, including the timing and sequencing requirements of Section 5(d), depending upon actual and projected water supply demand as documented by the City and provided to the Applicant/Project Sponsor.

    If, at any time, it is demonstrated that total actual water demands in Zone 3 exceeds actual system capacity before the New Reservoir and associated Water System Improvements are completed and operational, the City reserves its lawful ability to exercise any rights under public health, safety and welfare under RCW 58.17.170 to withhold water connections, certificates of

occupancy, or other authorizations that would result in actual demand exceeding actual available capacity until sufficient additional capacity is available and reasonably condition the final plat on such basis.

23. Prior to site clearing or removal of merchantable timber, the applicant shall coordinate with the Washington State Department of Natural Resources (DNR) regarding applicable forest practices requirements and shall obtain any required Forest Practices Application (FPA) or other applicable DNR authorization.

24. A wetland buffer will be impacted by proposed road construction, and this impact will be mitigated using buffer averaging, consistent with the provisions of the City's critical area regulations (CEMC 18.01.070). It is noted that the City's regulation requires compliance with the guidance in Ecology's Wetland Mitigation in Washington State, Part 2 Developing Mitigation Plans (2006). The conceptual mitigation plan provided with the application (Raedeke, 2026) indicates that requirements regarding the applicability of buffer averaging criteria will be satisfied. Prior to final plat approval, a final buffer mitigation plan shall be submitted and will include more detailed information addressing, but not limited to the following best management practices: type(s) of vegetation that will be planted in the new buffer; protecting the buffer during construction activities, such as by marking construction limits in the field, staging equipment outside the buffer; proposed maintenance, including avoiding invasive species; protecting the wetland and buffer from intrusion and damage; monitoring the success of the mitigation plan; and contingency actions, to address failure of any elements of the mitigation plan.

25. Any private stormwater or irrigation pipes, facilities, or other infrastructure located within or crossing City right-of-way shall be subject to an approved franchise agreement with the City. The required franchise agreement shall be executed prior to installation of such infrastructure within City right-of-way.

Source: Exhibit A-01, City Staff Recommendation dated October 14, 2026, pp. 21–25. Existing Master Plat Conditions: Exhibit A-02.