

## **Cle Elum Municipal Code**

### **Title 17 – ZONING**

#### **2019 – GMA Updates**

The 2019 GMA Comprehensive Plan Update process includes a requirement to amend development regulations as needed to maintain consistency with the proposed Comprehensive Plan. The following amendment create internal Cle Elum Municipal Code (CEMC) consistency, and brings the Zoning Code into consistency with the Comprehensive Plan. The Zoning Code update also includes an update to the City's Zoning Map, which is consistent with the Comprehensive Plan's proposed Land Use Map.

The [proposed Zoning Map](#) is found on the City's Comprehensive Plan webpage and will be available for comment during the same timeframe as the Zoning Code.

<http://cityofcleelum.com/city-servicesplanningcomprehensive-plan-update/>

---

## Title 17 ZONING

*The following checked sections are proposed to be amended during the 2019 update process.*

Chapters:

- [17.04 General Provisions](#)
- [17.08 Definitions](#)
- [17.10 Marijuana Regulations](#)
- [17.12 Use Districts, Map and Boundaries](#)
- [17.16 SFR – Single Family Residential District](#)
- [17.20 RMFR Multi-~~ple~~ Family Residential District](#)
- [17.24 ~~OTC-DTC Old-T~~Downtown Commercial District](#)
- [17.28 EC Entry Commercial District](#)
- [17.32 ~~GC~~ General Commercial District](#)
- [17.34 BP Business Park District](#)
- [17.36 I Industrial District](#)
- [17.45 PMU Planned Mixed Use District](#)
- [17.50 PR Public Reserve Area District](#)
- [17.51 Recreational Vehicles, Recreational Vehicle Parks, and Camping](#)
- [17.56 Off-Street Parking and Loading Requirements](#)
- [17.64 Landscaping Requirements](#)
- [17.76 Site and Design Review](#)
- [17.80 Conditional Use Permits](#)
- [17.85 Variances](#)
- [17.90 Sidewalk Displays and Advertising in Commercial and Industrial Zones](#)
- [17.100 Project Permit Procedures - DRAFT](#)
- [17.110 Building and Use Permits](#)
- [17.115 Additions or Annexations to City](#)
- [17.120 Amendments and Reclassifications](#)
- [17.122 Comprehensive Plan Amendments](#)
- [17.125 Enforcement](#)
- [17.130 Violation – Penalty](#)
- [17.140 Development Agreements](#)

-

**Chapter 17.08**

**DEFINITIONS**

Sections:

- 17.08.010      **Generally.**
- 17.08.020 ~~\_\_\_\_\_~~ Accessory dwelling unit.
- ~~17.08.030 \_\_\_\_\_~~ ~~Accessory dwelling unit – attached~~
- ~~17.08.040 \_\_\_\_\_~~ ~~Accessory dwelling unit – detached~~
- 17.08.050      **Accessory use or building.**
- 17.08.060      **Adjacent.**
- 17.08.070      **Adult family home.**
- 17.08.080 ~~\_\_\_\_\_~~ Affordable housing.
- 17.08.090      **Alley.**
- 17.08.100      **Bed and breakfast-~~guesthouse.~~**
- ~~17.08.050 \_\_\_\_\_~~ ~~Boardinghouse (or lodginghouse).~~
- 17.08.110      **Business.**
- 17.08.120      **Building.**
- 17.08.130      **Conditional use.**
- ~~17.08.140 \_\_\_\_\_~~ ~~Cost burdened.~~
- 17.08.150      **Day-care center.**
- 17.08.160      **Day-care, family.**
- 17.08.170      **Dripline.**
- 17.08.180      **Duplex.**
- 17.08.190      **Dwelling unit.**
- 17.08.200      **Dwelling, multiple-unit.**
- 17.08.210      **Dwellings, single-family.**
- 17.08.220      **Family.**
- 17.08.230 ~~\_\_\_\_\_~~ Food cart.
- ~~17.08.240 \_\_\_\_\_~~ ~~Food truck or mobile food unit.~~
- 17.08.250      **Front property line.**

---

<b>17.08.260</b>	<b>Garage or carport, private.</b>
<b>17.08.270</b>	<b><u>Grade Plane</u></b>
<b>17.08.280</b>	<b>Group home.</b>
<b>17.08.290</b>	<b>Height of building.</b>
<b>17.08.300</b>	<b>Home occupation.</b>
<b>17.08.310</b>	<b>Hotel (or motel).</b>
<b>17.08.320</b>	<b>Kennel.</b>
<b>17.08.330</b>	<b>Lot.</b>
<b>17.08.340</b>	<b>Lot, corner.</b>
<b>17.08.350</b>	<b>Lot line.</b>
<b>17.08.360</b>	<b>Lot of record, nonconforming.</b>
<b>17.08.370</b>	<b>Manufactured home.</b>
<del><b>17.08.298</b></del>	<del><b>Mobile food service unit.</b></del>
<b>17.08.380</b>	<b>Mobile home.</b>
<b>17.08.390</b>	<b>Nonconforming use/structure.</b>
<b>17.08.400</b>	<b>Open air market.</b>
<del><b>17.08.410</b></del>	<del><b>Park model recreational vehicle.</b></del>
<b>17.08.420</b>	<b><u>Recreational vehicle.</u></b>
<del><b>17.08.430</b></del>	<del><b>Recreational vehicle park.</b></del>
<del><b>17.08.440</b></del>	<del><b>Recreational vehicle site.</b></del>
<b>17.08.450</b>	<b>Retirement residence.</b>
<del><b>17.08.460</b></del>	<del><b>Sanitary station.</b></del>
<b>17.08.470</b>	<b>Setback.</b>
<b>17.08.480</b>	<b>Short-term rentals.</b>
<b>17.08.490</b>	<b>Stacking space.</b>
<b>17.08.500</b>	<b>Story.</b>
<b>17.08.510</b>	<b>Street.</b>
<b>17.08.520</b>	<b><u>Street frontage</u></b>
<b>17.08.530</b>	<b>Structure.</b>
<b>17.08.540</b>	<b>Tree.</b>
<b>17.08.550</b>	<b>Use.</b>

---

- 17.08.560**      **Variance.**
- 17.08.570**      **Visual screen.**
- 17.08.580**      **Yard, front.**
- 17.08.590**      **Yard, rear.**
- 17.08.600**      **Yard, side.**

**17.08.010**    **Generally.**

For the purpose of this title, words used in the present tense include the future; words in the singular number include the plural, and words in the plural include the singular number; and words not defined shall be construed as defined in the building code ordinances of the city, if defined therein, and if not defined therein shall be given their ordinary and usual meaning [as found in a standard dictionary](#).

**17.08.020**    **[Accessory dwelling unit.](#)**

["Accessory dwelling unit" or "ADU" means a subordinate residential unit within a single family home or as a separate building on the property of a single family home where the primary residential building is more than twice the square footage of the accessory unit.](#)

**Commented [CoCE1]:** Per 2018 Housing Element

**17.08.030**    **[Accessory dwelling unit – attached](#)**

["Accessory dwelling unit – attached" or "A-ADU" means a room or set of rooms designed and established to be a separate dwelling unit incidental to the primary residential use of a single-family home.](#)

**Commented [CoCE2]:** Further defines and differentiates types of ADUs

**17.08.040 Accessory dwelling unit – detached**

“Accessory dwelling unit – detached” or “D-ADU” means a second dwelling unit created on a lot with a house as a primary residence. The second unit is created auxiliary to, and is 50% the size or smaller than the primary residential dwelling.

**Commented [CoCE3]:** Further defines and differentiates types of ADUs

**17.08.050 Accessory use or building.**

“Accessory use or building” means a subordinate use or building customarily incidental to and located upon the same lot occupied by the main use or building.

**17.08.060 Adjacent.**

“Adjacent” means adjoining with a common boundary line; except that where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures more than eight in a single direction. Properties separated by a public right-of-way of twenty feet or more are not considered adjacent.

**17.08.070 Adult family home.**

“Adult family home” means the regular family abode of a person or persons who are providing personal care, room and board, under a license issued pursuant to RCW [70.128.060](#), to more than one but not more than four adults who are not related by blood or marriage to the person providing the services; except that a maximum of six adults may be permitted if the Washington State Department of Social and Health Services determines that the home and the provider are capable of meeting standards and qualifications provided for in the law (RCW [70.128.060](#)).

**17.08.080 Affordable housing.**

Commented [CoCE4]: Per 2018 Housing Element

"Affordable housing" means adequate, safe, appropriate shelter, costing no more than 30% (including utilities) of the household's gross monthly income.

**17.08.090 Alley.**

"Alley" means a street or public way which affords vehicular access to an interior boundary of one or more lots and is not designated for general traffic circulation abutting property.

**17.08.100 Bed and breakfast ~~guesthouse~~.**

Commented [CoCE5]: Staff recommended clarification

Bed and breakfast" means a private home or inn offering lodging on a temporary basis to travelers. This type of facility may include food service in accordance with chapter 246-215 WAC. ~~"Bed and breakfast-guesthouse" means an owner occupied single family residential dwelling which provides transient- rental lodging and at least one meal is provided to a limited of to four guest rooms or less.~~

**17.08.110 Business.**

"Business" or "commerce," when used in this title, mean engaging in the purchase, sale, barter, rendering or exchange of goods, wares, services or merchandise; also, the maintenance or operation of offices or recreational or amusement enterprises.

**17.08.120 Building.**

"Building" means any structure or edifice having a roof and intended for occupancy or use of persons or animals or as a housing place or as a storage place for any object or thing. When separated by a division wall without opening, each portion of such building shall be deemed a separate building (except as may be provided in a possible section of this title on exceptions).

**17.08.130 Conditional use.**

“Conditional use” means a use that would not be acceptable without restrictions throughout a zoning district and is not permitted by right within a zoning district but which may be permitted subject to meeting certain conditions contained in this title or as may be determined during the review process.

**17.08.140 Cost burdened**

“Cost burdened” means when 30% or more of a household’s monthly gross income is dedicated to housing, using the affordable housing definition in CEMC 17.08.027.

Commented [CoCE6]: Per 2018 Housing Element

**17.08.150 Day-care center.**

“Day-care center” means a facility providing regularly scheduled care for a group of ~~thirteen or more~~ children, ~~within between~~ one month of age through twelve years of age ~~range exclusively~~, for periods less than twenty-four hours at a time. Preschools are considered day care centers for city land use regulation purposes.

Commented [CoCE7]: Clarifications from WAC definitions

**17.08.160 Day-care, family.**

“Day-care, family” means a ~~licensed-child~~ day-care ~~which-who~~ regularly provides day-care for not more than twelve children in the provider’s home in the family living quarters (WAC 365-196-865).

Commented [CoCE8]: Clarifications from WAC definitions

**17.08.170 Dripline.**

“Dripline” means an imaginary circle drawn at the ground surface directly under the outermost branches of a tree, or the dripline of a building roof.

Commented [CoCE9]: Staff recommended clarification



**17.08.180 Duplex.**

Commented [CoCE10]: Staff recommended clarification

“Duplex” means a single structure containing two dwelling units, either side by side or above one another [where the separate units are similar in size \(unlike an ADU, CEMC 17.08.015\)](#).

**17.08.190 Dwelling unit.**

“Dwelling unit” means a single unit providing complete, independent living facilities for not more than one family and permitted roomers and boarders, including permanent provisions for living, sleeping, eating, cooking and sanitation. A manufactured home, apartment, condominium, townhouse, single-family detached house, or accessory dwelling unit is considered to be a dwelling unit.

**17.08.200 Dwelling, multiple-unit.**

“Multiple-unit dwelling” means a residential building arranged or designed to be occupied by three or more families, with the number of families in residence not exceeding the number of units provided.

**17.08.210 Dwellings, single-family.**

“Single-family dwellings” means a building arranged or designed to be occupied by not more than one family.

**17.08.220 Family.**

Commented [CoCE11]: Clarification per Attorney

~~“Family” means a collective body of persons who live in one dwelling. The term “family” shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune.~~

**17.08.230 Food cart.**

“Food cart” means a non-motorized cart that is usually constructed on a wheel and axle base able to move from location to location and meets all health department requirements for sanitation. It is operated by a vendor who sells food items such as pretzels, hotdogs, ice cream, etc.

**Commented [CoCE12]:** Clarification from previously used “mobile food service unit”, which was confusing.

**17.08.240 Food truck or Mobile food unit.**

“Food truck” or “Mobile food unit” means a licensed vehicle from which food and beverages are prepared and sold for human consumption at fixed or temporary sites, as approved and permitted by the City. Workers work inside the food truck and customers stay outside. A food truck is no more than 8.5 feet wide and has at least one of the following: an electrical system, a water or drain system, or a propane gas system. A food truck is self-contained for water, sewer, or other fluids.

**Commented [CoCE13]:** Clarification from previously used “mobile food service unit”, which was confusing.

**17.08.250 Front property line.**

“Front property line” means the property line that is adjacent to a public or private street more than twenty-one feet in width, except that the Interstate 90 right-of-way shall not be considered a front property line. Where there is more than one adjacent public or private street more than twenty-one feet in width, the property lines adjacent to both streets shall be considered front property lines.

**17.08.260 Garage or carport, private.**

“Private garage or private carport” means a garage or carport with the capacity for not more than three self-propelled vehicles and used for storage only.

**17.08.270 Grade Plane.**

“Grade Plane” means a reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from exterior walls, the reference plane shall be established by the lowest points within the area between

**Commented [CoCE14]:** Staff recommended definition

[the building and the lot line or, where the lot line is more than 6 feet \(1829 mm\) from the building between the structure and a point 6 feet \(1829 mm\) from the building.](#)

**17.08.280 Group home.**

“Group home” means a dwelling unit licensed by the state of Washington in which rooms or lodging, with or without meals, are provided for nine or fewer nontransient persons not constituting a single household, and requiring specialized care due to sensory, mental or physical disabilities, provided that this shall not apply to a residence used for the placement of individuals who have been convicted of a crime or juvenile offense or have gone through some form of diversion proceedings either as an adult or juvenile offender.

**17.08.290 Height of building.**

Commented [CoCE15]: Staff recommended clarification

“Height of building” means the vertical distance from grade plane (CEMC 17.08.195) to the average height of the highest roof surface. ~~the adjoining grade to the highest point of the coping of a flat roof or the deck line of a mansard roof or the highest point of a pitched or hipped roof. The adjoining grade shall be measured at a point five feet horizontally from the building wall when such ground surface is not more than ten feet above the lowest grade on the property. If the lowest grade is more than ten feet below the adjoining grade, height shall be measured from a point ten feet above the lowest grade. of a mansard roof~~

**17.08.300 Home occupation.**

“Home occupation” means a business activity which results in a product or service and is conducted in whole or in part on a residential premises and is clearly subordinate to use of the premises as a residence.

---

**17.08.310 Hotel (or motel).**

“Hotel” or “motel” means a building designed or used for the transient rental of five or more units for sleeping purposes. A central kitchen and dining room and accessory shops and services catering to the general public can be provided. Not included are institutions housing persons under legal restraint or requiring medical attention.

**17.08.320 Kennel.**

“Kennel” means an establishment licensed to operate a facility housing more than three dogs or cats and more than one litter of unweaned pups or kittens, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business or hobby.

**17.08.330 Lot.**

“Lot” means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area, and fronting on an improved public street or an approved private street.

**17.08.340 Lot, corner.**

“Corner lot” means a lot of which at least two adjacent sides abut for their full length upon a street.

**17.08.350 Lot line.**

“Lot line” means the line bounding a lot as defined in the deed or official plat.

---

**17.08.360 Lot of record, nonconforming.**

“Nonconforming lot of record” means any validly recorded lot which at the time it was recorded fully complied with the applicable laws and ordinances but which does not fully comply with the lot requirements of this title.

**17.08.370 Manufactured home.**

“Manufactured home” means a single-family residential structure, transportable in one or more sections, that in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, where erected on site, is 320 square feet or more, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation where connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary (HUD) and complies with the standards established under this title. For mobile homes built prior to June 15, 1976, a label certifying compliance to the Standard for Mobile Homes, NFPA 501, in effect at the time of manufacture is required. For the purpose of these provisions, a mobile home shall be considered to be a manufactured home.

**Commented [CoCE16]:** Staff recommended definition, and required updated by Commerce Development Regulations Checklist, and [RCW 35.21.684](#), [RCW 35.63.160](#), [RCW 35A.21.312](#) and [RCW 36.01.225](#).

**17.08.380 Mobile home.**

“Mobile home” means a transportable residential structure fabricated at a factory not in accordance with the Uniform Building Code nor with the standards of the Federal Manufactured Home Construction and Safety Standards (HUD Code enacted on June 15, 1976), and designed for transportation on its own chassis. Mobile homes within the city of Cle Elum are considered nonconforming structures by definition under CEMC Section 17.08.300.

**Commented [CoCE17]:** Staff recommended definition

**17.08.390 Nonconforming use/structure.**

“Nonconforming use” means a building or land occupied by a use that does not conform with the regulations of the district in which it is situated but which was established in conformance with all applicable regulations in existence at the time of its establishment.

**17.08.400 Open air market.**

“Open air market” means an outdoor market that is seasonal in nature where local artisans or farmers sell products such as baked goods, artwork, crafts and produce.

**17.08.410 Park model recreational vehicle.**

“Park model recreational vehicle (PMRV)” means a tiny home or similar dwelling structure with wheels and a chassis. A PMRV with its wheels taken off and mounted on a foundation will still be viewed as a temporary or recreational use and not a permanent dwelling. PMRVs are only permitted for temporary use in Washington State, unless in a mobile home park (RCW 35.21.684 and 36.01.225). PMRVs must adhere to applicable snow load requirements for Cle Elum, or as approved by the city building official.

**Commented [CoCE18]:** Definition consistent with 2018 RV Code: 17.51.010

**17.08.420 Recreational vehicle.**

“Recreational vehicle” or “RV” means a vehicle or portable structure built on a chassis and designed to be used for temporary occupancy or travel occupancy or for travel, recreational or vacation use. RVs include, but are not limited to, fifth wheels, truck campers, motor homes, travel trailer, camping trailers, tent trailers and PMRVs. An RV shall be of such size and weight as not to require a special highway movement permit and certified as approved as such by the Department of Labor and Industries by the attachment of their official “Green” seal.

**Commented [CoCE19]:** Definition consistent with 2018 RV Code: 17.51.010

**17.08.430 Recreational vehicle park.**

"Recreational vehicle park" or "RV park" means a tract or parcel of land upon which two or more recreational vehicle sites are located, principally used for occupancy by predominantly RVs as temporary living quarters for recreation or vacation purposes with a maximum allowable stay per vehicle of one hundred eighty days; or as conditioned within the conditional use permit, annexation agreement, and/or development agreement as appropriate.

**Commented [CoCE20]:** Definition consistent with 2018 RV Code: 17.51.010

**17.08.440 Recreational vehicle site.**

"Recreational vehicle site" or "RV site" means a plot of ground within an RV park intended for temporary location of an RV as a dwelling unit for recreation or vacation purposes with sewage facilities approved by the appropriate jurisdiction.

**Commented [CoCE21]:** Definition consistent with 2018 RV Code: 17.51.010

**17.08.450 Retirement residence.**

"Retirement residence" means a building or group of buildings which provides residential facilities for more than five residents sixty-two years of age or more, except for spouses of such residents for whom there is no minimum age requirement. A retirement residence may provide a range of type of living units and may also provide food service, general health care supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services for its residents. Individual living units (suites) may include kitchens. Retirement residences may also include a skilled nursing facility provided that the number of nursing beds shall not exceed twenty-five percent of the total number of suites. Facilities with more than twenty-five percent of the suites having nursing beds shall be considered a convalescent/nursing center. Suites within a retirement residence shall contain an average of two beds or less.

**17.08.460 Sanitary station.**

"Sanitary station" or "sanitary dumping station" means a facility used for removing and disposing of wastes from RV sewage holding tanks.

**Commented [CoCE22]:** Definition consistent with 2018 RV Code: 17.51.010

**17.08.470 Setback.**

"Setback" means the minimum horizontal distance between a structure and a specified line such as a lot, easement, or buffer line that is required to remain free of structures.

**17.08.480 Short-term rentals.**

"Short-term rentals" (or "vacation rentals") means the rental of any existing residential building such as a single-family home, apartment, or condominium that is rented for less than thirty days at a time.

**17.08.490 Stacking space.**

"Stacking space" means the space specifically designated as a waiting area for vehicles whose occupants will be patronizing a drive-in business. Such space is considered to be located directly alongside a drive-in window, facility or entrance used by patrons and in lanes leading up to the service window.

**17.08.500 Story.**

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it. If the finished floor level directly above a basement, cellar or unused underfloor space is more than six feet above grade for more than fifty percent of the total perimeter or is more than twelve feet above grade at any point, such basement, cellar or unused underfloor space shall be considered as a story.

---



**17.08.510 Street.**

“Street” means a public or private thoroughfare which affords principal means of access to abutting property.

**17.08.520 Street frontage.**

Commented [CoCE23]: Staff recommended definition

“Street frontage” means that portion of a city block that faces a public street.

**17.08.530 Structure.**

“Structure” means anything permanently constructed in or on the ground, or over the water, excluding fences less than six feet in height, decks less than eighteen inches above grade, paved areas, and structural or nonstructural fill.

**17.08.540 Tree.**

“Tree” means a plant listed as a tree in the most recent edition of Sunset Western Garden Book and Hortus Third.

**17.08.550 Use.**

“Use” means an activity or function carried out on an area of land, or in a building or structure located thereon. Any use subordinate or incidental to the primary use on a site is considered an accessory use.

**17.08.560 Variance.**

“Variance” means a modification to numerical standards of this title when authorized by the city council after finding that the literal application of the provisions of this title would cause undue and

---

unnecessary hardship in view of certain facts and conditions applying to a specific parcel of property.

**17.08.570 Visual screen.**

“Visual screen” means landscape plantings which function as a full visual barrier within three years of time of planting.

**17.08.580 Yard, front.**

“Front yard” means an open unoccupied space in the same lot with a building, between the front line of the building (exclusive of steps) and the front property line, including the full width of the lot to its side line.

**17.08.590 Yard, rear.**

“Rear yard” means an open unoccupied space on the same lot with a building between the rear line of the building (exclusive of steps, porches and accessory buildings) and the rear line of the lot, including the full width of the lot to its side lines.

**17.08.600 Yard, side.**

“Side yard” means an open unoccupied space on the same lot with a building between the sidewall of the building and the side lot line of the same lot, extending from front yard to rear yard.

---

## Chapter 17.12 USE DISTRICTS, MAP AND BOUNDARIES

Sections:

- 17.12.010**      **Use districts established.**
- 17.12.020**      **Boundaries and determination.**

### 17.12.010 Use districts established.

For the purpose of this title the city is divided into zoning districts as follows:

SFR – Single-Family Residential District

MFR – Multi-Family Residential District

DTC – Downtown Commercial

EC – Entry Commercial District

GC – General Commercial District

BP – Business Park District

I – Industrial District

P – Public Reserve Area District

PMU – Planned Mixed Use District

### 17.12.020 Boundaries and determination.

The boundaries of the various districts shall be shown on the official zoning maps accompanying and made a part of this title. The official zoning maps area on file in the office of the city clerk, and shall

**Commented [CoCE24]:** Clarification of terms by re-ordering titles

**Commented [CoCE25]:** Planning Commission recommends aligning zoning district with the Downtown Revitalization footprint (Billings Ave to Peoh Ave), for future consistency/continuity throughout the downtown core.

**Commented [CoCE26R25]:** On proposed Land Use and Zoning maps

be available for inspection by the public at all reasonable times. When uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets, highways or alleys are construed to follow such lines.
  - B. Boundaries indicated as approximately following platted lot lines are construed as following such lot lines.
  - C. Boundaries indicated as approximately following city limits are construed as following city limits.
  - D. Boundaries indicated as following railroad lines are construed as to be midway between the main tracks.
  - E. Boundaries indicated as following shorelines are construed to follow such shorelines, and in the event of change in the shoreline are construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water are construed to follow such centerlines.
  - F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through E of this section are so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
  - G. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections A through E of this section, the planning director shall interpret the district boundaries.
-

## Chapter 17.16

### SFR – SINGLE FAMILY RESIDENTIAL DISTRICT

Commented [CoCE27]: Clarification and consistency

Sections:

- 17.16.005 Purpose.**
- 17.16.010 Outright permitted uses.**
- 17.16.020 Uses requiring site and design review.**
- 17.16.030 Conditional uses.**
- 17.16.040 Front yard.**
- 17.16.050 Rear yard.**
- 17.16.060 Side yard.**
- 17.16.070 Site area.**
- 17.16.080 Height limit.**
- 17.16.090 Lot coverage and lot width.**
- 17.16.100 Home occupations.**
- 17.16.110 Manufactured homes.**
- 17.16.120 Recreational vehicles.**

#### **17.16.005 Purpose.**

Commented [CoCE28]: Consistency with 2019 comprehensive plan

The purpose of the residential district is to create and maintain safe, stable, and attractive residential neighborhoods, while providing diversity in housing types including maintaining existing and creating opportunities for creation of additional affordable housing. Residential zones should also protect sensitive natural areas, provide for the efficient use of land and public services, promote energy efficiency and sustainability, and provide appropriate vehicular and pedestrian access.

**17.16.010 Outright permitted uses.**

In a SFR or Single-Family 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 of the following per legal lot of record (including manufactured homes): single family dwellings and duplexes (CEMC 17.08.130), with not more than two duplexes per street frontage per block;

**Commented [CoCE29]:** Consistent with Comprehensive Plan's 2018 Housing Element

B. Accessory buildings, such as are ordinarily appurtenant to single-family dwellings, 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, when located not less than sixty feet from the front line, unless attached to or within the dwelling and set back five feet from the face of the main building. 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 (ADU) is permitted per lot;
2. The accessory unit shall not be larger than fifty percent of the living area of the primary residence;
3. One off-street parking space is provided in addition to the single family residence parking requirement, and;
4. ADUs shall not be permitted for duplexes or multiple-unit dwellings.

D. Adult family homes and group homes as required and meeting minimum state requirements;

**Commented [CoCE30]:** Consistent with Comprehensive Plan's 2018 Housing Element

E. Home occupations engaged in by individuals living in the residence, subject to the limitations in this title;

G. Daycare centers;

H. Family daycare providers in existing residential buildings (RCW 36.70A.450, WAC 365-196-865);

**Commented [CoCE31]:** Required by RCWs listed and Commerce Development Regulation checklist.

I. Food carts and food trucks with a Sidewalk Use Permit, as applicable.

**Commented [CoCE32]:** Allows special events

**17.16.020 Uses requiring site and design review.**

All uses specified in Chapter 17.76 are subject to site and design review. In addition the following activities shall be subject to site and design review.

- A. Parks and playgrounds (including park buildings) subject to the following limitations:
  1. Adequate off-street parking shall be provided if the park is not a neighborhood facility;
  2. Lighting for structures and fields shall be directed away from residential areas;
  3. The bulk and scale of structures shall be compatible with the residential character of the area;
  4. Structures and service yards shall be set back a minimum of fifty feet from property lines if possible, but in no case less than the required setbacks of the residential zone.

B. Multiple-unit dwellings (CEMC 17.08.150) for up to four families are permitted in the SFR zone with site and design review, given no more than one multiple-unit dwelling may be located per street frontage per block.

**Commented [CoCE33]:** Consistent with Comprehensive Plan's 2018 Housing Element.

C. Rooftop solar panels with applicable permits.

**Commented [CoCE34]:** Consistent with 2019 Comprehensive Plan

**17.16.030 Conditional uses.**

The following purposes and uses of buildings shall be allowed only upon approval of a conditional use permit in accordance with the provisions of Chapter 17.80. 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, and churches;
- C. Hospitals, nursing homes, and other medical or long-term care facilities;
- D. Retirement homes;
- E. Municipal buildings, senior centers, community centers;
- F. The office of a physician, dentist or other professional person when located in his or her dwelling or an existing residential structure located on an arterial street, given appropriate off-street parking is available to meet the business need;
- G. Bed and breakfast, when accessory to the permanent residence of the operator. Preference shall be given to facilities in historic structures.

**Commented [CoCE35]:** Consistent with current uses in the residential zone. Allows in-home care, and assisted living in existing residential structures, as well as future medical and care facilities.

**Commented [CoCE36]:** Outdated. New wording (above) provided by Kittitas County Public Health.

**Commented [CoCE37]:** Staff recommended deletion.

**Commented [CoCE38]:** Staff recommended deletion.

**17.16.040 Front yard.**

A front yard having a minimum depth of twenty feet is required. If on any given block, over fifty percent on 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.

**17.16.050 Rear yard.**

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.



**17.16.060 Side yard.**

There shall be a side yard of not less than five feet in width. A street side yard shall have a minimum width of fifteen feet. Side yard setbacks shall be measured from the drip line of the principal structures eave to the property line.

**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 dwelling. The same minimum lot area shall be applicable to duplexes and multiple-unit dwellings, given sufficient off-street parking is provided (CEMC 17.56).

**Commented [CoCE39]:** Staff recommendation. Reduces restrictions on affordable housing development. Consistent with Comprehensive Plan's 2018 Housing Element.

**17.16.080 Height limit.**

No building hereafter erected or structurally altered within or moved into the district shall exceed thirty-five feet.

**17.16.090 Lot coverage and lot width.**

The lot area covered by single-family dwellings and structures accessory thereto shall not exceed forty-five percent of the lot area; duplexes, triplexes, and fourplexes and accessory structures thereto shall not exceed forty 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 and in no case shall a lot be created with less than five thousand square feet. Adequate snow storage areas will be assessed during lot development permitting processes.

**Commented [CoCE40]:** Consistent with Comprehensive Plan Housing Element

**Commented [CoCE41]:** Staff recommendation

**17.16.100 Home occupations.**

Home occupations are business activities that generally occur within a residential dwelling by the occupant of the dwelling where the business is clearly secondary to the residential use of the structure. Home occupations require the approval of Type I permit and are subject to the following limitations:

- A. The use shall be located in the dwelling only. No outside activity or storage is permitted.
- B. A maximum of twenty-five percent of the habitable floor area or three hundred square feet, whichever is less, may be devoted to the home occupation.
- C. No use or storage of heavy vehicles or heavy equipment such as construction equipment is permitted.
- D. No external evidence of the home occupation is permitted with the exception of an unlighted sign not exceeding two square feet that may advertise the occupant's name and business type.
- E. The occupation may involve no retail sales on the premise, except as incidental to the home occupation, such as retail sales of shampoo associated with an in-home hairdresser.
- F. No more than six customers or vehicle trips are permitted per day.
- G. One employee in addition to the owner/occupant is permitted.
- H. The home occupation shall not require any external remodeling.
- I. The home occupation owner shall obtain a valid city business license prior to operation of the business.

**17.16.110 Manufactured homes.**

Manufactured homes shall be subject to the following requirements:

- A. Homes shall be permanently installed on a concrete or block foundation. This foundation shall completely enclose the crawlspace of the structure.

**Commented [CoCE42]:** Staff recommended definition, and required updated by Commerce Development Regulations Checklist, and [RCW 35.21.684](#), [RCW 35.63.160](#), [RCW 35A.21.312](#) and [RCW 36.01.225](#).

- 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. The structure shall be new.
- 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. A minimum snow load of ninety pounds per square foot is required.

**17.16.120 Recreational vehicles.**

Recreational vehicles (RVs) including campers, travel trailers, mobile homes and other similar items may be parked by the property owner or lessee for storage entirely within their private property boundaries in the residential district, provided they meet the minimum setback standards of the district. RVs shall not be connected to city water or sewer or used for residential purposes, unless permitted under CEMC 17.51, and shall not be considered as accessory dwelling units or accessory buildings.

**Commented [CoCE43]:** Consistent with 2018 RV Code (CEMC 17.51)

## Chapter 17.20

### MFR MULTI-FAMILY RESIDENTIAL DISTRICT

Commented [CoCE44]: Clarification and consistency

Sections:

- 17.20.005 Purpose.**
- 17.20.010 Permitted uses.**
- 17.20.020 Conditional uses.**
- 17.20.030 Front yard.**
- 17.20.040 Rear yard.**
- 17.20.050 Side yard.**
- 17.20.060 Minimum lot size/density.**
- 17.20.070 Height limit.**
- 17.20.080 Lot coverage.**
- 17.20.090 Design review and design guidelines.**

#### **17.20.005 Purpose.**

The purpose of the multi-family residential district is to create and maintain stable and attractive residential neighborhoods, allowing apartments, townhouses, and other multi-unit dwellings. The multi-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.

#### **17.20.010 Permitted uses.**

The following uses are permitted in the multi-family district:

- A. Single-family dwellings, and approved ADUs per CEMC 17.16;
- B. Multiple-unit dwellings;

- C. Parks and playgrounds (including park buildings);
- D. Accessory buildings, such as are ordinarily appurtenant to multiple-unit dwellings, including, but not limited to, carports and garages;
- F. Retirement residences;
- G. Day care centers;
- H. Family daycare providers in existing residential buildings (RCW 36.70A.450, WAC 365-196-865)
- I. Food carts and food trucks with a Sidewalk Use Permit, as applicable;]. Bed and breakfasts;
- K. Rooftop solar panels are permitted in the MFR zone with a Building Permit. Site and design review may be required for rooftop solar installations, as determined by the City Planner.

**Commented [CoCE45]:** ADUs only for single-family dwellings in MFR zone. This means a duplex or larger multi-family dwelling would not also have an ADU.

**Commented [CoCE46]:** Outdated term and not preferred type of housing in communities any longer.

**Commented [CoCE47]:** Moved from Conditional Uses

**Commented [CoCE48]:** Required by RCW and Commerce Development Regulation Checklist.

**Commented [CoCE49]:** Allows special events

**Commented [CoCE50]:** Recommended revised definition.

**Commented [CoCE51]:** Consistent with 2019 Comprehensive Plan

**17.20.020 Conditional uses.**

The following purposes and uses of buildings shall be allowed only upon approval a conditional use permit in accordance with the provisions of Chapter 17.80. The following 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, nursing homes, and other medical or long-term care facilities or in-patient treatment centers;D. Lift stations and other public uses to serve community with adequate public services.
- 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.

**Commented [CoCE52]:** Wording recommended by Kittitas County Public Health

**Commented [CoCE53]:** Comment received: recommended addition allowing for future utility upgrades.

**Commented [CoCE54]:** Staff recommended deletion

**Commented [CoCE55]:** Moved to outright permitted uses.

**Commented [CoCE56]:** Moved to outright permitted uses per RCW.

**17.20.030 Front yard.**

There shall be a front yard having a minimum depth of ten feet.

**17.20.040 Rear yard.**

There shall be a rear yard having a minimum depth of twenty feet where MFR zone abuts a SFR zone. 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.

Commented [CoCE57]: Staff recommendation

**17.20.050 Side yard.**

There shall be a side yard of not less than ten feet in width on one side of a building, and not less than five feet in width on the opposite side of the building. A side street side yard shall have a minimum width of fifteen feet.

Commented [CoCE58]: Staff recommended changes

**17.20.060 Minimum lot size/density.**

Within the multi-family residential district, the minimum lot size for multipl- unit dwellings shall be ten 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. There shall be no minimum density within the MFR zone, and the maximum density shall be sixty dwelling units per acre.

Commented [CoCE59]: Recommended upgrade to higher density allowance based upon the existing higher density dwellings in Cle Elum (Cle Elum Manor, for example has lower density). This would allow for a XX-unit affordable housing development per 10,000sf lot required for MFR zone.

**17.20.070 Height limit.**

No building hereafter erected or structurally altered within or moved into the district shall exceed thirty-five feet.

**17.20.080 Lot coverage.**

The lot area covered by structures shall not exceed forty-five percent of the lot area. Adequate snow storage areas will be assessed during lot development permitting processes.

**17.20.090 Design review and design guidelines.**

All buildings except single-family dwellings and duplexes and their accessory structures shall be subject to the city's site and design review process (Chapter [17.76](#)). Following are design guidelines for the RM district.

1. *Maximum Building Depth.* Sixty percent depth of lot.
  2. *Front Facades.* Modulation shall be required if the width of the front facade exceeds thirty feet.
  3. *Side Facades.* On corner lots, side facades that face the street shall be modulated if greater than forty feet in width.
  4. *Modulation Standards.* Minimum depth of modulation shall be four feet. Minimum width of modulation shall be five feet. Maximum width of modulation shall be thirty feet.
  5. *Landscaping.* A minimum landscaped area equal to fifteen percent of the lot area shall be provided. In addition, a landscaped area at least five feet in depth shall be provided along street property lines; property lines which abut a single-family zoning district; alleys across from single-family zoning district. Street trees will be required consistent with the landscape ordinance of the city.
  6. *Light and Glare Standards.* Exterior lighting shall be shielded and directed downward, away from adjacent properties. Exterior lighting fixtures shall be consistent with the character of the structure.
  7. *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.

---



## Chapter 17.24

### DTC DOWNTOWN COMMERCIAL DISTRICT

Commented [CoCE60]: Clarification and consistency

Sections:

- 17.24.010 Purpose and design objectives.**
- 17.24.020 Permitted uses.**
- 17.24.030 Conditional uses (not fronting on First Street).**
- 17.24.040 Dimensional standards.**
- 17.24.050 Parking and loading zones.**
- 17.24.060 Landscaping.**
- 17.24.080 Lighting.**
- 17.24.090 Design standards.**

#### 17.24.010 Purpose and design objectives.

The three block area along First Street extending from Billings Avenue through Peoh Avenue and between Railroad Street and Second Street (exact location seen on current official City Zoning Map) encompasses Cle Elum’s downtown core retail zone. The purposes of this district are to acknowledge, maintain, and complement existing historic buildings and the historic aesthetic within the zone; to retain the small retail shop feeling on the street level and to encourage complementary uses on upper floors; to reinforce the zone as pedestrian-oriented with a high level of pedestrian amenities by following the Complete Streets model (CEMC 10.40); and to reestablish this area as the civic and retail core of the city. Over time it is the objective to restore the existing historic building facades, while upgrading infrastructure and calming traffic to encourage increased retail uses and reduce .

Commented [CoCE61]: Geographic range to align with Downtown Revitalization footprint. Limits described are more formally presented on the proposed zoning map. No additional commercial area, only a revised zone to create consistency within the Downtown Commercial Core area.

Commented [CoCE62]: This is already within long-standing existing code, such as within the Site and Design Review requirements, so nothing has actually changed.

**17.24.020 Permitted uses.**

In the DTC district or Downtown commercial district the following uses are permitted:

A. Retail stores, specialty shops and personal services that are usually needed to serve residents and visitors to a small community. These uses shall have priority on the street frontage and include:

1. Specialty grocery stores;
2. Meat shops;
3. Retail bakeries, micro-breweries and other specialty food processing when associated with an on-site retail business;
4. Banks or similar financial institutions;
5. Galleries and antique shops;
6. Personal services such as barbershops, beauty parlors, and dressmaking and tailoring;
7. Clothing and general merchandising stores, general retail sales of goods and merchandise;
8. Locksmiths, shoe and other clothing repair shops;
9. Open air markets;
10. Copy or printing shops;
11. Restaurants, cafeterias and catering;
12. Taverns and cocktail lounges;
13. Fraternal organizations;
14. Theaters;
17. Professional and business offices; and
18. Food carts and food trucks with a Sidewalk Use Permit.

**Commented [CoCE63]:** Reserves commercial core for retail and other commercial opportunities.

**Commented [CoCE64]:** Moved to conditional uses.

**Commented [CoCE65]:** Consistent with General Commercial.

B. Residential uses shall be located in the upper floors of buildings with only necessary entrances and lobbies at the street level.

**Commented [CoCE66]:** Hotels were historically prevalent within the Downtown Commercial Core, and utilized all floors.

C. Family daycare providers in existing residential buildings (RCW 36.70A.450, WAC 365-196-865)

**Commented [CoCE67]:** Required by RCW and Commerce Development Regulation Checklist.

D. Hotels, motels and Inns with vehicular access from adjacent alleys;

**Commented [CoCE68]:** Redundant.

D. Studios for art, music, photography and other similar uses, permitted on first floors, with studios and uses not open to the public located on upper floors or in rear locations away from the public street frontage;

**Commented [CoCE69]:** Aligning tourist attracting uses in ground floors, with those which are not publically accessible remaining in upper floors.

E. Public facilities and public utility use;

F. Parks and open spaces.

**Commented [CoCE70]:** Adds pocket parks and larger open spaces. Consistent with Cle Elum Downtown Association’s Master Plan.

**17.24.030 Conditional uses (not fronting on First Street).**

- 1. Undertaking establishments and crematories.
- 2. Printing establishments and newspaper printing.
- 3. Parking garages accessed from an alley;
- 4. Drive-through or drive-up facilities when associated with a permitted use and accessed from an alley, and which do not create new accesses across public sidewalks or pathways.
- 5. Wireless communication facilities when installed on existing buildings which are not on any historic register, and which are screened from direct view of adjacent streets.

**Commented [CoCE71]:** Consistent with requirements for historic structures.

**17.24.040 Dimensional standards.**

1. *Height.* The height of structures shall be consistent with those of existing buildings and not over three stories or thirty-five feet in height. Design features consistent with the historic context of the

**Commented [CoCE72]:** Corrects an error

area (per CEMC 17.24.090) such as building names in the cornice or block corner turrets may exceed the height limit by ten percent if approved through design review.

2. *Yards.*

a. Buildings shall be built to the property line adjacent to a public sidewalk at the street, with an exception for infill that would block access to or view of historic murals or other historic resources, or for areas desired to be planned parks and open spaces.

b. No yards are required except for lots the side lines of which are adjacent to any "SFR" – Single Family Residential or "MFR" – Multi-Family Residential district, in which case the side yard setback shall be twenty feet or ten feet, respectively. The setback area shall be fenced and landscaped.

3. Lot Coverage. The entire lot (one hundred percent) may be covered subject to setback and other requirements. Adequate snow storage areas will be assessed during lot development permitting processes.

Commented [CoCE73]: Staff recommendation

**17.24.050 Parking and loading zones.**

1. No on-site parking is required; however properties may be required to participate in programs to provide common parking through fees in lieu of parking, Local Improvement Districts (LID) or other programs adopted by the city.

2. When on-site parking is provided, it must be accessed only from an alley and meet the standards of Chapter [17.56](#). In the event that alley access is not available, an entry from a side street (i.e., Oakes Street) or Railroad Street may be permitted, if the project is approved through site and design review.

**17.24.060 Landscaping.**

Landscaping is not required except for parking areas. Landscaping provided shall be consistent with Chapter [17.64](#).

**17.24.080 Lighting.**

1. Outdoor lighting shall be arranged so as not to produce direct light or glare on public roadways and/or neighboring properties; and
2. Outdoor lighting shall be directed downward and shielded to reduce unnecessary light and glare; and
3. Lighting should be used to accent key architectural elements of the buildings.

**17.24.090 Design standards.**

The objective of these design standards is to create a strong identity for the downtown area, and create interesting streets which are visually attractive and easy to use by pedestrians. These standards will be applied to a particular development during the design review process. These design standards are mandatory unless the imposition of the standards will result in construction that is less consistent with the historical character of the area. **Building infill and redevelopment shall be consistent with a 1920s-1930s era aesthetic.**

1. Building facades facing public streets and/or sidewalks shall create a continuous, interesting facade along the length of the facade. Buildings shall be constructed adjacent to the public sidewalk with no setbacks between the right-of-way and the structure permitted.
2. New structures on corner lots shall be designed to emphasize their prominent location. Primary building entrances shall be located at the street corner.

**Commented [CoCE74]:** Consistent with Council-Adopted Downtown Revitalization Plan and Council-Adopted Cle Elum Downtown Association Master Plan

- 
3. Service and delivery access shall be located away from the pedestrian streets with access from the alley where possible.
  4. New structures and improvements shall incorporate design elements which will maintain the integrity of the existing historic structures and respect the historic character of the downtown area. The following design characteristics shall be included for new or remodeled structures:
    - a. Reflect the cornice line of existing historic structures.
    - b. Use windows, materials and details similar to the historic properties.
    - c. Use similar building modulation and proportions.
    - d. Large ground level display windows.
    - e. Clearstory windows above the display windows should be used.
    - f. Retractable fabric or self-supported awnings. Awnings and overhangs shall be supported by the building and not by supports placed in or upon the public right-of-way. No awning or overhang shall extend more than forty percent of the distance between the property line and the outside edge of the curb and shall maintain a minimum vertical clearance of ten feet.
    - g. Flat roof with parapets.
    - h. Constructed of brick or wood frame with brick or stone facades.
    - i. Two story construction with retail on the bottom floor and office or residential uses above is encouraged.
    - j. Second story windows should be double hung windows that are taller than they are wide.
  5. Protect and preserve buildings of special historic significance and merit (see city list) by:
    - a. Retaining or restoring as many historic features as possible outside and inside, if appropriate.
    - b. Maintaining or restoring original proportions, dimensions or architectural elements.
-

- c. Selecting paint and materials (often brick) which are historically accurate, coordinate the entire facade, and respecting adjacent buildings.
  - d. Consulting available historic resources for assistance and detailed information.
  - e. Incorporate historical photographs and information about the building, if available.
6. Off-street parking shall be located below or behind buildings and screened from streets by landscaping or structural elements.

**Commented [CoCE75]:** Allows for parking garages

7. Where fences are used, chain link fencing shall not be permitted. Fences adjoining public roads shall be no taller than four feet in height. When existing chain length fences require significant repair or replacement, they shall be replaced with wood, or decorative metal fencing consistent with the nearby conforming historic and aesthetic character of the property and adjacent buildings and properties.

**Commented [CoCE76]:** Consistent with aesthetic characteristics within Council-adopted plans mentioned in previous comments.

---

## **Chapter 17.28**

### **EC ENTRY COMMERCIAL DISTRICT**

Sections:

- 17.28.010**      **Purpose and design objectives.**
- 17.28.020**      **Permitted uses.**
- 17.28.030**      **Conditional uses.**
- 17.28.040**      **Dimensional standards.**
- 17.28.050**      **Parking.**
- 17.28.080**      **Lighting.**
- 17.28.090**      **Design standards.**

#### **17.28.010 Purpose and design objectives.**

The purpose of the Entry Commercial District is to provide commercial services and to obtain a unified design of allowed commercial facilities at the entryways to the city.

The objectives are to:

- A. Create a high standard of visual quality in commercial districts at the entry to the city.
  - B. Increase pedestrian, bicycle and vehicular circulation within the district.
  - C. Maintain a human scale and consistent architectural style.
  - D. Produce consistent design.
  - E. Take advantage of special opportunities to create a unified composition of buildings and landscape features.
  - F. Create a sense of entry to the city.
  - G. Buffer development from Interstate-90.
-



**17.28.020 Permitted uses.**

In the EC district, or Entryway commercial district, the following uses are permitted:

A. Retail stores, shops and motel and restaurant facilities that are usually needed to serve adjacent residential areas and the traveling public, such as:

1. Grocery stores;
  2. Meat shops;
  3. Retail micro-breweries;
  4. Specialty food processing when associated with a retail business;
  4. Banks and businesses;
  5. Barbershops, beauty parlors and personal service shops;
  6. Clothing and general merchandising stores, retail;
  7. Hand laundries, clothes cleaning and pressing;
  8. Hotels and motels;
  9. Locksmiths, shoe and other clothing repair shops;
  10. Open air markets;
  11. Parking lots;
  12. Professional or business offices;
  13. Copy companies;
  14. Restaurants and cafeterias;
-

- 15. Taverns;
- 16. Service stations, tire repair shops;
- 17. Manufacturing, production or treatment of products clearly incidental to the retail business conducted on the premises;
- 18. Public offices and uses;

19. Food carts and food trucks;

**Commented [CoCE77]:** Formerly "Mobile food service unit"

B. Entertainment establishments, such as theaters, dancehalls, skating rinks, arcades, or other commercial amusement places;

**Commented [CoCE78]:** Moved up from Conditional Uses

C. Medical and other care facilities such as:

- 1. Nursing homes, hospitals, and long-term medical facilities;
- 2. Family daycare providers in existing residential buildings (RCW 36.70A.450, WAC 365-196-865)

**Commented [CoCE79]:** Required under RCW and Development Regulation Checklist

D. Rooftop solar panels.

**Commented [CoCE80]:** Consistent with 2019 Comprehensive Plan

**17.28.030 Conditional uses.**

A. Wireless communication facilities.

**Commented [CoCE81]:** Moved into outright permitted uses

**Commented [CoCE82]:** Moved from outright permitted uses

**17.28.040 Dimensional standards.**

A. *Height Limit.* Three stories with total height not to exceed sixty-five feet.

**Commented [CoCE83]:** Correcting error

B. Yards.

1. Minimum setback from an arterial street shall be ten feet.
2. No setback is required from internal street rights-of-way.
3. Yards adjacent to any "SFR" Residential or "MFR" Multiple Family Residential district, the required yard shall be twenty feet and ten feet, respectively.

C. *Lot Size.* Lots shall be as large as necessary to meet building code, fire code, yard, setback, parking, and landscaping requirements. Adequate snow storage areas will be assessed during lot development permitting processes.

Commented [CoCE84]: Staff recommendation

### **17.28.050 Parking.**

See Chapter [17.56](#) for required off-street parking and design requirements.

### **17.28.080 Lighting.**

1. Outdoor lighting shall be arranged so as not to direct light or glare on public roadways and/or neighboring properties.
  2. Outdoor lighting shall be directed downward and shielded to reduce unnecessary light and glare.
  3. Pedestrian scale lighting shall be placed at regular intervals along sidewalks throughout the development
  4. Lighting may be used to accent key architectural elements of the buildings.
-

**17.28.090 Design standards.**

The following design standards apply to all development within the zoning district and the intent is to require developments to be designed to create a sense of arrival into the City of Cle Elum and to establish standards which reflect the character and quality to which the community aspires.

1. Buildings shall be located and designed to focus on First Street. Developments with multiple buildings may locate other buildings away from First Street.
2. Building facades facing First Street or internal access drives or roads shall have at least fifty percent of the total wall area in permeable surfaces (windows, pedestrian entrances, open shops, etc.).
3. Parking lots shall be located and designed away from First Street.
4. Monumentation through the use of buildings, signs and landscaping shall be provided at key entranceways to the development.
5. Pedestrian facilities shall be provided from the public right-of-way to the entrances of all buildings open to the public in a continuous and direct route to the primary pedestrian entrance. Pedestrian routes shall be a minimum of six feet wide and shall be constructed of Portland cement concrete or brick or stone pavers. Pedestrian routes shall be protected from vehicle traffic by curbs, bollards, landscaping or other similar method. Where routes cross vehicle-maneuvering areas they shall be constructed of a different paving material than the vehicle-maneuvering areas.
6. A minimum of twenty percent of the site shall be devoted to landscaping.

7. Where fences are used, chain link fencing shall not be permitted. Fences adjoining public roads shall be no taller than four feet in height. When existing chain length fences require significant repair or replacement, they shall be replaced with wood, or decorative metal fencing consistent with the nearby conforming historic and aesthetic character of the property and adjacent buildings and properties.

Consistent with aesthetic characteristics within Council-adopted plans mentioned in previous comments.

**Commented [CoCE85]:** Maintains the consistent with aesthetic characteristics within entry points to the City. Meets purpose and design objectives.

## Chapter 17.32

### **GC GENERAL COMMERCIAL DISTRICT**

Commented [CoCE86]: Clarification and consistency

Sections:

- 17.32.010 Purpose and intent.**
- 17.32.020 Permitted uses.**
- 17.32.030 Conditional uses.**
- 17.32.040 Dimensional standards.**
- 17.32.060 Landscaping.**
- 17.32.080 Lighting.**
- 17.32.090 Design guidelines.**

#### **17.32.010 Purpose and intent.**

The General Commercial District is intended to provide areas for a range of commercial uses which serve the community; to establish standards that assure that new uses are compatible with and enhance existing commercial uses; and, to provide protection to uses in other zones.

#### **17.32.020 Permitted uses.**

In the GC district or general commercial district the following uses are permitted:

- A. Retail and wholesale stores and shops such as clothing and general merchandise;
  - B. Grocery stores;
  - C. Meat shops;
  - D. Retail bakeries, micro-breweries and other specialty food processing with an associated retail use;
-

- E. Banks or similar financial institutions;
- F. Barbershops, beauty parlors and personal service shops;
- G. Hand laundries, clothes cleaning and pressing;
- H. Hotels, motels, bed and breakfast rooms and inns;
- I. Lumber yards and building materials, coal and fuel storage, providing that they are housed in buildings completely enclosed by walls and windows, and the yard regulations of this district shall be observed; and provided further that no such lumber yards, building material yards, coal and fuel stores shall be maintained closer than one hundred feet to the side lines of any residential districts;
- J. Locksmiths, shoe and other clothing repair shops;
- K. Manufacturing, production or treatment of products clearly incidental to the conduct of a retail business conducted on the premises;
- L. Professional or business offices;
- M. Public offices and uses, and civic buildings;
- N. Printing establishments and newspaper printing;
- O. Auto repair and battery shops, service stations, tire repair shops;
- P. Restaurants, cafeterias and catering;
- Q. Sales room or store rooms for motor vehicles and other articles of merchandise;
- R. Studios;
- S. Taverns;
- T. Theaters;
- U. Commercial daycare centers;
- V. Family daycare providers in existing residential buildings (RCW 36.70A.450, WAC 365-196-865)

**Commented [CoCE87]:** Required by RCW and Commerce's Development Regulation Checklist

W. Hospitals, nursing homes, and other medical or long-term care facilities;

**Commented [CoCE88]:** Consistent with long-term uses that have been existing in this district for several decades.

X. Open air markets;

Y. Food carts and food trucks;

Z. Rooftop solar panels.

**Commented [CoCE89]:** Consistent with 2019 Comprehensive Plan

### 17.32.030 Conditional uses.

1. Residential uses;
2. Dancehalls, skating rinks, or other commercial amusement places;
3. Undertaking establishments and crematories;
4. Kennels;
5. Machine shops;
6. Mini-warehouses;
7. Short-term rentals (CEMC [17.08.335](#)).

### 17.32.040 Dimensional standards.

A. *Height.* The height of structures should be consistent with those of existing buildings and not over three stories or thirty-five feet in height. Design features consistent with the historic context of the area such as building names in the cornice or block corner turrets may exceed the height limit by ten percent if approved as part of the design review process.

**Commented [CoCE90]:** Corrects an error

B. *Yards.* No yards are required except for lots adjacent to any "SFR" residential or "MFR" multi-family residential district. Yards adjacent to the residential district shall be twenty feet in width. Yards adjacent to the multiple family residential district shall be ten feet in width.

C. *Minimum Lot Size.* A minimum of five thousand square feet is required for all new lots.

D. *Snow Storage.* Adequate snow storage areas will be assessed during lot development permitting processes.

Commented [CoCE91]: Staff recommendation

### **17.32.060 Landscaping.**

A minimum of ten percent of the site shall consist of landscaping consistent with the requirements of Chapter [17.64](#). See also Chapter [17.64](#).

### **17.32.080 Lighting.**

1. Outdoor lighting shall be arranged so as not to direct light or glare on public roadways and/or neighboring properties; and
  2. Outdoor lighting shall be directed downward and shielded to reduce unnecessary light and glare; and
  3. Pedestrian scale lighting shall be placed at regular intervals along sidewalks throughout the development; and
  4. Lighting may be used to accent key architectural elements of the buildings.
-



---

**17.32.090 Design guidelines.**

The following design standards apply to all development within the zoning district and are intended to upgrade the visual quality of the commercial areas in the city, reduce impacts to adjacent property, and to establish standards that reflect the character and quality of the city.

1. Buildings shall be located and designed to focus on the public street serving the development.
  2. Building facades facing a public street shall have at least fifty percent of the total wall area in permeable surfaces (windows, pedestrian entrances, open shops, etc.) or permanent architectural details such as false windows.
  3. When feasible, parking lots shall be located behind or to the side of structures, and shall not be located on a corner of two streets or between a building and the public street, provided, that building sites with more than one street corner are not required to place the building(s) on multiple corners. For additional off-street parking and design requirements see Chapter [17.56](#).
  4. Pedestrian facilities shall be provided from the public right-of-way to the entrances of all buildings open to the public in a continuous and direct route to the primary pedestrian entrance. Pedestrian routes shall be a minimum of six feet wide and shall be constructed of Portland cement concrete or brick or stone pavers. Pedestrian routes shall be protected from vehicle traffic by curbs, bollards, landscaping or other similar method. Where routes cross vehicle-maneuvering areas they shall be constructed of a different paving material than the vehicle-maneuvering areas.
  5. Buildings of historic importance and value as indicated by their age and significance to the community or history may not be required to meet the specific design standards if the imposition of the standards will result in development that is less consistent with the historic character of the area. A review by the City Historic Preservation Commission may be required by the Planning Director to determine whether this exemption from design standards is applicable to a particular development.
-

**Chapter 17.34**

**BP - BUSINESS PARK DISTRICT**

**Commented [CoCE92]:** Although nowhere in Cle Elum is currently zoned BP, this is the correct timing to make all zones internally consistent, as well as consistent with the 2019 Comprehensive Plan.

**Commented [CoCE93]:** Clarification & consistency

Sections:

- 17.34.005 Purpose.**
- 17.34.010 Permitted uses.**
- 17.34.020 Accessory uses.**
- 17.34.030 Conditional uses.**
- 17.34.040 Front yard.**
- 17.34.050 Rear yard.**
- 17.34.060 Side yard.**
- 17.34.070 Site area.**
- 17.34.080 Height limit.**
- 17.34.090 Lot coverage.**
- 17.34.100 Landscaping and screening.**
- 17.34.110 Design standards.**

**17.34.005 Purpose.**

The purpose of the business park district is to provide areas for light manufacturing, wholesale trade, warehousing, business and professional services, research and related activities enclosed within buildings and with high standards for development.

**17.34.010 Permitted uses.**

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. Catalog or Internet sales;
- B. Business and professional offices;
- C. Commercial testing laboratories;
- D. Research and development laboratories;
- E. Research, financial or information processing offices;
- F. Scientific research, testing, developmental and experimental laboratories;
- G. Vocational/technical schools;
- H. Manufacturing, processing, assembling and packaging of articles, products or merchandise from previously prepared natural or synthetic materials;
- I. Manufacturing, processing, treating, assembling and packaging of articles, products or merchandise from previously prepared ferrous, nonferrous or alloyed metals (such as bar stock sheets, tubes, and wire and other extrusions);
- J. Printing, publishing and allied industries;
- K. Warehousing and distribution facilities, when enclosed within a building;
- L. Wireless communication facilities;
- M. Food Cart;
- N. Food Trucks;
- O. Rooftop solar panels.

**Commented [CoCE94]:** Consistent with other commercial districts

**Commented [CoCE95]:** Consistent with 2019 Comprehensive Plan

**17.34.020 Accessory uses.**

The following uses shall be permitted within the BP District when accessory to an outright permitted use and intended to serve employees of the BP district:

---

- A. Cafeteria, sandwich and coffee shops;
- B. Daycare centers;
- C. Health clubs;
- D. Dwelling unit for caretaker or watchman;
- E. Outdoor uses customarily appurtenant to permitted uses enclosed within buildings, including off-street parking areas, loading and unloading areas, etc.
- F. Family daycare providers in existing residential buildings (RCW 36.70A.450, WAC 365-196-865)

**Commented [CoCE96]:** Required by RCW and Commerce Development Regulation Checklist

**17.34.030 Conditional uses.**

The following purposes and uses of buildings shall be allowed only upon approval of a conditional use permit in accordance with the provisions of Chapter [17.80](#):

- A. Public/community facilities;
- B. Any outright permitted use whose operations are predominately conducted out-of-doors, rather than completely enclosed within a building.

**17.34.040 Front yard.**

There shall be a front yard having a minimum depth of twenty feet.

---

**17.34.050 Rear yard.**

There shall be a rear yard having a minimum depth of fifteen feet, except when abutting an "SFR" residential or "FRM" multi-family residential district in which case the rear yard shall be a minimum of twenty-five feet.

**17.34.060 Side yard.**

There shall be an interior side yard or side-street side yard of not less than fifteen feet in width on each side of a building. Side yards abutting any "SFR" residential or "MFR" multi-family residential district shall be not less than thirty feet in width.

**17.34.070 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 twenty thousand square feet.

**17.34.080 Height limit.**

No building hereafter erected or structurally altered within or moved into the district shall exceed three stories or thirty-five feet in height.

**17.34.090 Lot coverage.**

The lot area covered by structures shall not exceed forty percent of the lot area. Adequate snow storage areas will be assessed during lot development permitting processes.

Commented [CoCE97]: Staff recommendation

**17.34.100 Landscaping and screening.**

- A. Loading docks, service bays and associated maneuvering areas shall be located outside the public right-of-way and shall be landscaped as necessary to screen said loading areas from any adjacent public right-of-way.
- B. A minimum fifteen foot landscaped strip shall be provided adjacent to all street rights-of-way.
- C. A minimum twenty-five foot fenced landscape strip shall be provided adjacent to any residentially zoned property.
- D. Off-street parking areas shall be located to the side or in the rear of buildings and shall be screened from adjacent public rights-of-way and adjacent residential areas by sight-obscuring landscaping or a fence. Landscaping requirements within the parking area are described in Section [17.64.040](#).
- E. All required yards, parking areas, storage areas, operations yards, and other open uses on the site shall be maintained in a neat and orderly manner appropriate for the district at all times.

**17.34.110 Design standards.**

Design standards in the BP district shall follow those set forth in CEMC 17.28.090.

**Commented [CoCE98]:** Consistent with other sections of CEMC

---

## **Chapter 17.36**

### **I INDUSTRIAL DISTRICT**

Sections:

- 17.36.010**      **Purpose and intent.**
- 17.36.020**      **Permitted uses.**
- 17.36.030**      **Conditional uses.**
- 17.36.040**      **Performance standards.**
- 17.36.050**      **Design standards.**

#### **17.36.010 Purpose and intent.**

This district is intended to accommodate a broad range of industrial activities and to protect such uses and districts from encroachment by conflicting land uses.

#### **17.36.020 Permitted uses.**

The following uses and their customary accessory uses are permitted outright in the industrial district when they are developed and used in a manner that complies with the performance standards and aesthetic objectives of this chapter:

- A. Manufacturing, rebuilding and/or repairing nonmetal or mineral products;
  - B. Warehouse establishment;
  - C. Wholesale establishment;
  - D. Accessory retail uses, where products manufactured on site are sold to the general public;
  - E. Office buildings related to permitted uses conducted on the same premises or within the industrial district;
-

- F. Food and dry goods processing, packaging and distribution operations;
- G. Welding and metal fabrication shops;
- H. Vehicle and machinery repair and storage;
- I. Transportation terminals;
- J. Contractor’s offices, shops and storage yards;
- K. Scientific research, testing, developmental and experimental laboratories;
- L. Public utility and governmental structures and/or uses;
- M. Agricultural use of the land;
- N. Veterinary clinic within the enclosed structure;
- O. Wireless communication facilities;
- P. Retail sales involving equipment or vehicles normally stored or displayed outside and used for manufacturing, farming or construction;
- Q. Utility substations or plants;
- R. Food carts and food trucks;
- R. Rooftop solar panels.

**Commented [CoCE99]:** Consistent with zone

**Commented [CoCE100]:** Consistent with commercial, as well as allowing food carts and food trucks to service industrial complexes.

**Commented [CoCE101]:** Consistent with 2019 Comprehensive plan

**17.36.030 Conditional uses.**

Because of considerations of odor, dust, smoke, noise, fumes, vibration or hazard, the following uses shall not be permitted in the industrial district unless a conditional use permit authorizing such use has been granted by the city council. The following purposes and uses of buildings shall be allowed only upon approval of a conditional use permit in accordance with the provisions of Chapter [17.80](#):



- 
- A. Chemical manufacture, storage and/or packaging;
  - B. Asphalt manufacture, mixing or refining;
  - C. Automobile dismantling, wrecking or junkyards;
  - D. Cement, lime, gypsum or plaster of paris manufacture;
  - E. Drop forge industries;
  - F. Reduction or disposal of garbage, offal or similar refuse;
  - G. Rubber reclaiming;
  - H. Feed yards, livestock sales yards or slaughterhouses;
  - I. Smelting, reduction or refining of metallic ores;
  - J. Tanneries;
  - K. Wineries;
  - L. Manufacturing of industrial or household adhesives, glues, cements or component parts thereof, from vegetable, animal or synthetic plastic materials;
  - M. Waste (refuse) recycling and processing.

**17.36.040 Performance standards.**

All permitted, conditional and accessory uses in the industrial zone shall comply with the following performance standards:

- A. All uses shall be subject to strict compliance with Washington state standards for noise, odor, air quality, smoke and hazardous materials.
  - B. No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level that exceeds sixty dBA in any residential district. Specifically exempted from this
-

requirement are emergency signaling devices, operating motor vehicles and lawnmowers, railroads, or aircraft.

C. Continuous frequent or repetitive vibrations that can be detected by a person of normal sensitivities at the property line shall not be produced. Vibrations from temporary construction activities, motor vehicles and vibrations occurring on an infrequent basis lasting less than five minutes are exempt.

D. Continuous, frequent or repetitive odors that exceed centimeter No. zero may not be produced. Odors lasting less than thirty minutes per day are exempt. The odor threshold is the point at which an odor may just be detected. The centimeter reading is based on the number of clear air dilutions required to reduce the odorous air to the threshold level. Centimeter No. zero is one to two dilutions of clear air.

E. All lighting shall be arranged so as not to produce glare on public roadways and/or neighboring non-industrial properties. Welding, acetylene torch or other similar processes shall be performed inside an enclosed structure.

F. All vehicle travelways, parking spaces and storage areas shall be paved with Portland cement concrete, asphalt cement pavement to eliminate dust as a result of wind or usage. Open areas shall be landscaped and/or maintained to minimize dust. Sites with its only access from an unpaved city street may provide alternative dust control measures in place of the required pavement.

G. All uses shall be subject to the collection and suitable disposal of on-site generated water runoff. A building permit and a drainage plan shall be submitted to the planning director for approval. The collection system shall be installed and functional prior to the issuance of a final building permit.

H. All open storage shall be enclosed by a six-foot-high security fence and/or an attractive hedge six feet in height so as to provide a fully site obscuring buffer when adjacent to public roads, and rights-of-way and any non-industrial district.

I. Adequate snow storage areas will be assessed during lot development permitting processes.

Commented [CoCE102]: Staff recommendation

---

**17.36.050 Design standards.**

- A. The following setbacks from property lines and screening standards shall apply to all development in the industrial district:
1. Building, parking spaces and storage areas shall be located no closer than ten feet from property lines.
  2. Building, parking spaces and storage areas abutting a residential zoning district shall be located no closer than twenty feet from property lines.
- B. The minimum lot size for new lots is twenty thousand square feet.
- C. No building hereafter erected or structurally altered within or moved into the district shall exceed three stories or thirty-five feet in height.
- D. A minimum of ten percent of the site shall be landscaped.
-

## **Chapter 17.45**

### **PMU PLANNED MIXED USE DISTRICT**

Sections:

- 17.45.010**      **Purposes and objectives.**
- 17.45.020**      **Mixed use approval required.**
- 17.45.030**      **Mixed use approval – Exemptions.**
- 17.45.040**      **Mix of uses encouraged.**
- 17.45.050**      **Uses permitted.**
- 17.45.060**      **Development standards.**
- 17.45.070**      **Application procedures.**
- 17.45.080**      **Application for mixed use approval.**
- 17.45.090**      **Approval criteria.**
- 17.45.100**      **Mixed use final plan.**
- 17.45.110**      **Subsequent approvals and permits.**
- 17.45.120**      **Concurrent processing of development proposal applications.**
- 17.45.130**      **Sureties.**
- 17.45.140**      **Expiration of mixed use approval.**
- 17.45.150**      **Amendment of final plan.**

#### **17.45.010 Purposes and objectives.**

A. The PMU district is established to apply to larger parcels of land with significant development potential, as well as to urban areas where mixed use development could encourage vibrant and diverse infill. The PMU district aims to achieve the following purposes:

1. To assure that large new development creates a complete and interdependent Cle Elum community that contains a mix of land uses that provides for most of the daily needs of its residents and visitors including recreation, employment, housing affordable to all residents and education;

**Commented [CoCE103]:** Consistent with intent of proposed zoning map

2. To obtain development within the city with imaginative site planning in a compatible mixture of land uses that will encourage pedestrian rather than automotive access to employment opportunities and goods and services;
3. To encourage building design that is in keeping with the climate and the traditional rural, small town, mountain character of the Cle Elum area;
4. To ensure sensitivity in land use and design to adjacent land uses within the PMU district, and to avoid creating incompatible land uses;
5. To ensure that all development gives adequate consideration to and provides mitigation for the impacts it creates with respect to transportation, public utilities, open space, recreation and public facilities, and that circulation, solid waste disposal and recycling, water, sewer and stormwater systems are designed to the extent feasible to be adequate to serve future adjacent development that can reasonably be expected; and
6. To ensure that development protects and preserves the natural environment to the maximum extent possible, including but not limited to protecting the water quality of the Cle Elum and Yakima Rivers, contributing to the long-term solution of flooding problems, protecting wetlands and sensitive areas, protecting views and providing a wooded background and ridge adjacent to the community.

B. Each proposal for development within the PMU district shall conform to the Cle Elum comprehensive plan, any applicable subarea plan and applicable annexation and/or development agreements, and will advance the achievement of the foregoing purposes of the PMU district as well as the following objectives:

1. To preserve or create open space for the enjoyment of the residents of the city, employees of businesses located within the city and the general public;
  2. To create attractive, pedestrian-oriented neighborhoods with a range of housing types, densities, costs and ownership patterns;
-

3. To promote the development of truly affordable housing, as defined by WAC 43.185A.010, by creating available housing stock to residents with income levels at 80% and 50% of the Cle Elum Area Median Income.

**Commented [CoCE104]:** Consistent with Comprehensive Plan's Housing Element

4. To provide access to employment opportunities and goods and services in close proximity to residential uses;

5. To provide a balanced mix and range of land uses within and adjacent to the development that minimize the necessity for the use of automobiles on a daily basis;

6. To use the highest quality architectural design and a harmonious use of building materials;

7. To provide a variety of street sizes and designs, including narrow streets designed principally for the convenience of pedestrians as well as streets of greater width designed primarily for vehicular traffic;

8. To provide commons, greens, parks or civic buildings or spaces as places for social activity and assembly for the neighborhood and community;

9. To provide clustered development to preserve open space within the corporate limits of the city while still achieving an appropriate overall density for the city; and

10. To maintain the Downtown (downtown commercial zone) as the principal retail center for the City of Cle Elum.

**Commented [CoCE105]:** Consistent with name change

**17.45.020 Mixed use approval required.**

A. Subject to the provisions of CEMC [17.45.303](#), no land shall be used, subdivided, cleared, graded or filled and no building or structure shall be constructed, altered or enlarged within the PMU district except under the authority of an approved final plan pursuant to CEMC [17.45.140](#) issued through the process established in this chapter.

B. For purposes of this chapter, "development proposal" means a proposal for any of the activities for which prior mixed use approval is required pursuant to subsection A of this section.

---

**17.45.030 Mixed use approval – Exemptions.**

A. Road and utility transmission corridors, including electric, telephone, natural gas, television cable, water and sewer, may be constructed in and across the PMU district without an approved final plan, when approved by the city planner, as necessary to serve citywide or regional needs. All proposed road and utility transmission corridors in the PMU district intended solely to serve existing or future development in the PMU district shall be considered as part of an application for planned mixed use approval, and may not be considered pursuant to the authority of this section.

B. Temporary uses and structures, including those for which a grading, clearing or building permit is required may be approved by the city planner without an approved final plan upon a determination that structures can be removed and the area restored to its previous condition without altering the natural characteristics of the property or a significant feature thereof to an appreciable degree. Such temporary structures may be established as permanent features if included in the approved final plan.

C. All approvals under the provisions of this section may include conditions appropriate to ensure to the maximum extent possible that the use or structure approved does not create an impediment to the eventual development of the property to achieve the purposes and objectives of this chapter and do not impact any sensitive area (i.e., wetland, steep slope). Any proposal may be denied if it is found to create a significant impediment to the eventual development of the property or adversely impact environmentally sensitive areas to achieve the purposes and objectives of this chapter that cannot be mitigated by appropriate conditions.

**17.45.040 Mix of uses encouraged.**

The PMU district allows and encourages a mixture of land uses, both vertically and horizontally, on one parcel or several contiguous combined parcels, but does not require such a mixture of uses on-site, provided the development proposal, when considered in relation to surrounding development, achieves the purposes and objectives of this chapter.

---

---

**17.45.050 Uses permitted.**

A. All principally and conditionally permitted uses in this title may be allowed in the PMU district pursuant to an approved final plan provided that retail and service uses shall be limited to those convenience retail and service uses that are sized and designed to serve the residents or employees of the PMU zone and provided further specific uses permitted only in industrial districts pursuant to CEMC [17.24](#), and indicated in subsection B, which shall be prohibited in the PMU district, unless a special finding has been made as described in subsection B of this section.

B. The following uses may be allowed in the PMU district only upon a special finding pursuant to subsection C of this section:

1. Manufacturing, rebuilding and/or repairing nonmetal or mineral products;
  2. Welding and metal fabrication shops;
  3. Vehicle and machinery repair and storage;
  4. Transportation terminals;
  5. Contractor's offices, shops and storage yards;
  6. All chemical manufacture, mixing or refining;
  7. Asphalt manufacture, mixing or refining;
  8. Automobile dismantling, wrecking or junkyards;
  9. Blast furnaces or coke ovens;
  10. Cement, lime, gypsum, or plaster of paris manufacture;
  11. Drop forge industries;
  12. Explosives, storage or manufacture;
  13. Reduction or disposal of garbage, offal or similar refuse;
  14. Oil refining;
-



- 15. Rubber reclaiming;
- 16. Feed yards, livestock sales yards or slaughterhouses;
- 17. Smelting, reduction or refining of metallic ores;
- 18. Tanneries;
- 19. Manufacturing or industrial or household adhesives, glues, cements, or component parts thereof, from vegetable, animal or synthetic plastic materials.

C. The uses specified in subsection B of this section may be permitted in the PMU zone only upon a special finding by the city council that the proposal is for:

- 1. Public facilities deemed necessary by the city to protect or promote the public health, safety and welfare;
- 2. The proposed use:
  - a. Promotes the public health, safety and welfare,
  - b. Is compatible with surrounding uses,
  - b. Can be carried on within a development proposal without greater traffic, noise, glare, air or water pollution impacts or other environmental impacts than other uses not subject to the prohibition of this section, and
  - c. Does not materially hinder the achievement of the objectives of this chapter and provides a net benefit to the city.

Commented [CoCE106]: Staff recommendation

**17.45.060 Development standards.**

A. It is the intention of this chapter to encourage development proposals not constrained by fixed development standards, and toward that end, deviation from the development standards set forth in subsection D of this section or other standards of this code, except those specified in subsection B of this section, may be authorized when the city council finds, with the advice of the planning

commission, that compared to such standards, such deviation would advance the achievement of the stated purposes and objectives of the PMU district at the completion of the development.

B. The development standards in this section shall apply to all development proposals within the PMU district unless an adopted subarea plan or annexation implementation agreement specifies different standards, in which case the standards specified in the subarea plan or development agreement shall apply.

1. All property in one ownership shall be included in a PMU application;
  2. The minimum acreage for a mixed use final plan shall be of such size that the applicant can demonstrate the ability to incorporate the intent of this chapter;
  3. At least thirty-five percent of the total acreage within the proposed final plan must be dedicated to open space, natural areas, parks, recreation areas, or village greens, commons or public assembly areas, excluding streets and parking areas;
  4. The tract or tracts of land included in a proposed mixed use final plan in a PMU district must be in one ownership or control, or be the subject of a joint application by the owners of all the property included;
  5. Proposed circulation, solid waste disposal and recycling, water, sewer and stormwater management systems shall be designed in such a manner to allow adequate and efficient future expansion to accommodate development which can reasonably be anticipated on adjacent or nearby lands within the City of Cle Elum or the UGA;
  6. The siting of compatible land uses shall be encouraged to the greatest extent possible through the use of sensitive site planning, use of landscaping, buffering and open space;
  7. A lighting plan that provides sufficient illumination without significantly diminishing the ambient darkness of the rural setting. Outdoor lighting shall be designed so as not to direct light and/or glare on public roadways and/or neighboring properties. All outdoor lighting shall be fully cut off with the light fully shielded to reduce unnecessary light and glare. No lighting shall exceed a level of thirty footcandles;
-

8. Average density for single family to be four dwelling units per acre; maximum density for multiple family to be sixty dwelling units per acre. Submittal of the final plan shall include sufficient information to determine that all proposed lots have adequate buildable area for the proposed use;

**Commented [CoCE107]:** Consistent with proposed residential densities, which are seen in current Cle Elum multi-family housing facilities.

9. Maximum building height: three stories or thirty-five feet, whichever is lower;

10. Include provisions for a floor area ratio for business park; maximum amounts of impervious surface and building coverage for the various uses; refer to the city's zoning code; and

11. All other requirements of the Cle Elum Municipal Code such as parking, landscaping street standards, etc., unless specifically modified by a subarea plan or development agreement.

### 17.45.070 Application procedures.

Planned mixed use master site plan applications are considered a Type IV process pursuant to Chapter [17.100](#). Applications shall be processed in accordance with the procedures established by Chapter [17.100](#) of this title. Provided, that the time limits for decisions established by Section [17.100.120](#) of this title are not applicable because of the complex nature of the applications and the large areas covered.

### 17.45.080 Application for mixed use approval.

All applications for approval of a development proposal in the PMU district shall, at a minimum, include the following:

A. A statement about the objectives and character of the proposed development. It should outline the concept for the development with a summary of the uses, their density or intensity, the circulation system (vehicular, bike, pedestrian and recreation), provision of public facilities, and relationship to adjacent jurisdictions or development. It should summarize how it meets the purposes and objectives of the planned mixed use district and applicable plans;

B. A site plan, which includes one or more drawings at a scale prescribed by the planning director, showing the following:

1. The location of the site and its relationship to the surrounding areas, including the current land use, natural features, existing road and trail network and the zoning of both the site and the surrounding areas;
2. The existing site conditions, including topography at not less than ten-foot intervals, water bodies, soil types, geologic conditions, sensitive areas, easements, vegetative cover, historical or archaeological sites and other factors or constraints that may shape future use and development;
3. The approximate location and size of all existing and proposed uses, including notations of maximum heights; types and designs of dwelling units, buildings, structures and other improvements; density per type; affordable housing and renderings of a typical streetscape, character of multiple-family, business park and other more intense uses and/or typical lot configuration;
4. The location and approximate size in acres or square feet of all areas to be conveyed, dedicated or reserved as open space, natural areas, parks, recreation areas, or greens, commons or public assembly areas or similar public uses;
5. The existing and proposed circulation system of arterial and collector streets, including if known, the approximate general location of local streets, off-street parking, service and loading areas, and major points of access to public rights-of-way, with notations of proposed public ownership;
6. The existing and proposed pedestrian/recreation circulation system, including approximate locations of bicycle lanes and other recreation trails, including internal connections to regional trails;
7. The existing and proposed major utility systems, including sanitary sewers, storm drainage pipes and detention facilities, snow storage areas, sewers, gas, electric power, communications and water;

**Commented [CoCE108]:** Staff recommendation

8. The existing and proposed public transportation services and facilities.

C. In addition to the graphic illustrations set forth in subsection B of this section, the applicant shall submit the following in such form as the city planner may specify:

1. A legal description of the subject property;
  2. The program for development, including phasing or completion schedules, if any, and the anticipated project completion date;
  3. Proposed design standards for minimum lot area, width, frontage, and yard requirements, street standards, building heights, and parking provisions, as applicable;
  4. A list of the items, issues or subjects to be provided for by restrictive covenants and/or design and architectural guidelines;
  5. Proposed provisions to assure the permanence and maintenance of common open space and recreational facilities;
  6. Proposed landscape standards to apply to open space and yards, and the proposed treatment of required buffers between uses on-site, if any, and around the perimeter of the development, including materials and techniques to be used, such as types of vegetation, screens, fences and walls;
  7. The proposed method of street lighting and signing;
  8. The proposed plan for solid waste disposal and recycling and a proposal for adequate maintenance of such facilities;
  9. A detailed affordable housing program including numbers of units by price ranges, schedules with restrictions and monitoring to assure continuation as affordable units;
  10. A statement identifying applicable policies of the Cle Elum comprehensive plan, any subarea plan and any annexation and/or development agreements, and demonstrating how the development proposal meets such policies and the purposes and objectives of this chapter;
-

11. A list of applicable conditions or mitigations applicable to the development identified in the environmental analysis, development agreements, final master plan approval or specific project approvals;

12. The signature of the applicant or agent authorized to act on behalf of the applicant, with evidence of the agent's authority;

13. Fees or deposits as provided for in the current City fee schedule.

**Commented [CoCE109]:** Consistent with 2019 fee schedule update

D. The applicant shall include an assessment of the projected public revenues and expenditures that reflects the construction phases as defined in the planned mixed use master plan;

E. The application shall include a SEPA checklist or a written request for a determination of significance, acknowledging that an environmental impact statement will be required, in lieu of such checklist. If an environmental impact statement has been completed which is applicable to the application, the applicable mitigation measures shall be identified as part of the application;

F. Such other information or studies shall be provided as the city planner may deem necessary to fully evaluate the proposed mixed use final plan's compliance with this chapter, any applicable subarea plan or annexation/development agreement and other applicable ordinances and regulations of the city.

### **17.45.090 Approval criteria.**

Approval of the PMU district shall require the following findings:

A. The development proposal substantially complies with the Cle Elum comprehensive plan, the policies of any applicable subarea plan, the requirements of any applicable annexation implementation agreement and the purposes and objectives of this chapter, and including but not limited to the following:

1. The purposes and objectives of CEMC [17.45.010](#) and [17.45.020](#) specifically advanced by the proposal;

---

2. Adequacy of the provisions for each of the following, where applicable:

- a. Water supply;
- b. Wastewater treatment facilities;
- c. Stormwater management;
- d. Snow storage;
- e. Power supply;
- f. Schools;
- g. Affordable housing;
- h. Open space, natural areas, parks, recreation areas, or greens, commons or public assembly areas;
- i. Municipal services and facilities;
- j. Fiscal impact guarantees; and
- k. Transportation systems management.

3. Environmental impacts and mitigation, including but not limited to the following, where applicable:

- a. Wetlands protection;
  - b. Sensitive areas protection;
  - c. Habitat protection;
  - d. Quiet and dark night sky;
  - e. Water quality protection; and
  - f. Air quality protection.
-

**17.45.100 Mixed use final plan.**

- A. The site plan and conditions, as approved by city council, shall constitute the “final plan” for purposes of this chapter. Approval of the final plan does not of itself authorize development, but provides the standards against which applications for subsequent approvals and permits for development proposals are to be reviewed. The final plan is intended to provide a framework within which future discretionary review, including but not limited to subdivisions, binding site improvement plans and design review, will be conducted.
- B. Approval of the final plan constitutes mixed use approval.
- C. The final plan shall be recorded with the Kittitas County Auditor’s Office.
- D. The city planner shall maintain a true, accurate and complete copy of the final plan.

**17.45.110 Subsequent approvals and permits.**

- A. Applications for subsequent permits and approvals shall be approved only when substantially in conformance with the approved final plan.
- B. The city planner shall determine within forty-five days after receipt whether any application subsequent to approval of the final plan is substantially in conformance therewith. All applications will be reviewed consistent with the requirements of CEMC [17.100](#), Procedures.
- C. The subsequent application shall be considered substantially in conformance with the approved final plan when the proposal:
1. Is within the scope and intent of the final plan;
  2. Is of a similar size and scale and does not present appreciably different environmental effects from those identified during the final plan review process;
  3. Does not reduce overall acreage identified as dedicated public areas, open space or buffering areas;



4. Does not materially change the balance of uses; and

5. Does not exceed the limitations of any development standards approved pursuant to CEMC [17.45.060](#).

D. Notice of the city planner’s determination as to whether a subsequent application is substantially in conformance with the approved final plan shall be mailed to the applicant and published, and such determination shall be final unless appeal is taken to the city council within fifteen days after the date of publication.

E. Applications for subsequent subdivisions or permits for construction shall include the proposed covenants, conditions and restrictions, and any other matter required as a condition of the final plan.

F. A determination of consistency with the final plan shall not exempt the subsequent application from the necessity of obtaining any other required local, state or federal permits or compliance with any other applicable requirements.

**17.45.120 Concurrent processing of development proposal applications.**

Applications for development approvals, including but not limited to subdivisions, may be submitted with applications for mixed use approval and may, to the extent practicable, be processed concurrently.

**17.45.130 Sureties.**

When the final plan approves phased development, conditions shall be established for sureties or other performance guarantees acceptable to the city for infrastructure, open space, landscaping and any other performance required as a condition of mixed use approval.

---

---

**17.45.140 Expiration of mixed use approval.**

A mixed use approval shall expire and become void unless substantial construction is commenced within two years of the date of approval of the final plan, or within a longer period if specifically authorized in the phasing or construction schedules approved in the final plan and is substantially completed within the approved phasing or construction schedules; provided, such time periods shall be tolled during the pendency of any litigation related to the mixed use project that prevents the applicant from commencing or completing such construction; and further provided, that prior to the expiration of the mixed use approval, an applicant may apply directly to the city council for one or more extensions not to exceed one year each. The city council shall approve such extension or extensions upon a finding of good cause.

**17.45.150 Amendment of final plan.**

All provisions of this chapter shall apply to applications for amendment of an approved final plan, except such application need only detail the proposed changes. All changes to the approved final plan, which are not determined to be in substantial conformance therewith pursuant to CEMC [17.45.110](#), including any request to materially alter the entire phasing schedule contained in a mixed use approval, shall require amendment of the final plan.

---

## Chapter 17.50 PR PUBLIC RESERVE DISTRICT

Sections:

- 17.50.010**      **Permitted uses.**
- 17.50.020**      **Displaying of merchandise.**
- 17.50.030**      **Structure approval required.**
- 17.50.040**      **Yards and building height.**

### **17.50.010 Permitted uses.**

In the PR district or public reserve district, no building or premises shall be used and no building shall be hereafter erected or structurally altered or moved into such district unless otherwise provided in this title, except for one or more of the following uses:

- A. Governmental buildings and uses, federal, state, county, municipal or other governmental subdivisions, including public utility uses and structures, airports, and substations;
- B. Hospitals, nursing homes, and other medical or long-term care facilities;
- C. Institutions for education, philanthropic or eleemosynary charitable uses;
- D. Libraries, art galleries and museums;
- E. Parks, playgrounds, tennis courts, swimming pools, and like recreational uses;
- F. Schools, public and private;
- H. Food carts and food trucks in locations determined by the City Events Committee or the Committee’s designee;
- H. Rooftop solar panels.

**Commented [CoCE110]:** Consistent with existing city uses of city properties

**Commented [CoCE111]:** Revised definition provided by Kittitas County Public Health

**Commented [CoCE112]:** Consistent with public spaces – creates additional opportunities for special events at parks and other open spaces.

**Commented [CoCE113]:** Consistent with 2019 Comprehensive plan. Allows solar installations to offset costs of park and other civic utilities.

**17.50.020 Displaying of merchandise.**

This district is reserved for public and semipublic uses. All display of merchandise or products, all advertising devices and all manufacturing shall be allowed by a permit form the City. Entrances from streets must not display advertising on same. Street deliveries are prohibited except for certain designated hours or buildings shall be so designed as to facilitate unloading fuel and merchandise from vehicles in an alley, or in a driveway or loading area located off the streets.

**Commented [CoCE114]:** Consistent with long-time event activities at City Parks

**17.50.030 Structure approval required.**

All structures contemplated for this district must first have plans, specifications and uses approved by the city council, and no such structure shall be built, altered or moved into such district without written consent from the city council. Such plans, specifications and uses may be permanently filed in the office of the city clerk.

**17.50.040 Yards and building height.**

Front yards, side yards and rear yards shall all have a minimum depth of fifteen feet. The building height limit shall be thirty-five feet.

---

## **Chapter 17.76**

### **SITE AND DESIGN REVIEW**

Sections:

- 17.76.010**      **Purpose.**
- 17.76.020**      **Applicability.**
- 17.76.030**      **Timing.**
- 17.76.040**      **Design review process.**
- 17.76.050**      **Supplementary development standards.**

#### **17.76.010 Purpose.**

The purpose of these regulations is to promote the public health, safety and general welfare by reviewing development applications to insure compliance with adopted development standards, and to establish a uniform process for such review.

#### **17.76.020 Applicability.**

The site and design review (or "design review") process shall be applicable to all permanent new development and redevelopment subject to the following exemptions:

1. Construction of a single-family residence or duplex and accessory structures.
  2. Interior remodels.
  3. Painting and other maintenance work including re-roofing or re-siding where materials are consistent with the existing materials.
  4. Sign permits.
  5. Other development determined by the planning director to not require review.
-

**17.76.030 Timing.**

For any development activity that requires design review, the applicant must comply with provisions of this chapter prior to approval of a building permit or undertaking any development activity; provided that an applicant may submit a building permit application at any time during the design review process.

**17.76.040 Design review process.**

A. *Pre-application Conference.* A pre-application conference may be required pursuant to CEMC [17.100.050](#).

B. *Application.* Following the pre-design meeting, the applicant shall submit a design review application on a form provided by the planning department, together with the required application fee. The application shall include the following materials – unless waived by the planning director, as well as all application materials required as a result of the pre-design meeting:

1. Written narrative description of-uses, types of structures proposed, hours of operation, abutting properties, proposed access, frequency of deliveries, and construction schedule, including any proposed phasing of development.
2. One electronic copy (pdf) of an existing conditions plan drawn to a minimum scale of one inch equals two hundred feet. The existing conditions plan shall contain the following features; the subject property boundaries, dimensions and size, current structural or landscape setbacks, location of existing on-site driveways and access points within one hundred feet of the subject site, location and dimension of any on-site structures, location of utilities, location of the nearest fire hydrant, location of existing structures within one hundred feet of the site, locations and dimensions of adjacent public or private roads and right-of-way or easements, approximate location of significant natural features including slopes over twenty-five percent, waterbodies, rock outcrops, wetland areas, areas of significant vegetation, the location of trees or groups of trees over six inches in diameter, and the location of any critical areas.

**Commented [CoCE115]:** Consistent with electronic submittals

3. One electronic copy (pdf) of a site plan drawn to a minimum scale of one inch equals two hundred feet. The site plan shall contain the following information: the subject property boundaries, dimensions and size, location, dimensions and height of all proposed structures, location of building accesses, proposed setbacks, proposed phasing, proposed landscaping, location and dimensions of vehicle and pedestrian access points and circulation routes, the location of all proposed on-site parking including provisions for handicap parking, any easements, the location of any proposed lights, and any other proposed site improvements.
4. One electronic copy (pdf) of proposed architectural elevations.
5. Preliminary grading, erosion control and stormwater plan.
6. Preliminary utility plan.
7. Any other items that are necessary to review the proposed development.

C. *Decision.* The planning director or review authority shall review the design review application for compliance with the design and zoning regulations of this code, using the design guidelines within the zoning districts and comprehensive plan to interpret how the regulations apply to the subject property. After reviewing the application and application materials, the planning director may grant, deny, or conditionally approve the application subject to modifications and the requirements of CEMC [17.100](#). No development permit for the subject property requiring design review approval will be issued until the proposed development is granted design review approval or conditional approval. The terms of the design review approval or conditional approval will become a condition of approval on each subsequent development permit and no subsequent development permit will be issued unless it is consistent with the design review approval or conditional approval. The planning director shall send written notice of the design review decision to the applicant. If the design review application is denied, the decision shall specify the reasons for denial.

D. *Appeals.* Appeals of the decisions are permitted subject to CEMC [17.100.120](#) (Appeals section).

E. *Duration of Approval.* The applicant must begin construction or submit a complete building permit application consistent with the design review approval to the city within – the time period specified in CEMC [17.100.130](#), or that decision becomes void.

---

F. *Criteria for Design Review Approval.*

1. In conducting the design review process, it shall be the responsibility of the planning director or designee to review designs for compliance with all the provisions of the zoning code and any other applicable regulations that affect the design of a development.
2. In reviewing design plans the planning director shall consider the following standards have been met. This section does not list all the standards against which the application will be reviewed, the following are listed to indicate the various requirements of development. Failure to comply with – the listed requirements or other requirements not listed here shall be ground for denial of design review approval.
  - a. The proposed use is permitted within the zoning district in which it is located.
  - b. The proposed design meets the dimensional requirements of the zoning district including lot, yard, building, height and other requirements.
  - c. The proposed design meets landscaping, screening and buffering standards of CEMC [17.64](#).
  - d. Adequate snow storage areas will be assessed during lot development permitting processes.
  - d. The proposed design meets the off-street parking and loading requirements of CEMC [17.56](#).
  - e. The standards of Chapter [18.01](#), maintenance, enhancement and preservation of critical areas are met.
  - f. The proposed design and use meets all other applicable sections of Cle Elum Municipal Code.
  - g. Public improvements are completed in compliance with applicable code sections.
  - h. Adequate and safe provisions are made for pedestrian and vehicle access.

Commented [CoCE116]: Staff recommendation



- i. All conditions of applicable previous approvals (SEPA review, CUP, rezones) are met.
- j. All applicable conditions and criteria found in other Cle Elum Municipal Code titles are met.

### **17.76.050 Supplementary development standards.**

In addition to the requirements identified elsewhere in this title, developments subject to design and site plan review shall contain the following standards unless otherwise specified in the zoning district.

- A. A continuous pedestrian walkway shall be provided from the public street to access building entrances. The pedestrian walkway shall be a minimum of six feet wide and shall be elevated, protected by a curb, bollards, or landscaping otherwise protected to prevent vehicles from parking, driving or entering the walkway. The required six feet may not be encroached by vehicle overhangs. The walkway shall be composed of Portland cement concrete, brick pavers or other similar surface. Where a walkway must cross a vehicle access aisle it shall be distinguished from the driving areas by use of an alternative paving material which may be brick, pavers, or scored, brushed or colored concrete.
- B. Ground level mechanical equipment shall be screened with visual barriers from adjacent property, public roadways, parks or other public areas. Mechanical equipment on roofs shall be screened from ground level.
- C. A storage area for garbage and recycling containers shall be provided. The area shall be fully screened by a fence, wall, landscaping or combination thereof. Storage areas may not be located in a public right-of-way and where an alley serves the site, shall only be accessed from the alley.
- D. Predominant building materials shall be those materials that are characteristic of the historic buildings in the city or characteristic of central Washington, such as brick, wood, native stone, and tinted and textured masonry. Architectural methods, such as parapets, shall be used to conceal flat roofs. Mansard roofs are prohibited.

**Commented [CoCE117]:** Staff recommendation

---

E. Outdoor storage and display of materials shall be screened from streets, rights-of-way and adjacent properties may a fully site obscuring buffer consisting of appropriate fencing and landscaping.

F. For all uses creating over two thousand square feet of new impervious surfaces a stormwater control plan is required that treats and retains all stormwater on-site. This section shall not apply to development within the Downtown commercial zoning district. Development in the Downtown commercial may either treat and retain all stormwater on-site or make connection to an available city owned – system in a fashion acceptable to the public works director and making any necessary improvements. Impervious surfaces shall include cement, concrete, packed earth and gravel or other similar surface which changes the runoff patterns from native soils.

G. Roofs shall be designed such that snow from the roof will not be deposited on adjacent public or private properties.

---

---

## **Chapter 17.80**

### **CONDITIONAL USE PERMITS**

Sections:

- 17.80.010**      **Purpose.**
- 17.80.020**      **Applicability.**
- 17.80.030**      **Procedure.**
- 17.80.040**      **Submittal requirements.**
- 17.80.050**      **Criteria for granting conditional use permits.**
- 17.80.060**      **Special conditions.**
- 17.80.070**      **Suspension, denial, or revocation of a conditional use permit.**
- 17.80.080**      **Change, enlargement or alterations.**
- 17.80.090**      **Permit approvals – Validity.**

#### **17.80.010 Purpose.**

The purpose of this chapter is to provide procedures and criteria for conditional uses which, because of their unusual size, special requirements, potential safety hazards, and/or other potential detrimental effects on surrounding properties, are allowed in a specific zone at a specific location only after review by the city to determine if the use is compatible with other uses in the same vicinity and zone. The granting of a conditional use permit may include the imposition of specific development and performance standards beyond that required in the underlying zoning to assure compatibility. The conditional use process is not intended to allow for uses that are not specifically listed in the zoning ordinance to be permitted.

#### **17.80.020 Applicability.**

The provisions of this chapter shall apply to all uses that are listed as conditional in this title.

---

**17.80.030 Procedure.**

Conditional use permits shall be considered a Type III process pursuant to CEMC [17.100](#).

**17.80.040 Submittal requirements.**

All applications for conditional use permits shall contain the following information:

1. A completed application form signed by the owner(s) of the property subject to the application. If the applicant is not the property owner, a signed instrument authorizing the application is required.
2. A legal description of the subject property supplied by the Kittitas County, a title company or surveyor licensed in the state of Washington, and a current county assessors map(s) showing the property(ies) subject to the application.
4. The application fees as set forth by resolution of the city council.
5. A site plan prepared according to CEMC 17.76 (site plan review section) that includes the proposal and its relationship to uses within three hundred feet of the subject property.
6. A written statement including:
  - a. A detailed description of the proposed use.
  - b. A description of how the proposal meets the approval criteria in 17.80.050.
  - c. An analysis of how the proposal is consistent with the City of Cle Elum comprehensive plan.
  - d. A detailed description of any mitigation measures proposed by the applicant to meet the approval criteria.
7. Other information that the city planner deems reasonably necessary to review to the application.

**Commented [CoCE118]:** Staff recommendation – staff already has to create this list and map, so this is redundant and it’s elimination becomes a cost savings for the applicant.

**Commented [CoCE119]:** Consistent with 2019 Fee Schedule

**17.80.050 Criteria for granting conditional use permits.**

A conditional use permit shall be granted only after the city has reviewed the proposed use and determined that it complies with the standards and criteria set forth in this subsection. A conditional use permit shall be granted only if the applicant demonstrates that:

1. The proposed use will be designed and operated in a manner which is compatible with the character, appearance, and operation of existing or proposed development in the vicinity of the subject property; and
2. The hours and manner of operation of the proposed use are not inconsistent with adjacent or nearby uses; and
3. The proposed use is compatible with the physical characteristics of the subject property and neighboring properties; and
4. The location, nature and intensity of outdoor lighting is such that it is consistent with the surrounding neighborhood and does not cast light or glare on adjoining properties; and
5. The proposed use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
6. The proposed use is capable of being served by public facilities and services, and will not adversely the level of service to surrounding areas; and
7. The proposed use is not detrimental to the public health, safety, or welfare; and
8. The proposed use is consistent with the goals and policies of the comprehensive plan; and
9. The subject site can accommodate the proposed use considering the size, shape, topography and drainage.

10. The proposed site development includes adequate snow storage areas.

Commented [CoCE120]: Staff recommendation

**17.80.060 Special conditions.**

Special conditions may be imposed on the proposed conditional use to ensure that the proposed use will meet the above standards and criteria. Guarantees and evidence regarding compliance with such conditions may be required.

**17.80.070 Suspension, denial, or revocation of a conditional use permit.**

Commented [CoCE121]: Consistency and clarifications

A. Whenever the mayor, city council, or planning commission determines that good cause exists for suspending, denying or revoking any issued or applied for conditional use permit, the Planning Director shall notify the person holding the license, by registered mail or hand delivery, of such determination. Good cause includes but is not limited to the city's determination that a conditional use is not being operated as specified in a conditional use permit, or that a conditional use is violating conditions set forth in a conditional use permit. Notice mailed to the address on the license shall be deemed received three business days after mailing. The notice shall specify the grounds for suspension, denial or revocation.

B. The licensee or applicant may appeal the city's decision to suspend, deny, or revoke a conditional use permit by filing a written appeal with the city clerk within ten calendar days of receipt of the decision of the city. The written appeal must state the specific grounds for appeal and explain the manner in which the city's decision was incorrect. The written appeal must be accompanied by an appeal fee as set forth by resolution of the city council.

C. Only upon timely receipt of a written appeal and the appeal fee, the Planning Director shall schedule a date for hearing the appeal before the city's decision body or hearing examiner. Notice of the hearing will be mailed or otherwise delivered to the licensee or applicant.

D. The hearing shall be de novo. The burden of proof shall be on the city by a preponderance of the evidence. The decision body or hearing examiner may affirm, reverse or modify the city's decision.

E. The decision of the decision body or hearing examiner shall be final. Any appeal of the decision shall be to Kittitas County Superior Court.

F. In addition to proceedings to suspend, deny, or revoke a conditional use permit under this chapter, the city may also pursue an action for public nuisance abatement or any other remedy available at law or inequity.

### **17.80.080 Change, enlargement or alterations.**

Any change, enlargement, or alteration to an approved conditional use shall require the submittal and review of a new conditional use application. A one-time enlargement of a conditional use not to exceed a ten percent increase in size, number of visitors or increase in traffic may be permitted through the design review process. The transfer or change in owner or operator of the CUP shall require the submittal of a Type I application.

### **17.80.090 Permit approvals – Validity.**

Permit approvals shall generally be valid for the time specified in CEMC [17.100](#). Certain uses may be approved for specific lengths of time where the use requires review to determine its appropriateness or conditions of approval.

---

---

## **Chapter 17.85**

### **VARIANCES**

Sections:

- 17.85.010**      **Purpose.**
- 17.85.020**      **Applicability.**
- 17.85.030**      **Procedures.**
- 17.85.040**      **Criteria.**

#### **17.85.010 Purpose.**

This chapter provides for the relief of hardships that may be caused by the strict application of the requirements of this title to properties that have unusual characteristics, through the granting of variances to specific aspects of this title.

#### **17.85.020 Applicability.**

Variances may be granted to all numerical standards of this title with the exception of lot size and density.

#### **17.85.030 Procedures.**

Variances shall be considered as Type I, II or III applications based on the extent of the variance

- A. Variances of less than two percent of any required standard shall be considered diminimus and will not require a separate application for a variance and will be reviewed along with the underlying application.
-



- B. Variances of between two and ten percent of any required standard shall be processed as a Type II application.
- C. Variances of greater than ten percent of any required standard shall be processed as a Type III application.
- D. Requests for variances shall be made upon a provided city application form and shall be accompanied by a fee as set forth by resolution of the city council.

**Commented [CoCE122]:** Consistent with the 2019 Fee Schedule

**17.85.040 Criteria.**

The review authority may grant a variance only in those cases where findings are made that all of the following conditions and criteria are met:

- A. There are unusual, exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other property in the same vicinity or district. Such conditions may include topography, unique natural conditions, surroundings and size or unusual shape of the lot.
- B. The unusual circumstances or conditions and the strict application of this title cause the loss of a substantial property right possessed by the owners of other properties in the same vicinity or district.
- C. The granting of a variance to remedy the hardship will not be detrimental to the public welfare or injurious to properties in the vicinity or district in which the property is located and the variance will be in general keeping with the purpose and intent of this title.
- D. The variance approved will be for the least amount that will make possible the legal use of the land, building or structure and will not provide a special privilege inconsistent with the limitations upon use of other properties in the vicinity or use district.
- E. The variance will not adversely affect the realization of the comprehensive plan.
- F. The need for the variance was not caused by the actions of the applicant or property owner.

---

## **Chapter 17.100 PROJECT PERMIT PROCEDURES**

Sections:

<b>17.100.010</b>	<b>Purpose.</b>
<b>17.100.020</b>	<b>Applicability.</b>
<b>17.100.030</b>	<b>Definitions.</b>
<b>17.100.040</b>	<b>Application types and classification.</b>
<b>17.100.050</b>	<b>Pre-application review.</b>
<b>17.100.060</b>	<b>Determination of completeness.</b>
<b>17.100.070</b>	<b>Type I review and decision procedure.</b>
<b>17.100.080</b>	<b>Type II review and decision procedure.</b>
<b>17.100.090</b>	<b>Type III review and decision procedure.</b>
<b>17.100.100</b>	<b>Type IV Procedure.</b>
<b>17.100.110</b>	<b>Public notice for Type II, III and IV applications.</b>
<u><b>17.100.150</b></u>	<u><b>Notification required.</b></u>
<b>17.100.120</b>	<b>Decision timelines.</b>
<b>17.100.130</b>	<b>Appeals.</b>
<b>17.100.140</b>	<b>Development approval timeline.</b>

### **17.100.010 Purpose.**

This chapter establishes procedures for the processing of project permit applications in the City of Cle Elum consistent with Chapter [36.70B](#) of the Revised Code of Washington.

### **17.100.020 Applicability.**

All project permit applications shall be subject to the provisions of this chapter unless specifically exempted herein, including but not limited to building permits, land divisions, binding site plans, site plans, master planned developments, conditional uses, shoreline substantial development permits, critical area permits, and site specific rezones. Certain project permit applications may be exempt from specific procedures identified in this chapter. This chapter generally applies to permit activities under the following chapters of the City of Cle Elum Municipal Code:

Title [12](#) – Streets, sidewalks, and public places.

---

Title [15](#) – Buildings and construction.

Title [16](#) – Subdivisions.

Title [17](#) – Zoning.

Title [18](#) – Critical areas development.

### **17.100.030 Definitions.**

Unless explicitly stated otherwise, the following terms or phrases, as used in this chapter, shall have the meanings designated by this section.

A. “Closed record appeal” means an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

B. “Closed record hearing” means a public hearing on the record by a local government body or officer, including the legislative body, following an open record hearing on a project permit application, when the project permit decision is on the record with no or limited new evidence or information allowed to be submitted to support the decision.

C. “Days” shall refer to ~~calendar~~ **business** days. The exception to this shall be the number of days required within a comment period, in which case “days” shall refer to calendar days.

D. “Decision body” shall refer to the party responsible for rendering a permit decision.

E. “Mail” refers to hard copy standard mail or email, whichever is mutually agreeable to the city and the applicant or recipient.

~~DF.~~ “Open record hearing” means a hearing, conducted by a single hearing body or officer authorized by the city to conduct such hearings, that creates the local government’s record through testimony and submission of evidence and information, under procedures prescribed by the city in this chapter. An open record hearing may be held prior to a decision on a project permit application to be known as an open record predecision hearing. An open record hearing may be held on an appeal, to be known as an open record appeal hearing, if no open record pre~~decision~~ hearing has been held on the project permit.

**Commented [CoCE123]:** Precedent set by other cities such as Bonney Lake, WA. Results in the same number of days within permit review periods for all projects, since holidays and weekends will not be included. Allowable within RCW/WAC rules.

GE. "Party of record" shall mean any person, agency or organization who have submitted written comments on an application, made oral comments on an application during a public hearing or who has requested in writing to be a party of record ~~in~~ all cases the property owner and applicant shall be considered parties of record. In those cases where there is no public notice of the application any interested party is considered a party of record.

HF. "Project permit" shall mean any land use or environmental permit, ~~or~~ license, or approval required from a local government for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site ~~and design~~ plan review, State Environmental Policy Act (SEPA) documentation, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendments of a comprehensive plan, subarea plans, or development regulations.

I. "Recommending body" shall mean the commission who reviews a type III or type IV application and prepares a recommendation to the decision body.

J. "Review authority" shall mean the staff or commission authorized to review and approve any given permit.

### **17.100.040 Application types and classification.**

- A. Project permit applications shall be subject to a Type I, Type II, Type III or Type IV process as set forth by this chapter.
- B. Where the city must approve more than one (1) permit application for a project, all applications may be considered at one time. Where different permit applications required for a development are subject to different procedure types, all applications will be subject to the procedure type that requires the greatest level of public notice and involvement.
- C. The city planner shall classify all applications as a specific type. The act of classifying an application shall be a Type I process which shall be appealable at the same time and in the same manner as for the project permit application being considered. The following guidelines shall be used when establishing the procedure type for a permit:
1. Type I – This administrative process is used for applications where there are clear and objective standards involving little or no discretion in technical issues and that are exempt from SEPA review. The decision making authority for Type I permits shall be the city planner or designee. For decisions under Title [12](#), the decision making authority is the public works

director or designee. Examples include building permits, boundary line adjustments, floodplain permits, and critical areas review (when not associated with a development permit).

2. Type II – This administrative process is used for applications where a limited amount of professional discretion is used for objective and subjective standards involving non-technical issues. The applications may be of general public interest although no public hearing is held. If a Type I application is subject to SEPA it shall be considered a Type II application for processing. The decision-making authority for Type II permits is the city planner or designee. For decisions under Title 12, the decision making authority is the public works director or designee. Examples include short plat and site ~~plan~~ and design reviews.

3. Type III – This hearing quasi-judicial process is used for applications that require a substantial amount of discretion on non-technical issues and where there is likely to be broad public interest. A public hearing is required. The decision making authority for Type III applications shall be the planning commission. Examples include conditional use permits, appeals of Type I and Type II decisions and certain variances.

4. Type IV – This quasi-judicial process is used for applications that require a substantial amount of discretion on non-technical issues and where there is likely to be broad public interest. This process requires at least one open record public hearing before the planning commission and one closed record public hearing before the city council. The final decision making authority for Type IV actions shall be the city council with the planning commission acting as a recommending body in an advisory capacity. Examples include subdivisions, site specific rezones and master planned development approvals.

**Table 17.100-1. Application Procedure**

Application Type	Type I	Type II	Type III	Type IV
Notice of Application	No	Yes	Yes	Yes
Open Record Public Hearing	No	Only if appointed	Yes, before decision body	Yes, before recommending body
Recommending Body	N/A	N/A	Staff	Planning commission
Decision Body	Staff	Staff	Planning commission or hearing examiner	City council
City Appeal	Yes	Yes	Yes	No

Application Type	Type I	Type II	Type III	Type IV
Appeal Body	City council	City council	City council	N/A

**17.100.050 Pre-application review.**

A pre-application review is an opportunity for a potential applicant to meet with city staff to provide an understanding of the city’s development requirements for a specific application.

A. Applications subject to a Type II, III or IV process are required to conduct a pre-application meeting with staff prior to submitting an application, unless waived in writing by the city planner. Applications subject to a Type I process ~~are not required~~~~may choose~~ to conduct a pre-application meeting, but either the applicant can request or the city planner may require a pre-application meeting ~~one to be conducted should it be deemed necessary based on the project scope.~~ is not required.

B. To initiate a pre-application an applicant shall submit a completed form provided by the city for the purpose along with all the information identified by the form and the required fee. The application shall contain as much of the following information as possible at the time of pre-application review, although it is understood that some of the information may not be available at this stage of the process:

1. Written narrative description of uses, types of structures proposed, hours of operation, abutting properties, proposed access, frequency of deliveries, and construction schedule, including any proposed phasing of development, as applicable to the proposal;
2. One electronic copy (PDF) of an existing conditions plan drawn to a minimum scale of one inch equals two hundred feet. The existing conditions plan shall contain the features listed below (as available at the time of the pre-application review – the more details presented, the better the information the City will be able to provide to the applicant):
  - a. The subject property boundaries;
  - b. Dimensions and size;
  - c. Current structural or landscape setbacks;
  - d. Location of existing on-site driveways and access points within one hundred feet of the subject site;

**Commented [CoCE124]:** Pre-Application is an early stage review, often used to assist applicants in refining their project plans, which means applicants do not usually some or all of the previously required information. This allows more flexibility to what they provide staff prior to the meeting.

- ~~e.e.~~ Location and dimension of any on-site structures;
  - ~~e.f.~~ Location of utilities;
  - ~~e.g.~~ Location of the nearest fire hydrant;
  - ~~e.h.~~ Location of existing structures within one hundred feet of the site;
  - ~~e.i.~~ Locations and dimensions of adjacent public or private roads and right-of-way or easements;
  - ~~e.j.~~ Approximate location of significant natural features including slopes over twenty-five percent, waterbodies, rock outcrops, wetland areas, areas of significant vegetation, the location of trees or groups of trees over six inches in diameter, and the location of any critical areas.
- ~~e.3.~~ One electronic copy (PDF) of a site plan drawn to a minimum scale of one inch equals two hundred feet. The site plan shall contain the following information:
- ~~e.a.~~ The subject property boundaries;
  - ~~e.b.~~ Dimensions and size;
  - ~~e.c.~~ Location;
  - ~~e.d.~~ Dimensions and height of all proposed structures, if other than residential or accessory;
  - ~~e.e.~~ Location of building accesses;
  - ~~e.f.~~ Conceptual utility plan;
  - ~~e.g.~~ Any other items that are necessary to review the proposed development;
  - ~~e.h.~~ If the applicant is not the legal owner a signed authorization from the legal owner is required;
  - ~~e.i.~~ Payment of a fee that is consistent with the City of Cle Elum's fee schedule.

C. Upon receipt of a completed application form and supplemental information, the city planner shall schedule a date and time to conduct a pre-application meeting with the applicant. The city planner may limit the days and times when a pre-application meeting may be scheduled.

D. Within seven days of the pre-application meeting the city planner shall issue a summary of the pre-application review that includes the following information:

1. Summary of the application;
2. Identify the relevant approval criteria, development standards and other relevant laws and policies;
3. Evaluate information supplied by the applicant and identify any changes that may be necessary to comply with the approval criteria and development standards;
4. Applicable application fees;
5. Public facilities and improvements necessary to serve the development;
6. Current utility connection charges; and
7. Physical development limitations.

#### **17.100.060 Determination of completeness.**

A. Within twenty-eight days of receiving an application the city shall provide a determination of whether the application is complete for processing. If a determination is not made within the required twenty-eight days, the application shall be automatically deemed complete. If a determination is made that the application is incomplete the city shall clearly identify the necessary materials and set a reasonable time period in which the applicant has to submit the additional items. Following the submittal of additional items, the city shall notify the applicant within fourteen days whether the application is complete. If the submitted materials do not address the incompleteness the city may either request the additional information in the same manner as the first attempt or deny the application pursuant to subsection D.

B. An application is complete if it contains the items identified in the specific section related to the action and at a minimum the following materials:

1. A completed application form signed by the owner(s) of the property subject to the application. If the applicant is not the property owner, a signed instrument authorizing the application is required.
-



~~2. A legal description of the subject property supplied by the Kittitas County, a title company or surveyor licensed in the state of Washington, and a current county assessors map(s) showing the property(ies) subject to the application~~

~~3. For applications subject to a Type II, III or IV process, a current assessors map identifying the properties within three hundred feet of the subject site along with the names and addresses of the property owners;~~

24. The application fees specified by the current city fee schedule CEMC 16.48. Note: applications requiring legal notices, postings, or mailings may be subject to additional fees as detailed in the current city fee schedule.

35. All information required by the application and other applicable sections of the code.

C. A determination on the completeness of an application shall be based on the presence of the required materials and shall not be based on differences of opinion as to the quality or accuracy of the submitted materials.

D. If an application is not fully complete within the time frames specified in subsection A, the city shall reject the application and return the submitted materials to the applicant along with ninety percent of required fees.

E. A determination of completeness does not prevent the city from requiring additional information or studies that are necessary to fully review the project permit.

**17.100.070 Type I review and decision procedure.**

The review authority shall approve, approve with reasonable conditions or deny the application pursuant to the timeliness of Section [17.100.120](#). A written notice of decision shall be mailed or otherwise transmitted to the applicant.

**17.100.080 Type II review and decision procedure.**

A. Within fourteen days of the date of determination of completeness under Section [17.100.060](#), the city shall issue a notice of application consistent with the provisions of Section [17.100.100](#).

B. Following the comment period provided for in the notice of application, the city shall mail to the applicant copies of any comments received. The review authority shall consider any comments

**Commented [CoCE125]:** Staff already prepare these for the files, so requiring applicants to provide this information is redundant. This is a cost/time saver for the applicant.

**Commented [CoCE126]:** Consistent with new fee schedule language.

received along with responses by the applicant to those comments in reviewing the project permits. The applicant shall have 7 days to respond to the comments submitted.

C. A decision shall be issued subject to the time limitations of Section [17.100.120](#), and shall contain:

1. A list of the applicable criteria and standards against which the project was measured.
2. Statement of the facts that were found to show compliance with the applicable approval sections.
3. The justification and reason for the decision.
4. The decisions to approve, approve with conditions or deny the application.

D. Within seven days of the decision date, the review authority shall issue a notice of decision to the applicant, applicant's representative (if any), property owner, parties of record and the county assessor. The notice shall include a statement of any SEPA determination made, any appeal rights and where the complete record may be reviewed.

### **17.100.090 Type III review and decision procedure.**

A. Within fourteen days of the date of determination of completeness under Section [17.100.060](#) the city shall issue a notice of application consistent with the provisions of Section [17.100.110](#). The notice shall be issued at least ~~15~~ fifteen days prior to the date of the public hearing. The notice may contain the date, time and location of the public hearing if scheduled at the time of the issuance of notice.

B. If a notice of public hearing is not included in the notice of application, at least ~~15~~ fifteen days prior to the public hearing date, a notice of public hearing shall be issued by the city consistent with the requirements of Section [17.100.110](#). The public hearing should be scheduled to allow enough time for a decision to be issued within the time limitations of Section [17.100.120](#).

C. At least fourteen days prior to the public hearing, the city planner shall issue a staff report describing the project, its consistency with city standards and a recommendation to approve, approve with conditions or deny the application. The staff report shall be sent to the applicant and applicant's representative and made available to the public for review.

D. Public hearings shall be conducted in accordance with the rules of procedure adopted by the review authority and the Open Public Meeting Act, RCW [42.30](#) as amended and the following:

---

1. At the start of the public hearing the review authority shall:
  - a. State that testimony will be accepted only if it is applicable to the matter being reviewed and the development and approval standards.
  - b. State that the review authority must be unbiased in its review and whether the review authority has had any ex parte contact or has any personal and business interest in the application and provide any party the opportunity to challenge the statement.
  - c. State whether the review authority has visited the site.
  - d. State that any party that wishes to receive a copy of the decision may do so by identifying their name and address to the review authority.
  - e. Explain the conduct expected at the hearing.
2. At the ending of the public hearing the review authority shall announce one of the following actions:
  - a. That the hearing is continued to a date, time and place certain or, if not known, that a notice consistent with the initial notice will be issued; or
  - b. The hearing is closed but the public record will be held open to a time and date certain. The review authority shall also identify a location where written comments are to be submitted and any specific limitations there may be to the type of information that can be submitted; or
  - c. That the hearing and public record are closed to additional submissions and that the application is taken under advisement and a written decision will be issued; or
  - d. That the application is either denied, approved or approved with conditions, a summary of the decision basis and that a written decision will be issued.

E. Within twenty-one ~~calendar~~ business days of the close of the public hearing or record, the review authority shall issue a written decision which includes at a minimum:

1. A list of the applicable criteria and standards against which the project was measured.
  2. Statement of the facts that were found to show compliance with the applicable approval sections.
  3. A statement of the decision along with justification and reason for the decision.
-

4. If the decision is to approve the application, any conditions of approval necessary to ensure compliance with applicable criteria.

F. Within seven days of receiving the decision the city planner shall mail the decision to the applicant, applicant's representative, if any; property owner, parties of record and the county assessor. The notice shall include a statement of any SEPA determination made, any appeal rights and where the complete record may be reviewed.

### **17.100.100 Type IV Procedure.**

A. The review and decision procedure for a Type IV application shall be the same as the process outlined in Section [17.100.090](#) for a Type III decision with the exception that the process shall result in a recommendation that will be considered by the city council at a closed record hearing.

B. Within seven days of receiving the recommendation from the recommending body the city planner shall forward the recommendation to the city council and mail the recommendation to the applicant, applicant's representative, if any, property owner and parties of record. The recommendation shall include notice of the closed record hearing of the city council.

C. The city council shall consider the recommendation of the review authority at the next available regularly scheduled city council meeting or at a special meeting scheduled to consider the recommendation.

D. The city council shall review the recommendation at a closed record hearing and shall either:

1. Adopt the recommendation as written.
2. Modify the recommendation and make a decision on the project permit application.
3. Remand the project permit application [to the recommending body](#) for the reconsideration of a specific aspect of the project.

### **17.100.110 Public notice for Type II, III and IV applications.**

A. A notice of application shall be issued for all Type II, III and IV applications consistent with this section. Notice of application is not required for Type ~~I~~ applications.

B. The notice of application shall contain the following information:

---

1. The date of application, the date of notice of completion of the application and the date of the notice.
  2. The name of the applicant and the name, address and phone number of the contact person.
  3. The name and telephone number of a contact person with the city.
  4. The location and description of the proposed project and a list of local permits included in the application.
  5. The identification of any existing environmental documents that include the proposed project.
  6. The location and times where the complete application can be viewed.
  7. A statement of the fourteen day public comment period, the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision, and any appeal rights.
  8. If known, the date, time, place and type of public hearing if applicable and scheduled.
  9. A statement of the list of development regulations, if known, which will be used to review the application.
  10. A statement of the application type.
  11. Any other appropriate information determined to be appropriate by the city.
- C. The notice of application shall be distributed to the following:
1. The applicant and applicant's representative.
  2. Owners of property within three hundred feet of the subject site. The records of the Kittitas County Assessor's Office or licensed title company shall be used to determine the owners of record of the subject properties. Failure of any one party to receive notices is not grounds for a denial of an application provided a good faith effort was made to accurately distribute notice. A sworn certificate of mailing completed by the person conducting the mailing shall be evidence of the notice being mailed.
  3. Agencies with jurisdiction.
- D. Notice of application shall be published in the newspaper of general circulation. The notice shall include a brief project description, location, the date, time and place of the public hearing (if
-

applicable), where and when comments must be submitted by and where additional information can be obtained.

E. Notice of the application shall be posted in a conspicuous location on the property subject to the application. The notice shall include a brief project description, location, the date, time and place of the public hearing (if applicable), where and when comments must be submitted by and where additional information can be obtained. A sworn certificate of posting shall be completed by the person conducting the posting and submitted as evidence of the posting.

F. If a hearing is required and not scheduled at the time the notice of application is issued a separate notice of public hearing shall be issued at least fourteen days prior to the public hearing.

**17.100.150 Notification required.**

A notice shall be recorded on all plats, short plats, subdivisions, development permits and building permits issued for development activities on or within five hundred (500) feet of the natural resource lands (Commercial Forest, Forest & Range, AG-3, for example) and shall contain information that the subject property is within or near a resource area on which a variety of activities may occur that are not compatible with residential and some other land uses. Such notification shall be in a form specified by the City of Cle Elum Planning Department.

**Commented [CoCE127]:** Required by RCW 36.70A.060(1)(a) and WAC 365-190 Commerce's Development Regulation Checklist.

**17.100.120 Decision timelines.**

As a goal, the city shall strive to process and issue a decision on all project permit applications within one hundred twenty ~~calendar~~business days of the date the application was determined to be complete under Section 17.100.060. The failure of the city to meet the one hundred twenty day goal shall not result in any penalties or obligations to the city, provided the city was diligent in attempts to process the application in a timely fashion. If the one hundred twenty day time period cannot be met by the city, the city shall notify the applicant in writing of the delay, stating the reasons why a decision can-not be rendered in the required time period. In determining the number of days that have passed since the determination of completeness, the following time periods shall not be counted:

A. The time during which the applicant has been requested by the city to provide additional information or make changes to submitted materials.

- B. The time period during which an environmental impact statement is being prepared. EISs shall be completed within one year of the date of the determination of significance, at which time the application shall become null and void.
- C. An applicant may agree in writing to extend the time in which the review has to make a decision.

### **17.100.130 Appeals.**

A. A final decision on a Type I, II or III decision may be appealed by a party of record. No appeals to the city are permitted for Type IV decisions. Further appeals may be authorized to Superior Court or other hearing body as provided by Chapter [36.70C](#) Revised Code of Washington. Appeals to the city must be filed within fourteen days of the date of issuance of the decision. Appeals shall be in writing and shall contain, at a minimum, the following information:

1. The case number or permit number assigned by the city and the name of the application.
2. The name and signature of the party or parties filing the appeal including an address and phone number of a contact person.
3. The specific aspects of the decision which are the subject of the appeal, the legal basis of the appeal based on adopted standards and policies, and the evidence relied on to prove the error.
4. The appeal fee pursuant to ~~CEMC 16.48~~the current city fee schedule.

B. Appeals of Type I and II decisions shall be heard by city council in a de novo hearing. Notice of the appeal and the hearing shall be mailed to the parties of record and to the parties entitled to notice of the decision on the application being appealed. Staff shall prepare a report on the points of the appeal, a hearing shall be conducted and a written decision made on the appeal. The decision shall be noticed as if it was a Type III decision.

C. The city council shall consider appeals of Type III decisions. Decisions shall be based on the record established for the Type III hearing including all submitted written materials, oral arguments, the decision being appealed and the argument on the appeal by the parties. At any such appeal hearing, the burden of proof shall be on the appellant to demonstrate that the Type III decision is not supported by substantial evidence, or that the Type III decision constitutes an error of law or procedure.

---

The city council shall consider the appeal at a closed record public hearing. The city council shall issue a written decision to affirm, reverse, modify or remand the Type III decision.

**17.100.140 Development approval timeline.**

A. Permit approvals shall be valid for the time periods identified in this section unless a project specific development agreement authorized by RCW [36.70B.170](#) provides for an alternate approval period. Within the time period the applicant shall either complete the development or have applied for the necessary construction permits to complete the development. The time period shall be measured from the date of the final decision, excluding any time period during which the application was under appeal. All decisions shall include a statement of the time limit and a date upon which the application terminates. No extensions are permitted unless indicated below.

B. Approval time periods:

1. Preliminary subdivisions – Five years.
2. Site plan reviews – Two years.
3. Conditional use permits – One year with one one hundred eighty day extension.
4. Building permits – One hundred eighty days with one one hundred eighty day extension.
5. Zoning reviews – One year.
6. Variances – One year with one one hundred eighty day extension.
7. Additional permit types – One year.

C. Permitted extensions may only be approved if the applicant can show that circumstances beyond the control of the applicant have prevented action from being taken.

---



## Chapter 17.122

### COMPREHENSIVE PLAN AMENDMENTS

**Commented [CoCE128]:** This amendment makes the current code consistent with GMA and Commerce's Development Regulations Checklist.

Sections:

- 17.122.010 Purpose**
- 17.122.020 Application period.**
- 17.122.030 Applicants.**
- 17.122.040 Type of applications.**
- 17.122.050 Application content.**
- 17.122.060 Initiation of Text and Map Amendments**
- 17.122.070 Emergency comprehensive plan amendments.**
- 17.122.080 Public participation process.**
- 17.122.090 Procedures.**
- 17.122.100 Periodic review of comprehensive plan**

#### 17.122.010 Purpose

A comprehensive plan amendment or review is a mechanism by which the city may modify the text or map of the comprehensive plan in accordance with the provisions of the Growth Management Act, in order to respond to changing circumstances or needs of the city, and to review the comprehensive plan on a regular basis. Comprehensive Plan Amendments shall be processed as Type IV applications.

#### **17.122.020 Application period.**

The proposed amendments or revisions to the comprehensive plan shall be docketed and considered by the city no more frequently than once every year except that amendments may be considered more frequently under the following circumstances:

[A complete application for a comprehensive plan amendment shall be made on the comprehensive plan amendment form provided by the city with an accompanying fee as set forth by resolution of the city council. Additional supporting materials, such as a SEPA Checklist, photographs, statistics, etc., shall be included with the application;](#)

The city will accept applications for comprehensive plan amendments between January 1st and March 31st of every year. However, if March 31st falls on a weekend then applications will be accepted through the close of business on the following Monday. [The start of that acceptance period shall be advertised in accordance with the city's noticing requirements;](#)

### **17.122.030 Applicants.**

Any member of the general public, other affected jurisdictions, the planning commission, [city council](#), or city staff may submit an application to the city for proposals to amend the plan in accordance with the criteria and schedule established in this ordinance by the city council.

### **17.122.040 Type of applications.**

All applications to amend the comprehensive plan will be classified as one of the following:

- A. *Text Amendment.* A change or revision in the text or the goals policies and objective principles or standards of the comprehensive plan.
- B. *Area-Wide Amendment.* A proposed change or revision to the generalized land use map, zoning map, goals, policies, objectives or assumptions affecting a general area that is comprehensive in nature or may be geographically distinctive, has a unified interest with the city and usually includes several separate properties under various ownerships.
- C. *Site-Specific Amendment.* A proposed amendment to the comprehensive plan that affects one or a small group of contiguous parcels. A site-specific amendment most frequently affects only the land use and/or zoning map and not the text of the comprehensive plan.

### **17.122.050 Application content.**

---

All applications to amend the comprehensive plan must include sufficient information to evaluate the proposal:

- A. Rezones and comprehensive plan map amendments must meet the standards of CEMC [17.120.030](#) in form and content.
- B. Text amendments to the comprehensive plan must at a minimum provide a rationale for the proposed text change including:
  - 1. The current plan text and the proposed plan text.
  - 2. What the proposed text change would accomplish that the current text does not.
  - 3. Why the text change is necessary or desirable.

**17.122.060      Initiation of text and map amendments**

- 1. The city’s comprehensive plan shall be subject to continuing evaluation and review by the city. Any amendment or revision to the comprehensive plan shall conform to Chapter 36.70 RCW.
- 2. Comprehensive plan amendments may be initiated by citizens, by the planning commission or other boards and commissions of the city, city staff, city council, or any other interested persons including applicants, hearing examiners and staff of other agencies. The proposed amendments or revisions to the comprehensive plan shall be docketed and considered by the city no more frequently than once every year except that amendments may be considered more frequently under the following circumstances:
  - a. The initial adoption of a subarea plan. Subarea plans adopted under this section must clarify, supplement, or implement jurisdiction-wide comprehensive plan policies, and may only be adopted if the cumulative impacts of the proposed plan are addressed by appropriate environmental review under Chapter 43.21C RCW;

b. The development of an initial subarea plan for economic development located outside of the 100-year floodplain in a county that has completed a state-funded pilot project that is based on watershed characterization and local habitat assessment;

c. The adoption or amendment of a shoreline master program under the procedures set forth in Chapter 90.58 RCW;

d. The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget; or

e. The adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.440; provided, that amendments are considered in accordance with the public participation program established by the county or city under RCW 36.70A.130(2)(a) and all persons who have requested notice of a comprehensive plan update are given notice of the amendments and an opportunity to comment.

3. All docketed amendment proposals shall be considered by the city concurrently so the cumulative effect of the various proposals can be ascertained. However, the city may adopt amendments or revisions to its comprehensive plan that conform with Chapter 36.70 RCW after appropriate public participation whenever an emergency exists (as defined in CEMC17.122.070) or to resolve an appeal of a comprehensive plan filed with the growth management hearings board or with a court (RCW 36.70A.130(2)(b)). Public notice and an opportunity for public comment must precede the adoption of emergency amendments to the comprehensive plan (WAC 365-196-640).

### **17.122.070 Emergency comprehensive plan amendments.**

At any time an emergency situation exists, emergency Comprehensive Plan amendments may be processed separately and in addition to the standard annual amendment process even though such emergency amendment results in a Comprehensive Plan amendment more frequently than once per year. Prior to considering an emergency amendment, the City Council shall, by resolution or motion, make a finding that an emergency situation exists. The following shall constitute a basis for emergency amendments:

1. Situations involving official, legal, or administrative actions, such as those to immediately avoid an imminent danger to public health and safety, prevent imminent danger to public or private property or to prevent an imminent threat of serious environmental degradation;
2. To address the absence of adequate and available public facilities or services;
3. To resolve an appeal of the Comprehensive Plan filed with the Central Puget Sound Growth Management Hearings Board or court, or to comply with a decision of the Board or court or of a State agency or office or the State Legislature necessitating an emergency Comprehensive Plan amendment; or
4. Council confirmation of the Director's finding of a conflict, inconsistency, deficiency or other internal defect in the Comprehensive Plan that requires correction for clear, complete and consistent policy direction.

~~Furthermore for the year 2005 only, applications will be accepted until April 30th or later if it is determined by the city planner that enough time remains to process the application prior to the county's docketing deadline of June 30th.~~

#### **17.122.080 Public participation process.**

Public outreach will be conducted through the formal planning commission process. The public will have the opportunity to provide proposed revisions to the comprehensive plan as required under RCW [36.70A.130](#) until March 31st of each year. Once these proposed revisions have been compiled in the form of the "final draft docket," by the city council after considering staff and planning commission recommendations, the public participation process will commence through the planning commission and will follow the notification process outlined in CEMC 17.100.110.

**17.122.090 Procedures.**

1. In the city council's first regular meeting in April, the city council shall review the proposed amendments timely submitted for consideration to be docketed for review that year. Each proposed amendment shall be accompanied by the amendment application materials and a staff discussion of the proposed amendment with a recommendation on whether or not the proposed amendment is an appropriate amendment subject and is ready for consideration to be docketed for review that year;

2. Within 15 calendar days of the docketing date, the proposed amendments chosen to be docketed by city council shall then be transmitted to the SEPA responsible official for SEPA review and to the planning commission for review at a public hearing, and a 60-day notice of intent to adopt comprehensive plan or development regulation amendments shall be sent to the Washington State Department of Commerce. The city council may also request other city boards or agencies or other governmental entities to provide comments and recommendations on proposed comprehensive plan amendments. The comments and recommendations must be submitted to the city by the date of the planning commission's hearing unless the city grants an extension of time. Letters of support or objection to a proposed comprehensive plan amendment may be filed by any interested party. The letters must be filed by the date of the city council public hearing unless an extension of time is granted;

3. The SEPA responsible official shall issue a notice of the SEPA threshold decision on the docketed amendments on or before the first Friday in May;

4. Following the docketing decisions made by the city council, the planning commission shall schedule and hold a public hearing on the docketed amendments and shall then make a recommendation to city council. The planning commission shall make one of four decisions in considering comprehensive plan text and map amendments:

a. Approval in the form submitted for public hearing;

b. Approval with changes;

c. Approval in part; or

d. Disapproval;

5. A city council public hearing to consider the docketed amendments shall be scheduled following receipt of the planning commission recommendation. Any appeal of the SEPA threshold determination shall also be heard at that public hearing;

6. The city council, after a recommendation from staff and the planning commission, and after holding a public hearing, shall make one of the following decisions:

a. Approval in accordance with the findings and recommendations submitted by the planning commission;

b. Approval with modifications;

c. Refer all or part of the plan text or map amendment proposal back to the planning commission;

d. Refer all or part of the plan text or map amendment proposal to the following year's annual amendment process; or

e. Disapprove.

If the city council's decision is to refer the amendment request back to the planning commission, the council must specify which matters it wishes reconsidered by the planning commission. The final form and content of the comprehensive plan is determined by the city council; and

7. The comprehensive plan together with any and all amendments shall be provided to the city clerk to be placed in a permanent file and made available for public inspection. The city shall also transmit a complete and accurate copy of its comprehensive plan amendments to the Washington State Department of Commerce within 10 days of adoption in accordance with state law.

~~Once these proposed revisions have been compiled in the form of the "final draft docket," the public participation process will commence through the planning commission. The planning commission will consider these comments and the resultant recommendations will be included in the "final docket" that will be forwarded to the city council as the planning commission's findings of fact.~~

**17.122.100      Periodic review of comprehensive plan.**

Periodic Review of Comprehensive Plan and Development Regulations. The Growth Management Act requires the city to periodically conduct a thorough review of its comprehensive plan and regulations to bring them up to date with any relevant changes in the Growth Management Act and to respond to changes in land use and population growth. Consistent with the schedule in RCW 36.70A.130, the city shall periodically review and, if necessary, revise and adopt its comprehensive plan and development regulations every eight years.



## Chapter 17.125 ENFORCEMENT

Sections:

**17.125.010**      **Duties.**

**17.125.020**      **Enforcement.**

### **17.125.010 Duties.**

It shall be the duty of the planning director to see that this title is enforced through the proper legal channels. The planning director shall issue no permit for the construction or alteration or addition to or moving of any building or structure unless the plans, specifications and intended use of such building and premises conform in all respects with the provisions of this title, or unless approval is specifically obtained under the provisions of this title.

### **17.125.020 Enforcement.**

The Planning Director, Code Enforcement, or their designee shall enforce all aspects of this title. Any person, firm or corporation adjudged guilty of violating, disobeying, omitting, neglecting or refusing to comply with the provisions of this title, or who resists the enforcement of any of the provisions of this title, shall be processed through Code Enforcement CEMC Chapter 8.70.

**Commented [CoCE129]:** Consistent with Code Enforcement CEMC

**REPEAL**

**Chapter 17.130**

**VIOLATION – PENALTY**

Sections:

~~17.130.010~~ — ~~Designated.~~

~~**17.130.010 Designated.**~~

~~Any person, firm or corporation adjudged guilty of violating, disobeying, omitting, neglecting or refusing to comply with the provisions of this title, or who resists the enforcement of any of the provisions of this title, shall be fined in the sum of not more than three hundred dollars, or imprisoned for not more than ninety days, or both fined and imprisoned as herein provided, for each offense. Each day a violation occurs may be considered a separate offense.~~

**Commented [CoCE130]:** This code is contrary to and supersede by the City's Code Enforcement Ordinance.

---

## **Chapter 17.140**

### **DEVELOPMENT AGREEMENTS**

Sections:

- 17.140.010**      **Purpose.**
- 17.140.020**      **General requirements.**
- 17.140.030**      **Minimum standards to be addressed.**
- 17.140.040**      **Procedures.**
- 17.140.050**      **Effect of agreement.**

#### **17.140.010 Purpose.**

The purpose of this chapter is to authorize and establish the means by which the city may enter into development agreements established by RCW [36.70.170](#).

#### **17.140.020 General requirements.**

- A. A development agreement is an optional means, within the legislative discretion of the city council, to facilitate development of a limited geographical area.
  - B. The city and the property owner(s) must be a party to the development agreement. The county, special service districts, school districts, utilities, contract purchasers, lenders, and third-party beneficiaries may be considered for inclusion in the development agreement.
  - C. A development agreement shall establish the standards that are applicable to the development and other conditions that control the development, use, and mitigation of the property subject to the development agreement.
  - D. A development agreement can be entered into before, concurrent with, or following approval of the project permits for development of the property.
-

---

**17.140.030 Minimum standards to be addressed.**

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

1. Limits on density, permitted uses, residential densities, commercial floor area or acreage limitations, and/or building sizes;
2. Mitigation measures identified through the environmental review process and/or critical area regulations;
3. Design standards for buildings and other improvements including height, setbacks, architecture, landscaping, and site design;
4. Parks and open space preservation and/or dedication; and
5. Other appropriate requirements.

B. 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.

C. 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.

**17.140.040 Procedures.**

The following procedure will be used for development agreements:

A. A development agreement shall be initiated by written request from the property owner(s) to the city outlining the area proposed for the development agreement and the reasons a development agreement is being pursued;

---

- B. If the city council determines that a development agreement is an appropriate method to handle the proposed development, the property owner shall be so informed;
- C. When a development agreement is being considered, the applicant shall provide the city with plans with sufficient detail to determine the extent of development and its impacts. The city planner shall specify in writing the required materials that must be submitted with the development agreement;
- D. The applicant shall be responsible for the costs of creating the development agreement, and any applicable staff time, per CEMC 17.150 (ORD 1551).
- D. The city council in its sole discretion may approve a development agreement; and
- E. An approved and fully executed development agreement shall be recorded with the county auditor.

**Commented [P131]:** Consistent with 2019 CEMC

**17.140.050 Effect of agreement.**

- A. A development agreement is binding on the parties and their successors in interest;
  - B. A development agreement shall run with the land;
  - C. A development agreement is enforceable only by a party to the agreement; and
  - D. Any future project permit issued by the city shall be consistent with the development agreement as long as the agreement is in effect.
-

