

PLANNING COMMISSION

Agenda

November 2, 2021

6:00 p.m.

MAYOR
JAY MCGOWAN

CITY ADMINISTRATOR
ROBERT OMANS

DESIGNATED CITY PLANNER
GREGG DOHRN

CITY CLERK
KATHI SWANSON



119 W FIRST STREET
CLE ELUM, WA 98922

PLANNING COMMISSION
GARY BERNDT
VAN PETERSON
MATT FLUEGGE
VACANT
ELIZABETH TORREY

CITIZEN ALTERNATE
VACANT

Planning Commission meetings are currently conducted as hybrid meetings. You may attend at City Hall or virtually. To attend via Zoom, see the second page of this agenda.

-
1. **Call to Order & Roll Call**
 2. **Set Agenda**
 3. **Adoption of Minutes**
 - a. October 19, 2021
 4. **Staff Report**
 5. **Citizen Comments on Non-Agenda Items (limited to 5 minutes)**
 6. **Public Appearances**
 7. **Business Requiring Open Hearings**
 8. **Unfinished Business**
 - a. Final Review and Request for Recommendation: Title 14 – Zoning Administration - Dohrn
 - b. Continued Review: Table of permitted uses – Hayes
 9. **New Business**
 10. **Next Meeting Agenda Development**
 11. **Report of Committees**
 12. **Commissioner Comments and Discussion**
 13. **Adjournment**

Next Regular Commission Meeting: Tuesday, December 7, 2021, at 6:00 pm

City of Cle Elum is inviting you to a scheduled Zoom meeting.

Topic: Regular Meeting of the Cle Elum Planning Commission

Time: Nov 2, 2021 06:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/83025520086?pwd=OGJWSnQzVGVxQ2dwTIM1WGorTHloUT09>

Meeting ID: 830 2552 0086

Passcode: Planning

One tap mobile

+14086380968,,83025520086#,,,,*62249467# US (San Jose)

+16699006833,,83025520086#,,,,*62249467# US (San Jose)

Dial by your location

+1 253 215 8782 US (Tacoma)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

CITY OF CLE ELUM
PLANNING COMMISSION MEETING
DRAFT - Meeting Minutes
October 19, 2021 6:00pm Hybrid Meeting

1. **Call to Order & Roll Call**

Chair Berndt called the meeting to order at 6:03pm.

Commission members present: Chair Berndt, Commissioner Torrey,
Commissioner Peterson, and Commission Fluegge

Commission members absent: None

Staff present: Meagan Hayes and Gregg Dohrn

2. **Set Agenda**

A motion was made by Commissioner Torrey and seconded by Commissioner Fluegge to accept the agenda as presented; none opposed. The motion carries and the agenda is set.

3. **Adoption of Minutes**

A motion was made by Commissioner Fluegge and seconded by Commissioner Torrey to approve the October 5, 2021, meeting minutes as presented; none opposed. Minutes approved.

4. **Citizen Comments on Non-Agenda Items (limited to 5 minutes)**

No public comments were presented.

5. **Staff Report**

Dohrn briefly provided an update on current and future planning activities:

- a. 2022 planning priorities are being developed and will be reviewed and presented once complete
- b. The city budget for 2022 is under review. The city budget, as is currently drafted, has monies allocated for a full-time planner and a permit technician.
- c. City Heights has filed a \$19 million damage claim against the city. Extensive staff and legal time are being spent on responding and preparing for the upcoming mitigation related to this claim.
- d. 47 Degrees North project sponsors are currently reviewing comments, and no new actions have been taken on this project since the comment period closed.
- e. There are many short-range planning permits under review and staff is quite busy.

6. **Unfinished Business**

- a. Comprehensive Plan review – compilation of suggested revision
 - i. Dohrn presented the compilation of recently developed amendments to the Comprehensive Plan that were developed alongside the revisions to the Official Zoning Map and the Future Land Use Map. Commission members generally discussed the materials, recollecting developing and approving them in previous meetings.
 - ii. Commission members posed no questions contextual questions or comments related to the materials presented.
 - iii. A motion was made by Commissioner Torrey and seconded by Commissioner Fluegge to recommend that the Cle Elum City Council adopt the compiled revisions to the Comprehensive Plan and the amended Future Land Use Maps and Official Zoning Map as presented; none opposed. Motion carries. Staff will prepare the final documents for the City Council.

- 1 b. Title 14 – Zoning Administration Review
2 i. Dohrn presented the pending revisions to Title 14, recalling to the
3 Commission that Chapters 14.10, 14.20 and 14.40 were tabled by the
4 Commission during a previous meeting. Chapter 14.30 related to permit
5 processing was previously recommended for approval, in which the City
6 Council has since adopted and staff has been utilizing.
7 ii. Commission members informed staff they will table the listed chapters until
8 the next meeting so they can spend additional time reviewing the
9 recommendations and materials. Staff will bring the revisions back to the
10 Commission with intent to seek action at the next regular meeting.

11 **7. New Business**

- 12 a. Table of permitted uses
13 i. Hayes presented the current and draft amendments to the table of permitted
14 uses. As currently adopted, the City of Cle Elum does not have a “table” of
15 uses, rather uses are included within the zoning district narrative. Staff
16 recommends moving to the table format to offer ease of use, review and
17 understanding by staff and the public.
18 ii. Commissioner Torrey presented the following initial revisions: uses not
19 permitted should be left blank; footnotes should be used to indicate additional
20 information/notes at the bottom of the table versus the current formatting with
21 parentheses; removal of “Accessory Uses”; clarification and definition on
22 “Animals”
23 iii. Commission members reviewed, briefly, the current suggested table. It was
24 requested by Commissioner Torrey to further refine the tables to categorize by
25 use type (i.e. residential, retail, industrious, etc.).
26 iv. Staff will refine the tables and present again at the next regular meeting.

27 **8. Next Meeting Agenda Development**

- 28 a. Commission members discussed the November meeting schedule. It was agreed
29 that the second meeting of November, scheduled for November 16, 2021, will be
30 canceled due to conflicting meeting schedules.
31 b. The November 2, 2021, meeting agenda should have, at a minimum, the following:
32 Chapters 14.10, 14.20, and 14.40 review, Table of Permitted Uses, and others as
33 identified by Planning Staff

34 **9. Commissioner Comments and Discussion**

- 35 a. Chair Berndt provided an update from a recent training event he attended, and
36 informed the Commission that the city has budget allocated for commission
37 members training. Chair Berndt encouraged Commission members to attend
38 trainings as they are available.
39 i. Hayes will sign all Commission members up for email notifications from
40 various Planning organizations to ensure awareness of upcoming training
41 events.
42 b. Chair Berndt shared interest in establishing a new subcommittee with the intention of
43 bringing more awareness to current planning activities throughout the county.
44 i. Commissioner Torrey shared hesitation about creating another meeting and
45 suggested inviting staff of other jurisdictions to attend a Cle Elum Planning
46 Commission meeting to present current projects. Commission members

1 agreed with this avenue. Commissioner Torrey will engage with Kittitas
2 County Planning and invite them to attend and present their current projects at
3 an upcoming meeting.

- 4 c. Commission members inquired about the status of Planning Commission member
5 recruitment. Hayes informed Commission members that posts have been developed
6 and were posted on the city website. It was recommended that staff create Facebook
7 social media posts to reach a larger audience. Hayes will develop a post and send to
8 the City Administrator for publishing.

9 **Adjournment**

10 Commissioner Berndt called for a motion to adjourn. A motion was made by Fluegge and
11 seconded by Peterson to adjourn the regular meeting of the Cle Elum Planning
12 Commission at 7:17 pm; none opposed. Meeting adjourned.

DRAFT

Cle Elum Municipal Code
Final Staff Review Draft Title 14 Zoning Administration
October 25, 2021

Chapters:

14.10 Administration

14.20 Definitions

14.30 Application Processing Procedures

14.40 Environmental Review Procedures

Note: As this new Title is adopted the corresponding provisions in Titles 12, 15, 16 , 17, and 18 will be deleted. There is a provision in the adopting ordinance that states that in the event of a conflict between the provisions of Title 14 and Titles 12, 15, 16, 17, and 18 the City shall make an administrative code determination.

As other Chapters are added, it would be appropriate to rename Title 14 Development Regulations or Unified Development Code.

Chapter 14.10 Administration

Sections:

- 14.10.010 Introduction.**
- 14.10.020 Administrative Roles and Responsibilities.**
- 14.10.030 Administrative Interpretations.**
- 14.10.040 General Provisions.**
- 14.10.050 Reasonable Use Exception.**
- 14.10.060 Fees.**
- 14.10.070 Financial Protections.**
- 14.10.080 Development Agreements.**
- 14.10.090 Liability; and**
- 14.10.100 Severability.**

14.10.010 Introduction.

A. The following is a brief description of key planning roles in the City of Cle Elum:

1. The Cle Elum City Council is the legislative body of the City and is the only body which can adopt or amend an ordinance, which includes amendments to the City Comprehensive Plan and Development Regulations. The City Council confirms the appointment by the Mayor of the City Administrator, the City Attorney, the Hearings Examiner, Planning Commissioners, and Historic Preservation Commissioners. The City Council is the decision-making body on certain non-project planning actions.
2. The Mayor is the chief executive officer and ceremonial head of the City. The Mayor appoints the City Administrator and sees that all laws and ordinances are faithfully enforced.
3. The City Administrator assists the Mayor in the performance of his/her duties and supervises the various City departments. The City Administrator functions as the chief administrative officer, serves as the personnel officer for the City, and performs other administrative duties as assigned. For more information about the Cle Elum City Administrator see CEMC 2.07.
4. The City Planner, as authorized by the Mayor, serves as the lead staff person responsible for the administration of this Title, overseeing the implementation of planning requirements and activities in the City, making administrative decisions on certain land use applications, and interpreting the provisions of this Code, provided that:
 - a. The Mayor may designate one or more Planning Project Managers to act as the City Planner and/or to serve as the lead City staff person on selected planning activities.

This may include, but is not limited to, larger scale and/or more complex projects, as well as to provide for the efficient delivery of City services.

- b. The City Planner typically serves as the City's SEPA Responsible Official, but the Mayor may designate another person to serve as the SEPA Responsible Official for selected projects. This may include, but is not limited to, larger scale and/or more complex projects, as well as to provide for the efficient delivery of City services.
5. The City Building Official, as authorized by the Mayor, administers, and enforces the International Building and related codes, as adopted by the City.
6. The Fire Chief, as authorized by the Mayor, serves as the City Fire Marshal and is responsible for the administration and enforcement of the International Fire Code, and related codes, as adopted by the City.
7. The City Public Works Director, as authorized by the Mayor, is responsible for the operation and maintenance of essential City services including water, sanitary sewer, storm water management, and streets. In this capacity, the Public Works Director participates in the review and approval of development permits and the enforcement of City standards.
8. The City Engineer, as authorized by the Mayor, is responsible for the implementation of the City of Cle Elum Engineering Design Standards. In this capacity the City Engineer participates in the review and approval of development applications, the review and approval of the design and construction of infrastructure improvements, and the enforcement of City standards.
9. The City Hearings Examiner is authorized to receive and examine available information, conduct public hearings, prepare a record thereof, enter findings of fact and conclusions based upon those facts, make recommendations, and prepare a record of decision for certain land use applications and appeals. For more information about the Cle Elum Hearings Examiner see CEMC 2.60.
10. The City Attorney advises the Mayor, City Administrator, City Council, City boards and commissions, and City staff regarding the legal interpretations, applications, and the enforcement of this Title. In addition, the City Attorney may initiate code enforcement actions on behalf of the City. For more information about the Cle Elum City Attorney see CEMC 2.08.
11. The City Planning Commission is the planning advisory body to the Mayor and City Council and makes recommendations on amendments to the Comprehensive Plan, the Cle Elum Municipal Code, and performs other duties as assigned by the Mayor and City Council.

12. The Cle Elum Historic Preservation Commission has been established to promote awareness and preservation of the city's history. One major responsibility of the Historic Preservation Commission is reviewing proposed changes to the Cle Elum Register of Historic Places. The Commission also serves as the local review board for special valuation of historic properties as provided in RCW 84.26. For more information about the Cle Elum Historic Preservation Commission see CEMC 15.22.040.

14.10.020 Administrative Roles and Responsibilities.

A. The City Council has created through resolutions in accordance with the provisions of RCW 35A.63.020, a Planning Commission to serve as advisors to the Mayor and City Council. This shall include the review and making recommendations to update the City Comprehensive Plan and Development Regulations in accordance with the provisions of Chapter 14.30.040, to perform other duties as provided in this Title or by other resolutions and ordinances of the City Council and may perform other duties as assigned by the Mayor or City Council. The following provisions shall apply to the Planning Commission, unless subsequently amended by the City Council.

1. The Planning Commission shall consist of five members and a sixth alternate member to be appointed by the Mayor and confirmed by the City Council.
 - a. The Planning Commission members, including the alternate sixth member, shall reside within the 98922 zip code boundaries, shall demonstrate an interest in, an affiliation with, or identification with the City of Cle Elum and provide useful knowledge and/or skills to the City of Cle Elum and related community.
 - b. The alternate, sixth member shall be encouraged to attend all meetings.
 - c. The alternate, sixth member shall, if there is less than a full membership or less than a quorum at a Planning Commission meeting as provided for above, fill the role of a voting member of the Planning Commission with full voting authority. The alternate, sixth member's duties as a full voting member under this provision shall be fulfilled by completing all action on any and all issues upon which the alternate is authorized to vote, to the exclusion and replacement of the Planning Commission member whose position the alternate filled as a voting member, including attendance, participation in and voting at subsequent meetings held on the issues upon which the alternate sixth member was initially authorized to vote.
2. The members shall be selected without respect to political affiliation, and they shall serve without compensation.
3. The term for membership of the members of the Planning Commission shall be six years.

- a. At any such time as there is a vacancy on the Planning Commission, that position shall be automatically filled by the alternate sixth member. Upon the alternate sixth member assuming full membership on the Planning Commission, a new alternate sixth member shall be appointed by the Mayor subject to confirmation by the City Council.
4. Members of the Planning Commission may be removed by the Mayor, subject to the approval of the City Council, for inefficiency, neglect of duty, or malfeasance in office.
 - a. If a member is absent from more than three regular meetings during any given 12-month period, unless excused by the Chair of the Planning Commission, the position may be declared vacant by the Mayor.
5. The Planning Commission shall, in consultation with the City Planner and the City Attorney, conduct business in accordance with adopted by-laws and procedures.
 - a. The Planning Commission shall select a chairperson and vice-chairperson from its members, who shall hold office for one year.
 - b. At least three members of the Planning Commission must be present in order to conduct official business.
 - c. The Planning Commission shall approve written minutes of their meetings and in consultation with City staff, maintain a written record of their proceedings, which shall be a public record.
6. The Planning Commission shall schedule and conduct regular meetings in accordance with such resolutions as may be adopted by the City Council, provided that:
 - a. All meetings of the Planning Commission shall be properly advertised and conducted as public meetings in accordance with the provisions of the Open Public Meetings Act, other applicable local, state, and federal laws, and the adopted rules of the Planning Commission.
 - b. A regularly scheduled meeting of the Planning Commission may be cancelled by the Mayor or City Administrator, or their designee, in consultation with the Chair.
 - c. Special meetings may be scheduled by the Mayor or City Administrator, or their designee, in consultation with the Chair.
7. The Mayor or City Administrator, or their designee, shall prepare and present to the Planning Commission for review and comment an annual workplan that identifies planning priorities and activities for the coming year.

- a. The Planning Commission, in consultation with City staff, shall prepare and present an annual report to the Mayor and City Council highlighting their activities and accomplishments and recommended priorities for the coming year.
- B. Unless otherwise provided by the Mayor or City Administrator, or their designee, the City Planner is authorized to perform the following:
1. Establish and maintain such application forms and administrative procedures as may be necessary to implement this Title.
 2. Interpret ordinances, codes, and requirements and determine the applicability of this Title to proposed uses, projects and development activities.
 3. Prepare and upon approval by the City Council, implement a fee schedule for all land use, development, and building permit activities.
 4. Serve as a SEPA Responsible Official.
 5. Participate in the review and decision-making of land use and related applications in accordance with the provisions of this Title.
 6. Administer the City's environmental regulations.
 7. Inspect and examine any structure or tract of land and within the sole discretion of the City, to order in writing the remediation of any condition found to exist or reasonably likely to occur in violation of any provision of the Cle Elum Municipal Code.
 8. Enforce City ordinances, codes, and regulations including the approval of compliance plans, the imposition of fines for violations, the issuance of stop work orders, and/or the imposition of penalties.
 9. Prepare and evaluate proposed amendments to the City Comprehensive and Zoning Code.
 10. Provide staff support to the Mayor, City Council, Planning Commission, and City departments.
 11. Respond to public inquiries and prepare information for public distribution regarding planning projects and activities.
 12. Liaison with consultants involved in planning and land use activities; and
 13. Represent the City in working with other local, county, state, and federal planning and natural resource management agencies, and the like.

- C. Unless otherwise provided by the Mayor or his/her designee, the Building Official is authorized to perform such activities as may be necessary to administer the International Building and related codes as adopted by the City. This may include, but is not limited to:
1. Review building plans and building permit applications.
 2. Issue or deny building permits.
 3. Inspect construction; and
 4. Issue Certificates of Occupancy.

14.10.030 Administrative Interpretations.

- A. Wherever the provisions of this Title potentially conflict with the requirements of any other lawfully adopted rules, regulations ordinances, deed restrictions, or covenants to which the City is party, the City shall make an administrative code interpretation and/or take appropriate legislative action to provide clear direction.
- B. The Mayor and the City Administrator, or their designee, is hereby authorized to make such administrative interpretations as may be necessary to implement this Title, to promote the streamlined implementation of the Comprehensive Plan and the Cle Elum Municipal Code, provide for efficient development reviews, remove inequities among property owners, resolve conflicting requirements, clarify provisions, correct cross references, provide for the efficient delivery of city services, to protect the public health, safety, and welfare, and/or to avoid unnecessary hardships.
- C. Any person may submit a reasonable written request to the City for a formal interpretation of the provisions of this Title, or those codes referenced by this Title. The request shall identify the specific provision(s) in question and shall include relevant background information and supporting documentation. If accepted by the City, the request shall be processed in accordance with the applicable provisions of this Title.

14.10.040 General Provisions.

- A. Except as provided in this Title, the following general provisions apply:
1. References to Title 14 shall also include the applicable provisions of Titles 12, 15, 16, 17, and 18 as determined by the City.
 2. No land, building, structure, or premises shall be used, designed, or intended to be used for any purpose or in any manner other than in a use listed in this Title or amendment thereto as permitted in the zone in which such land, building, structure, or premises is located.

3. No designated yards or open spaces surrounding any building or structure shall be encroached upon or reduced in any manner except in conformity with the building site, area and yard requirements established by this Title, nor shall any yard or open space associated with any building or structure for the purpose of complying with the requirements of this Title or amendments thereto be considered as providing a yard or open space for any other building or structure.
 4. No building or structure shall be erected or moved onto a site and no existing building or structure shall be altered, enlarged, or reconstructed except in conformity with this Title. Nor shall any building or structure be erected or structurally altered to exceed in height the limit established by this Title or amendment thereto for the zone in which such building or structure is located.
 5. No buildings or permanent shall be permitted over a utility easement.
- B. Nothing contained in this Title shall require any change in any existing building or structure, construction or planned use of a proposed building, which would conform to the zoning regulations then in effect and for which building permit plans are on file in City Hall prior to the effective date of the ordinance codified in this Title and the construction of which building or structure shall have been started within the time requirements of such building permit and diligently worked upon to its completion, unless by some other operation of applicable law.
- C. In cases where multiple lots, parcels or tracts will all be used for one building site, and in particular those cases where a structure is proposed to be built across a property line, the lots, parcels, or tracts shall be consolidated into one lot, parcel, or tract. The consolidation shall be prepared by the owner(s) or their representative and reviewed by the City in the same manner as a boundary/lot line adjustment and shall be filed with the County Assessor and recorded at the office of the County Auditor.
- D. No land use in violation of local, state, or federal law shall be allowed in any zone within the City of Cle Elum and are hereby expressly prohibited.
- E. All developments activities proposed for lots that may contain or that may be adjacent to environmentally sensitive areas, shall comply with the applicable provisions of CEMC 18.01, or as subsequently amended.
- F. All developments activities proposed for lots that may contain or that may be adjacent to shoreline areas under the jurisdiction of the Washington State Shoreline Management Act, shall comply with the applicable provisions of CEMC 18.02, or as subsequently amended.
- G. Development activities proposed for parcels that may contain properties on or eligible for inclusion on the Cle Elum, State of Washington, and/or the National Register of Historic

Places shall comply with the applicable provisions of CEMC 15.22, or as subsequently amended.

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

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

14.10.050 Reasonable Use Exception. In the event that the strict and literal interpretation of this Title serves to deny a property owner all reasonable use of their property, the property owner may apply for a reasonable use exception and may request the minimal relief necessary to enable the reasonable use of their property. Only valid and complete requests will be processed pursuant to this Title.

A. Reasonable use exceptions may be granted when:

1. Application of this Title would deny all reasonable economic use of the property.
 2. There are no other practical alternatives to the proposed use that would have less impact.
 3. The inability to derive reasonable economic use of the property is not the result of subdivision or other actions by the Applicant.
 4. No other reasonable economic use has less adverse impact(s).
 5. The proposal protects and mitigates impacts to the functions and values of critical areas to the greatest extent feasible, consistent with the best available science.
 6. The proposal does not pose a threat to the public health, safety, or welfare on or off the development proposal site; and
 7. The proposal is consistent with other applicable regulations and standards.
- B. The burden of proof shall be on the Applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

14.10.060 Fees and Charges. Applicants for planning and land use permits and approvals shall be responsible for reimbursing the City for all costs associated with processing applications and administering permits and approvals the cost of professional consultant services in accordance with the provisions of this Title and the fee schedule adopted by the City Council.

- A. In addition to the payment of the required base application fees, processing, and administrative costs eligible for cost recovery may include, but is not limited to:
1. Consultant's time and expenses, including but not limited to engineering, planning, and legal services.
 2. Administrative and clerical costs.
 3. Publications, postage, printing, and related costs.
 4. Legal expenses.
 5. Hearing Examiner time and expenses.
 6. Inspection, monitoring, and enforcement expenditures.
 7. City staff time in excess of the amount allocated through the base fee; and

8. Other reasonably related expenses incurred by the City.
- B. These cost recovery provisions shall apply to costs incurred by the City during the:
1. Pre-application consultation and meeting phase.
 2. Review and processing of applications.
 3. Implementation phase; and
 4. For planned mixed-use developments, planned actions, subdivisions, and other larger scale, or complex development proposals, as determined by the City, preliminary consultation expenses incurred before the sub-mission of a pre-application meeting request.
- C. For larger scale, more complex, and/or projects to be developed in phases such as planned mixed-use developments, planned actions, and subdivisions, the City may, at its sole discretion, require the execution of a written cost recovery agreement.
1. The City may require the applicant to deposit an estimated amount with the City, to be sufficient to cover anticipated costs of retaining professional consultant services and to ensure reimbursement to the City for such costs.
 2. Any unused funds will be returned to the Applicant upon completion and/or finalization of project.

14.10.070 Financial Protections. During the review of any application for a land use, zoning, or building permit, or other development activity, a Project Sponsor may propose, subject to City review and approval, and/or the City may require that a bond(s) or similar forms of financial guarantee or protection be posted to ensure continued compliance with any conditions imposed, including the construction of required improvements, the adherence to city standards, and/or maintenance, repair or replacement of such improvements.

- A. The bond(s) or financial guarantee(s) shall be in a form and amount determined by City staff in consultation with the City Attorney to ensure performance and to protect the financial interests of the City. The draft agreement and documents shall be presented to the City Council for review and authorization to execute the financial guarantees and supporting documents.
1. The acceptance of financial protection in lieu of completion of required improvements on developments and projects shall be at the sole discretion of the City.

2. The bonds or financial guarantees may be structured to make a distinction between guarantees to construct improvements at a future date and the performance of regular inspections and maintenance.
 3. Project Sponsors shall submit an itemized cost estimate of all improvements to be financially guaranteed prepared and stamped by a professional engineer licensed to practice in the state of Washington, provided that:
 - a. The City may accept an alternative means of establishing a satisfactory cost estimate; and
 - b. The City shall review and may modify the submitted estimate to ensure adequate City protection in event of default and shall set the amount of the financial guarantee at least 125 percent of the final estimate, plus reasonable costs of administration.
 4. In the event a condition occurs warranting the call of a bond or financial guarantee, the City shall notify the Project Sponsor and the guarantor of the action(s) that are required to remain in compliance, and if necessary, the intent to call the bonds or financial guarantees. In doing so the City may:
 - a. Perform the required maintenance or construct the improvements and fully recover the costs of such action from the guarantor; and
 - b. Include the recovery of reasonable administrative costs, including but not limited to legal expenses.
- B.** In the event that the cost of the work performed by the City exceeds the amount of the bond or financial guarantee, the City may impose a lien or judgement against the property, and may withhold final inspection and approval, the release of other financial guarantees, and/or the final Certificate of Occupancy until the City has been fully reimbursed for all expenses incurred and all required performance completed to the satisfaction of the City.

14.10.080 Development Agreements. The purpose of this Section is to authorize and establish the means by which the City may enter into development agreements established by RCW 36.70B.170-210.

A. General Requirements.

1. A development agreement is an optional means, within the legislative discretion of the City Council, to facilitate development of a limited geographical area.
2. 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.

3. 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.
4. A development agreement can be entered into before, concurrent with, or following approval of the project permits for development of the property.
5. Development agreement application and applicable development agreement and mitigation fees shall be as set forth by resolution of the city council.

B. Minimum standards to be addressed.

1. Development agreements shall include the following types of development controls, standards, and conditions:
 - a. Limits on density, permitted uses, residential densities, commercial floor area or acreage limitations, and/or building sizes.
 - b. Mitigation measures identified through the environmental review process and/or critical area regulations.
 - c. Design standards for buildings and other improvements including height, setbacks, architecture, landscaping, and site design.
 - d. Parks and open space preservation and/or dedication; and
 - e. Other appropriate requirements.
2. Controls, standards, and conditions may be established by referencing the applicable sections of the Cle Elum Municipal Code. By the terms of a development agreement, the City Council may vary or deviate from the otherwise applicable sections of the Cle Elum Municipal Code.
3. Development agreements must specify a termination date for the agreement, establish a vesting period and specify the regulations that the development will vest to, and reserve the authority for the City of Cle Elum to impose new or different regulations and conditions to the extent required by a serious threat to public health and safety or the environment.

C. Effect of an agreement.

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

14.10.090 Liability. The granting of approval or the issuance of a permit or denial thereof for any structure or use does not constitute a representation, guarantee, or warranty of any kind or nature whatsoever, by the City or any City employee, official, or agent, on the practicality, feasibility, or safety of any structure or proposed use and does not create liability upon or cause of action of any kind or nature whatsoever against the City, City employee, official, or agent for any death and/or damage(s) of any nature that may result therefrom.

- A. None of the provisions of this Title are intended to create a cause of action or provide the basis for a claim against the City, its officials, employees, or agents for the performance or failure to perform an action, duty, or obligation running to a specific entity, individual or individuals. Any duty or obligation created herein is intended to be a general duty or obligation running in favor of the general public.
- B. This Title shall not be construed to hold the City, or any officer or employee thereof, responsible for any death or damages to persons, group, or property by reason of the certification, inspection or non-inspection of any building, equipment, construction, system, or the like, or property.

14.10.100 Severability. If any provision of this Title, or its application to any person or legal entity, is held to be invalid, the remainder of this Title or the application of this Title or the application of the provision to other persons or entities or circumstances shall not be affected.

Chapter 14.20 DEFINITIONS

Sections:

- 14.20.010 Introduction.**
- 14.20.020 Interpretations; and**
- 14.20.030 Definitions.**

14.20.010 Introduction. Certain terms and words used in this Title and Title 17 may have special meaning as defined in this Chapter.

14.20.020 Interpretations.

- A. Except where specifically defined in this Chapter, all words used in this Title shall carry their customary meanings. Words used in the present tense include the future; the plural includes the singular and vice versa; the word "shall" is mandatory; "may" is permissive; the words "used or occupied" are considered as though followed by the words "or intended, arranged, or designed to be used or occupied"; and the word "lot" includes the words "plot, tract, or parcel."
- B. Any word not specifically defined in this Chapter shall have the meaning as defined by and determined by the City in accordance with the provisions of:
 - 1. The Revised Code of Washington (RCW).
 - 2. The Washington Administrative Code (WAC).
 - 3. North American Industry Classification System (NAICS), 2019 Edition or as subsequently updated.
 - 4. Webster's Dictionary; and
 - 5. Administrative code interpretations by the City.
- C. Any question or uncertainty about the meaning of a word used in this Title may, at the sole discretion of the City, be resolved by an administrative code interpretation.

14.20.030 Definitions. *{Note: These definitions are from Title 17 and will be updated over time.} New or revised definitions are underlined.*

“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.

“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.

“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.

“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.

“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.

“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).

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

“Alternative energy facility” includes energy facilities of the following types: wind, solar energy or solar energy.

“Animals, household” means a fully domesticated animals owned by you for personal companionship, such as a dog, cat, bird, reptile, or rodent. Household Animal does not include any type of horse, cow, pig, sheep, goat, chicken, turkey, or other animal commonly kept for food or profit.

“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.

“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.

“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).

“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.

“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.

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

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

“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.

“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).

“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.

“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.

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

“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.

“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.

“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.

“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.

“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.

“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 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.

“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 non-transient 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.

“Height of building” means the vertical distance from 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.

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

“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 public can be provided. Not included are institutions housing persons under legal restraint

or requiring medical attention.

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

“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.

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

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

“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.

“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.

“Marijuana” or **“marihuana”** means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

“Marijuana processor” means a person licensed by the State Liquor and Cannabis Board to process marijuana into marijuana concentrates, usable marijuana and marijuana-infused products, package and label marijuana concentrates, usable marijuana, and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, usable marijuana, and marijuana-infused

products at wholesale to marijuana retailers.

“*Marijuana producer*” means a person licensed by the State Liquor and Cannabis Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

“*Marijuana-infused products*” means products that contain marijuana or marijuana extracts and are intended for human use. The term “marijuana-infused products” does not include usable marijuana.

“*Marijuana retailer*” or **“*retail outlet*”** means a person licensed by the State Liquor and Cannabis Board to sell usable marijuana and marijuana-infused products in a retail outlet.

“*Marijuana uses*” means the collective of marijuana producer, retailer, and processor.

“*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.

“*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.

“*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.

“*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.

“*Playground*” means a public outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a city, county, state, or federal government.

“*Public park*” means an area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, county, state, federal government, or metropolitan park district. A public park does not include trails.

“*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.

“**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.

“**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.

“**Redevelopment**” means the act or process of changing an area of a town by replacing old buildings, roads, etc. with new ones; or renovating or improving buildings or areas.

“**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.

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

“**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.

“**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.

“**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.

“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.

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

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

“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.

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

“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.

“Variance” means a modification to numerical standards of this title when authorized by the planning commission 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.

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

“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 property line.

“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.

“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 14.30 Application Processing Procedures
COMPLETE**

Chapter 14.40 Environmental Review

Sections:

- 14.40.010 Introduction.**
- 14.40.020 Substantive Authority.**
- 14.40.030 SEPA Administration.**
- 14.40.040 Categorical Exemptions.**
- 14.40.050 SEPA Checklist.**
- 14.40.060 Threshold Determination.**
- 14.40.070 Preparation of EIS; and**
- 14.40.080 Appeals.**

14.40.010 Introduction. The purpose of this Chapter is to highlight the environmental review requirements of the City in accordance with the provisions of the Washington State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA).

- A. The City recognizes that each person has a fundamental and inalienable right to a healthful environment, and that each person has a responsibility to contribute to the preservation and enhancement of the environment.
- B. The City shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:
 - 1. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations.
 - 2. Assure for all people safe, healthful, productive, and aesthetically and culturally pleasing surroundings.
 - 3. Attain the widest range of beneficial uses of the environment without risk to health, safety, or welfare or other undesirable and unintended consequences.
 - 4. Preserve important historic, cultural, and natural aspects of our national, state, or City heritage.
 - 5. Maintain, wherever possible, an environment which supports diversity and variety of individual choice.

6. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
 7. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.
- C. The City adopts the following policies to achieve the environmental goals of the Cle Elum community:
1. Earth.
 - a. To encourage land development practices that result in a minimal disturbance to the city's vegetation and soils.
 - b. To encourage building and site planning practices that are consistent with the city's natural topographical features.
 - c. To insure prompt development, restoration, and effective erosion control of property after land clearing through the use of phased development, replanting, hydroseeding and other appropriate engineering techniques.
 - d. Prohibit development on steep slope areas when such development would create imminent danger of landslides.
 2. Air.
 - a. To work in cooperation with the air pollution control agency having jurisdiction over the proposal, to secure and maintain such levels of air quality as will protect human health and safety and to the greatest degree practicable, prevent injury to plant and animal life and to property, foster the comfort and convenience of inhabitants, promote the economic and social development of the city, and facilitate the enjoyment of the natural attractions of the city.
 - b. To reduce greenhouse gas emissions.
 3. Water.
 - a. To encourage development and construction procedures which conform to the Cle Elum Municipal Code as such may be amended or superseded, to minimize surface water and ground water runoff and diversion and to minimize erosion and reduce the risk of slides.
 - b. To encourage sound development guidelines and construction procedures which respect and preserve the city's watercourses; to minimize water quality degradation and control the sedimentation of creeks, streams, ponds, lakes, and other water bodies; to preserve and enhance the suitability of waters for contact recreation and

fishing; to preserve and enhance the aesthetic quality of the waters.

- c. To maintain and protect ground water resources, to minimize adverse effects of alterations in ground water quantities, locations, and flow patterns.
 - d. To provide a coordinated water supply plan with adjoining municipalities, special purpose districts, Kittitas County, private water purveyors, and landowners with water rights, provisions for interlocal agreements, joint/mutual assistance, and improvements to existing city facilities, and further joint public/private/regional water supply and treatment strategies and actions to comply with federal, state, and local water quality and drinking water standards.
4. Plants and Animals.
- a. To protect the unique plants and animals within the city.
 - b. To preserve and enhance the city's physical and aesthetic character by preventing indiscriminate removal or destruction of trees and ground cover on undeveloped and partially developed property.
 - c. To encourage the retention of trees and other vegetation for visual buffers and soil retention.
 - d. To encourage building and site planning practices that are consistent with the city's vegetational features while at the same time recognizing that certain factors such as condition (e.g., disease, danger of falling, etc.), proximity to existing and proposed structures and improvements, interference with utility services, protection of scenic views, and the realization of a reasonable enjoyment of property may require the removal of certain trees and ground cover.
 - e. To preserve and protect fish and wildlife habitat.
5. Environmentally Sensitive Areas.
- a. To preserve and protect critical areas and their buffers.
 - b. To encourage the enhancement of wetlands, shorelines, and wildlife habitat areas.
6. Energy and Natural Resources.
- a. To encourage the wise use of nonrenewable natural resources.
 - b. To encourage efficient use of renewable resources.
 - c. To incorporate energy conservation features as feasible and practicable into all city projects and promote energy conservation throughout the community.

- d. To encourage the use of Firewise principles.
7. Environmental Health.
- a. To encourage development practices consistent with development standards of the city, Kittitas County and interlocal agreements as such may be amended or superseded. To minimize the exposure of citizens to the harmful physiological and psychological effects of excessive noise in a manner which promotes commerce; the use, value, and enjoyment of property; sleep and repose; and the quality of the environment, including fish and wildlife functions, values, features and habitat.
 - b. To require proposals involving the potential risk of an explosion or the release of hazardous substances to the environment to include specific measures which will ensure the public health, safety, and welfare.
 - c. To restrict or prohibit uses which will expose the public to unsanitary conditions or disease.
 - d. To restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or cause excessive increases in flood heights or velocities.
 - e. To require that uses vulnerable to floods, including public facilities which serve such uses, shall be protected against flood damage at the time of initial construction.
 - f. To meet the minimum requirements of the National Flood Insurance Program and State of Washington Flood Control Program.
 - g. To require the clean-up of contaminated sites in accordance with state and federal standards.
 - h. To control noise emissions and avoid public nuisances.
8. Land and Shoreline Use.
- a. To implement and further the city's comprehensive plans as may hereafter be amended, including the land use plan, transportation plan, utilities plan, open space, parks and recreation plan, and other plans consistent with ongoing city facility plan or utility-related projects and places,
 - b. To encourage orderly growth and development in the city and the Cle Elum Urban Growth Area by maximizing the efficiency of utilities and roads and other capital improvements.
 - c. To encourage the provision and maintenance of adequate housing for the residents of Cle Elum, for all income levels,

- d. To evaluate impacts of new nonresidential development which would reduce existing housing stock or reduce land available for residential development.
 - e. To minimize excessive light and glare.
 - f. To encourage development which maintains and improves the existing aesthetic character of the community,
 - g. To maximize protection of existing public scenic vistas and scenic corridors.
 - h. To protect the existing open space areas for future generations and promote their expansion.
 - i. To consider the historical and archaeological importance of all buildings and sites prior to any change in use or development, and to recognize properties and structures included in any future survey of historic buildings or as such may be amended or superseded, as properties of historical significance.
9. Transportation.
- a. To approve street designs which are beneficial to the public in consideration of vehicular and pedestrian safety, efficiency of service, influence on the amenities and livability of the community, and economy of both construction and the use of land.
 - b. To encourage increased traffic volumes only in areas with sufficient capacity to provide safe and efficient traffic flow or where adequate traffic improvements will be provided in conjunction and concurrent with the development. To require adequate vehicular and pedestrian access to new developments and minimize pedestrian-vehicular conflict points.
10. Public Services and Utilities.
- a. To encourage and approve development only where adequate public services, including fire and police protections are available or will be made available to serve the proposal.
 - b. To encourage and approve development only where adequate utilities, including water, sewer, power, communications, and drainage facilities exist or can reasonably be provided.
 - c. To protect the existing open space areas for future generations and promote their expansion.
11. Other.

- a. To minimize the reduction of available natural light due to the casting of shadows by new development.

14.40.020 Substantive Authority. The following provisions constitute the City's SEPA policies and the basis for exercising the substantive authority granted to the City through the Washington State Environmental Policy Act.

- A. The City designates and adopts by reference the following documents, as amended, as the basis for the City's exercise of authority pursuant to this Section:
 - 1. Cle Elum Comprehensive Plan.
 - 2. Cle Elum Parks Recreation and Open Space Plan.
 - 3. Cle Elum Comprehensive Water and Sewer Plans.
 - 4. Cle Elum Six-Year Transportation Plan.
 - 5. Cle Elum Municipal Code.
 - 6. City of Cle Elum Engineering Design Standards; and
 - 7. The International Codes as adopted and administered by the City.
- B. The City may attach conditions to a permit or approval for the proposal so long as:
 - 1. Such conditions are necessary to mitigate specific probable adverse environmental documents prepared pursuant to this Chapter.
 - 2. Such conditions are in writing.
 - 3. The mitigation measures included in such conditions are reasonable and capable of being accomplished.
 - 4. The City has considered whether other local, state, or federal mitigation measures that apply to the proposal are sufficient to mitigate the identified impacts; and
 - 5. Such conditions are based on one or more policies of the Comprehensive Plan and the provisions in this Title and are cited in the permit, license, or other decision document.
- C. The City may deny a permit or approval for a proposal on the basis of a SEPA review so long as:
 - 1. A finding is made that approving the proposals would result in probable significant

adverse environmental impacts that are identified in a final environmental impact statement (FEIS), or final supplemental environmental impact statement (FSEIS) prepared pursuant to this Chapter.

2. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and
3. The denial is based on one or more policies identified in this Title or Comprehensive Plan and identified in writing in the decision document.

14.40.030 SEPA Administration.

- A. The City adopts Chapter 197-11 of the Washington Administrative Code by reference unless otherwise noted or modified by the provisions of this Title.
- B. For those proposed projects, development activities, or actions for which the City is the lead agency, the SEPA Responsible Official shall be the Mayor, City Administrator, or their designee.
 1. The designated SEPA Responsible Official shall make the SEPA Threshold Determination, supervise the scoping and preparation of any required environmental documents, and perform any other related functions assigned to the lead agency as identified in this Chapter or WAC 197-11.
 2. In addition, the SEPA Responsible Official may require the Applicant or Project Sponsor to prepare and submit such technical studies, reports, or other environmental documents as may be necessary to complete required environmental reviews.

14.40.040 Categorical Exemptions. All proposed projects or development activities are subject to the provisions of this Chapter and WAC 197-11, except those activities that are identified in WAC 197-11-800 as being categorically exempt from SEPA, including, but not limited to:

- A. The following minor new construction activities are exempt from the provisions of this Chapter unless the construction would occur wholly or in part on lands covered by water, or the site contains critical areas or otherwise does not meet the exemption criteria of WAC 197-11-800:
 1. The construction or location of up to and including four (4) dwelling units.
 2. The construction of a barn, loafing shed, farm equipment storage building, produce storage, or packing structure, or similar agricultural structure, covering up to 10,000 square feet, provided that said structure is to be used by the property owner or his or her agent in the conduct of permitted farming on the property.

3. The construction of an office, school, commercial, recreational, service or storage building with up to 12,000 square feet of gross floor area and associated parking facilities designed for no more than 20 automobiles.
 4. The construction of a parking lot not associated with a specific structure designed for up to 20 automobiles: or
 5. Any landfill or excavation of up to 500 cubic yards throughout the total lifetime of the fill or excavation.
- B. Actions which must be undertaken immediately, or within a time period too short to allow full compliance with this chapter, to avoid an immediate threat to public health, safety, and welfare to prevent an immediate danger to public or private property, or to prevent an imminent threat to serious environmental degradation, shall be exempt from the procedural requirements of this chapter.
1. The SEPA Responsible Official shall determine on a case-by-case basis those emergency actions which qualify for this exemption.
 2. The City's determination that a proposal is exempt shall be final and not subject to appeal. If a proposal is exempt, none of the procedural requirements of this Chapter shall apply to the proposal. The City shall not require completion of an environmental checklist for an exempt proposal but shall prepare a memorandum for the project file that documents the exemption.
- C. If a proposal includes exempt and nonexempt actions, the City may authorize exempt actions prior to compliance with the procedural requirements of this Chapter, except that:
1. The City shall not give authorization under this Section for:
 - a. Any nonexempt action.
 - b. Any action that would have an adverse environmental impact; or
 - b. Any action that would limit the reasonable choice of alternatives.
 - c. Any action that is a segment of and is physically and functionally related to a larger proposal which together would result in a probable significant adverse impact.
 2. The City may withhold approval of an exempt action that would lead to modification of the physical environment when such modification would serve no purpose if nonexempt action(s) were not approved.
 3. The City may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no

purpose if nonexempt action(s) were not approved.

14.040.050 SEPA Checklist. All applications for a permit, license, certificate, or other approval as required by the provisions of this Title shall include a completed SEPA Checklist in such form as provided by the City.

- A. A completed SEPA checklist shall not be required when:
 - 1. The City has determined the activity to be Categorically Exempt from the requirements of SEPA.
 - 2. The City and Applicant mutually agree that an EIS is required.
 - 3. SEPA compliance for the proposed project has already been completed.
 - 4. SEPA compliance has been initiated by another agency for the same proposal.
- B. For private proposals, the Applicant shall be responsible for completing the SEPA checklist and providing all required supporting documentation.
- C. For proposals sponsored by the City or another public agency, the agency or department initiating the proposal shall be responsible for completing the SEPA checklist and providing all required supporting documentation.
- D. For projects submitted as planned actions under WAC 197-11-164, the city will use its existing environmental checklist form or may modify the environmental checklist form as provided in WAC 197-11-315. The modified environmental checklist form may be prepared and adopted along with or as part of a planned action ordinance or developed after the ordinance is adopted. In either case, a proposed modified environmental checklist form must be sent to the Washington State Department of Ecology to allow at least a 30-day review prior to use.

14.040.060 Threshold Determination. The SEPA Responsible Official shall review SEPA Checklists to determine if they are complete and ready for processing. If the checklist has not been completed, the City shall notify the Applicant in writing and shall identify what additional information must be provided. If the Checklist has been completed, the SEPA Responsible Official shall make a Threshold Determination and issue either a Determination of Non-Significance (DNS), a Mitigated Determination of Non-Significance (MDNS), or a Determination of Significance (DS).

- A. An Applicant may request in writing early notice that a Determination of Significance may be likely.

1. The City shall notify the Applicant in writing if a Determination of Significance is likely and the concerns that may trigger the need for the preparation of an EIS.
 2. The Applicant shall be given the opportunity to clarify or revise their proposal in order to lessen the potential adverse impacts.
- B. If the City determines that the proposed action shall not have a probable, significant adverse impact on the environment, it shall issue a Determination of Non-Significance, and no further environmental review of the proposed action shall be required. Upon issuance of the DNS the City may proceed with processing the application(s) associated with the proposed action.
- C. If the City determines that the proposed action may have significant adverse impacts on the environment, but that they can be reasonably mitigated by measures to avoid, minimize, or compensate for the potential adverse impacts, it shall issue a Mitigated Determination of Non-Significance, and shall identify in writing the mitigating measures that shall be included as subsequent conditions of approval.
1. The issuance of an MDNS shall include public notice and a fifteen-day comment period. No permits or approvals associated with the proposed action shall be taken until the completion of this comment period.
 2. Based on comments received the City may modify required mitigation measures, impose additional measures, or may rescind the Threshold Determination.
- D. If the City determines that the proposed action is likely to have a probable, significant adverse impact on the environment, it shall issue a determination of significance and require the preparation of an environmental impact statement, or supplemental environmental impact statement, in accordance with the provisions of this Title and WAC 197-11.

14.40.070 Preparation of EIS. The preparation and issuance of draft and final environmental impact statement (EIS) documents is the responsibility of the City.

- A. The City may elect to prepare EIS documents required for a proposed action with City staff or the EIS documents may be prepared by a qualified professional selected by the City in consultation with the proposed Project Sponsor. All costs associated with the preparation and issuance of an EIS document shall be the responsibility of the Applicant or Project Sponsor in accordance with the provisions of the City fee schedule and/or voluntary cost sharing agreement.

14.40.080 Appeals.

- A. The following administrative appeal procedures are established in accordance with the provisions of RCW 43.21C.075 and WAC 197-11-680:
1. There shall be no appeals of determinations concerning whether there is a "proposal" or "action," whether a proposal is categorically exempt, or who is the lead agency; nor may there be appeals of checklists, scoping determinations, or draft impact statements.
 2. As set forth in RCW [43.21C.075](#), when any proposal or action is conditioned or denied based on an environmental determination by the City under SEPA, the environmental determination shall be appealable to superior court as part of an appeal of the underlying action.
 6. Procedural determinations made by the City's SEPA Responsible Official shall carry substantial weight within any appeal proceeding.

Draft Table of Permitted Uses.

P = Permitted Outright A = Permitted as an Accessory Use C = Conditional Use Permit
 S = Special Use Permit Blank = Not permitted

<i>Residential Uses</i>									
Use	Residential		Commercial			Other			Special Conditions
	SFR	MFR	DTC	ETC	GC	I	PU	PMU	
Accessory Dwelling Unit (<u>A – ADU and D-ADU</u>)	A	A	A						
Animals, Household	A	A	A						
Co-Housing	P	P							
Convalescent/ Nursing/Retirement Homes Retirement Residence		C	C		C				
Cottage Housing	P	P							
Dwelling, Multiple Residential Units (3+)		P	p ¹		P ²				
Dwelling, Single Residential Unit	P	P							
Dwelling, Two Residential Units (Duplex)	P	P							
Group Home	P	P							
Manufactured Home	P	P							
Manufactured Home Park	P	P							
Mixed Use, Commercial/ Residential			P ¹		P ²				
Mobile Home Park	P	P							
Tiny Homes	P	P	P						
Townhouses/Zero Lot Line Housing	P	P							
Day Care, Child In-Home Facility	A	A							
Home Business	A	A	A		A				

¹ Multi-family dwellings in the Downtown Commercial District in existence on {insert date of adoption} are a permitted use. New multi-family developments may be permitted in the Downtown Commercial District on the upper floors.

²New multi-family dwellings may be permitted in the General Commercial District as a part of mixed-use Development.

<i>Commercial/Industrial Uses</i>									
Use	Residential		Commercial			Other			Special Conditions
	SFR	MFR	DTC	ETC	GC	I	PU	PMU	
Alternative Energy Infrastructure	A	A	A	A	A	<u>P</u>	A		
Antique/Secondhand Store			P	P	P				
Appliance <u>Sales or Repair Shop</u>			P	P	P				
Arcade/Amusement Facility				P	P				
Automobile Service/Repair			P	P	P	P			
Automobile/Truck Sales, New and Used				P					
Bakery			P	P	P				
Bank/Financial Institution			P	P	P				
Beauty Salon/Day Spa			P	P	P				
Brewery/Distillery			P	P	P	P			
Business Park				P	P	P			
Business/Professional Office			P	P	P				
Child Care Center			P		P				
Contractor/Construction Yard					P	P			
Cultural Facility			P	P	P		P		
Pharmacy/Drug Store			P	P	P				
Dry Cleaning			P	P	P				
Farmers Market			S	S	S		S		
Food/Beverage			P	P	P				
Food Cart			S	S	S	S	S		
Food Cart Pod			S	S	S	S	S		
Home Business	A	A	A		A				
Industry, Light						P			
Kennel					P	<u>P</u>			
Landfill									
Laundromat			P	P	P				
Manufacturing/Assembly, Light					P	P			
Marijuana, Processing						P			CEMC 17.10
Marijuana, Production						P			CEMC 17.10

Marijuana, Sales			P	P	P				CEMC 17.10
Mining									
Mini-Storage		?			P	P			
Mobile Vendor			S	S	S	S	S		
Nursery/Greenhouse				P	P	?			
Office, Business/Professional			P	P	P				
Parking Lot, Private			<u>AP</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>			
Personal Service			P	P	P				
Pop-up Business			S	S	S	S	S		
Public Utilities	P	P	P	P	P	P	P		
Recreation, Private Indoor					P	P			
Recreation, Private Outdoor				P	P	P			
Restaurant			P	P	P				
Retail Sales			P	P	P				
Retail Sales, Large-Scale				P	P				
RV Park		C			?		C		
Salvage/Wrecking Operations						P			
Seasonal Use	S								
Secure Community Transition Facility	E	E							
Security Building, On-Site					A	A	A		
Sexually Oriented Business					C				
Shipping/Receiving Center			P	P	P				
Storage of Flammable Material/Liquid						C			
Storage, Outdoor				<u>AE</u>	<u>AE</u>	C			
Tasting Room			P	P	P				
Tavern/Bar			P	P	P				
Technology Center					P				
Temporary Use	S	S	S	S	S	S	S		
Theater, Live/Movie			P	P	P				
Underground Injection Wells									
Veterinary Hospital/Clinic				C	C	C			
Warehouse/Shipping					P	P			

