

City of Cle Elum
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CITY OF CLE ELUM
FINDINGS of FACT, CONCLUSIONS, & RECOMMENDATION
for
2025 TEXT AMENDMENTS

Application File: SEPA 2025-001

APPLICANT: City of Cle Elum

REQUEST: Non-project text amendments to the following CEMC Chapters: 17.16; 17.20; 17.24; 17.28; 17.32; 17.34; 17.36; 17.50; 17.90 (12.18); 14.20.030; 14.30.040; 14.30.220; 14.30.240; 16.30.040, and adding a new section 17.14 – Permitted Land Uses

PROJECT LOCATION: City-Wide

PARCEL NUMBER(S): City-Wide

DATE OF HEARING: May 20, 2025

STAFF CONTACT: Colleda Monick, Planning Consultant

I. DESCRIPTION OF REQUEST:

The city of Cle Elum Planning Department is proposing non-project text amendments to the following CEMC Chapters: 17.16; 17.20; 17.24; 17.28; 17.32; 17.34; 17.36; 17.50; 17.90 (12.18); 14.20.030; 14.30.040; 14.30.220; 14.30.240; 16.30.040, and adding a new section 17.14 – Permitted Land Uses

II. SUMMARY OF RECOMMENDATION:

Approval.

III. FINDINGS:

From the review of the proposed text amendments, a review of the Cle Elum Comprehensive Plan 2037, and the Cle Elum Urban Area Zoning Ordinance, Planning Staff makes the following:

- A. Background:** The City of Cle Elum Planning Commission held study sessions regarding the proposed text amendments to CEMC Chapters 17.16; 17.20; 17.24; 17.28; 17.32; 17.34; 17.36; 17.50; 17.90 (12.18); 14.20.030; 14.30.040; 14.30.220; 14.30.240; 16.30.040, and 17.14 (new section) on the following dates:

June 18, 2024; July 16, 2024; August 6, 2024; August 20, 2024; September 3, 2024; September 17, 2024; October 1, 2024; October 15, 2024; November 5, 2024; November 19, 2024; December 3, 2024; January 7, 2025; January 21, 2025; February 18, 2025; March 4, 2025; March 18, 2025; April 1, 2025; and April 15, 2025 (18 meetings in total).

- B. Planning Commission Authority:** As an advisory body, the Planning Commission has the authority to make recommendations on amendments to the Cle Elum Municipal Code Development Regulations per CEMC 14.10.010(A)(11) and 14.10.020(A).
- C. Cle Elum Comprehensive Plan 2037:** The proposed text amendments are consistent with the following goals and policies of the Comprehensive Plan.
- a. Land Use Goal #2: Maintain residential quality and livability suitable for a rural town.
 - b. Land Use Policy #20: Preserve “established” character in existing neighborhoods that are significantly built-out by zoning for infill development to occur at densities, and with similar standards, consistent with the existing development pattern.
 - c. Land Use Goal #4: Preserve and Protect Residential Neighborhoods.
 - d. Land Use Policy #39: Encourage flexibility in residential neighborhoods by allowing accessory dwelling units.
 - e. Land Use Goal #5: Create Order and Energy in Commercial Areas.
 - f. Land Use Policy #44: Assure that a broad and diverse range of products and services are available to the residents of the City of Cle Elum.
 - g. Land Use Policy #50: Continue to encourage the development of a safe and functional pedestrian network through Cle Elum’s commercial areas.
 - h. Land Use Policy #51: Continue the mandatory use of “Site and Design Review” to maintain a consistent range of aesthetic and practical development standards such as pedestrian connectivity, landscape buffers and landscaping for all new development and redevelopment in commercial areas.
 - i. Land Use Policy #53: Encourage broad and diverse uses in existing commercial areas to promote maximum occupancy.
 - j. Housing Goal #1: The City of Cle Elum includes a diverse mix of housing types that meets the needs and are affordable to all segments of its population, especially low- and moderate- income households. The range of housing types also reflect market conditions, the City’s rural setting, and small-town character.
 - k. Housing Policy #1: Encourage the development of flexible lot sizes and single-family residential infill that is compatible in existing neighborhoods.
 - l. Housing Policy #5: Accommodate and encourage, where appropriate, moderate density residential developments such as townhouses, multifamily complexes, duplexes, and mixed-use residential buildings.
 - m. Housing Policy #6: Promote the production of housing affordable for all incomes, through a mix of housing typed, models, and densities throughout the City including: small lot single family detached, zero lot line, attached

housing, accessory units, cluster housing, cottages, duplexes, townhouses, and apartments, as well as manufactured housing units, that are compatible with the neighborhoods in which they are located.

- n. Housing Policy #21: Revise zoning and development standards to provide options that increase the supply of affordable home ownership opportunities, such as small lot sizes, zero lot lines, townhouses, condominiums, clustering, manufactured homes, cottages, and attached single family housing.
- o. Housing Goal #3: Residential neighborhoods contain necessary public amenities and support facilities that contribute to a high quality of life in Cle Elum.
- p. Housing Policy #28: Balance the economic benefits created by short-term rentals with the need for a supply of long-term rental housing stock by regulating short-term rentals.

IV. **PROPOSED TEXT AMENDMENTS:**

Proposed changes to these sections are summarized below. Full track changes are enclosed as exhibits.

1. **17.14 – (New) Permitted Land Uses (Exhibit A)**

The City is proposing this new section of code that includes a Table of Permitted Uses to bring clarity, consistency, and efficiency to its zoning regulations. Currently, permitted and conditional uses are spread across multiple zoning districts, creating inconsistencies and unnecessary complexities in the development review process. By fully utilizing the City's existing review levels outlined in CEMC 14.30.040 (Type I through Type IV), the new table streamlines approvals, reduces unnecessary delays, and ensures a more predictable process for property owners, developers, and city staff. This update aligns with the City's commitment to thoughtful planning, economic development, and a zoning code that supports both community needs and future investment. It includes a purpose statement, land use classification section, table of permitted uses, unclassified uses, and home occupations.

- 17.14.010 – Purpose.
 - Added a purpose statement to clarify the intent and objectives of the regulations within this chapter. To help ensure consistency in interpretation, guiding decision-makers, property owners, and developers on how the zoning provisions should be applied. The statement also provides a legal basis for enforcement by linking the regulations to broader planning goals, such as protecting public health and safety, promoting orderly development, or preserving community character.
- 17.14.020 - Land use classification.
 - The purpose of this section is to establish a classification system for land uses within each zoning district, which dictates the level of review required based on the complexity and potential impacts of the proposed use. This system ensures that land uses are reviewed appropriately to promote compatibility with district intent, surrounding development, and the Cle Elum comprehensive plan.
- 17.14.030 - Table of permitted uses
- 17.14.040 - Unclassified uses

- Provides directives on how to process uses that are not identified in the table.
 - 17.14.050 - Home Occupations
 - Relocated from Chapter 17.16.
2. **17.16 – Residential (Exhibit B)**
Proposed changes to the Residential District include:
- 17.16.010 – Outright permitted uses.
 - Removal of this section, and see table 17.14.030
 - 17.16.020 – Definitions
 - Removal of Host Short-Term Rental and Hosted Short-Term Rental. An updated definition of Short-Term Rental has been added under 14.20.
 - 17.16.030 – Conditional uses.
 - Removal of this section, see table 17.14.030
 - 17.16.100 – Home occupations.
 - Removal of this section, see 17.14.050
3. **17.20 – RM Multi-Family Residential (Exhibit C)**
Proposed changes to the RM Multiple Family Residential District include:
- Title change from RM to MFR
 - Removal of outdated language and the addition of clarifying language throughout.
 - 17.20.005 – Purpose
 - Updated purpose statement to better match the Comprehensive Plan and to incorporate permitted uses, including zero-lot line.
 - 17.20.010 – Permitted uses
 - Removal of this section, see table 17.14.030
 - 17.20.020 – Conditional uses
 - Removal of this section, see table 17.14.030
 - 17.20.050 – Side yard
 - Clarifying language and allowance for single-family homes, duplexes, and common-wall structures to have a reduced setback of five feet.
 - 17.20.060 – Minimum lot size/density
 - Removal of minimum lot size for multiple unit dwellings and adding a minimum lot size for single family dwellings, as well as removing maximum density requirements. Providing calculation for maximum density.
 - 17.20.080 – Lot coverage
 - Clarifying language regarding impervious surfaces and lot coverage
 - 17.20.090 – Design review and design guidelines
 - Clarifying language and the removal of maximum building depth.
4. **17.24 – OTC Old Town Commercial Zoning District (Exhibit D)**
Proposed changes to the Old Town Commercial Zoning district include:
- Title – DC Downtown Commercial instead of OTC Old Town Commercial, consistent with the Official Zoning Map adopted under Ordinance 1620.
 - Removal of outdated language and the addition of clarifying language throughout.
 - 17.24.010 - The proposed changes reflect the expansion of the Downtown Commercial district's coverage, as established by Ordinance 1620, which replaced the previously

identified Old Town Commercial zone. While the previous language described the district's boundaries in relation to specific streets, the updated version formally acknowledges its expansion under the ordinance and clarifies that no further expansion will occur.

- 17.24.020 – Permitted uses.
 - Removal of this section, see table 17.14.030
- 17.24.030 – Conditional uses (not fronting on First Street)
 - Removal of this section, see table 17.14.030
- 17.24.040 – Dimensional Standards
 - Revision of building height from 36- to 35-feet.
- 17.24.050 – Parking and loading
 - Addition of parking requirements for residential use in new construction.
- 17.24.090 – Design Standards
 - (g) Provide additional context to flat roof requirements and design standards.
 - (k) Add design provisions as it relates to fencing in the downtown core.

5. **17.28 – EC Entry Commercial District (Exhibit E)**

Proposed changes to the Entry Commercial District include:

- 17.28.020 – Permitted uses.
 - Removal of this section, see table 17.14.030
- 17.28.030 – Conditional uses.
 - Removal of this section, see table 17.14.030

6. **17.32 – GC General Commercial District (Exhibit F)**

Proposed changes to the General Commercial District include:

- 17.32.020 – Permitted uses.
 - Removal of this section, see table 17.14.030
- 17.32.030 – Conditional uses.
 - Removal of this section, see table 17.14.030

7. **17.34 – Business Park District (Exhibit G)**

The repeal of Chapter 17.34, Business Park District, is proposed because the district is not identified on any current zoning maps and its intended purpose is already addressed by other zoning districts that accommodate light manufacturing, wholesale trade, warehousing, business services, and research activities. Removing this chapter will eliminate redundancy in the zoning code and improve clarity in land use regulations.

8. **17.36 – I Industrial (Exhibit H)**

Proposed changes to the Industrial District include:

- 17.36.020 – Permitted uses.
 - Removal of this section, see table 17.14.030
- 17.36.030 – Conditional uses.
 - Removal of this section, see table 17.14.030

9. **17.50 – P Public Reserve Area (Exhibit I)**

Proposed changes to the P Public Reserve Area include:

- Title – PU Public Use instead of P Public Reserve Area District to be consistent with the Official Zoning Map adopted under Ordinance 1620.
- Removal of outdated language and the addition of clarifying language throughout.
- 17.50.010 – Permitted uses.
 - Removal of this section, see table 17.14.030
 - Change permitted uses to Purpose statement and utilize the Comprehensive Plan to provide statement for the use of the chapter.
- 17.50.020 – Displaying of merchandise prohibited
 - Provide clarifying language.
- 17.50.030 – Structure approval required.
 - Removal of this section. The requirement for City Council approval of all structures in this district is inconsistent with the City's established review processes and creates unnecessary procedural inefficiencies. Unlike other zoning districts where development applications are reviewed based on objective standards by staff or a hearing examiner, this provision introduces a discretionary layer that can lead to arbitrary decision-making and increased legal risk. Council denial of a project without clear, codified criteria could be more susceptible to appeal, exposing the City to challenges under state land use laws. Additionally, this process places an undue administrative burden on the Council, diverting its focus from broader policy and legislative matters. Removing this requirement does not weaken the development process, but rather ensures that applicable standards are applied consistently through the City's municipal code and comprehensive plan, providing a fair, predictable, and legally sound review process that upholds the City's vision for growth.

10. **17.90 - Sidewalk Sales and Service of Food and Beverage (Exhibit J)**

Proposed changes to the Sidewalk Sales and Service of Food and Beverage include:

- Title change from Title 17 Zoning to Title 12 Streets, Sidewalks and Public Places. The proposed amendment relocates these provisions from Title 17 - Zoning code to Title 12 – Streets, Sidewalks, and Public Places to better align with the intended regulatory framework. The standards in question primarily govern the use of public rights-of-way, including sidewalks and other public spaces, rather than private land use and development. Title 12 is the appropriate section of the municipal code for regulations that address right-of-way use, permitting, and public access, ensuring consistency with other similar provisions and streamlining enforcement. Moving these regulations out of the zoning code also clarifies that they apply broadly to all applicable public spaces, rather than being tied to specific zoning designations.
- Relocate to Ch.12.18 from Ch. 17.90
- Title – Sidewalk Sales, Mobile Vendors, and Street Beautification, instead of Sidewalk Sales and Service of Food and Beverage.
- Removal of outdated language and the addition of clarifying language throughout.
- 12.18.010 – Purpose
 - Update of the purpose statement to clarify the City's commitment to economic growth while emphasizing intentional and safe use of public spaces. The revised statement expands permitting requirements to include all items placed in public

rights-of-way and specifies that a sidewalk use permit is required in addition to a business license.

- 12.18.020 – Sidewalk use regulations
 - Addition of permanent barrier options and design standards.
 - Allowance of outdoor seating and sidewalk usage in the winter months, with clarifying requirements, definitions for space, and maintenance requirements.
 - Removal of (L), replaced by new section 17.90.025
- 12.18.025 – (New) Mobile Vendor Regulations
 - The proposed regulations allow for a broader range of services and ensure mobile vendors operate safely and without obstructing public spaces, prohibiting them from blocking sidewalks, streets, or vehicle travel lanes. Restrictions include minimum distance requirements from schools, businesses, and restaurants, limitations on vendor density per block, and a requirement for sidewalk use permits when serving customers from public property. Mobile vendors must also use retractable awnings for safety and comply with zoning and site design review requirements.
- 12.18.045 – (New) Snow Removal Compliance
 - With the allowance of winter operations, this section aims to identify additional requirements as it pertains to snow removal.

11. **14.20.030 – Definitions (Exhibit K)**

Proposed changes to this section are summarized below. Addition of several definitions and clarifying language throughout.

New definitions include, “Animal Clinic/Hospital/Veterinarian”; “Attached Single-Family Dwelling, Common Wall”; “Class (1) uses”; “Class (2) uses”; “Class (3) uses”; “Class (1), (2) or (3) use, approved”; “Class (1), (2) or (3) use or development, existing”; “Community Centers”; “Converted Dwelling”; “Entertainment Venue”; “Game Room”; “General Retail”; “Hospital”; “Meeting Hall/Fraternal Organization”; “Mixed-Use Building”; “Mobile Home Park”; “Multifamily Development”; “Nursing/Convalescent Home (medical)”; “Pet Day Care/Animal Training/Kennel”; “Place of Worship”; “Power Generating Facility”; “Public Facility”; “Residential Mini-Storage”; “School”; “Short-Term Rental”; “Social Card Rooms”; “Sports or Recreation Facility”; and “Storage Facilities”.

12. **14.30.040 – Permit classification table (Exhibit L)**

These changes are being proposed to remove redundant processing requirements for implementing permit approvals and to remove permit types that do not require review under the zoning or subdivision ordinance.

- While the Type 1 process is administrative, it requires iterative steps such as a determination of completeness and a determination of consistency. The purpose of these processing components are to ensure that sufficient information is provided in order to process the permit and that the proposal is consistent with the Comprehensive Plan.
- Permits or approvals proposed for removal are not contingent upon a zoning review and do not require the formal Type 1 process items such as a determination for completeness or consistency.
 - A building permit is issued after review of a site plan or an official site and design review. Additional Type 1 review is not necessary.

- A Certificate of Occupancy is not a permit that is applied for – it is issued by the building official after final inspection.
 - A Certificate of Zoning Compliance is essentially an acknowledgement of a particular parcel or parcels, not a request for a permit that would require Type 1 review.
 - A Clearing and Grading Permit is part of the site development process that occurs after land use approval for construction or subdivision is issued. It is an implementation of a previous approval which should not require a new Type 1 review.
 - Approval of a Landscaping Plan or Stormwater Plan is an implementation of a previous site design or other land use approval. Additional Type 1 review is not necessary.
- The table is also removing Final Plats from the Type 4 process, consistent with proposed changes to CEMC 16.30.040, outlined in Section IV(15) below.

13. 14.30.220 Notice of Decision (Exhibit L)

These changes to remove Type 4 from the notice of decision requirements, are being proposed to provide clarity and consistency in the issuance of a notice of decision, ensuring that the official date of the land use decision aligns with the adoption of the ordinance or resolution, thereby eliminating ambiguity regarding when the decision becomes effective.

- The current language could be interpreted to require issuing a notice of decision at the time Council takes action. If the notice is issued after the action—such as a day or two later—it could be considered the official date of the land use decision, potentially creating a discrepancy with the action date and extending the appeal period.
- These changes are in alignment with the RCW 36.70C.020

14. 14.30.240 Public Notice Requirements (Exhibit L)

These changes are being proposed to provide clarification on notice requirements and to streamline the process for projects that do not require a public hearing.

- The current language could be interpreted to require essentially a pre-notice of a public comment period – “At least fifteen days prior to the date of...any public comment periods...”
- The change from fifteen days to fourteen days is consistent with state requirements for SEPA review.
- Recent changes in state law have reduced the amount of processing time for projects that do not require a public hearing. SB5290 became effective on January 1, 2025. Projects that require public notice, but no public hearing, must have a final decision issued within 100-days of the determination of completeness.
 - The city of Cle Elum publishes legal notices in the Kittitas County Tribune, which only publishes once per week.
 - Removing the publishing requirement for projects that do not require a hearing will increase the city’s flexibility to issue the Notice of Application.

15. 16.30.040 Final Plat Procedures (Exhibit M)

These changes are being proposed to streamline the Final Plat approval process, consistent with RCW 58.17.100 which allows the council, by ordinance, to delegate Final Plat approval to the administrative personnel. The Preliminary Plat approval establishes the various standards and requirements that have to be met prior to Final Plat approval, which staff is an active participant in throughout the development process.

V. ENVIRONMENTAL REVIEW:

This project was processed for review under the State Environmental Policy Act, SEP-2025-001, as a procedural action under WAC 197-11-800(19), and a Determination of Nonsignificance was issued on April 17, 2025, which was not appealed.

VI. TYPE V REVIEW PROCEDURES

In accordance with CEMC 14.30.090(C)(3), the Planning Commission shall review the staff report, environmental documents, written comments, and testimony at the public hearing and shall make a recommendation to the city council to approve, approve subject to conditions, or deny the proposed amendments. The recommendation shall be based on the official record and shall include written findings addressing the following:

- a. The need for the proposed amendment;

To clarify existing code, address inconsistencies, and improve implementation of the City's Comprehensive Plan goals and policies.

- b. Whether the proposed amendment is in the public interest;

The proposed amendments serve the public interest by promoting clarity, transparency, and consistency, supporting orderly development protecting community character.

- c. Consistency with the Cle Elum comprehensive plan and related documents;

As demonstrated in section III.C. of this report, the proposed amendments are consistent with and implement several goals and policies of the Land Use and Housing Elements of the Comprehensive Plan.

- d. Consistency with the Cle Elum future land use map;

Not applicable – the proposed amendments do not modify the zoning map or future land use map.

- e. Compliance with the provisions of the Cle Elum Municipal Code; and

The proposed changes are consistent with applicable municipal code standards for the Type V review process. Several changes were made to cite relevant code sections and promote consistency across code sections.

f. Compliance with the provisions of the laws of Washington State including, but not limited to, the Washington State Growth Management Act and the Washington State Environmental Policy Act.

The proposed changes are in compliance with applicable state law. As documented previously, the proposed changes are consistent with the Comprehensive Plan, as required by the GMA. A SEPA Determination of Non-significance was issued on April 17, 2025 which was not appealed.

VII. PUBLIC NOTICE:

Public notice was provided for in the following manner:

Notice of Application, Environmental Review, and Public Hearing	April 17, 2025
Legal Ad Published	April 17, 2025
DNS Issued	April 17, 2025

VIII. CONCLUSIONS:

1. The proposed text amendments are consistent with several goals and policies of the 2037 Comprehensive Plan.
2. The proposed text amendments are consistent with the relevant Type V review criteria found in CEMC 14.30.090(C)(3).
3. The Planning Commission has the authority to make a recommendation to the City Council.
4. No comments were received prior to the final drafting of this Staff Report.

IX. RECOMMENDATION:

The Planning Division recommends approval to proposed text amendments to Chapters CEMC Chapters: 17.16; 17.20; 17.24; 17.28; 17.32; 17.34; 17.36; 17.50; 17.90 (12.18); 14.20.030; 14.30.040; 14.30.220; 14.30.240; 16.30.040, and adding a new section 17.14 – Permitted Land Uses

Planning Commission Actions, Options and Potential Motions:

Motion to Approve: Move to recommend approval of the proposed text amendments to city council as written.

Motion to Approve with Changes: Move to recommend approval of the proposed text amendments to city council, to include the changes made to Sections XXXXXX, as noted in the minutes.

Motion to Deny: Move to recommend denial of the proposed text amendments to city council.