Title 17
ZONING

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Chapter 17.04
GENERAL PROVISIONS

Sections:

17.04.010 Title.
17.04.020 Map adopted.
17.04.040 Nonconforming uses.
17.04.050 Nonconforming buildings and structures.
17.04.060 Nonconforming lots of record.
17.04.070 Controlling provisions.
17.04.080 Severability.

17.04.010 Title.

This title shall be known as the “Zoning Ordinance of the City of Cle Elum.”

(Ord. 1163 § 1, 2001)

17.04.020 Map adopted.

This title consists of the text hereof together with that certain map identified by the approving signatures of the mayor and the city clerk on the title page and marked and designated as “The map of the zoning ordinance of the city of Cle Elum,” which map is on file in the office of the city clerk. The map has been examined by the city council and is adopted as part of this title. The title, and each and all of its terms, is to be read and interpreted in the light of the contents of the map. In the event of any conflict between the map and the text of this title, the text of this title shall prevail.

(Ord. 1163 § 1, 2001)

17.04.040 Nonconforming uses.

The lawful use of any building, structure, land or sign in existence at the time of the passage of the ordinance codified in this title, although such use does not conform to the provisions of this title, may be continued subject to the limitations of this section.

A. Expansion – No existing building, structure or land devoted to a nonconforming use shall be expanded, enlarged, reconstructed, intensified or structurally altered unless the use thereof is changed to a use permitted in the zoning district in which the building, structure, or land is located.

B. Change – When authorized by the planning director, a nonconforming use may be changed to a use of a like nature or use that is more in conformance with the existing regulations.

C. Extension – When authorized by the planning director, a nonconforming use may be extended throughout those parts of a building which were manifestly designed or arranged for such use prior to the date when such use of the building became nonconforming, if no structural alterations except those required by law are made therein.

D. Discontinuance – When a nonconforming use of land or a nonconforming use of all or part of a structure is discontinued or abandoned for a period of one year, such use shall be considered abandoned and lose its nonconforming status. Normal seasonal cessation of use, or temporary discontinuance for purposes of maintenance or improvements, shall not be included in determination of the one-year period of discontinuance.

E. Reversion – If a nonconforming use is changed to a permitted use, the nonconforming use shall not be resumed.

F. Residential exception – Legally established residential uses located in any residential zoning district shall not be deemed nonconforming for the purposes of residential alteration, residential enlargement or residential expansion provided:

1. The residential use was legally established.

2. The residential use was established at least fifty-years prior to the adoption of this regulation.

3. The residential use has been continuous and has never lapsed for more than twelve consecutive months.

4. The residential use shall comply with the development standards of the underlying zone in which it is located.

5. A declaration of covenant between the property owner and the city of Cle Elum must be completed and executed prior to the issuance of a building permit, and shall be recorded with the Kittitas County Auditors Office, stating generally:

> The current Residential use and proposed expansion, enlargement or alteration is not located within a residential zone and is therefore subject to noise, dust, vibration, smoke, activity, and the like associated with legally permitted uses in the zoning district. Legally permitted uses in compliance with Cle Elum Municipal Code in any zone have the right to continue without hindrance.

(Ord. 1279 § 2 (Attach. B), 2007; Ord. 1163 § 1, 2001)

17.04.050 Nonconforming buildings and structures.

A building or structure in existence at the time of the passage of the ordinance codified in this title, although such use does not conform to the provisions of this title, may be maintained subject to the limitations of this section.

A. Expansion – A nonconforming structure may not be changed, altered, replaced, added to or expanded in any manner, except as provided in subsection B of this section and unless such change or alteration does not increase the degree of nonconformity or would bring the structure into conformity with provisions of the zoning code.

B. Repair – Such repair and maintenance work as required to keep the structure in sound condition may be made, provided no structural alterations shall be made except such as are required by law or ordinance or authorized by the planning director. In case damage or destruction by fire or other causes requiring expenditures for repair in excess of one-half of the assessed value as shown on the county assessor's records immediately prior to destruction, the structure or structures, other than residential dwellings, shall not be rebuilt unless they conform to all requirements of the zoning code. Permits to repair the damage must be applied for within one year and construction must be completed within two years of the damage occurring or the legal nonconforming status will be lost.

C. Any nonconforming structures shall be maintained in usable condition or the nonconforming status shall be lost.

(Ord. 1222 § 3 (Exh. C), 2004; Ord. 1163 § 1, 2001)

17.04.060 Nonconforming lots of record.

A. Residential districts – In any residential district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record, notwithstanding limitations imposed by other provisions of this title. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width that are generally applicable in the district, provided that yard dimensions and requirements (other than those applying to area or width) shall conform to the regulations for the district in which such lot is located.

In all residential zoning districts, if two or more lots or combinations of lots and portions of lots with continuous frontage are of record prior to May 23, 1960, and if all or part of the lots do not meet the minimum requirements established for lot width and area, the land involved shall be considered to be an undivided parcel for the purposes of this title, and no portion of the parcel shall be used or sold in a manner which diminishes compliance with the lot width and area requirements established by this title, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this title.

B. Other districts – In any other district, permitted buildings and structures may be constructed on a nonconforming lot of record, provided lot coverage, yard, landscaping and off-street parking requirements are met. Such lot must be in separate ownership and not of continuous frontage with other lots in the same

ownership. If all or part of the lots do not meet the minimum requirements established for lot width and area, the land involved shall be considered to be an undivided parcel for the purposes of this title, and no portion of the parcel shall be used or sold in a manner which diminishes compliance with the lot width and area requirements established by this title, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this title.

(Ord. 1163 § 1, 2001)

17.04.070 Controlling provisions.

The provisions of this title shall be held to be minimum requirements. Where this title imposes greater restrictions than are imposed by other chapters, laws, rules, or regulations, the provisions of this title shall control. Where this title imposes lesser restrictions than are imposed by other chapters, laws, rules or regulations, the provisions of the more restrictive title shall control.

(Ord. 1163 § 1, 2001)

17.04.080 Severability.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

(Ord. 1163 § 1, 2001)

Chapter 17.10
MARIJUANA REGULATIONS

Sections:

17.10.010 Purpose.
17.10.020 Definitions.
17.10.030 State-licensed marijuana producers, processors, and retailers – Where permitted.
17.10.040 Limit on number of marijuana retailers, producers, or processors.

17.10.010 Purpose.

The purpose of this section is to regulate marijuana producers, processors, and retailers regulated under Chapters 69.50 and 69.51A RCW by identifying appropriate land use districts and establishing development and

performance standards. Marijuana producers, processors, and retailers shall only be permitted when licensed by the Washington State Liquor and Cannabis Board. The production, sale, and possession of marijuana remains illegal under the federal Controlled Substances Act. Nothing herein or as provided elsewhere shall be construed as authority to violate or circumvent federal law.

(Ord. 1453 § 3, 2016)

17.10.020 Definitions.

Definitions Specific to Marijuana Uses. The definitions codified at WAC 314-55-010, now or as hereafter amended, apply to this section. The following definitions are specific to marijuana uses and shall have the following meanings:

“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” 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.

“Retail outlet” means a location licensed by the State Liquor and Cannabis Board for the retail sale of marijuana concentrates, useable marijuana, and marijuana-infused products.

“Useable marijuana” means dried marijuana flowers. The term “useable marijuana” does not include marijuana-infused products.

"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. The only playground within the city limits is "CITY PARK."

"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. Public Park does not include trails. All public parks within the city limits are as follows: Flag Pole Park, Centennial Park, Memorial Park, Fireman's Park, Wye Park, and Cle Elum Disk Golf Course.

(Ord. 1453 § 3, 2016)

17.10.030 State-licensed marijuana producers, processors, and retailers – Where permitted.

A. State-licensed marijuana retail businesses may be located in the old town commercial (OTC), Entry Commercial (EC) and general commercial (CG) zoning districts, and are prohibited in all other zoning districts.

B. State-licensed marijuana producers, processors, and researchers may be located in the industrial (I) zoning district and are prohibited from all other zoning districts.

C. *Buffer Zones.*

1. Any lot line of property having a state-licensed marijuana producer, processor, retailer, or researcher must be one thousand feet or more from any lot line of property on which any of the following uses, as defined in WAC 314-55-010 and CEMC Chapter 17.10.020, is located: elementary school; secondary school; or playground.

2. Any lot line of property having a state-licensed marijuana producer, processor, retailer, or researcher must be five hundred feet or more from any lot line of property on which any of the following uses, as defined in WAC 314-55-010 and CEMC Chapter 17.10.020, is established and operating on the date a complete application is accepted by the Washington State Liquor and Cannabis Board: child care center; game arcade admitting minors; library; public park; public transit center; or recreation center or facility.

3. Any lot line of property containing a state-licensed marijuana retailer must be five hundred feet or more from any lot line of property containing another state-licensed marijuana retailer. A new marijuana retailer may not be established in a location that would violate this requirement.

(Ord. 1453 § 3, 2016)

17.10.040 Limit on number of marijuana retailers, producers, or processors.

At no time shall there collectively be more than two marijuana retailers, producers, or processors within the city limits.

(Ord. 1494 § 1, 2018)

Chapter 17.12
USE DISTRICTS, MAP AND BOUNDARIES

Sections:

17.12.010 Use districts established.
17.12.020 Boundaries and determination.

17.12.010 Use districts established.

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

R – Residential, Single-Family District

RM – Residential, Multi-Family District

OTC – Old Town Commercial District

EC – Entry Commercial District

GC – General Commercial District

BP – Business Park District

I – Industrial District

P – Public Reserve Area District

PMU – Planned Mixed Use District.

(Ord. 1163 § 1, 2001)

17.12.020 Boundaries and determination.

The boundaries of the various districts shall be shown on the official zoning maps accompanying and made a part of this title. The official zoning maps area on file in the office of the city clerk, and shall be available for inspection by the public at all reasonable times. When uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

A. Boundaries indicated as approximately following the centerlines of streets, highways or alleys are construed to follow such lines.

B. Boundaries indicated as approximately following platted lot lines are construed as following such lot lines.

C. Boundaries indicated as approximately following city limits are construed as following city limits.

D. Boundaries indicated as following railroad lines are construed as to be midway between the main tracks.

E. Boundaries indicated as following shorelines are construed to follow such shorelines, and in the event of change in the shoreline are construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water are construed to follow such centerlines.

F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through E of this section are so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

G. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections A through E of this section, the planning director shall interpret the district boundaries.

(Ord. 1163 § 1, 2001)

Chapter 17.16
R – RESIDENTIAL DISTRICT

Sections:

17.16.005 Purpose.
17.16.010 Outright permitted uses.
17.16.020 Definitions.
17.16.030 Conditional uses.
17.16.040 Front yard.
17.16.050 Rear yard.
17.16.060 Side yard.
17.16.070 Site area.

17.16.080 Height limit.
17.16.090 Lot coverage and lot width.
17.16.100 Home occupations.
17.16.110 Manufactured homes.
17.16.120 Recreational vehicles.

17.16.005 Purpose.

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

(Ord. 1163 § 1, 2001)

17.16.010 Outright permitted uses.

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

A. One single-family dwelling (including manufactured homes) or duplex per legal lot of record;

B. Accessory buildings, such as are ordinarily appurtenant to single-family dwellings or duplexes, including but not limited to, private workshops, private greenhouses, parking for private recreational vehicles and trailers, and a private garage of not more than three-car capacity; in no case shall an accessory building(s) exceed the size of the primary building on site. Where a lot is served by an alley, all on-site parking or garages shall be accessed only from the alley;

C. Accessory dwelling units, provided:

1. Only one accessory dwelling unit is permitted per lot;

2. The accessory unit shall not be larger than the primary dwelling unit;

3. One additional off-street parking space is provided; and

4. Either the primary unit or the accessory unit is occupied by the owner of the property.

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

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

F. (In home) family day care located in a private home that supplies care, attention, supervision, and oversight for one to twelve children, governed by Washington State DSHS licensing provisions for said day care use and conducted in accordance with said state DSHS requirements.

(Ord. 1672 § 1 (Exh. A), 2024; Ord. 1163 § 1, 2001)

17.16.020 Definitions.

“Day care, family home” means a family day care home located in a private home that supplies care, attention, supervision, and oversight for one to twelve children, governed by Washington State DSHS licensing provisions for said day care use and conducted in accordance with said state DSHS requirements.

“Food preparation” means a small-scale food business operating from a state or local approved kitchen for off-site consumption.

“Home occupation” means a business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building or a building accessory thereto, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building.

“Home occupation, business administration” means the accessory use of a dwelling for office use including, but not limited to, the following professions: accountant, architect, artist, author, arts and crafts, attorney, composer, dressmaker, seamstress, tailor, engineer, insurance agent, photographer, music teacher, and real estate agent.

“Home occupation, home contractor” means the accessory use of a dwelling as, but not limited to, lawn care and/or snow removal services, building, electrical and plumbing, contractors’ offices for small business.

“Home occupation, product assemblage/repair” means a business or service involved in assembling products for off-site sales. This definition also includes the repair of small appliances, small engines, radios, televisions, and other similar items.

“Home occupation, professional services” means businesses that require specialized education, expertise, labor, discernment, and skill. This category encompasses professions such as psychologists, doctors, dentists, physical therapists, and massage therapists, or other similar home-office uses.

“Host short-term rental” means any owner of record of residential real property, or agent or lessee thereof, who offers that dwelling unit, or portion thereof, for short-term rental either through a hosting platform or individually, where the owner, agent or lessee does not live on site. All accessory dwelling units shall be considered hosted if the owner resides on the property.

“Hosted short-term rental” means a short-term rental where the host remains in the dwelling unit throughout the short-term renter’s stay. A host may rent out a private portion of a residential dwelling unit; however, the rental of an entire dwelling unit may not be classified as a “hosted short-term rental.”

(Ord. 1672 § 1 (Exh. A), 2024; Ord. 1163 § 1, 2001)

17.16.030 Conditional uses.

The following purposes and uses of buildings shall be allowed only upon approval of a conditional use permit in accordance with the provisions of CEMC Section 14.30.170. Conditional uses shall also require design review either in conjunction with or after the approval of a conditional use permit.

A. Libraries;

B. Public schools, day care centers, churches, senior centers, community centers and parks and playgrounds;

C. Telephone exchanges, electric substations and similar installations for public service;

D. Retirement homes and nursing homes;

E. Municipal buildings;

F. The office of a physician, dentist or other professional person when located in an existing residential structure where the primary use is commercial rather than residential;

G. Bed and breakfast guesthouse, when accessory to the permanent residence of the operator. Preference shall be given to facilities in historic structures;

H. Host short-term rental.

(Ord. 1672 § 1 (Exh. A), 2024; Ord. 1163 § 1, 2001)

17.16.040 Front yard.

A front yard having a minimum depth of twenty feet is required. If on any given block, over fifty percent of the existing structures on the same street frontage are set back less than twenty feet, the required front yard shall be reduced to the average of the existing front yard setbacks along that street frontage.

(Ord. 1672 § 1 (Exh. A), 2024; Ord. 1163 § 1, 2001)

17.16.050 Rear yard.

There shall be a rear yard having a minimum depth of twenty feet for the principal structure(s). Where a lot is served by an alley, the rear yard for a garage shall be a minimum depth of five feet. Accessory buildings shall maintain a minimum setback of five feet.

(Ord. 1163 § 1, 2001)

17.16.060 Side yard.

There shall be a side yard of not less than five feet in width. A side yard adjacent to a public right-of-way, an alley or street shall have a minimum width of fifteen feet. Side yard setbacks shall be measured from the drip line of the principal structure's eave to the property line.

(Ord. 1672 § 1 (Exh. A), 2024; Ord. 1257 § 2 (Exh. B), 2006; Ord. 1163 § 1, 2001)

17.16.070 Site area.

For every building hereafter erected or structurally altered or moved into the district, there shall be provided a lot area of not less than five thousand square feet per unit for one-family dwellings, and not less than seven thousand square feet per unit for duplexes.

(Ord. 1163 § 1, 2001)

17.16.080 Height limit.

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

(Ord. 1163 § 1, 2001)

17.16.090 Lot coverage and lot width.

The lot area covered by single-family dwellings, duplexes, accessory structures, and paving/concrete for parking areas or walkways shall not exceed sixty percent of the lot area. No residential lot having a width of less than forty feet, a depth of less than seventy-five feet, nor less than twenty feet of street frontage shall be created.

(Ord. 1672 § 1 (Exh. A), 2024; Ord. 1163 § 1, 2001)

17.16.100 Home occupations.

A. *Purpose.* The conduct of an accessory business within an existing dwelling may be permitted under the provisions of this section. It is the intent of this section to:

1. Ensure the compatibility of home occupations with other uses permitted in the underlying zone; and

2. Preserve the existing dwelling as the primary use of the structure or property; and

3. Maintain and preserve the character of residential neighborhoods; and

4. Promote the efficient use of public services and facilities by assuring these services are provided to the residential population for which they were planned and constructed, rather than commercial uses.

B. *Table of Permitted Home Occupations.* Table 16-2 titled "Table of Permitted Home Occupations" is incorporated as a part of this section. Each permitted home occupation listed in Table 16-2 is designated as a Type (1), (2) or (C – conditional) use for a particular zoning district. Proposed home occupations in existing dwellings in the commercial and industrial zoning districts shall follow the land use requirements of the MF zoning district. All permitted home occupations are subject to the standards of this title, including the specific conditions of subsection (C) of this section and the applicable review procedures of CEMC Chapter 14.30. Specific uses not permitted as home occupations are listed in subsection (H) of this section.

Table 16-2. Permitted Home Occupations*

	Zoning District	
	R	**MF**
Barbershop, beauty parlor	2	2
Day care, family home*	1	1
Professional services*	2	2
Dog grooming	2	2
Food preparation*	2	2
Home contractor*	1	1
Home office*	1	1
Home instruction*	1	1
Product assemblage/service*	1	1
Hosted short-term rental*	1	1
Unclassified home occupation		
Notes: * Refers to definition in CEMC Chapter 14.20		

Table 16-2. Permitted Home Occupations*

	Zoning District	
	R	**MF**
1 = Type (1) permitted home occupation 2 = Type (2) permitted home occupation C = Conditional use, public hearing and approval by the hearing examiner required		

C. *Necessary Conditions.* Home occupations are permitted as an accessory use to the residential use of a property only when all the following conditions are met:

1. The home occupation is conducted inside a structure within property on which is established the primary residence of the practitioner(s). For the purpose of administering this section, "primary residence" shall be defined as the residence where a person or persons resides for the majority of the calendar year;

2. The home occupation is incidental and subordinate to the residential functions of the property. No action related to the home occupation shall be permitted that impairs reasonable residential use of the dwelling;

3. There are no external alterations to the building which change its character from a dwelling;

4. The portion of the structure or facilities in which a home occupation is to be sited must be so designed that it may be readily converted to serve residential uses;

5. The business is conducted in a manner that will not alter the normal residential character of the premises by the use of color, materials, lighting and signs, or the emission of noise, vibration, dust, glare, heat, smoke or odors;

6. The home occupation does not generate materially greater traffic volumes than would normally be expected in the residential neighborhood; the frequency of deliveries should be comparable to that of a single-family home without a home business. No more than six customers or vehicle trips are permitted per day unless otherwise permitted through review;

7. There is no outside storage or display of any kind related to the home occupation except for typical vehicle parking associated with the business, but not including job trailers, food trucks, or similar accessory vehicles visible from the public right-of-way;

8. The home occupation does not require the use of electrical or mechanical equipment that would change the fire rating of the structure;

9. The home occupation does not require the use of electrical equipment that exceeds FCC standards for residential use;

10. The home occupation does not increase water or sewer use so that the combined total use for the dwelling and home occupation is significantly more than the average for residences in the neighborhood;

11. A business license is purchased where required;

12. One employee in addition to the owner/occupant is permitted;

13. All stock in trade kept for sale on the premises is produced on site by hand without the use of automated or production line equipment.

In granting approval for a home occupation, the reviewing official may attach additional conditions to ensure the home occupation will be in harmony with, and not detrimental to, the character of the residential neighborhood. Any home occupation authorized under the provisions of this title shall be open to inspection and review at all reasonable times by the building and enforcement official for purposes of verifying compliance with the conditions of approval and other provisions of this title.

D. *Materials and Storage.* The storage of equipment, materials, or goods shall be permitted in connection with a home occupation provided such storage complies with the following standards:

1. All equipment, materials, or goods shall be stored completely within the space designated for home occupation activities and not visible from the public right-of-way.

2. Only those materials or goods that are utilized or produced in connection with the home occupation may be stored within the dwelling unit or accessory building.

3. All flammable or combustible compounds, products, or materials shall be maintained and utilized in compliance with the fire code.

4. The frequency of home deliveries should be comparable to that of a single-family home without a home occupation associated with the residence. No more than six customers or vehicle trips are permitted per day unless otherwise permitted through review.

E. *Nameplates.* Only one nameplate shall be allowed. It may display the name of the occupant and/or the name of the home occupation (e.g., John Jones, Accountant). The nameplate shall be attached to the dwelling but shall not exceed two square feet in area or be illuminated.

F. *Application Fee and Review Period.* Home occupations which require a Type 2 review or conditional use permit for approval shall be made in accordance with the provisions of CEMC Chapter 14.30, except as noted, and shall be accompanied by the appropriate filing fee. The administrative official may accept an aerial photo of the site in lieu of a site plan when the aerial photo clearly shows all structures and parking areas, and no new construction or site modifications are proposed.

G. *Unclassified Home Occupation – Review by the Hearing Examiner.* Home occupations not listed in Table 16-2 shall be reviewed by the hearing examiner in accordance with the provisions of CEMC Chapter 14.30; provided, any unclassified home occupation permitted after review and decision by the hearing examiner in a particular district shall be allowed only as a Class (2) or (3) use.

H. *Home Occupations Not Permitted.* The following uses, by the nature of their operation or investment, have a pronounced tendency, once started, to increase beyond the limits permitted for home occupations and impair the use and value of a residentially zoned area for residential purposes. Therefore, the uses listed below shall not be permitted as home occupations:

1. Auto repair, body work, or similar automobile-related activity;
2. Parking and storage of motor vehicles, commercial trucks or heavy equipment;
3. Antique shop or gift shop;
4. Kennel;
5. Veterinary clinic or hospital;
6. Painting of vehicles, trailers or boats;
7. Large appliance repair including stoves, refrigerators, washers and dryers;
8. Upholstering;
9. Machine and sheet metal shops;
10. Taxidermist;
11. Vehicle sign painting (except for the application of decals);
12. Marijuana production, processing and/or retailing.

I. *Denial of Application for a Home Occupation.* An application for a home occupation shall be denied if the administrative official finds that either the application or record fails to establish compliance with the provisions of this chapter. When any application is denied, the administrative officer shall state the specific reasons and cite the specific provisions and sections of this title on which the denial is based.

(Ord. 1672 § 1 (Exh. A), 2024; Ord. 1532 § 1, 2019; Ord. 1163 § 1, 2001)

17.16.110 Manufactured homes.

Manufactured homes shall be installed in compliance with applicable codes, including but not limited to:

A. Homes shall be permanently installed on a foundation.

B. All installations must have an eighteen-inch minimum crawl space.

C. The tongue, wheels and any other transport hardware must be removed from the structure.

D. Skirting shall completely enclose the structure.

E. Permanent steps shall be installed to all entrances.

F. A minimum of seven hundred twenty square feet is required and the home must be transported in at least two pieces of equal width to the site. A minimum width of sixteen feet is required.

G. Must meet minimum snow load requirements.

(Ord. 1672 § 1 (Exh. A), 2024; Ord. 1163 § 1, 2001)

17.16.120 Recreational vehicles.

Recreational vehicles including campers, travel trailers, mobile homes and other similar items the property of the lot owner or lessee may be parked for storage in the residential district provided they are parked on site; no on-street parking is permitted.

(Ord. 1672 § 1 (Exh. A), 2024; Ord. 1163 § 1, 2001)

Chapter 17.20
RM MULTIPLE FAMILY RESIDENTIAL DISTRICT

Sections:

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

17.20.005 Purpose.

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

(Ord. 1163 § 1, 2001)

17.20.010 Permitted uses.

The following uses are permitted in the multiple family district:

A. Single-family dwellings, multiple-unit dwellings and townhouses;

B. Parks and playgrounds (including park buildings);

C. Accessory buildings, such as are ordinarily appurtenant to multiple-unit dwellings, including, but not limited to, carports and garages;

D. Boardinghouses and lodginghouses;

E. Nursing homes;

F. Retirement residences;

G. Bed and breakfast guesthouse, when accessory to the permanent residence of the operator.

(Ord. 1163 § 1, 2001)

17.20.020 Conditional uses.

The following purposes and uses of buildings shall be allowed only upon approval a conditional use permit in accordance with the provisions of CEMC Section 14.30.170. Conditional uses shall also require design review either in conjunction with or after the approval of a conditional use permit.

A. Libraries;

B. Public or private schools and churches or other houses of religious assembly;

C. Hospitals and sanitariums, except for inebriates and persons suffering from mental diseases;

D. Telephone exchanges, electric substations and similar installations for public service;

E. Day care centers;

F. Private clubs, fraternities and lodges, excepting those selling or furnishing beer, wine or intoxicating liquors, and also excepting those the chief activity of which is a service customarily carried on as a business;

G. Municipal buildings, senior centers and community centers.

(Ord. 1163 § 1, 2001)

17.20.030 Front yard.

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

(Ord. 1163 § 1, 2001)

17.20.040 Rear yard.

There shall be a rear yard having a minimum depth of twenty feet. When a lot is served by an alley the parking, carport or garage shall have a rear yard having a minimum depth of five feet.

(Ord. 1163 § 1, 2001)

17.20.050 Side yard.

There shall be a side yard of not less than ten feet in width on each side of a building, and not less than five feet in width between lot side and buildings in the rear yard. A side street side yard shall have a minimum width of fifteen feet.

(Ord. 1163 § 1, 2001)

17.20.060 Minimum lot size/density.

Within the multiple family residential district, the minimum lot size for multiple unit dwellings shall be fifteen thousand square feet. The minimum lot size for single-family dwellings shall be determined by the minimum density and the ability of the proposed lots to support a dwelling and the required setbacks and parking. The minimum density shall be seven dwelling units per acre and the maximum density shall be sixteen dwelling units per acre.

(Ord. 1163 § 1, 2001)

17.20.070 Height limit.

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

(Ord. 1163 § 1, 2001)

17.20.080 Lot coverage.

The lot area covered by structures shall not exceed forty-five percent of the lot area.

(Ord. 1163 § 1, 2001)

17.20.090 Design review and design guidelines.

All buildings except single-family dwellings and duplexes and their accessory structures shall be subject to the city's site and design review process (CEMC Section 14.30.140). Following are design guidelines for the RM district:

A. *Maximum Building Depth.* Sixty percent depth of lot.

B. *Front Facades.* Modulation shall be required if the width of the front facade exceeds thirty feet.

C. *Side Facades.* On corner lots, side facades that face the street shall be modulated if greater than forty feet in width.

D. *Modulation Standards.* Minimum depth of modulation shall be four feet. Minimum width of modulation shall be five feet. Maximum width of modulation shall be thirty feet.

E. *Landscaping.* A minimum landscaped area equal to fifteen percent of the lot area shall be provided. In addition, a landscaped area at least five feet in depth shall be provided along street property lines; property lines which abut a single-family zoning district; alleys across from single-family zoning district. Street trees will be required consistent with the landscape ordinance of the city.

F. *Light and Glare Standards.* Exterior lighting shall be shielded and directed downward, away from adjacent properties. Exterior lighting fixtures shall be consistent with the character of the structure.

G. *Parking and Access.* If alley access is available and not incompatible with adjacent single-family development, access to parking shall be from the alley. When access is provided from the street, the driveway width and location shall be approved by the city engineer.

Parking may be located in or under the structure, or in the required rear and side yards (other than a side street side yard). Parking may not be located in the required front or side street side yards except for single-family residences. Driveways and parking areas for more than four vehicles shall be screened from adjacent residential properties by a wall or solid evergreen hedge at least five feet in height. If parking is located in or under the structure, the parking must be screened by a front facade and a view obscuring facade or fence along the side of the structure.

(Ord. 1673 § 1 (Exh. A), 2024; Ord. 1163 § 1, 2001)

Chapter 17.24
OTC OLD TOWN COMMERCIAL DISTRICT

Sections:

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

17.24.010 Purpose and design objectives.

The three block area along First Street extending from Oaks Avenue through Wright Avenue and from Railroad Street to Second Street encompasses the historic downtown of Cle Elum and has a large number of existing historic structures. The purposes of this district are to acknowledge this historic area; to maintain and complement existing historic buildings; to keep the small retail shop feeling on the street level and to encourage complementary uses on upper floors; and to reinforce it as a pedestrian oriented area with a high level of pedestrian amenity; and to reestablish this area as the civic and retail core of the city. Over time it is the objective to restore the historic street facades to maintain the authentic small town feeling.

(Ord. 1163 § 1, 2001)

17.24.020 Permitted uses.

In the OTC district or Old Town commercial district the following uses are permitted:

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

1. Specialty grocery stores;

2. Meat shops;

3. Retail bakeries, micro-breweries and other specialty food processing when associated with an on-site retail business;

4. Banks or similar financial institutions;

5. Galleries and antique shops;

6. Personal services such as barbershops, beauty parlors, and dressmaking and tailoring;

7. Clothing and general merchandising stores, general retail sales of goods and merchandise;

8. Locksmiths, shoe and other clothing repair shops;

9. Open air markets;

10. Copy shops;

11. Restaurants, cafeterias and catering;

12. Taverns and cocktail lounges;

13. Fraternal organizations;

14. Theaters;

15. Public offices and civic buildings;

16. Drive-through or drive-up facilities when associated with a permitted use and accessed from an alley;

17. Professional and business offices; and

18. Mobile food service unit.

B. Hotels and residential uses shall be located in the upper floors of a building with only necessary entrances and lobbies at the street level.

1. Hotel, motel and inns;

2. Studios for art, music, photography and other similar uses;

3. Apartments or single room occupancy.

C. Public facilities and public utility use.

(Ord. 1222 § 3 (Exh. C), 2004; Ord. 1163 § 1, 2001)

17.24.030 Conditional uses (not fronting on First Street).

1. Undertaking establishments and crematories.

2. Printing establishments and newspaper printing.

3. Parking garages accessed from an alley.

4. Wireless communication facilities when installed on existing buildings and screened from direct view of adjacent streets.

(Ord. 1163 § 1, 2001)

17.24.040 Dimensional standards.

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

2. *Yards.*

   a. Buildings shall be built to the property line adjacent to a public sidewalk at the street.

   b. No yards are required except for lots the side lines of which are adjacent to any “R” – Residential or “RM” – Multiple Family Residential district, in which case the side yard setback shall be twenty feet or ten feet, respectively. The setback area shall be fenced and landscaped.

3. *Lot Coverage.* The entire lot (one hundred percent) may be covered subject to setback and other requirements.

(Ord. 1163 § 1, 2001)

17.24.050 Parking and loading zones.

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

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

(Ord. 1163 § 1, 2001)

17.24.060 Landscaping.

Landscaping is not required except for parking areas. Landscaping provided shall be consistent with Chapter 17.64.

(Ord. 1163 § 1, 2001)

17.24.080 Lighting.

1. Outdoor lighting shall be arranged so as not to produce direct light or glare on public roadways and/or neighboring properties; and

2. Outdoor lighting shall be directed downward and shielded to reduce unnecessary light and glare; and

3. Lighting should be used to accent key architectural elements of the buildings.

(Ord. 1163 § 1, 2001)

17.24.090 Design standards.

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

1. Building facades facing public streets and/or sidewalks shall create a continuous, interesting facade along the length of the facade. Buildings shall be constructed adjacent to the public sidewalk with no setbacks between the right-of-way and the structure permitted.

2. New structures on corner lots shall be designed to emphasize their prominent location. Primary building entrances shall be located at the street corner.

3. Service and delivery access shall be located away from the pedestrian streets with access from the alley where possible.

4. New structures and improvements shall incorporate design elements which will maintain the integrity of the existing historic structures and respect the historic character of the downtown area. The following design characteristics shall be included for new or remodeled structures:

   a. Reflect the cornice line of existing historic structures.

   b. Use windows, materials and details similar to the historic properties.

   c. Use similar building modulation and proportions.

   d. Large ground level display windows.

   e. Clearstory windows above the display windows should be used.

f. Retractable fabric or self-supported awnings. Awnings and overhangs shall be supported by the building and not by supports placed in or upon the public right-of-way. No awning or overhang shall extend more than forty percent of the distance between the property line and the outside edge of the curb and shall maintain a minimum vertical clearance of ten feet.

g. Flat roof with parapets.

h. Constructed of brick or wood frame with brick or stone facades.

i. Two story construction with retail on the bottom floor and office or residential uses above is encouraged.

j. Second story windows should be double hung windows that are taller than they are wide.

5. Protect and preserve buildings of special historic significance and merit (see city list) by:

a. Retaining or restoring as many historic features as possible outside and inside, if appropriate.

b. Maintaining or restoring original proportions, dimensions or architectural elements.

c. Selecting paint and materials (often brick) which are historically accurate, coordinate the entire facade, and respecting adjacent buildings.

d. Consulting available historic resources for assistance and detailed information.

e. Incorporate historical photographs and information about the building, if available.

6. Off-street parking shall be located behind buildings and screened from streets by landscaping or structural elements.

(Ord. 1163 § 1, 2001)

Chapter 17.28
EC ENTRY COMMERCIAL DISTRICT

Sections:

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

17.28.010 Purpose and design objectives.

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

The objectives are to:

A. Create a high standard of visual quality in commercial districts at the entry to the city.

B. Increase pedestrian, bicycle and vehicular circulation within the district.

C. Maintain a human scale and consistent architectural style.

D. Produce consistent design.

E. Take advantage of special opportunities to create a unified composition of buildings and landscape features.

F. Create a sense of entry to the city.

G. Buffer development from Interstate-90.

(Ord. 1163 § 1, 2001)

17.28.020 Permitted uses.

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

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

1. Grocery stores;

2. Meat shops;

3. Retail micro-breweries and other specialty food processing when associated with a retail business;

4. Banks and businesses;

5. Barbershops, beauty parlors and personal service shops;

6. Clothing and general merchandising stores, retail;

7. Hand laundries, clothes cleaning and pressing;

8. Hotels and motels;

9. Locksmiths, shoe and other clothing repair shops;

10. Open air markets;

11. Parking lots;

12. Professional or business offices;

13. Copy companies;

14. Restaurants and cafeterias;

15. Taverns;

16. Service stations, tire repair shops;

17. Public offices and uses;

18. Mobile food service unit.

(Ord. 1222 § 3 (Exh. C), 2004; Ord. 1163 § 1, 2001)

17.28.030 Conditional uses.

1. Theaters, dancehalls, skating rinks, or other commercial amusement places.

2. Manufacturing, production or treatment of products clearly incidental to the retail business conducted on the premises.

3. Wireless communication facilities.

(Ord. 1163 § 1, 2001)

17.28.040 Dimensional standards.

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

B. Yards.

1. Minimum setback from an arterial street shall be ten feet.

2. No setback is required from internal street rights-of-way.

3. Yards adjacent to any “R” Residential or “RM” Multiple Family Residential district, the required yard shall be twenty feet and ten feet, respectively.

C. *Lot Size.* Lots shall be as large as necessary to meet building code, fire code, yard, parking, and landscaping requirements.

(Ord. 1163 § 1, 2001)

17.28.050 Parking.

See Chapter 17.56 for required off-street parking and design requirements.

(Ord. 1163 § 1, 2001)

17.28.080 Lighting.

1. Outdoor lighting shall be arranged so as not to direct light or glare on public roadways and/or neighboring properties; and

2. Outdoor lighting shall be directed downward and shielded to reduce unnecessary light and glare; and

3. Pedestrian scale lighting shall be placed at regular intervals along sidewalks throughout the development; and

4. Lighting may be used to accent key architectural elements of the buildings.

(Ord. 1163 § 1, 2001)

17.28.090 Design standards.

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

1. Buildings shall be located and designed to focus on First Street. Developments with multiple buildings may locate other buildings away from First Street.

2. Building facades facing First Street or internal access drives or roads shall have at least fifty percent of the total wall area in permeable surfaces (windows, pedestrian entrances, open shops, etc.).

3. Parking lots shall be located and designed away from First Street.

4. Monumentation through the use of buildings, signs and landscaping shall be provided at key entranceways to the development.

5. Pedestrian facilities shall be provided from the public right-of-way to the entrances of all buildings open to the public in a continuous and direct route to the primary pedestrian entrance. Pedestrian routes shall be a minimum of six feet wide and shall be constructed of Portland cement concrete or brick or stone pavers. Pedestrian routes shall be protected from vehicle traffic by curbs, bollards, landscaping or other similar method. Where routes cross vehicle-maneuvering areas they shall be constructed of a different paving material than the vehicle-maneuvering areas.

6. A minimum of twenty percent of the site shall be devoted to landscaping.

(Ord. 1163 § 1, 2001)

Chapter 17.32
CG GENERAL COMMERCIAL DISTRICT

Sections:

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

17.32.010 Purpose and intent.

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

(Ord. 1163 § 1, 2001)

17.32.020 Permitted uses.

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

A. Retail stores and shops such as clothing and general merchandise;

B. Grocery stores;

C. Meat shops;

D. Retail bakeries, micro-breweries and other specialty food processing with an associated retail use;

E. Banks or similar financial institutions;

F. Barbershops, beauty parlors and personal service shops;

G. Laundromats and dry cleaning;

H. Hotels, motels, bed and breakfast rooms and inns;

I. Lumber yards and building materials, coal and fuel storage, providing that they are housed in buildings completely enclosed by walls and windows, and the yard regulations of this district shall be observed; and provided further that no such lumber yards, building material yards, coal and fuel stores shall be maintained closer than one hundred feet to the side lines of the R/RM or residential districts;

J. Locksmiths, shoe and other clothing repair shops;

K. Manufacturing, production or treatment of products clearly incidental to the conduct of a retail business conducted on the premises;

L. Professional, medical business offices and veterinary clinics;

M. Public offices and uses;

N. Printing establishments and newspaper printing;

O. Auto repair and battery shops, service stations, tire repair shops;

P. Restaurants, cafeterias and catering;

Q. Sales room or store rooms for motor vehicles and other articles of merchandise;

R. Studios, art galleries;

S. Taverns, bars, tasting rooms;

T. Theaters;

U. Commercial day care centers;

V. Open air markets;

W. Mobile food service unit.

(Ord. 1672 § 1 (Exh. A), 2024; Ord. 1222 § 3 (Exh. C), 2004; Ord. 1163 § 1, 2001)

17.32.030 Conditional uses.

The following purposes and uses of buildings shall be allowed only upon approval of a conditional use permit in accordance with the provisions of CEMC Section 14.30.170. Conditional uses shall also require design review either in conjunction with or after the approval of a conditional use permit.

A. Residential uses;

B. Dancehalls, skating rinks, or other commercial amusement places;

C. Undertaking establishments and crematories;

D. Kennels;

E. Machine shops;

F. Mini-warehouses;

G. Host short-term rentals (CEMC Chapter 17.160);

H. Retail sales involving equipment or vehicles typically kept or exhibited outdoors and utilized for manufacturing, farming, or construction are permissible; provided, that there is either a buffer area featuring fencing and landscaping (at least a B1, low screen buffer) separating the sales or display area from the public right-of-way, or the equipment or vehicles for sale or display are set back a minimum of twenty feet from the front property line.

(Ord. 1672 § 1 (Exh. A), 2024; Ord. 1492 § 1, 2018; Ord. 1486 § 1, 2018; Ord. 1163 § 1, 2001)

17.32.040 Dimensional standards.

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

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

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

(Ord. 1672 § 1 (Exh. A), 2024; Ord. 1163 § 1, 2001)

17.32.060 Landscaping.

A minimum of ten percent of the site shall consist of landscaping consistent with the requirements of CEMC Chapter 17.64.

(Ord. 1672 § 1 (Exh. A), 2024; Ord. 1163 § 1, 2001)

17.32.080 Lighting.

A. Outdoor lighting shall be arranged so as not to direct light or glare on public roadways and/or neighboring properties; and

B. Outdoor lighting shall be directed downward and shielded to reduce unnecessary light and glare; and

C. Pedestrian scale lighting shall be placed at regular intervals along sidewalks throughout the development; and

D. Lighting may be used to accent key architectural elements of the buildings.

(Ord. 1163 § 1, 2001)

17.32.090 Design guidelines.

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

A. Buildings shall be located and designed to focus on the public street serving the development.

B. Building facades facing a public street shall have at least fifty percent of the total wall area in permeable surfaces (windows, pedestrian entrances, open shops, etc.) or permanent architectural details such as false windows.

C. When feasible, parking lots shall be located behind or to the side of structures and shall not be located on a corner of two streets or between a building and the public street, provided, that building sites with more than one street corner are not required to place the building(s) on multiple corners. For additional off-street parking and design requirements see CEMC Chapter 17.56.

D. Pedestrian facilities shall be provided from the public right-of-way to the entrances of all buildings open to the public in a continuous and direct route to the primary pedestrian entrance. Pedestrian routes shall be a minimum of six feet wide and shall be constructed of Portland cement concrete or brick or stone pavers. Pedestrian routes shall be protected from vehicle traffic by curbs, bollards, landscaping or other similar method.

Where routes cross vehicle-maneuvering areas they shall be constructed of a different paving material than the vehicle-maneuvering areas.

E. Buildings of historic importance and value as indicated by their age and significance to the community or history may not be required to meet the specific design standards if the imposition of the standards will result in development that is less consistent with the historic character of the area.

(Ord. 1222 § 3 (Exh. C), 2004; Ord. 1163 § 1, 2001)

Chapter 17.34
BUSINESS PARK DISTRICT

Sections:

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

17.34.005 Purpose.

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

(Ord. 1163 § 1, 2001)

17.34.010 Permitted uses.

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

A. Catalog or Internet sales;

B. Business and professional offices;

C. Commercial testing laboratories;

D. Research and development laboratories;

E. Research, financial or information processing offices;

F. Scientific research, testing, developmental and experimental laboratories;

G. Vocational/technical schools;

H. Manufacturing, processing, assembling and packaging of articles, products or merchandise from previously prepared natural or synthetic materials;

I. Manufacturing, processing, treating, assembling and packaging of articles, products or merchandise from previously prepared ferrous, nonferrous or alloyed metals (such as bar stock sheets, tubes, and wire and other extrusions);

J. Printing, publishing and allied industries;

K. Warehousing and distribution facilities, when enclosed within a building;

L. Wireless communication facilities.

(Ord. 1163 § 1, 2001)

17.34.020 Accessory uses.

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

A. Cafeteria, sandwich and coffee shops;

B. Daycare centers;

C. Health clubs;

D. Dwelling unit for caretaker or watchman;

E. Outdoor uses customarily appurtenant to permitted uses enclosed within buildings, including off-street parking areas, loading and unloading areas, etc.

(Ord. 1163 § 1, 2001)

17.34.030 Conditional uses.

The following purposes and uses of buildings shall be allowed only upon approval of a conditional use permit in accordance with the provisions of CEMC Section 14.30.170:

A. Public/community facilities;

B. Any outright permitted use whose operations are predominately conducted out-of-doors, rather than completely enclosed within a building.

(Ord. 1163 § 1, 2001)

17.34.040 Front yard.

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

(Ord. 1163 § 1, 2001)

17.34.050 Rear yard.

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

(Ord. 1163 § 1, 2001)

17.34.060 Side yard.

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

(Ord. 1163 § 1, 2001)

17.34.070 Site area.

For every building hereafter erected or structurally altered or moved into the district there shall be provided a lot area of not less than twenty thousand square feet.

(Ord. 1163 § 1, 2001)

17.34.080 Height limit.

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

(Ord. 1163 § 1, 2001)

17.34.090 Lot coverage.

The lot area covered by structures shall not exceed forty percent of the lot area.

(Ord. 1163 § 1, 2001)

17.34.100 Landscaping and screening.

A. Loading docks, service bays and associated maneuvering areas shall be located outside the public right-of-way and shall be landscaped as necessary to screen said loading areas from any adjacent public right-of-way.

B. A minimum fifteen foot landscaped strip shall be provided adjacent to all street rights-of-way.

C. A minimum twenty-five foot fenced landscape strip shall be provided adjacent to any residentially zoned property.

D. Off-street parking areas shall be located to the side or in the rear of buildings and shall be screened from adjacent public rights-of-way and adjacent residential areas by sight-obscuring landscaping or a fence. Landscaping requirements within the parking area are described in Section 17.64.040.

E. All required yards, parking areas, storage areas, operations yards, and other open uses on the site shall be maintained in a neat and orderly manner appropriate for the district at all times.

(Ord. 1163 § 1, 2001)

17.34.110 Design guidelines.

(To be developed)

Chapter 17.36
I INDUSTRIAL DISTRICT

Sections:

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

17.36.010 Purpose and intent.

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

(Ord. 1163 § 1, 2001)

17.36.020 Permitted uses.

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

A. Manufacturing, rebuilding and/or repairing nonmetal or mineral products;

B. Warehouse establishment;

C. Wholesale establishment;

D. Accessory retail uses, where products manufactured on site are sold to the general public;

E. Office buildings related to permitted uses conducted on the same premises or within the industrial district;

F. Food and dry goods processing, packaging and distribution operations;

G. Welding and metal fabrication shops;

H. Vehicle and machinery repair and storage;

I. Transportation terminals;

J. Contractor’s offices, shops and storage yards;

K. Scientific research, testing, developmental and experimental laboratories;

L. Public utility and governmental structures and/or uses;

M. Agricultural use of the land;

N. Veterinary clinic within the enclosed structure;

O. Wireless communication facilities;

P. Retail sales involving equipment or vehicles normally stored or displayed outside and used for manufacturing, farming or construction.

(Ord. 1191 § 1, 2003; Ord. 1163 § 1, 2001)

17.36.030 Conditional uses.

Because of considerations of odor, dust, smoke, noise, fumes, vibration or hazard, the following uses shall not be permitted in the industrial district unless a conditional use permit authorizing such use has been granted by the city council. The following purposes and uses of buildings shall be allowed only upon approval of a conditional use permit in accordance with the provisions of CEMC Section 14.30.170:

A. Chemical manufacture, storage and/or packaging;

B. Asphalt manufacture, mixing or refining;

C. Automobile dismantling, wrecking or junkyards;

D. Cement, lime, gypsum or plaster of paris manufacture;

E. Drop forge industries;

F. Reduction or disposal of garbage, offal or similar refuse;

G. Rubber reclaiming;

H. Feed yards, livestock sales yards or slaughterhouses;

I. Smelting, reduction or refining of metallic ores;

J. Tanneries;

K. Wineries;

L. Manufacturing of industrial or household adhesives, glues, cements or component parts thereof, from vegetable, animal or synthetic plastic materials;

M. Waste (refuse) recycling and processing.

(Ord. 1163 § 1, 2001)

17.36.040 Performance standards.

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

A. All uses shall be subject to strict compliance with Washington state standards for noise, odor, air quality, smoke and hazardous materials.

B. No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level that exceeds sixty dBA in any residential district. Specifically exempted from this requirement are emergency signaling devices, operating motor vehicles and lawnmowers, railroads, or aircraft.

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

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

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

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

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

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

(Ord. 1163 § 1, 2001)

17.36.050 Design standards.

A. The following setbacks from property lines and screening standards shall apply to all development in the industrial district:

1. Building, parking spaces and storage areas shall be located no closer than ten feet from property lines.

2. Building, parking spaces and storage areas abutting a residential zoning district shall be located no closer than twenty feet from property lines.

B. The minimum lot size for new lots is twenty thousand square feet.

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

D. A minimum of ten percent of the site shall be landscaped.

(Ord. 1163 § 1, 2001)

Chapter 17.45
PMU PLANNED MIXED USE DISTRICT

Sections:

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

17.45.010 Purposes and objectives.

A. The PMU district is established to apply to larger parcels of land with significant development potential and to achieve the following purposes:

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

2. To obtain development within the city with imaginative site planning in a compatible mixture of land uses that will encourage pedestrian rather than automotive access to employment opportunities and goods and services;

3. To encourage building design that is in keeping with the climate and the traditional rural, small town, mountain character of the Cle Elum area;

4. To ensure sensitivity in land use and design to adjacent land uses within the PMU district, and to avoid creating incompatible land uses;

5. To ensure that all development gives adequate consideration to and provides mitigation for the impacts it creates with respect to transportation, public utilities, open space, recreation and public facilities, and that circulation, solid waste disposal and recycling, water, sewer and stormwater systems are designed to the extent feasible to be adequate to serve future adjacent development that can reasonably be expected; and

6. To ensure that development protects and preserves the natural environment to the maximum extent possible, including but not limited to protecting the water quality of the Cle Elum and Yakima Rivers, contributing to the long-term solution of flooding problems, protecting wetlands and sensitive areas, protecting views and providing a wooded background and ridge adjacent to the community.

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

1. To preserve or create open space for the enjoyment of the residents of the city, employees of businesses located within the city and the general public;

2. To create attractive, pedestrian-oriented neighborhoods with a range of housing types, densities, costs and ownership patterns;

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

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

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

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

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

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

9. To maintain Old Town as the principal retail center for the city of Cle Elum.

(Ord. 1180 § 3, 2002)

17.45.020 Mixed use approval required.

A. Subject to the provisions of CEMC Section 17.45.030, no land shall be used, subdivided, cleared, graded or filled and no building or structure shall be constructed, altered or enlarged within the PMU district except under the authority of an approved final plan pursuant to CEMC Section 17.45.140 issued through the process established in this chapter.

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

(Ord. 1673 § 1 (Exh. A), 2024; Ord. 1180 § 3, 2002)

17.45.030 Mixed use approval – Exemptions.

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

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

C. All approvals under the provisions of this section may include conditions appropriate to ensure to the maximum extent possible that the use or structure approved does not create an impediment to the eventual

development of the property to achieve the purposes and objectives of this chapter and do not impact any sensitive area (i.e., wetland, steep slope). Any proposal may be denied if it is found to create a significant impediment to the eventual development of the property or adversely impact environmentally sensitive areas to achieve the purposes and objectives of this chapter that cannot be mitigated by appropriate conditions.

(Ord. 1180 § 3, 2002)

17.45.040 Mix of uses encouraged.

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

(Ord. 1180 § 3, 2002)

17.45.050 Uses permitted.

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

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

1. Manufacturing, rebuilding and/or repairing nonmetal or mineral products;
2. Welding and metal fabrication shops;
3. Vehicle and machinery repair and storage;
4. Transportation terminals;
5. Contractor’s offices, shops and storage yards;
6. All chemical manufacture, mixing or refining;
7. Asphalt manufacture, mixing or refining;
8. Automobile dismantling, wrecking or junkyards;

9. Blast furnaces or coke ovens;

10. Cement, lime, gypsum, or plaster of paris manufacture;

11. Drop forge industries;

12. Explosives, storage or manufacture;

13. Reduction or disposal of garbage, offal or similar refuse;

14. Oil refining;

15. Rubber reclaiming;

16. Feed yards, livestock sales yards or slaughterhouses;

17. Smelting, reduction or refining of metallic ores;

18. Tanneries;

19. Manufacturing or industrial or household adhesives, glues, cements, or component parts thereof, from vegetable, animal or synthetic plastic materials.

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

1. Public facilities deemed necessary by the city to protect or promote the public health, safety and welfare;

2. The proposed use:

a. Promotes the public health, safety and welfare,

b. Can be carried on within a development proposal without greater traffic, noise, glare, air or water pollution impacts or other environmental impacts than other uses not subject to the prohibition of this section, and

c. Does not materially hinder the achievement of the objectives of this chapter and provides a net benefit to the city.

(Ord. 1180 § 3, 2002)

17.45.060 Development standards.

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

council finds such deviation would advance the achievement of the stated purposes and objectives of the PMU district at the completion of the development.

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

1. All property in one ownership shall be included in a PMU application;

2. The minimum acreage for a mixed use final plan shall be of such size that the applicant can demonstrate the ability to incorporate the intent of this chapter;

3. At least thirty-five percent of the total acreage within the proposed final plan must be dedicated to open space, natural areas, parks, recreation areas, or village greens, commons or public assembly areas, excluding streets and parking areas;

4. The tract or tracts of land included in a proposed mixed use final plan in a PMU district must be in one ownership or control, or be the subject of a joint application by the owners of all the property included;

5. Proposed circulation, solid waste disposal and recycling, water, sewer and stormwater management systems shall be designed in such a manner to allow adequate and efficient future expansion to accommodate development which can reasonably be anticipated on adjacent or nearby lands within the city of Cle Elum or the UGA;

6. The siting of compatible land uses shall be encouraged to the greatest extent possible through the use of sensitive site planning, use of landscaping, buffering and open space;

7. A lighting plan that provides sufficient illumination without significantly diminishing the ambient darkness of the rural setting. Outdoor lighting shall be designed so as not to direct light and/or glare on public roadways and/or neighboring properties. All outdoor lighting shall be fully cut off with the light fully shielded to reduce unnecessary light and glare. No lighting shall exceed a level of thirty footcandles;

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

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

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

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

(Ord. 1673 § 1 (Exh. A), 2024; Ord. 1180 § 3, 2002)

17.45.080 Application for mixed use approval.

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

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

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

1. The location of the site and its relationship to the surrounding areas, including the current land use, natural features, existing road and trail network and the zoning of both the site and the surrounding areas;

2. The existing site conditions, including topography at not less than ten-foot intervals, water bodies, soil types, geologic conditions, sensitive areas, easements, vegetative cover, historical or archaeological sites and other factors or constraints that may shape future use and development;

3. The approximate location and size of all existing and proposed uses, including notations of maximum heights; types and designs of dwelling units, buildings, structures and other improvements; density per type; affordable housing and renderings of a typical streetscape, character of multiple-family, business park and other more intense uses and/or typical lot configuration;

4. The location and approximate size in acres or square feet of all areas to be conveyed, dedicated or reserved as open space, natural areas, parks, recreation areas, or greens, commons or public assembly areas or similar public uses;

5. The existing and proposed circulation system of arterial and collector streets, including if known, the approximate general location of local streets, off-street parking, service and loading areas, and major points of access to public rights-of-way, with notations of proposed public ownership;

6. The existing and proposed pedestrian/recreation circulation system, including approximate locations of bicycle lanes and other recreation trails, including internal connections to regional trails;

7. The existing and proposed major utility systems, including sanitary sewers, storm drainage pipes and detention facilities, sewers, gas, electric power, communications and water;

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

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

1. A legal description of the subject property;

2. The program for development, including phasing or completion schedules, if any, and the anticipated project completion date;

3. Proposed design standards for minimum lot area, width, frontage, and yard requirements, street standards, building heights, and parking provisions, as applicable;

4. A list of the items, issues or subjects to be provided for by restrictive covenants and/or design and architectural guidelines;

5. Proposed provisions to assure the permanence and maintenance of common open space and recreational facilities;

6. Proposed landscape standards to apply to open space and yards, and the proposed treatment of required buffers between uses on-site, if any, and around the perimeter of the development, including materials and techniques to be used, such as types of vegetation, screens, fences and walls;

7. The proposed method of street lighting and signing;

8. The proposed plan for solid waste disposal and recycling and a proposal for adequate maintenance of such facilities;

9. A detailed affordable housing program including numbers of units by price ranges, schedules with restrictions and monitoring to assure continuation as affordable units;

10. A statement identifying applicable policies of the Cle Elum comprehensive plan, any subarea plan and any annexation and/or development agreements, and demonstrating how the development proposal meets such policies and the purposes and objectives of this chapter;

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

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

13. Application and applicable development agreement and mitigation fees as set forth by resolution of the city council;

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

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

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

(Ord. 1533 § 1, 2019; Ord. 1180 § 3, 2002)

17.45.090 Approval criteria.

Approval of the PMU district shall require the following findings:

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

1. The purposes and objectives of CEMC 17.45.010 and 17.45.020 specifically advanced by the proposal;
2. Adequacy of the provisions for each of the following, where applicable:
    a. Water supply;
    b. Wastewater treatment facilities;
    c. Stormwater management;
    d. Power supply;
    e. Schools;
    f. Affordable housing;
    g. Open space, natural areas, parks, recreation areas, or greens, commons or public assembly areas;
    h. Municipal services and facilities;
    i. Fiscal impact guarantees; and
    j. Transportation systems management.
3. Environmental impacts and mitigation, including but not limited to the following, where applicable:
    a. Wetlands protection;
    b. Sensitive areas protection;
    c. Habitat protection;
    d. Quiet and dark night sky;

e. Water quality protection; and

f. Air quality protection.

(Ord. 1180 § 3, 2002)

17.45.100 Mixed use final plan.

A. The site plan and conditions, as approved by city council, shall constitute the "final plan" for purposes of this chapter. Approval of the final plan does not of itself authorize development, but provides the standards against which applications for subsequent approvals and permits for development proposals are to be reviewed. The final plan is intended to provide a framework within which future discretionary review, including but not limited to subdivisions, binding site improvement plans and design review, will be conducted.

B. Approval of the final plan constitutes mixed use approval.

C. The final plan shall be recorded with the Kittitas County Auditor's Office.

D. The city planner shall maintain a true, accurate and complete copy of the final plan.

(Ord. 1180 § 3, 2002)

17.45.110 Subsequent approvals and permits.

A. Applications for subsequent permits and approvals shall be approved only when substantially in conformance with the approved final plan.

B. The city planner shall determine within forty-five days after receipt whether any application subsequent to approval of the final plan is substantially in conformance therewith.

C. The subsequent application shall be considered substantially in conformance with the approved final plan when the proposal:

1. Is within the scope and intent of the final plan;

2. Is of a similar size and scale and does not present appreciably different environmental effects from those identified during the final plan review process;

3. Does not reduce overall acreage identified as dedicated public areas, open space or buffering areas;

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

5. Does not exceed the limitations of any development standards approved pursuant to CEMC 17.45.060.

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

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

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

(Ord. 1180 § 3, 2002)

17.45.120 Concurrent processing of development proposal applications.

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

(Ord. 1180 § 3, 2002)

17.45.130 Sureties.

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

(Ord. 1180 § 3, 2002)

17.45.140 Expiration of mixed use approval.

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

(Ord. 1180 § 3, 2002)

17.45.150 Amendment of final plan.

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

(Ord. 1180 § 3, 2002)

Chapter 17.50
P PUBLIC RESERVE AREA DISTRICT

Sections:

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

17.50.010 Permitted uses.

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

A. Governmental buildings and uses, federal, state, county, municipal or other governmental subdivisions;

B. Hospitals and sanitoriums, public and private, except those for inebriates, insane persons, or mentally diseased persons, subject to regulations of the health department;

C. Institutions for education, philanthropic or eleemosynary charitable uses;

D. Libraries, art galleries and museums;

E. Parks, playgrounds, tennis courts, swimming pools, and like recreational uses;

F. Schools, public and private.

(Ord. 1163 § 1, 2001)

17.50.020 Displaying of merchandise prohibited.

This district is reserved for public and semipublic uses. All display of merchandise or products, all advertising devices and all manufacturing is prohibited. Buildings requiring services such as food, drugs, cigars, etc., usual to a public building, office building or hotel, may contain same within the interior. Entrances from streets must not display advertising on same. Street deliveries are prohibited except for certain designated hours or buildings shall be so designed as to facilitate unloading fuel and merchandise from vehicles in an alley, or in a driveway or loading area located off the streets.

(Ord. 1163 § 1, 2001)

17.50.030 Structure approval required.

All structures contemplated for this district must first have plans, specifications and uses approved by the city council, and no such structure shall be built, altered or moved into such district unless a permit therefor has first been obtained from the city council. Such plans, specifications and uses may be permanently filed in the office of the city clerk.

(Ord. 1163 § 1, 2001)

17.50.040 Yards and building height.

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

(Ord. 1163 § 1, 2001)

Chapter 17.51
RECREATIONAL VEHICLES, RECREATIONAL VEHICLE PARKS, AND CAMPING

Sections:

17.51.010 Recreational vehicles, recreational vehicle parks, and camping.

17.51.010 Recreational vehicles, recreational vehicle parks, and camping.

A. *Purpose.* The purpose of this section is to ensure that recreational vehicle parks are located, developed and occupied in accordance with standards and regulations which will protect the health, safety, general welfare; environmental considerations such as those covered by critical areas, flood hazard protection, and shoreline development regulations; convenience of the occupants of such recreational vehicle parks; and the citizens of the city.

B. *Definitions.* If definitions, rules and regulations defined in this section conflict with provisions of other city ordinances, the provisions of this section shall prevail.

"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.

"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.

"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.

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

C. *General Requirements.*

1. No RV shall be occupied overnight for commercial purposes anywhere in the city. Exceptions to the rule may be permitted by the city at the city's discretion as listed below:

a. Contractors granted a city building permit during the authorized construction phase of a project;

b. A homeowner building a permanent home on site;

c. Nonprofit corporations and charities for a period of no longer than ten consecutive days;

d. Special events, recognized and authorized by an approved event application with the city.

2. Unless otherwise included in a conditional use permit, annexation agreement, or development agreement issued by the city and regulated by RV park management, no external appurtenances, such as carports, cabanas, or patios, may be attached to any RV while it is in an RV park. There shall be no outside storage of materials or appliances. This may include, but is not limited to: construction materials, scrap metal, refrigerators, furniture typically found inside a home such as couches, or commercial equipment.

3. No space within an RV park shall be rented for any purpose other than those expressly allowed by this section.

4. No person, company, or corporation shall establish or modify an RV park without first complying with the provisions of this section.

D. *Criteria for Locating an RV Park.* RV parks may only be established on property within which meets the following criteria:

1. RV parks may be allowed in the following zones of the city:

Multiple-Family Residential District	Industrial District
Entry Commercial District	General Commercial District
Planned Mixed Use District	

2. After development, the conditions of the soil, groundwater level, drainage and topography shall not create hazards to the property or to the health and safety of the occupants or others as determined by the city.

3. RV parks must be located with direct access to a street with a minimum right-of-way width of forty feet; or such park must have been designed to provide for adequately safe ingress and egress to and from a public street with adequate frontage thereon to permit appropriate access to and from the park.

E. *Conditional Use Permit Required.* An RV park will be allowed only upon the issuance of a conditional use permit. The owner, operator, and occupants of an RV park must develop and use the RV park in strict compliance with the conditions imposed by the conditional use permit or those agreed to as part of an annexation agreement or development agreement.

F. *Site and Design Review.* The conditional use permit process or equivalent annexation agreement or development agreement, or both, will include a site and design review in accordance with CEMC Section 14.30.140. An approved site and design review will constitute an integral part of the permit or agreements for the RV park and will be binding upon the owner of the property, its successors and assigns. All development within the RV park must be consistent with the approved site and design review.

G. *Completion Prior to Occupancy—Phasing.* All required site improvements, including uses other than the RV park, and other conditions of the permit and site and design review, must be identified or met prior to occupancy of any site by any RV; provided, completion may be accomplished in phases if such phases are identified and approved in the permit or agreements.

H. *Design Standards.* The following are minimum design standards for RV parks:

1. *Minimum Site Area.* The minimum size of an RV park, inclusive of areas used for roads and utility corridors, is one acre or as approved by city public works, planning, and building departments.

2. *Density.* The number of RVs permitted in an RV park shall not exceed a density of twenty units per gross acre. During the permit review, the density may be limited further to ensure compatibility with the surrounding area.

3. *RV Site.*

a. Each individual RV site shall be not less than eight hundred square feet in size.

b. All RV sites shall have a minimum width of twenty feet.

4. *Access Points.* Entrances and exits to the RV park may be shared with any abutting or adjacent uses if approved by the city, so long as access is adequately designed for safe and convenient movement of vehicular traffic into and out of the RV park, and there is minimal friction with free movement of traffic on adjacent city streets. All traffic into and out of the RV park must be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavements at intersections must be such as to facilitate easy turning movements for vehicles with trailers attached. No material impediment to visibility shall be created or maintained which violates the city building code, CEMC Chapter 15.04.

5. *Parking.* At least one parking space shall be provided on each RV site or in a location within reasonable proximity to the site/sites, as approved by the conditional use permit or agreements. At least one parking space for each eight RV sites must be provided for visitor parking in the RV park.

6. *Internal RV Park Roads.* All internal RV park roads must be privately owned and maintained. RV park roads must observe the following minimums:

a. Twelve feet of width per each travel lane and eight feet of width per each parking lane.

b. Roads must be constructed of an all-weather surface and maintained with adequate dust control program which must be submitted with the RV park application.

7. *Open Space/Recreational Facilities.* A minimum of five percent of the RV park must be set aside and maintained as open space for the recreational use of RV park occupants. Such space and location must be accessible and usable by all residents of the RV park for passive or active recreation. Parking spaces, driveways, access streets and storage areas are not considered to be usable open space. The percentage requirements may be reduced if substantial and appropriate recreational facilities are provided, i.e., recreational buildings, basketball courts, swimming pool, pedestrian trails, shoreline amenities, etc. The satisfaction of open space requirements will be evaluated on a case-by-case basis.

8. *Setbacks.* No RV site shall be closer than twenty-five feet from any exterior park property line abutting upon a major arterial, or residential zone, or ten feet from any other exterior RV park property line. Permanent structures within an RV park must have front and rear yards of twenty feet each, and minimum side yards of ten feet each or as decided by city public works, planning, and building departments.

9. *Landscaping/Screening.* The RV park must provide visual screening and landscaping, discussed during site and design review and as follows:

a. RV parks must be enclosed by a fence, hedgerows, shrubs, or trees. The planning commission may require a fence and hedgerow of trees, shrubs or other landscaping vegetation and will make the determination part of the conditional use permit or agreements.

b. All trees, flowers, lawns, trails, and other landscaping features must be maintained by the RV park management in a healthy growing condition at all times, as described in CEMC Chapter 17.64.

10. *Signs.* Signs and advertising devices must be in conformance with the city sign code, CEMC Chapter 15.20:

a. One identifying sign which may be indirectly lit, but not with a flashing light, may be located at the entrance of the RV park. Such signs must be in conformance with the Uniform Building Code and local ordinances, as well as standards and conditions identified in the conditional use permit or agreements;

b. Directional and informational signs for the convenience of the occupants of the RV park as allowed by city code and only as permitted within the conditional use permit or agreements.

11. *Utilities.* At least thirty percent of all RV sites within each RV park must have water, sewer, and electricity provided to them. At least sixty percent of all RV sites within each RV park must have water and electricity provided to them. All utility lines in each RV park must be underground and be approved by the proper agencies providing the inspections.

12. *Storm Drainage.* On-site storm drainage control facilities in RV parks are subject to the approval of the city public works, planning, and building departments according to the site and design review.

13. *Public Facilities.* RV parks must provide the following public facilities in such quantity, size, and location as is approved by the planning commission or as agreed to and set forth in any annexation agreement or development agreement:

a. A water distribution system connected to the city's water and sewer utility;

b. Fire hydrants, in number and location, shall be as required by the fire chief;

c. A metered water station for filling RV water storage tanks in accordance with CEMC Chapter 15.04 and other local regulations;

d. At least one restroom facility with laundry room including washers and dryers must be open to RV park occupants and shall comply with this code and other applicable codes;

e. At least one open dump station for RV sites without full hookups must be provided by and maintained by the RV park for emptying RV sewage holding tanks/containers;

f. Refuse tanks/containers for solid waste must be sized and provided in sufficient quantity to adequately handle one week of generated refuse by RV park occupants and follow the regulations within CEMC Chapter 8.08. RV park garbage must be picked up not less than once weekly. RV park personnel shall monitor garbage tanks/containers for cleanliness and maintain the RV park free of any uncontrolled garbage and refuse. RV dumpster locations must be screened from view by a fence or landscaped enclosure.

14. *Other Utility Systems.* If other utility systems such as natural gas, television cable, or telephone are installed in an RV park, such installation must be in accordance with state and local laws, rules, and regulations.

15. *Health Regulations.* All RV parks must comply with applicable state and local health laws, rules, and regulations.

16. *Site Identification.* All RV sites must be well marked and numbered.

17. *Design Standard Exceptions.* The planning commission, or as may be provided in an annexation agreement or development agreement, after receiving recommendations of the city staff, may waive or modify any of the design standard requirements after finding that such improvements would not be detrimental to the existing or foreseeable development of the surrounding properties.

I. *Accessory Uses.* Management headquarters, recreational facilities, restrooms, sanitary stations, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to the operation of an RV park are permitted as accessory uses to the RV park. In addition, grocery stores and convenience shops may be permitted as accessory uses at the discretion of the planning commission or as agreed to and set forth in any annexation agreement or development agreement subject to the following restrictions:

1. Such additional establishments and the parking areas primarily related to their operations shall not occupy more than five percent of the gross area of the RV park;

2. Such additional establishments shall present no visible evidence from any city street outside the RV park of their commercial character which would attract customers other than occupants of the RV park, unless otherwise conditioned within the conditional use permit or agreements;

3. The structures housing such facilities must not be located closer than fifty feet to any city street and shall not be directly accessible from any city street, but must be accessible only from a street within the RV park, or as expressly permitted by the conditional use permit or agreements.

J. *RV Park Administration.*

1. The owner of an RV park will be responsible for the development and maintenance of the RV park in strict conformity with the site and design review, the conditional use permit or agreements, and all applicable laws and ordinances, including any prior conditions of approval by Kittitas County not in conflict with the agreements and Cle Elum Municipal Code.

2. A written management plan must be submitted for approval as a part of the conditional use permit process or agreements. It must include, at a minimum, proposed RV park rules including quiet hours, and proposed methods to enforce occupancy limitations and other requirements of this chapter. Quiet hours are defined in Chapter 173-60 WAC.

(Ord. 1673 § 1 (Exh. A), 2024; Ord. 1485 § 3 (Exh. B), 2018)

Chapter 17.56
OFF-STREET PARKING AND LOADING REQUIREMENTS

Sections:

17.56.010 Purpose.
17.56.020 Applicability.
17.56.030 Pre-existing buildings.
17.56.040 Parking standards for land uses.
17.56.050 Size and design standards.
17.56.060 Stacking space.
17.56.070 Loading space.
17.56.080 Lighting.

17.56.010 Purpose.

The purpose of this section is to provide adequate off-street parking and loading spaces for all uses permitted by this title, to reduce demand for parking by encouraging alternative means of transportation, and to increase pedestrian mobility within the city by:

A. Setting minimum off-street parking and loading standards for different land uses. Said standards shall assure safe, convenient and adequately sized parking facilities.

B. Providing incentives to rideshare through preferred parking arrangements.

C. Providing for the parking and storage of bicycles.

D. Providing safe, direct, pedestrian access from public rights-of-way to structures and between structures.

E. Providing space for public/private shuttle service.

(Ord. 1163 § 1, 2001)

17.56.020 Applicability.

A. Before any occupancy permit may be granted for any new or enlarged building or for a change of use in any existing building, the use shall be required to meet the provisions of this chapter.

B. If this chapter does not specify a parking requirement for a land use, the city planner or designated representative shall establish the minimum requirement based on a review of similar land uses and, if deemed necessary by the city, a study of anticipated parking demand. Parking studies shall be prepared by a professional engineer with expertise in traffic and parking analyses, or an equally qualified individual as approved by the city. Transportation demand management actions shall be considered in determining anticipated demand.

C. If any of the required off-street parking is to be provided off-site, the applicant shall provide written agreements with affected landowners showing that the required off-street parking shall be provided in a manner consistent with the provisions of this chapter. If approved by the city, these agreements shall be recorded with the county as a deed restriction on the title to all applicable properties. These deed restrictions may not be revoked or modified without city authorization.

D. Within the Old Town Commercial District, no on-site parking is required; properties may, however, be required to participate in programs to provide common parking through fees in lieu of parking, local improvements districts, or other programs approved by the city.

(Ord. 1163 § 1, 2001)

17.56.030 Pre-existing buildings.

If a pre-existing building does not provide sufficient off-street parking, the building may be remodeled or rehabilitated (but not enlarged) without providing additional parking if the existing use within the building remains unchanged or is changed to a use with the same or lesser parking demand. If the use is changed or enlarged, any additional parking required must be provided. The requirements of this section shall apply to only to the additional parking demand that would be created by the new use above the existing use.

(Ord. 1163 § 1, 2001)

17.56.040 Parking standards for land uses.

No use may be established without providing off-street parking in the amount indicated in this section. Uses may provide seventy-five to one hundred twenty-five percent of the standard amount indicated. On-street parking directly abutting the use may be credited to the required parking amount, provided the parking is available and the individual spaces marked on the street.

A. *Residential.*

Single-family detached, duplex, townhouses	2.0 spaces per dwelling unit
Accessory Dwelling Unit	1.0 spaces per dwelling unit
Multi-family Studio units	1.0 spaces per dwelling unit
One+ bedroom units	2.0 spaces per dwelling unit
Senior Citizen, Assisted	0.5 spaces per dwelling or sleeping unit
Community residential facilities (group homes, etc.)	1.0 spaces per two bedrooms
Bed and breakfast guesthouse	1.0 spaces per guest room, plus 2.0 per facility

B. *Commercial Activities.*

Banks	1.0 spaces per each 200 sq. ft. of gross floor area1
Professional and business offices	1.0 spaces per each 250 sq. ft. of gross floor area[1]
Shopping centers	4.0 spaces per 1000 sq. ft. of gross leaseable area (GLA)for centers having a GLA of 400, 000 sq. ft. or less; 4.5 spaces per 1000 sq. ft. of GLA for centers having a GLA of over 400,000 sq. ft.
Restaurants, nightclubs, taverns	1.0 spaces per each 100 sq. ft. of gross floor area[1]
Retail stores, supermarkets, department stores, personal service	1.0 spaces per each 200 sq. ft. of gross floor area[1]

Other retail (furniture, appliance, hardware, service shops, shoe repair)	1.0 spaces per each 500 sq. ft. of gross floor area[1]
Uncovered commercial area, new and used car lots, plant nursery	1.0 spaces per each 5,000 sq. ft. of retail sales area in addition to any parking required for the buildings[1]
Motor vehicle repair and service	1.0 spaces per each 400 sq. ft. of gross floor area[1,4]
Industrial show room and display	1.0 spaces per each 500 sq. ft. of display area
Bulk retail stores	1.0 spaces per each 350 sq. ft. of gross floor area
Hotel/Motel (excluding restaurant)	1.0 spaces per unit plus 2.0 spaces per each 3 employees on site at any one time.

C. *Industrial Activities.*

Manufacturing, research and testing laboratories, bottling establishments, bakeries, printing and engraving	1.0 spaces per each 1,000 sq. ft. of gross floor area;
Warehouse and storage buildings	1.0 spaces per each 2,000 sq. ft. of gross floor area
Self-service storage	1.0 space per 3,500 sq. ft. of storage area, plus 2.0 spaces per any residential/caretaker unit

D. *Recreation – Amusement – Cultural – Government Activities.*

Auditoriums, theaters, places of public assembly, stadiums, outdoor sports areas	1.0 spaces per each four fixed seats or 1.0 space per 100 sq. ft. of floor area of main auditorium or of principle place of assembly, whichever is greater
Bowling alleys	5.0 spaces per bowling lane
Dancehalls and skating rinks	1.0 spaces per each 200 sq. ft. of gross floor area
Golf course	3.0 spaces per hole, plus 1.0 space per 300 sq. ft. of club house facilities
Golf driving range	1.0 parking space per each driving station
Miniature golf courses	1.0 parking space per each hole
Recreational buildings	1.0 spaces per each 200 sq. ft. of gross floor area

Libraries and museums	1.0 spaces per each 250 sq. ft. in office and public use

E. *Educational Activities.*

Elementary, middle/junior high schools	1.0 space per employee, plus 1. 0 space per 30 students. If buses for transportation of students are kept at the school, parking space (of sufficient size to park the bus) shall be provided for each bus. 1.0 additional space for each 100 students shall be provided for visitors in the vicinity of or adjacent to, the administrative portion of the building.
High schools	1.0 space per employee, plus 1.0 space per each 10 students. If buses for transportation of students are kept at the school, parking space (of sufficient size to park the bus) shall be provided for each bus. 1.0 additional space for each 100 students shall be provided for visitors in the vicinity of, or adjacent to, the administrative portion of the building.
Nursery schools, day care centers	1.0 space per each employee, plus loading and unloading areas.

F. *Medical Activities.*

Medical, dental offices	1.0 spaces per each 200 sq. ft. of gross floor area
Convalescent, nursing and health institutions	1.0 parking space per each employee, plus 1.0 space per each four beds.
Hospitals	1.0 space per each 3 beds, plus 1.0 space for each staff doctor, plus 1.0 space for each employee.
Veterinary clinics	1.0 space per each 300 sq. ft. of office, labs, and examination rooms.
Nursing home	1.0 space per each 4 patient beds.

G. *Religious Activities.*

Churches	1.0 space per each 5 fixed seats in the main auditorium

Mortuaries, funeral homes	1.0 spaces per each 100 sq. ft of floor area of assembly room

1 Except when located within a shopping center.

2 For parking requirements for associated office areas, see professional and business offices.

3 All existing churches enlarging the seating capacity of their main auditorium shall provide 1.0 additional parking space for each 5 additional seats provided by the new construction. Churches making structural alterations or additions which do not increase the seating capacity of the main auditorium are not required to provide additional parking.

4 Parking and storage for vehicles being repaired is separate.

(Ord. 1163 § 1, 2001)

17.56.050 Size and design standards.

A. *Parking Stalls and Aisles.* The minimum parking space and aisle dimensions are shown on the table below (attached). Regardless of the parking angle, one-way aisles shall be at least ten feet wide, and two-way aisles shall be at least twenty feet wide. Any parking space abutting a landscape area on the driver or passenger side of the vehicle shall provide an additional eighteen inches above the minimum space width requirement to provide a place to step outside the landscaping.

Minimum Parking Space and Aisle Dimensions

Parking Angle	Stall Width	Curb Length	Stall Depth	Aisle Width		Unit Depth	
				1-way	2-way	1-way	2-way
0	8.0	20.0	8.0	12.0	20.0		
	8.5	22.5	8.5	12.0	20.0	29.0	37.0
	9.0	22.5	9.0	12.0	20.0	30.0	38.0
	10.0		10.0	12.0	20.0		
30	8.0	16.0	15.0	10.0	20.0		
	8.5	17.0	16.5	10.0	20.0	42.0	53.0
	9.0	18.0	17.0	10.0	20.0	44.0	54.0
	10.0						
45	8.0	11.5	17.0	12.0	20.0		
	8.5	12.0		12.0	20.0	50.0	58.0
	9.0	12.5		12.0	20.0	51.0	59.0

Minimum Parking Space and Aisle Dimensions

Parking Angle	Stall Width	Curb Length	Stall Depth	Aisle Width		Unit Depth	
				1-way	2-way	1-way	2-way
	10.0						
60	8.0	9.6	18.0	18.0	20.0		
	8.5	10.5	20.0	18.0	20.0	58.0	60.0
	9.0	10.5	21.0	18.0	20.0	60.0	62.0
	10.0						
90	8.0	8.0	16.0	23.0	23.0		
	8.5	8.5	20.0	23.0	23.0	63.0	63.0
	9.0	9.0	20.0	23.0	23.0	63.0	63.0
	10.0						

B. *Parking Stall Size and Standards.*

Compact. A compact parking stall shall be a minimum of eight feet by seventeen feet, and shall be clearly identified by signing or other marking as approved by the city engineer. Compact spaces shall not exceed twenty-five percent of the total required parking.

Standard. Nine feet by nineteen feet.

Parallel. Nine feet by twenty-three feet.

C. *Surface.* All parking facilities shall be paved with Portland cement concrete, asphaltic concrete or other hard durable surface approved by the planning director.

D. *Location.* Off-street parking areas shall be located not more than five hundred feet from the building they are required to serve for all uses except as specified below. Where the off-street parking areas do not abut the buildings they serve, the required maximum distance shall be measured from the nearest building entrance that the parking area serves:

1. For all single-family detached dwellings, the parking spaces shall be located on the scone lot they are required to serve;

2. For all other residential dwellings at least a portion of parking areas shall be located within one hundred feet from the buildings they are required to serve; and

3. For all non-residential uses permitted in residential zones, the parking spaces shall be located on the same lot they are required to serve and at least a portion of the paring areas shall be located within one hundred feet from the nearest building they are required to serve;

4. Parking should be located to the rear or sides of buildings, when feasible;

5. Except for single-family dwellings and duplexes, no parking or maneuvering area is permitted in any required yard or landscaped buffer except for the minimum amount necessary to access the development.

E. *Driveways/access.* All parking facilities shall be provided with safe and convenient access to a street. Ingress and egress to public streets shall be provided only through driveways of such dimension, location and construction as approved by the public works director, or their designee. Driveways for single-family detached dwellings may not exceed twenty feet in width. Driveways for other than single-family detached and duplex structures shall be at least fifteen feet in width for one-way traffic, and twenty-two feet in width for two-way traffic. No driveway shall exceed thirty-five feet in width, nor be located closer than twenty feet to a side property line. Driveways onto collector and arterial streets shall be combined where possible.

F. Suitable wheel or bumper stops are required to prevent vehicles from overhanging walkways, and to prevent damage to landscaping. Concrete curbs shall be provided at the edge of all parking and maneuvering areas, except for single family and duplex dwellings.

G. Parking facilities shall be designed so that exiting vehicles are not required to back into streets, except for residential uses of less than four units on local access streets.

H. Marked walkways, at least five feet in width, and separated from traffic lanes, parking spaces and vehicle overhangs, shall be provided from parking areas to the entrances of the associated use.

I. *Landscaping/Screening.* Landscaping and screening requirements for off-street parking are contained in Chapter 17.64 "Landscaping."

J. Off-street parking and access for physically handicapped persons shall be provided in accordance with Section 7503 of the regulations adopted pursuant to RCW 19.27, State Building Code, and RCW 70.92, Public Buildings – Provisions for Aged and Disabled.

K. *Snow Storage.* Adequate space for the storage of snow removed from the parking lot shall be provided. Parking spaces over the required minimum may be used for snow storage. Snow storage areas may not include required landscaping unless designed in such a manner as to prevent landscaping damage.

L. *Bicycle Parking.* The city, through the design review process, may require bicycle parking facilities (i.e., a bike rack or locker-type facilities) for uses such as:

Parks, playfields;

Community facilities;

Elementary and secondary schools;

Sports club; or

Retail business located along a developed bicycle trail or designated bicycle route.

All bicycle parking and storage shall be located in safe, visible areas in close proximity to building entrances and shall not impede pedestrian or vehicle traffic flow. Bicycle parking areas shall be well lit for nighttime use.

M. *Pedestrian Circulation.* Safe and convenient pedestrian paths shall be provided from parking areas to building entries and between buildings within a site and adjacent sites to provide for pedestrian safety and to encourage walking between businesses.

(Ord. 1163 § 1, 2001)

17.56.060 Stacking space.

A. A stacking space shall be an area measuring eight feet by twenty feet with direct forward access to a service window of a drive-through facility. A stacking space shall be located to prevent any vehicles from extending onto public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas. When located in a parking lot, drive-through facilities shall provide sufficient stacking spaces so as to not in any way obstruct the normal circulation pattern of the parking lot. Stacking spaces for drive-through uses may not be counted as required parking spaces.

B. Uses providing drive-through services shall provide vehicle stacking spaces as follows:

1. For each drive-through lane of a bank/financial institution, business service or other similar use, a minimum of five stacking spaces shall be provided; and

2. For each drive-through lane of a restaurant, a minimum of seven stacking spaces shall be provided.

(Ord. 1163 § 1, 2001)

17.56.070 Loading space.

Permanent off-street loading space shall be provided for developments if the activity carried on is such that the building requires deliveries to it or shipments from it of people or merchandise. No portion of a vehicle taking part in loading, unloading or maneuvering activities shall project into a public street, sidewalk or interior pedestrian area. Loading space or maneuvering areas shall be in addition to required off-street parking areas.

A. *Required Number of Spaces.*

1. Non-residential buildings engaged in retail, wholesale, manufacturing or storage activities, excluding self-storage facilities, shall provide loading spaces in accordance with the following standards:

Gross Floor Area	Required Number of Loading Spaces
1 to 9,999 square feet	0

Gross Floor Area	Required Number of Loading Spaces
10,000 to 16, 000 square feet	1
16,001 to 40,000 square feet	2
40,001 to 64,000 square feet	3
64,001 to 106,000 square feet	4
For each additional 36,000 square feet	1 additional

2. Buildings engaged in hotel, office building, restaurant, hospital, auditorium, convention hall, sports arena/stadium, or other similar use shall provide loading spaces in accordance with the following standards:

Gross Floor Area	Required Number of Loading Spaces
1 to 39,999 square feet	0
40,000 to 60,000 square feet	1
60,001 to 160,000 square feet	2
160,001 to 264,000 square feet	3
For each additional 140,000 square feet	1 additional

B. *Size.* Each required loading space shall be a minimum of ten feet in width, thirty feet in length, and have an unobstructed vertical clearance of fourteen feet, six inches.

C. *Relationship of Loading Space to Residential Areas.* Loading berths shall be located not closer than fifty feet to any residential district, unless wholly enclosed within a building, or unless screened from such residential area by a wall or uniformly painted fence not less than six feet in height.

D. *Relationship to Open Space.* No portion of a loading area may protrude into a required yard, setback or landscape area. A covered loading berth shall comply with the minimum setback requirements for the district.

E. *Screening.* When abutting a public or private street (excluding alleys), loading spaces shall be screened and fenced.

F. *Self-service Storage Facilities.* Multi-story self-service storage facilities shall provide two loading spaces, and single story facilities one loading space, adjacent to each building entrance that provides common access to interior storage units. Each loading berth shall measure not less than twenty-five feet by twelve feet with an unobstructed vertical clearance of fourteen-feet six-inches, and shall be surfaced, improved and maintained as

required by this chapter. Any floor area additions or structural alterations to a building shall be required to provide loading space or spaces as set forth in this chapter.

(Ord. 1163 § 1, 2001)

17.56.080 Lighting.

Any lighting of a parking lot or storage area shall illuminate only the parking lot or storage area. All lighting shall be designed and located so as to avoid undue glare or reflection or light onto adjoining properties or public rights-of-way in excess of measurement of one foot candle of illumination. Light standards shall not be located so as to interfere with parking stalls, maneuvering areas, or ingress and egress areas. Lighting shall be directed downward and shielded to reduce unnecessary light and glare.

(Ord. 1163 § 1, 2001)

Chapter 17.64
LANDSCAPING REQUIREMENTS

Sections:

17.64.010 Purpose.
17.64.020 Applicability.
17.64.030 Landscape plan approval.
17.64.040 Preservation of significant trees.
17.64.050 Surface parking areas.
17.64.060 Adjacent to freeway right-of-way.
17.64.070 General standards for all landscape areas.
17.64.080 Irrigation.
17.64.090 Timing of installation.
17.64.100 Tree replacement.
17.64.110 Maintenance.
17.64.120 Failure to maintain landscaping.

17.64.010 Purpose.

The purpose of these regulations is to preserve and enhance the aesthetic character of the city, to improve the aesthetic quality of the built environment, to maintain existing significant vegetation, to reduce impacts of

development on drainage systems and natural habitats, to promote the efficient use of water, and to support the "Mountains-to-Sound Greenway."

(Ord. 1163 § 1, 2001)

17.64.020 Applicability.

All new development except for single-family residences shall be subject to the landscaping provisions required by the underlying zoning district (see specific zoning district regulations) as well as the provisions of this section.

(Ord. 1163 § 1, 2001)

17.64.030 Landscape plan approval.

Development applications shall include a landscape plan consistent with the requirements of this section. The landscape plan should be prepared or approved by a licensed landscape architect, certified nurseryman, or certified landscaper, and drawn on the same base map as the development plans. The landscape plan shall include:

A. Total landscape area, including location of any street trees;

B. Identification of landscape materials (botanical/common name) and applicable size;

C. Property lines;

D. Impervious surfaces, including parking stalls, access aisles, and other vehicle use areas;

E. Natural or man-made water features or bodies;

F. Existing or proposed structures, fences and retaining walls;

G. Natural features or vegetation left in a natural state;

H. Location and plan for all existing significant trees;

I. Any designated recreational and/or open space areas.

No building permit or clearing and grading permit shall be issued where landscaping is required until a landscaping plan has been submitted to, and approved by, the city. The landscape plan shall include identification and provisions for any existing "significant trees" and any required street trees, as well as other landscaping requirements.

(Ord. 1163 § 1, 2001)

17.64.040 Preservation of significant trees.

Significant trees in areas in wetlands, fish and wildlife conservation areas, frequently flooded areas, geologically hazardous areas as defined in CEMC Chapter 18.01, and in the required landscaped buffer adjacent to I-90, shall be preserved. “Significant trees” are defined as existing healthy trees which, when measured four feet above grade, have a minimum diameter of eight inches for evergreen trees, or twelve inches for deciduous trees. Significant trees shall be identified by a tree survey prepared by the applicant and shall be preserved to the maximum extent possible. During construction, the applicant shall use accepted preservation techniques to protect significant trees designated for retention.

(Ord. 1163 § 1, 2001)

17.64.050 Surface parking areas.

Surface parking areas shall provide perimeter and interior landscaping as shown below. The perimeter landscaping may be used to meet landscape area requirements of the underlying zoning district.

A. *Perimeter Landscaping.* The perimeter of all parking areas shall be landscaped. Parking areas that abut a residential zone shall be landscaped with a five foot B2 buffer. Parking lots perimeters not adjacent to residential zone shall be landscaped with a five foot B1 buffer. Parking lots adjacent to a public right-of-way shall be landscaped with a five foot B2 buffer.

B. Landscaping shall be provided within all surface parking areas encompassing six or more stalls. Such parking areas shall have a minimum of ten percent of the parking area, maneuvering area and loading space landscaped, provided that no landscaping area shall be less than fifty square feet in area, and no parking shall be located more than one hundred feet from a landscaped area. Perimeter landscaping, required adjacent to property lines and/or residential areas, shall not be calculated as part of the ten percent figure.

C. Landscaped islands shall be provided and distributed throughout the parking area at a ratio of one tree for every six parking stalls. Landscaped islands shall be a minimum of twenty-five square feet in size and contain a minimum of one tree of suitable species and ground cover plantings.

D. Permanent curbs or structural barriers shall be provided to protect the plantings from vehicle overhang and damage.

(Ord. 1163 § 1, 2001)

17.64.060 Adjacent to freeway right-of-way.

All development adjacent to Interstate 90 shall provide a vegetative and/or topographical buffer adjacent to the freeway right-of-way. Buffers shall be of an adequate width and shall contain adequate vegetation to screen uses from being viewed from the freeway. Buffers for attractive open space areas such as parks, golf courses and open

space may contain landscaping that permits filtered views of the open space activity. If existing native vegetation within this buffer is insufficient to provide a visual screen, the city may require supplemental plantings and/or an increase in the width of the buffer.

(Ord. 1163 § 1, 2001)

17.64.070 General standards for all landscape areas.

A. All new development shall comply with the screening and buffering required by the buffering matrix in Table 17.64-1 and the following standards:

1. B.1 – Low Screen Buffer. This buffer is intended for areas where a limited buffer screen is required to separate uses that are potentially incompatible. This buffer is composed of live ground cover through out the buffer and trees planted every thirty feet along the length of the buffer.

2. B.2 – Medium Screen Buffer. This buffer is intended for areas where a moderate buffer is needed to separate incompatible uses. This buffer is composed of live ground cover through out the buffer, evergreen shrubs which reach a minimum of two to four feet in height and trees planted every thirty feet along the length of the buffer.

3. B.3 – High Screen Buffer. This buffer is used where a high degree of visual screening is required between incompatible uses. This buffer consists of a fully site obscuring fence with landscaping between the fence and the property line composed of live ground cover through out the buffer, evergreen shrubs which reach a minimum of six feet in height and trees planted every thirty feet along the length of the buffer.

Table 17.64-1.

District of Development	Minimum buffer requirements for side and rear yards abutting contrasting district				
	R	**RM**	**Commercial**	**I**	**BP**
RM	5/B2	5/B2	10/B1	10/B2	10/B2
Commercial (all)	10/B3	5/B3	5/B1	5/B1	5/B1
I	20/B3	20/B3	5/Bl	5/B1	10/B2
BP	20/B3	20/B3	5/Bl	10/B2	5/B1

B. All new landscape areas shall be subject to the following provisions:

1. Plant selection shall consider adaptability to climate, geologic, and topographical characteristics of the site. Bark, mulch, gravel or other non-vegetative material shall only be used in conjunction with landscaping

to assist vegetative growth and maintenance or to visually complement plant material. Non-vegetative material is not a substitute for plant material.

2. Berms shall not exceed a slope of two horizontal feet to one vertical foot (2:1).

3. Landscape areas shall be provided with adequate drainage.

4. Retention of existing substantial vegetation is encouraged.

5. Use of native vegetation is encouraged.

6. All plants shall conform to American Association of Nurserymen (AAN) grades and standards as published in the "American Standards for Nursery Stock" manual, provided that existing healthy vegetation used to augment new plantings shall not be required to meet the standards of this manual.

7. Single-stemmed trees required pursuant to these regulations shall, at the time of planting, conform to the following standards:

a. Deciduous trees shall have a minimum caliper of two inches and a height of twelve feet.

b. Conifers and evergreens shall be at least six feet in height.

8. Multi-stemmed trees shall be permitted as an option to single-stemmed trees provided that such multiple-stemmed trees are at least eight feet in height and not allowed within street rights-of-way.

9. Medium and tall shrubs required pursuant to these regulations shall be at least twenty-four to thirty inches in height at time of planting.

10. Groundcover required pursuant to these regulations shall be at least four inches in height at time of planting and spaced to result in the required coverage within three years.

11. Landscape water features shall not use potable water unless the water feature recirculates water used in its operation.

12. Landscaping shall not conflict with the safety of those using adjacent sidewalks or with traffic safety.

13. Required landscape areas which, at the determination of the city, are inappropriate to landscape due to the existence of some natural or man-made feature, shall be relocated: first, to another lot line, or second, to an equal-sized area elsewhere on the property as directed by the city.

14. Plants listed on the Noxious Weed List of the Kittitas County Weed Board or the State of Washington Noxious Weed List are prohibited in landscaped areas.

(Ord. 1163 § 1, 2001)

17.64.080 Irrigation.

All plants shall receive sufficient water to assure their survival. Landscaping that can be supported by natural precipitation patterns to encourage the conservation of water. Automatic irrigation systems are required for all landscaped areas required by this title unless a landscape architect, certified nurseryman, or certified landscaper certifies that the proposed landscaping consists of native or other suitable vegetation which is capable of surviving without supplemental irrigation. Irrigation systems shall make provisions for winterization. Irrigation water, whether manually applied or applied through an irrigation system, shall be applied with the goals of avoiding runoff and overspray. An irrigation plan and schedule shall be included as part of the required landscape plan.

(Ord. 1163 § 1, 2001)

17.64.090 Timing of installation.

All required landscaping shall be installed prior to building occupancy, provided that the city may authorize up to a one hundred eighty-day delay when planting season conflicts could produce a high probability of plant loss. A bond or assignment of funds in the amount of one hundred twenty-five percent of the work and materials required to install the approved landscaping shall be required.

(Ord. 1163 § 1, 2001)

17.64.100 Tree replacement.

If any existing tree(s) designated for retention as part of the required landscaping is damaged or destroyed replacement trees shall be planted as follows:

Deciduous trees – Minimum caliper of three inches;

Evergreen trees – Minimum height of twelve feet.

(Ord. 1163 § 1, 2001)

17.64.110 Maintenance.

Whenever landscaping is or has been required in accordance with the provisions of this chapter, the landscaping shall be permanently maintained in a healthy growing condition, free of trash and debris, so to accomplish the purpose for which it was initially required. Dead or dying plantings shall be removed and replaced or repaired unless specifically required to provide wildlife habitat. Irrigation systems shall be maintained and periodically inspected to assure proper functioning.

(Ord. 1163 § 1, 2001)

17.64.120 Failure to maintain landscaping.

The city planner or designated representative is hereby authorized and empowered to notify the owner of any property required to be landscaped, or the agent, tenant, lessee or assignee of any such owner, that the landscaping is not being adequately maintained and the specific nature of such failure to maintain. The notice shall specify the date by which the maintenance must be accomplished, and shall be sent by certified mail, addressed to the owner at the last known address.

Upon the failure, neglect or refusal of any owner or agent so notified to perform the required maintenance within the time specified in the written notice, or within fifteen days after the date of such notice if the notice is returned to the city by the by the Post Office because of the inability to make delivery thereof provided the notice was properly addressed to the last known address of the owner or agent, the city planner or representative may take additional enforcement action as authorized by this title.

(Ord. 1163 § 1, 2001)

Chapter 17.70
ZERO LOT LINE AND COMMON WALL DEVELOPMENTS

Sections:

17.70.010 Purpose and intent.
17.70.015 Definitions.
17.70.020 Zero lot line or common wall on existing lots of record.
17.70.030 Zero lot line or common wall with new subdivisions.
17.70.040 Zero lot line and common wall design standards.
17.70.050 Application procedure.

17.70.010 Purpose and intent.

The purpose of this chapter is to allow for development of single-family, duplex dwellings, and townhouses on properties with design standards prescribed to allow for zero lot line setbacks. This concept is intended to provide more usable yard area, maximize views, conserve energy, and provide development flexibility. Zero lot line and common wall development are intended to allow for alternate siting of single-family, duplex and townhouse dwellings on individual lots if the development standards of the residential zone can be met. The requirements of this chapter shall be considered as modifications to the zoning requirements relating only to setbacks. Any zero lot line or common wall development approval under this chapter shall be restricted to development as herein prescribed.

(Ord. 1672 § 2 (Exh. B), 2024)

17.70.015 Definitions.

“Common wall dwelling” means two single-family dwellings, each on their own lot, that are attached together at a common interior property line.

“Zero lot line dwelling” means one or more single-family dwellings on their own lot where one side of the dwelling lies directly on an interior property line.

(Ord. 1672 § 2 (Exh. B), 2024)

17.70.020 Zero lot line or common wall on existing lots of record.

Zero lot line or common wall construction meeting the provisions of CEMC Section 17.70.040 may be proposed on existing lots of record through the Type 2 review process.

(Ord. 1672 § 2 (Exh. B), 2024)

17.70.030 Zero lot line or common wall with new subdivisions.

A. A zero lot line or common wall development may be established in conjunction with the subdivision of property through a long plat or a short plat in conformity with CEMC Title 16. Zero lot line or common wall applications in conjunction with short plats shall be subject to a public hearing.

B. Each plat prepared pursuant to these standards shall contain the following notation on the face of the plat:

> This plat has been approved under the provisions of Chapter 17.70 CEMC relating to zero lot line or common wall construction. No building permit may be issued for any construction upon the lands encompassed within this plat except in strict conformity with the restrictions contained in the Cle Elum Municipal Code.

(Ord. 1672 § 2 (Exh. B), 2024)

17.70.040 Zero lot line and common wall design standards.

Notwithstanding any other provisions in CEMC Title 16 and this title, a zero lot line or common wall development may be approved and thereafter developed in conformity with the following design standards in the following zoning districts: single-family residential, multi-family residential, and planned mixed use:

A. All dwellings constructed under the provisions of this chapter shall be so constructed in conformance with applicable building code(s) for structures located on a property line.

B. All lots located within the zero lot line or common wall development shall meet the minimum lot size requirements of the zone they are located in.

C. All lots within a zero lot line or common wall development shall be designated as having the following property lines:

1. Front street property line, which shall be the property line adjacent to the street or public thoroughfare;

2. Rear lot line, which shall be the lot line opposite the front street property line;

3. “Interior property line,” which shall mean the following:

a. The lot line shared with the adjoining parcel or lots, except for corner lots, where the side street property line shall be known as the side street property line;

b. Zero lot line shall be the one interior lot line on each parcel containing a single-family dwelling built on that property line. The easement required in subsection (J) of this section shall be located on the lot adjacent to the designated zero lot line;

c. “Common wall property line” shall mean the property line on which the attached single-family dwelling structure is located, and which is shared with an adjoining property owner;

d. The interior lot line opposite the zero lot line or common wall line shall be subject to all applicable setback requirements of the underlying zone.

4. For zero lot line and common wall development, the dwelling unit shall be placed upon only one interior property line with zero setbacks.

D. All dwelling units shall meet the development regulations of the zoning district they are located in: including setbacks (except for the designated zero lot line or common wall line), lot coverage, height, and density.

E. Accessory buildings and structures shall observe setback requirements applicable to the zone.

F. Each dwelling unit shall be provided with a separate water meter, electric meter, gas meter (if applicable), and sewer, wholly contained on its lot.

G. No zero lot line shall be allowed for the yard adjacent to a public or private street.

H. A minimum of two off-street parking spaces shall be provided on each platted lot.

I. Each dwelling shall be located on its own individual lot. The plat or site plan shall indicate the zero lot line or common wall property line(s).

J. Zero lot line developments shall dedicate an easement and restrictions appurtenant thereto. A construction maintenance agreement between the owners of the zero lot line lots shall be recorded in the county auditor’s office, or on the face of the final plat. The easement shall provide for a minimum five-foot easement extending in

all directions from all zero setback walls. The purpose of the easement is for construction, maintenance, and repair of the dwellings located on the zero lot line.

(Ord. 1672 § 2 (Exh. B), 2024)

17.70.050 Application procedure.

For all applications for zero lot line or common wall development, the applicant shall submit with the application the following exhibits:

A. A location map indicating existing zoning on the site and adjacent areas.

B. A site plan of no less than one inch to one hundred feet, including the following information:

1. Lot lines and setbacks, including designation of the zero lot line or common wall line, location, shape, size, and height of existing and proposed buildings;

2. Existing and proposed landscaping (if applicable);

3. Recreation facilities (if applicable);

4. Location of off-street parking.

C. Information indicating the following:

1. Gross and net acreage;

2. Lot sizes (dimensions in square footage);

3. Building heights and stories;

4. Building coverage for each lot;

5. Such other architectural and engineering data as may be required to evaluate the project.

(Ord. 1672 § 2 (Exh. B), 2024)

Chapter 17.90
SIDEWALK SALES AND SERVICE OF FOOD AND BEVERAGE

Sections:

17.90.010 Purpose.
17.90.020 Sidewalk use regulations.

17.90.030 Permit approvals.
17.90.040 Validity.
17.90.050 Enforcement.

17.90.010 Purpose.

The city of Cle Elum supports local economic development and vitality and promotes the safe and reasonable use of sidewalks and abutting parking strip areas in commercial zones for the sales of merchandise and the service of food and beverages pursuant to obtaining a sidewalk use permit.

(Ord. 1558 § 1, 2019)

17.90.020 Sidewalk use regulations.

Sales of merchandise and service of food and beverages on sidewalks or parking strips, by current abutting business owners or by an approved food cart (with signed approval from the abutting property owner), both with valid city business licenses shall be reviewed pursuant to the criteria below. Abutting business owners and food cart operators are hereafter collectively referred to as "merchants."

A. Sidewalk sales authorized under a sidewalk use permit shall only be permitted to display merchandise for sale during the business hours of operation for the owner of the adjacent business. The city shall authorize business hours within the permit;

B. There is left a free, unobstructed and adequate area for passage of the public that is a minimum of five linear feet;

C. The city may limit the size and number of tables and chairs used for sidewalk sales and services;

D. Service of alcohol shall require the following or as authorized by the Washington State Liquor and Cannabis Control Board regulations ("LCCB"):

1. An approved and current license issued by the LCCB;

2. If alcohol is served, a barrier no less than forty-two inches in height is required. The barrier must be a physical structure that bars movement between two areas and must be movable. The barrier cannot be affixed to the sidewalk surface;

3. All tables, chairs, and barriers must be visible directly from the interior of the business;

E. All objects placed on the sidewalk must be windfirm and approved by the city planner or their designee;

F. Merchants may not allow electrical cords or other obstructions to be placed across the sidewalk;

G. All permanent and temporary or moveable sidewalk objects and barriers must be off of the sidewalk during the winter months defined as November 1st through April 1st;

H. The business owner shall be responsible for removing all trash, garbage, refuse, debris, or any other objects upon the public sidewalk. Any person, firm, or corporation who violates this section may be subject to enforcement pursuant to CEMC Chapter 8.60, Code Enforcement;

I. The merchant makes adequate provision for safeguarding the public against injury to person and damage to property;

J. The merchant agrees in writing on a form provided by the city, to indemnify and save the city harmless from all claims, suits and liabilities arising in any way out of such use of the sidewalks and/or parking strips;

K. The merchant shall provide proof of insurance with limits and requirements as set forth in the current sidewalk use permit application;

L. A food truck (as defined in CEMC Chapter 17.08) shall be permitted to park in a safe location adjacent to a public sidewalk or entirely within private or public property and serve customers from the food truck directly onto a public sidewalk, as permitted by the city with an approved sidewalk use permit. Food trucks may request a sidewalk use permit to cover multiple locations, at the discretion of the city planner. Food trucks shall not serve customers directly into a street or road, unless granted specific permission to do so within the sidewalk use permit, such as for special events or neighborhood festivals.

1. Awnings extending from food trucks shall be easily retractable or removable to adjust for high winds and prevent injury or damage to property.

(Ord. 1558 § 1, 2019)

17.90.030 Permit approvals.

A. The city planner or their designee is authorized to issue sidewalk use permits for the purpose of allowing the use of city sidewalk areas for the display and sales of merchandise and the service of food and beverage, including alcoholic beverages when authorized by applicable state liquor laws, as an extension of a permittee's adjacent business fronting directly upon the sidewalk.

B. A permit application (and associated fee pursuant to the city fee schedule) shall be submitted and approved under such terms for the public safety and convenience as the city shall prescribe, including:

1. Description of the types of goods and/or services proposed;

2. Operating days and hours of the sidewalk use;

3. A site plan of the sidewalk area between the building and curb, describing the following:

a. Doorway and window locations of the building;

b. All permanent and temporary or movable sidewalk objects (e.g., city or private flower planters, street tree wells, umbrellas or awnings, street signs, bike racks, trash receptacles, street lights, A-frame signs, etc.);

c. Description of method by which all objects will be made windfirm;

d. Proposed seating area – number and location of all proposed tables and chairs;

e. Width of sidewalk in feet (from building to curb);

f. Distance in feet between sidewalk objects and barrier or seating area, including depiction of five-foot minimum unobstructed passage;

g. Distance in feet between each table, chair, barrier and the adjacent building and curb;

h. Locations of adjacent driveways, alleys, and/or curb ramps;

i. If required for alcohol service, the location of the required barrier;

4. Signed indemnification statement on the form provided for by the city; and

5. Certificate of liability insurance with limits and requirements as set forth in the sidewalk use permit.

C. The city planner or their designee have the authority to inspect the sidewalk use at any time and may immediately revoke a sidewalk use permit upon finding a violation of this chapter.

D. Sidewalk use permittees shall be authorized to use the sidewalk under the terms of a valid permit between six a.m. and ten p.m. seven days a week.

(Ord. 1558 § 1, 2019)

17.90.040 Validity.

Permit approvals shall generally be valid for a period of one calendar year beginning in January each year. Where information upon the original application remains the same, or updates or amendments to the application do not substantially change the permitted use, the permit will remain valid. However, the permit shall require a formal review should the permitted use change, as directed by the city planner.

(Ord. 1558 § 1, 2019)

17.90.050 Enforcement.

Permit requirements shall be enforced by the code enforcement officer, per CEMC Chapter 8.60.

(Ord. 1558 § 1, 2019)

Chapter 17.110
BUILDING AND USE PERMITS

Sections:

17.110.010 Application.
17.110.020 Plats or maps required.

17.110.010 Application.

All applications for building or use permits, for use of premises, for erection of structures, or for additions to structures, shall be submitted to the city official in charge of issuing building permits and inspection of buildings (referred to as the building inspector in this title). With the exception of buildings and uses in existence at time of adoption of the ordinance codified in this title, no building shall be erected or altered or added to or moved, and no industrial, residential, commercial or public use shall be made of any premises within the city, unless a permit therefor is first obtained under the provisions of this title.

(Ord. 1163 § 1, 2001)

17.110.020 Plats or maps required.

All applications for erection, alteration, addition or moving of any building or structure shall contain plats or maps, drawn to scale, showing the actual dimensions of the lot to be used, and the size and location of existing buildings and improvements thereon, and of the building or structures to be built, altered, enlarged, or moved thereon.

(Ord. 1163 § 1, 2001)

Chapter 17.115
ADDITIONS OR ANNEXATIONS TO CITY

Sections:

17.115.010 Use districts.
17.115.020 Annexations – Zoning.

17.115.010 Use districts.

Any area added or annexed to the city shall automatically be zoned in accordance with the city comprehensive plan in effect at the time of such annexation or adopted concurrently with the annexation. Petitions for annexation into the city shall be made on forms provided by the city and be submitted with the applicable fees as set forth by resolution of the city council.

(Ord. 1541 § 1, 2019; Ord. 1163 § 1, 2001)

17.115.020 Annexations – Zoning.

If land is annexed into the city without having previously been given a land use and zoning designation by the city, then the newly annexed land shall receive the land use and zoning designation that most closely equates to the Kittitas County designations for the land just prior to annexation by the city. These designations shall remain applicable to the annexed land pending further review and amendment in due course by the city.

(Ord. 1480 § 1, 2018)

Chapter 17.120
AMENDMENTS AND RECLASSIFICATIONS

Sections:

17.120.010 Authorized.
17.120.030 Standards and criteria for granting a reclassification.

17.120.010 Authorized.

The city council may, upon proper petition of the affected property owner(s) or upon its own motion or that of the planning commission, and after public hearing, change by ordinance the district boundary lines or some classification as shown on the district maps, and may amend, supplement or change by chapter the regulations herein established.

(Ord. 1163 § 1, 2001)

17.120.030 Standards and criteria for granting a reclassification.

The following standards and criteria shall be used by the planning commission and city council to evaluate a request for rezone. Such an amendment shall be granted only if the request is found to be consistent with the following:

1. The proposed rezone is consistent with the comprehensive plan.

2. The proposed rezone and subsequent development would be compatible with development in the vicinity.

3. The proposed rezone will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated.

4. Adequate public utilities and public facilities are available to serve subsequent development.

5. Circumstances have changed substantially since the establishment of the current zoning district to warrant the proposed rezone.

6. The proposed rezone will not adversely affect the health, safety and general welfare of the citizens of the city.

(Ord. 1163 § 1, 2001)

Chapter 17.122
COMPREHENSIVE PLAN AMENDMENTS

Sections:

17.122.010 Application period.
17.122.020 Applicants.
17.122.030 Type of applications.
17.122.040 Application content.
17.122.050 Public participation process.

17.122.010 Application period.

Applications for proposals of plan amendments will be accepted through the close of business on March 31st. However, if March 31st falls on a weekend then applications will be accepted through the close of business on the following Monday. Furthermore for the year 2005 only, applications will be accepted until April 30th or later if it is determined by the city planner that enough time remains to process the application prior to the county's docketing deadline of June 30th.

(Ord. 1228 § 1, 2005)

17.122.020 Applicants.

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

(Ord. 1228 § 2, 2005)

17.122.030 Type of applications.

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

A. *Text Amendment.* A change or revision in the text or the goals policies and objective principles or standards of the comprehensive plan.

B. *Area-Wide Amendment.* A proposed change or revision to the generalized land use map, zoning map, goals, policies, objectives or assumptions affecting a general area that is comprehensive in nature or may be geographically distinctive, has a unified interest with the city and usually includes several separate properties under various ownerships.

C. *Site-Specific Amendment.* A proposed amendment to the comprehensive plan that affects one or a small group of contiguous parcels. A site-specific amendment most frequently affects only the land use and/or zoning map and not the text of the comprehensive plan.

(Ord. 1228 § 3, 2005)

17.122.040 Application content.

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

A. Rezones and comprehensive plan map amendments must meet the standards of CEMC 17.120.030 in form and content.

B. Text amendments to the comprehensive plan must at a minimum provide a rationale for the proposed text change including:

1. The current plan text and the proposed plan text.
2. What the proposed text change would accomplish that the current text does not.
3. Why the text change is necessary or desirable.

(Ord. 1228 § 4, 2005)

17.122.050 Public participation process.

Public outreach will be conducted through the formal planning commission process. The public will have the opportunity to provide proposed revisions to the comprehensive plan as required under RCW 36.70A.130 until March 31st of each year. Once these proposed revisions have been compiled in the form of the "final draft docket," the public participation process will commence through the planning commission. The planning commission will consider these comments and the resultant recommendations will be included in the "final docket" that will be forwarded to the city council as the planning commission's findings of fact.

(Ord. 1228 § 5, 2005)

Chapter 17.125
ENFORCEMENT

Sections:

17.125.010 Duties.

17.125.010 Duties.

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

(Ord. 1163 § 1, 2001)

Chapter 17.130
VIOLATION – PENALTY

Sections:

17.130.010 Designated.

17.130.010 Designated.

Any person, firm or corporation adjudged guilty of violating, disobeying, omitting, neglecting or refusing to comply with the provisions of this title, or who resists the enforcement of any of the provisions of this title, shall be fined

in the sum of not more than three hundred dollars, or imprisoned for not more than ninety days, or both fined and imprisoned as herein provided, for each offense. Each day a violation occurs may be considered a separate offense.

(Ord. 1163 § 1, 2001)

Chapter 17.140

DEVELOPMENT AGREEMENTS[1]

Sections:

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

1 Editor's note: Ord. No. 1328, § 1, adopted June 22, 2010, amended Ch. 17.140 in its entirety to read as herein set out. Former Ch. 17.140, §§ 17.140.010 – 17.140.050, pertained to similar subject matter, and derived from Ord. 1147, § 1, adopted 2001.

17.140.010 Purpose.

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

(Ord. 1328 § 1, 2010)

17.140.020 General requirements.

A. A development agreement is an optional means, within the legislative discretion of the city council, to facilitate development of a limited geographical area.

B. The city and the property owner(s) must be a party to the development agreement. The county, special service districts, school districts, utilities, contract purchasers, lenders, and third-party beneficiaries may be considered for inclusion in the development agreement.

C. A development agreement shall establish the standards that are applicable to the development and other conditions that control the development, use, and mitigation of the property subject to the development agreement.

D. A development agreement can be entered into before, concurrent with, or following approval of the project permits for development of the property.

E. Development agreement application and applicable development agreement and mitigation fees shall be as set forth by resolution of the city council.

(Ord. 1542 § 1, 2019; Ord. 1328 § 1, 2010)

17.140.030 Minimum standards to be addressed.

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

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

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

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

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

5. Other appropriate requirements.

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

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

(Ord. 1328 § 1, 2010)

17.140.040 Procedures.

The following procedure will be used for development agreements:

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

B. If the city council determines that a development agreement is an appropriate method to handle the proposed development, the property owner shall be so informed;

C. When a development agreement is being considered, the applicant shall provide the city with plans with sufficient detail to determine the extent of development and its impacts. The city planner shall specify in writing the required materials that must be submitted with the development agreement;

D. The city council in its sole discretion may approve a development agreement; and

E. An approved and fully executed development agreement shall be recorded with the county auditor.

(Ord. 1328 § 1, 2010)

17.140.050 Effect of agreement.

A. A development agreement is binding on the parties and their successors in interest;

B. A development agreement shall run with the land;

C. A development agreement is enforceable only by a party to the agreement; and

D. Any future project permit issued by the city shall be consistent with the development agreement as long as the agreement is in effect.

(Ord. 1328 § 1, 2010)

Chapter 17.150
LAND USE DEVELOPMENT PROPOSALS

Sections:

17.150.010 Purpose.
17.150.020 Definitions.
17.150.030 Application fees.
17.150.040 Application processing costs – Deposit required.
17.150.050 Review rates and costs.
17.150.060 Fees.
17.150.070 Use of consultants.

17.150.010 Purpose.

The purpose of this chapter is to assure that applicants of all land development proposals pay the city costs associated with the review and processing of the proposals and to provide procedures for administering said costs.

(Ord. 1550 § 1 (Exh. A), 2019)

17.150.020 Definitions.

“Director” means the planning director for the city of Cle Elum, Washington.

“Flat fee permits” means permits or services for which a fixed sum or charge shall be paid by the applicant.

“Land use development proposal” means those proposals defined as a “land use permit” or a “flat fee permit.”

“Land use permit” means and includes, but is not limited to, applications for approval of permits relating to the use of land within the city, and shall be construed broadly to include all reviews, permits, or approvals sought under CEMC Titles 15 to 18.

“Processing costs” means all costs related to the processing of a land use permit including, but not limited to, actual time and materials costs for application review, assessment, engineering, inspections, legal, secretarial, administrative, publication, and other city processing costs, as well as consultant costs. Processing costs do not include flat fee charges for services.

(Ord. 1550 § 1 (Exh. A), 2019)

17.150.030 Application fees.

Application for all land use development proposals shall be accompanied by fees as established by the current fee schedule as adopted by the city council and hereinafter amended. Said fees must accompany the application as one element in the determination as to whether the application is deemed complete.

(Ord. 1550 § 1 (Exh. A), 2019)

17.150.040 Application processing costs – Deposit required.

A. The land use permit applicant shall pay to the city all processing costs associated with the processing of the land use permit, as such costs are defined in CEMC Section 17.150.020. If a preapplication meeting is conducted between the city and applicant, the city shall inform the applicant, in writing, of the processing deposit that must

be submitted with the land use permit application. The processing deposit is separate from, and required in addition to, the application fees required by CEMC Section 17.150.030.

B. The director shall calculate the total processing costs and the deposit for a land use permit application according to the following factors: (1) the estimated number of hours of city staff time required to process the land use permit multiplied by the staff members' applicable hourly rate(s); (2) the expected costs for postage, printing, publication, notice, posting, and other related administrative costs associated with processing the land use permit; and (3) the estimated number of hours of consultant and hearing examiner time required to process the land use permit multiplied by the consultant(s)' applicable hourly rate(s).

C. The city will establish a segregated fund account for each application deposit required under subsection (A) of this section. The city will invoice the applicant monthly for all actual processing costs incurred, along with an administrative fee in an amount equal to ten percent of the invoice total. The applicant shall pay all invoices within fifteen days of mailing date. In the event the applicant fails to pay per this section, the city shall draw from the fund. Applicant shall at all times maintain the initial deposit amount requested by the city. To ensure the efficient processing of the land use permit application, the applicant and the city shall execute a memorandum of understanding, in a form acceptable to the city attorney, for payment of processing costs required herein.

(Ord. 1550 § 1 (Exh. A), 2019)

17.150.050 Review rates and costs.

A. Hourly rates for city staff time to process land development proposals shall be established by the current fee schedule as adopted by the city council.

B. Routine city processing costs shall be established by the city council.

C. Predevelopment application review ("PAR") costs shall be charged to each company or individual requesting information in furtherance of a development permit application on a time and materials basis using hourly service rates from the city-adopted fee schedule. All project development representatives for development projects shall be given one initial thirty-minute free consultation meeting with city staff. Smaller development proposals such as one single-family home with the homeowner as applicant (one time only), small business tenant improvements of three thousand square feet or less, and similar small-scale projects as determined by the director shall be exempt from the PAR fee. In the event that small-scale project PAR review(s) take more than twenty hours of city staff time, any additional time spent on the exempt projects shall be charged time and materials cost for the remaining preapplication review.

(Ord. 1550 § 1 (Exh. A), 2019)

17.150.060 Fees.

Fee amounts for all flat fee permits shall be as established by the city council and are listed in the current city fee schedule.

(Ord. 1550 § 1 (Exh. A), 2019)

17.150.070 Use of consultants.

A. The city shall have the right to determine when to use outside consultants to provide any or all of the necessary work related to processing land use development proposals.

B. Whenever review of a land use application requires retention by the city for professional consulting services, the applicant shall reimburse the city the cost of such professional consulting services.

(Ord. 1550 § 1 (Exh. A), 2019)

Chapter 17.160
SHORT-TERM RENTALS

Sections:

17.160.010 Purpose.
17.160.020 Definitions.
17.160.030 Permits, licensing, and taxes.
17.160.040 Building inspection.
17.160.050 Short-term rental operating standards.
17.160.060 Application.

17.160.010 Purpose.

The purpose of this chapter is to prevent unreasonable burdens on the services and impacts on the health, safety, and welfare of the general public and residential neighborhoods posed by short-term rental homes and to preserve affordable long-term housing stock. Maintenance of existing residential neighborhoods is essential to a continued sense of community and economic strength. It is the intent of this chapter to minimize the impact of short-term rentals on adjacent residences, and to minimize the impact of the commercial character of short-term rentals.

(Ord. 1601 § 1 (Exh. A), 2021)

17.160.020 Definitions.

“Adjacent properties” means any property contiguous to a property on which a short-term rental unit is located.

“Apartment building” means a standalone building with five or more residential units that share common walls.

“Host” means any owner of record of residential real property, or agent or lessee thereof, who offers that dwelling unit, or portion thereof, for short-term rental either through a hosting platform or individually. All accessory dwelling units shall be considered hosted if the owner resides on the property.

“Hosted short-term rental” means a short-term rental where the host remains in the dwelling unit throughout the short-term renter’s stay. A host may rent out a private portion of a residential dwelling unit; however, the rental of an entire dwelling unit may not be classified as a “hosted short-term rental.”

“Hosting platform” means a marketplace, in whatever form or format, which facilitates short-term rentals through advertising, matchmaking or any other means, using any medium of facilitation, and from which the operator of the hosting platform derives revenue from providing or maintaining the marketplace and including booking fees or advertising revenue.

“Local contact person” means the person designated by the owner or host who shall be available twenty-four hours per day, seven days per week for the purpose of: (1) Responding within sixty minutes to the property code violations and/or complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit and (2) taking remedial action to resolve such violations and/or complaints.

“Short-term rental” means the rental of any room or rooms, or portions thereof, in any residential dwelling unit for residing, sleeping or lodging purposes for no more than twenty-nine consecutive calendar days. Portions of days shall be counted as full calendar days.

“Short-term renter” means a person who occupies, or is entitled to occupy a short-term rental, by reason of fee, concession, permit, right of access, license or other agreement for a period of no more than twenty-nine consecutive calendar days. Portions of days shall be counted as full calendar days.

(Ord. 1601 § 1 (Exh. A), 2021)

17.160.030 Permits, licensing, and taxes.

A. *Permit.*

1. *Short-Term Rental Permit Required.* It shall be unlawful for any host to rent a short-term rental without first applying for and obtaining a permit from the city.

Applications for short-term rental permits shall be submitted on a form provided by the city. Applications shall include all information required on the form and shall be accompanied by the appropriate permit fee.

2. *Permit Fee.* The initial permit fee and renewal permit fee shall be established by resolution of city council, as may be amended from time to time, and payable annually in advance. Fees for applications received at any time during the calendar year shall not be prorated.

3. *Separate Permits Required.* A separate short-term rental permit is required for each short-term rental, regardless of ownership.

4. *Limited Permits by Owner.* A single host shall be limited to owning and operating a maximum of three short-term rentals.

5. *Term of Permit.* A short-term rental permit shall be on a calendar-year basis. Approved permits shall be personal to the host, are not assignable or transferable and shall automatically expire upon sale or transfer of the property on which the short-term rental is located.

6. *Annual Renewal.* A short-term rental permit compliant with this chapter shall be renewed annually upon payment of permit renewal fees as established by resolution of the city council and remittance of all required taxes associated with the short-term rental. The host shall also submit such information as may be required to enable the mayor or their designee to verify the amount of tax paid. Failure to submit a short-term rental renewal application prior to December 15th of each calendar year will result in expiration of the permit and a new permit, including fees, must be applied for.

B. *Business License Required.* A city of Cle Elum business license is required for all short-term rentals. A business license shall be obtained pursuant to CEMC Chapter 5.02 as established or hereafter amended.

C. *Insurance Required.* The applicant shall maintain on file at City Hall a current certificate of insurance documenting that the premises are insured as a short-term rental, or as appropriate for the proposed use.

D. *Display of Information.* Each short-term rental unit shall have a clearly visible notice posted within the unit that includes the following, current information:

1. Contact information for the host and local contact person;

2. The city short-term rental permit number;

3. Contact information for emergencies including police and fire services;

4. Identification of emergency escape routes and location of fire extinguishers;

5. Location of emergency shut-offs and any other emergency information;

6. The maximum number of people in terms of permitted sleeping occupancy;

7. The maximum number of persons permitted in the unit at any one time;

8. The location for parking vehicles and the maximum number of parked vehicles permitted for the unit;

9. Alternative parking locations for extra vehicles, trailers, and campers;

10. Requirements, if allowed, for smoking;

11. Methods and timing of trash disposal;

12. Snow removal instructions;

13. Notice to keep noise to a minimum between ten p.m. and seven a.m.; and

14. Policy regarding pets.

E. *Collection of Taxes.*

1. Chapter 82.08 RCW allows cities to adopt a "room tax" or lodging tax, which contributes to the Cle Elum lodging tax fund that provides grant funding for tourism-related activities and facilities for and within the city of Cle Elum. CEMC Chapter 3.68, Room Tax, applies to all short-term rentals within the Cle Elum municipal limits. Short-term rentals that do not automatically pay the appropriate room tax through their hosting platform (e.g., Airbnb), shall pay the taxes as set forth by CEMC Chapter 3.68.

2. The applicant shall provide all applicable company or business names the short-term rental may be affiliated with in order for the city to track and collect applicable taxes, fees, and charges.

(Ord. 1601 § 1 (Exh. A), 2021)

17.160.040 Building inspection.

The host shall maintain, on file at City Hall, a current building inspection checklist documenting that the premises comply with the provisions for transient accommodations in the International Building Code, as adopted by the city of Cle Elum.

Before issuance of a permit, the host shall allow the building inspector to enter the premises for the purpose of completing the building inspection checklist.

(Ord. 1601 § 1 (Exh. A), 2021)

17.160.050 Short-term rental operating standards.

A. *Applicant.* Applicants for short-term rental permits must be the owner of the property where the short-term rental will be located or, if an agent or lessee, shall have the written permission of the property owner to use such property as a short-term rental.

B. *Local Contact Person.* Short-term rentals must have a local contact person who shall be responsible for ensuring compliance with provisions of this code including, but not limited to, immediately addressing emergency situations at the short-term rental premises, reporting lodging tax, maintaining a current business license,

maintaining parking areas, removing of snow and ice, and other property maintenance requirements (see local contact person definition in CEMC Section 17.160.020).

C. *Zoning.* Short-term rentals are permitted only within the commercial and residential zones of the city, provided they conform to the zoning regulations for each zone.

D. *Legal Dwelling.* Short-term rentals are permitted only within legal conforming and legal nonconforming residential dwelling units. Short-term rentals are not permitted in an apartment building at any time in any zone.

E. *Spacing.*

1. *Commercial.* There shall be no spacing limitations to the number of short-term rentals within commercial zones.

2. *Residential.* Within any residential zone, short-term rentals shall be separated by at least two hundred fifty feet between parcel boundaries, as confirmed by the city based upon the Kittitas County assessor's mapping portal data.

F. *Quiet Hours.* Regular quiet hours shall be observed between the hours of ten p.m. and seven a.m. Activities that produce audible noise to neighbors will take place only between the hours of seven a.m. and ten p.m., although any noise complaint may be subject to city police investigation, including excessive noises made by animals during any hour (for example, CEMC Section 6.04.070).

G. *Pets.* Should the permitted property allow guests to have pets, all local animal laws must be followed, including but not limited to the city leash law. All animal waste within the city right-of-way or neighboring properties shall be promptly picked up. No exotic animals or exotic pets shall be permitted on the short-term rental premises.

H. *Nuisance.* No short-term rental shall be operated in such a way as to constitute a nuisance as defined by CEMC Chapter 8.12.

I. *Occupancy.*

1. A dwelling unit for which a short-term rental use is approved may alternatively be used as a full-time residence for the owner or lessee. However, during short-term rental tenancies, the building shall not be used for any other purpose (e.g., home occupation or temporary event) without the appropriate additional permit, license, or other written permission of the city.

2. The maximum number of occupants permitted in a short-term rental shall be established at the time of the initial unit licensing and shall not exceed the number deemed safe by the Cle Elum fire department.

J. *Parking.* A minimum of two designated off-street parking spaces shall be available on the property. Parking spaces shall be located entirely within the boundaries of the rented property, and located upon standard hard parking surfaces such as concrete or compact gravel driveways, and which shall exclude grass and landscaping.

K. *Camping.* While the determination of whether recreational vehicles (RVs or other campers) will be allowed to park on site will be the responsibility of the host, no camping within city limits is permitted (CEMC Chapter 8.44). As such, no additional accommodations within RVs, other campers, or tents shall be allowed under this permit.

L. *Appearance and Visibility.* Except in the commercial zones, the short-term rental use shall not change the residential character of the outside of a dwelling unit, either by the use of colors, materials, signage, lighting; or by the construction of accessory structures or garages that are visible off site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations, or odors not commonly experienced in residential areas.

M. *Garbage Service.* Mandatory garbage services are required within the city of Cle Elum (CEMC Section 8.08.120). The appropriate level of garbage collection services shall be maintained so there is no overflow of trash on the short-term rental property or adjacent properties. The mayor or their designee shall be authorized to require a larger garbage cart if the short-term rental receives more than two complaints related to garbage overflowing or leaving the property or if the property receives more than two garbage overage charges from the city's garbage service provider, at which time the mayor or designee will determine the appropriate cart size and make the adjustments with the city's garbage service provider and the host.

N. *Special Events.* Weddings, corporate events, commercial functions, large parties and other similar events which have the potential to cause traffic, parking, noise, or other impacts to the neighborhood shall first receive a city event approval by the city events committee.

(Ord. 1601 § 1 (Exh. A), 2021)

17.160.060 Application.

A. Applications for short-term rental permits must be made on the applicable form provided by the city and should contain the following information:

1. Host's name, mailing address, physical address, phone number;

2. Local contact name, mailing address, physical address, phone number, business license number (if applicable);

3. Business license number, if known;

4. A city business license will be required before the short-term rental license is issued;

5. Physical address of proposed short-term rental;

6. Number of bedrooms and proposed occupancy;

7. Number of off-street parking spaces;

8. Other information as required by the city.

B. *Requirements Not Exclusive.* The approval of a short-term rental permit shall not relieve any host of the obligation to comply with all other provisions of this code applicable to the use and occupancy of the property.

C. *Records of Compliance.* The host shall retain records documenting the compliance with this chapter for a period of three years after each period of short-term rental, including, but not limited to, records showing payment of lodging taxes by a hosting platform on behalf of a host. Upon reasonable notice, the host shall provide any such documentation to the city of Cle Elum upon request for the purpose of inspection or audit.

D. *Violation and Enforcement.*

1. *Revocation of Permit.* A short-term rental permit may be revoked for any of the following reasons: fraud, misrepresentation or false statement contained in the application for, or in the operation of, the short-term rental, failure to pay lodging tax, failure to maintain a valid city business license, or more than two responses to the same renters and/or guests on the property by the city police or other law enforcement agencies for reasons of noise, parking, or nuisance or other violations of the city ordinance or law related to the property's use as a short-term rental. Any short-term rental which receives a police response more than four times within a twelve-month period for the listed violations may have the short-term rental permit revoked.

2. *Violations.* Violations of this chapter and any requirements therein may result in the revocation of a short-term rental permit.

3. *Enforcement.* Violations of this chapter, including operating a short-term rental without a valid permit, may be enforced by any law enforcement officer or code enforcement officer as set forth by state law or city municipal code (CEMC Chapter 8.60).

(Ord. 1601 § 1 (Exh. A), 2021)

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The Cle Elum Municipal Code is current through Ordinance 1680, passed September 10, 2024.

Disclaimer: The city clerk's office has the official version of the Cle Elum Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited here.

City Website: cityofcleelum.com
City Telephone: (509) 674-2262

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