

## **Title 17**

### **ZONING\***

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\* Prior Ord. History: Ord. 545, 1960; Ord. 609, 1966; Ord. 627, 1969; Ord. 782, 1981; Ord. 901, 1989; Ord. 935, 1991; Ord. 942, 1991; Ord. 962, 1992.

### **Chapter 17.04**

## **GENERAL PROVISIONS**

#### Sections:

**17.04.010 Title.**

**17.04.020 Map adopted.**

**17.04.030 Uses not designated.**

**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 (part), 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 (part), 2001)

#### **17.04.030 Uses not designated.**

The planning director may permit in a district any use not described in this title which is deemed by the planning director to be in general keeping with the uses authorized in such district and is consistent with the provisions of the comprehensive plan. Such decisions by the planning director may be appealed per provisions of Section 17.100.120.

(Ord. 1163 § 1 (part), 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 (part), 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 useable condition or the nonconforming status shall be lost.

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

## **Chapter 17.08**

### **DEFINITIONS**

#### Sections:

- 17.08.010 Generally.
- 17.08.020 Accessory use or building.
- 17.08.023 Adjacent.
- 17.08.025 Adult family home.
- 17.08.030 Alley.
- 17.08.040 Bed and breakfast guesthouse.
- 17.08.050 Boardinghouse (or lodginghouse).
- 17.08.060 Business.
- 17.08.070 Building.
- 17.08.090 Conditional use.
- 17.08.100 Day care center.
- 17.08.110 Day care, family.
- 17.08.120 Dripline.
- 17.08.130 Duplex.
- 17.08.140 Dwelling unit.
- 17.08.150 Dwelling, multiple-unit.
- 17.08.160 Dwellings, single-family.
- 17.08.170 Family.
- 17.08.180 Front property line.
- 17.08.190 Garage or carport, private.
- 17.08.200 Group home.
- 17.08.210 Height of building.
- 17.08.220 Home occupation.

17.08.230 Hotel (or motel).  
17.08.240 Kennel.  
17.08.250 Lot.  
17.08.260 Lot, corner.  
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17.08.280 Lot of record, nonconforming.  
17.08.290 Manufactured home.  
17.08.298 Mobile food service unit.  
17.08.300 Mobile home.  
17.08.310 Nonconforming use/structure.  
17.08.315 Open air market.  
17.08.320 Retirement residence.  
17.08.330 Setback.  
17.08.340 Stacking space.  
17.08.350 Story.  
17.08.360 Street.  
17.08.370 Structure.  
17.08.380 Tree.  
17.08.390 Use.  
17.08.400 Variance.  
17.08.410 Visual screen.  
17.08.420 Yard, front.  
17.08.430 Yard, rear.  
17.08.440 Yard, side.

#### **17.08.010 Generally.**

For the purpose of this title, words used in the present tense include the future; words in the singular number include the plural, and words in the plural include the singular number; and words not defined shall be construed as defined in the building code ordinances of the city, if defined therein, and if not defined therein shall be given their ordinary and usual meaning.  
(Ord. 1163 § 1 (part), 2001)

#### **17.08.020 Accessory use or building.**

"Accessory use or building" means a subordinate use or building customarily incidental to and located upon the same lot occupied by the main use or building.  
(Ord. 1163 § 1 (part), 2001)

#### **17.08.023 Adjacent.**

"Adjacent" means adjoining with a common boundary line; except that where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures more than eight in a single direction. Properties separated by a public right-of-way of twenty feet or more are not considered adjacent.  
(Ord. 1163 § 1 (part), 2001)

#### **17.08.025 Adult family home.**

"Adult family home" means the regular family abode of a person or persons who are providing personal care, room and board, under a license issued pursuant to RCW 70.128.060, to more than one but not more than four adults who are not related by blood or marriage to the person providing the services; except that a

maximum of six adults may be permitted if the Washington State Department of Social and Health Services determines that the home and the provider are capable of meeting standards and qualifications provided for in the law (RCW 70.128.060).

(Ord. 1163 § 1 (part), 2001)

#### **17.08.030 Alley.**

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

(Ord. 1163 § 1 (part), 2001)

#### **17.08.040 Bed and breakfast guesthouse.**

"Bed and breakfast guesthouse" means an owner-occupied single-family residential dwelling which provides transient rental lodging limited to four guest rooms or less.

(Ord. 1163 § 1 (part), 2001)

#### **17.08.050 Boardinghouse (or lodginghouse).**

"Boardinghouse" or "lodginghouse" means a dwelling where lodging, with or without meals, for five or more persons not members of the same immediate family is provided for compensation.

(Ord. 1163 § 1 (part), 2001)

#### **17.08.060 Business.**

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

(Ord. 1163 § 1 (part), 2001)

#### **17.08.070 Building.**

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

(Ord. 1163 § 1 (part), 2001)

#### **17.08.090 Conditional use.**

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

(Ord. 1163 § 1 (part), 2001)

#### **17.08.100 Day care center.**

"Day care center" means a facility providing regularly scheduled care for a group of thirteen or more children, within a one month of age through twelve years of age range exclusively, for periods less than twenty-four hours. Preschools are considered day care centers for city land use regulation purposes.  
(Ord. 1163 § 1 (part), 2001)

**17.08.110 Day care, family.**

"Day care, family" means a licensed day care which regularly provides day care for not more than twelve children in the provider's home in the family living quarters.  
(Ord. 1163 § 1 (part), 2001)

**17.08.120 Dripline.**

"Dripline" means an imaginary circle drawn at the ground surface directly under the outermost branches of a tree.  
(Ord. 1163 § 1 (part), 2001)

**17.08.130 Duplex.**

"Duplex" means a single structure containing two dwelling units, either side by side or above one another.  
(Ord. 1163 § 1 (part), 2001)

**17.08.140 Dwelling unit.**

"Dwelling unit" means a single unit providing complete, independent living facilities for not more than one family and permitted roomers and boarders, including permanent provisions for living, sleeping, eating, cooking and sanitation. A manufactured home, apartment, condominium, townhouse, single-family detached house, or accessory dwelling unit is considered to be a dwelling unit.  
(Ord. 1163 § 1 (part), 2001)

**17.08.150 Dwelling, multiple-unit.**

"Multiple-unit dwelling" means a residential building arranged or designed to be occupied by three or more families, with the number of families in residence not exceeding the number of units provided.  
(Ord. 1163 § 1 (part), 2001)

**17.08.160 Dwellings, single-family.**

"Single-family dwellings" means a building arranged or designed to be occupied by not more than one family.  
(Ord. 1163 § 1 (part), 2001)

**17.08.170 Family.**

"Family" means an individual or two or more persons related by blood or marriage; eight or fewer nonrelated residents, living together as a single nonprofit housekeeping unit; or eight or fewer related and nonrelated persons. For purposes of this definition, minors living with parents shall not be counted as part of the maximum number of residents.  
(Ord. 1163 § 1 (part), 2001)

**17.08.180 Front property line.**

"Front property line" means the property line that is adjacent to a public or private street more than twenty-one feet in width, except that the Interstate 90 right-of-way shall not be considered a front property line. Where there is more than one adjacent public or private street more than twenty-one feet in width, the property lines adjacent to both streets shall be considered front property lines.  
(Ord. 1163 § 1 (part), 2001)

**17.08.190 Garage or carport, private.**

"Private garage or private carport" means a garage or carport with the capacity for not more than three self-propelled vehicles and used for storage only.  
(Ord. 1163 § 1 (part), 2001)

**17.08.200 Group home.**

"Group home" means a dwelling unit licensed by the state of Washington in which rooms or lodging, with or without meals, are provided for nine or fewer nontransient persons not constituting a single household, and requiring specialized care due to sensory, mental or physical disabilities, provided that this shall not apply to a residence used for the placement of individuals who have been convicted of a crime or juvenile offense or have gone through some form of diversion proceedings either as an adult or juvenile offender.  
(Ord. 1163 § 1 (part), 2001)

**17.08.210 Height of building.**

"Height of building" means the vertical distance from the adjoining grade to the highest point of the coping of a flat roof or the deck line of a mansard roof or the highest point of a pitched or hipped roof. The adjoining grade shall be measured at a point five feet horizontally from the building wall when such ground surface is not more than ten feet above the lowest grade on the property. If the lowest grade is more than ten feet below the adjoining grade, height shall be measured from a point ten feet above the lowest grade.  
(Ord. 1163 § 1 (part), 2001)

**17.08.220 Home occupation.**

"Home occupation" means a business activity which results in a product or service and is conducted in whole or in part on a residential premises and is clearly subordinate to use of the premises as a residence.  
(Ord. 1163 § 1 (part), 2001)

**17.08.230 Hotel (or motel).**

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

(Ord. 1163 § 1 (part), 2001)

**17.08.240 Kennel.**

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

(Ord. 1163 § 1 (part), 2001)

**17.08.250 Lot.**

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

(Ord. 1163 § 1 (part), 2001)

**17.08.260 Lot, corner.**

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

(Ord. 1163 § 1 (part), 2001)

**17.08.270 Lot line.**

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

(Ord. 1163 § 1 (part), 2001)

**17.08.280 Lot of record, nonconforming.**

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

(Ord. 1163 § 1 (part), 2001)

**17.08.290 Manufactured home.**

"Manufactured home" means a detached residential dwelling unit fabricated at a factory in accordance with the standards of the Federal Manufactured Home Construction and Safety Standards (HUD Code effective on June 15, 1976) and designed for transportation on its own chassis to a building site for permanent occupancy with a permanent foundation. Manufactured homes must be a minimum of seven hundred twenty square feet in size, a minimum of twenty feet wide and transported to the site in at least two sections.

(Ord. 1163 § 1 (part), 2001)

**17.08.298 Mobile food service unit.**

"Mobile food service unit" means a cart that is usually constructed on a wheel and axle base able to move from location to location and meets all health department requirements for sanitation. It is operated by a vendor who sells food items such as pretzels, hotdogs, ice cream, etc.  
(Ord. 1222 § 3 (Exh. C (part)), 2004)

**17.08.300 Mobile home.**

"Mobile home" means a transportable residential structure fabricated at a factory not in accordance with the Uniform Building Code nor with the standards of the Federal Manufactured Home Construction and Safety Standards (HUD Code enacted on June 15, 1976), and designed for transportation on its own chassis. Mobile homes within the city of Cle Elum are considered nonconforming structures.  
(Ord. 1163 § 1 (part), 2001)

**17.08.310 Nonconforming use/structure.**

"Nonconforming use" means a building or land occupied by a use that does not conform with the regulations of the district in which it is situated but which was established in conformance with all applicable regulations in existence at the time of its establishment.  
(Ord. 1163 § 1 (part), 2001)

**17.08.315 Open air market.**

"Open air market" means an outdoor market that is seasonal in nature where local artisans or farmers sell products such as baked goods, artwork, crafts and produce.  
(Ord. 1222 § 3 (Exh. C (part)), 2004)

**17.08.320 Retirement residence.**

"Retirement residence" means a building or group of buildings which provides residential facilities for more than five residents sixty-two years of age or more, except for spouses of such residents for whom there is no minimum age requirement. A retirement residence may provide a range of type of living units and may also provide food service, general health care supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services for its residents. Individual living units (suites) may include kitchens. Retirement residences may also include a skilled nursing facility provided that the number of nursing beds shall not exceed twenty-five percent of the total number of suites. Facilities with more than twenty-five percent of the suites having nursing beds shall be considered a convalescent/nursing center. Suites within a retirement residence shall contain an average of two beds or less.  
(Ord. 1163 § 1 (part), 2001)

**17.08.330 Setback.**

"Setback" means the minimum horizontal distance between a structure and a specified line such as a lot, easement, or buffer line that is required to remain free of structures.  
(Ord. 1163 § 1 (part), 2001)

#### **17.08.340 Stacking space.**

"Stacking space" means the space specifically designated as a waiting area for vehicles whose occupants will be patronizing a drive-in business. Such space is considered to be located directly alongside a drive-in window, facility or entrance used by patrons and in lanes leading up to the service window.  
(Ord. 1163 § 1 (part), 2001)

#### **17.08.350 Story.**

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it. If the finished floor level directly above a basement, cellar or unused underfloor space is more than six feet above grade for more than fifty percent of the total perimeter or is more than twelve feet above grade at any point, such basement, cellar or unused underfloor space shall be considered as a story.  
(Ord. 1163 § 1 (part), 2001)

#### **17.08.360 Street.**

"Street" means a public or private thoroughfare which affords principal means of access to abutting property.  
(Ord. 1163 § 1 (part), 2001)

#### **17.08.370 Structure.**

"Structure" means anything permanently constructed in or on the ground, or over the water, excluding fences less than six feet in height, decks less than eighteen inches above grade, paved areas, and structural or nonstructural fill.  
(Ord. 1163 § 1 (part), 2001)

#### **17.08.380 Tree.**

"Tree" means a plant listed as a tree in the most recent edition of Sunset Western Garden Book and Hortus Third.  
(Ord. 1163 § 1 (part), 2001)

#### **17.08.390 Use.**

"Use" means an activity or function carried out on an area of land, or in a building or structure located thereon. Any use subordinate or incidental to the primary use on a site is considered an accessory use.  
(Ord. 1163 § 1 (part), 2001)

#### **17.08.400 Variance.**

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

hardship in view of certain facts and conditions applying to a specific parcel of property.  
(Ord. 1163 § 1 (part), 2001)

**17.08.410 Visual screen.**

"Visual screen" means landscape plantings which function as a full visual barrier within three years of time of planting.  
(Ord. 1163 § 1 (part), 2001)

**17.08.420 Yard, front.**

"Front yard" means an open unoccupied space in the same lot with a building, between the front line of the building (exclusive of steps) and the front property line, including the full width of the lot to its side line.  
(Ord. 1163 § 1 (part), 2001)

**17.08.430 Yard, rear.**

"Rear yard" means an open unoccupied space on the same lot with a building between the rear line of the building (exclusive of steps, porches and accessory buildings) and the rear line of the lot, including the full width of the lot to its side lines.  
(Ord. 1163 § 1 (part), 2001)

**17.08.440 Yard, side.**

"Side yard" means an open unoccupied space on the same lot with a building between the sidewall of the building and the side lot line of the same lot, extending from front yard to rear yard.  
(Ord. 1163 § 1 (part), 2001)

**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 (part), 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 are 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 (part), 2001)

## Chapter 17.16

### R--Residential District

#### Sections:

- 17.16.005 Purpose.
- 17.16.010 Outright permitted uses.
- 17.16.020 Uses requiring administrative site plan review.
- 17.16.030 Conditional uses.
- 17.16.040 Front yard.
- 17.16.050 Rear yard.
- 17.16.060 Side yard.
- 17.16.070 Site area.
- 17.16.080 Height limit.
- 17.16.090 Lot coverage.
- 17.16.100 Home occupations.

#### 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 (part), 2001)

#### 17.16.010 Outright permitted uses.

In a R district or 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 per legal lot of record (including manufactured homes) and duplexes with not more than one duplex per street frontage per block;
- B. Accessory buildings, such as are ordinarily appurtenant to single-family dwellings, including but not limited to, private workshops, private greenhouses, parking for private recreational vehicles and trailers, and a private garage of not more than three-car capacity, when located not less than sixty feet from the front line, unless attached to or within the dwelling and set back five feet from the face of the main building. In no case shall an accessory building(s) exceed the size of the primary building on site. Where a lot is served by an alley, all on-site parking or garages shall be accessed only from the alley;
- C. Accessory dwelling units, provided:
  - 1. Only one accessory dwelling unit is permitted per lot;
  - 2. The accessory unit shall not be larger than fifty percent of the living area of the primary residence;

3. One 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. Family day care as required and meeting minimum state requirements.

(Ord. 1163 § 1 (part), 2001)

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

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

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

(Ord. 1163 § 1 (part), 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 Chapter 17.80. Conditional uses shall also require design review either in conjunction with or after the approval of a conditional use permit.

- A. Libraries;
- B. Public schools, day care centers, and churches;
- C. Nursing homes, hospitals and sanitariums, except for inebriates and persons suffering from mental diseases;
- D. Commercial nurseries or greenhouses on special permit not exceeding ten years;
- E. Telephone exchanges, electric substations and similar installations for public service;

- F. Retirement homes;
- G. Municipal buildings, senior centers, community centers;
- H. The office of a physician, dentist or other professional person when located in his or her dwelling or an existing residential structure located on an arterial street;
- I. Bed and breakfast guesthouse, when accessory to the permanent residence of the operator. Preference shall be given to facilities in historic structures.

(Ord. 1163 § 1 (part), 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 on the existing structures on the same street frontage are set back less than twenty feet, the required front yard shall be reduced to the average of the existing front yard setbacks along that street frontage.

(Ord. 1163 § 1 (part), 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 (part), 2001)

**17.16.060 Side yard.**

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

(Ord. 1257 § 2 (Exh. B), 2006: Ord. 1163 § 1 (part), 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 (part), 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 (part), 2001)

### **17.16.090 Lot coverage and lot width.**

The lot area covered by single-family dwellings and structures accessory thereto shall not exceed forty percent of the lot area; duplexes and accessory structures thereto shall not exceed forty percent of the lot area. No residential lot having a width of less than forty feet, a depth of less than seventy-five feet, nor less than twenty feet of street frontage shall be created and in no case shall a lot be created with less than five thousand square feet.

(Ord. 1163 § 1 (part), 2001)

### **17.16.100 Home occupations.**

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

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

(Ord. 1163 § 1 (part), 2001)

### **17.16.110 Manufactured homes.**

Manufactured homes shall be subject to the following requirements:

- 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. A minimum snow load of ninety pounds per square foot is required.

(Ord. 1163 § 1 (part), 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 provide they meet the minimum setback standards of the district.

(Ord. 1163 § 1 (part), 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 (part), 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 (part), 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 Chapter 17.80. Conditional uses shall also require design review either in conjunction with or after the approval of a conditional use permit.

- A. Libraries;
  - B. Public 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 (part), 2001)

**17.20.030 Front yard.**

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

(Ord. 1163 § 1 (part), 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 (part), 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 (part), 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 (part), 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 (part), 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 (part), 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 (Chapter 17.76). Following are design guidelines for the RM district.

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

ordinance of the city.

6. Light and Glare Standards: Exterior lighting shall be shielded and directed downward, away from adjacent properties. Exterior lighting fixtures shall be consistent with the character of the structure.
7. Parking and Access: If alley access is available and not incompatible with adjacent single-family development, access to parking shall be from the alley. When access is provided from the street, the driveway width and location shall be approved by the city engineer.

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

(Ord. 1163 § 1 (part), 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 (part), 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 (part)), 2004; Ord. 1163 § 1 (part), 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 (part), 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 (part), 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 (part), 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 (part), 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 (part), 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 (part), 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 guidelines.**

**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 (part), 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 (part)), 2004: Ord. 1163 § 1 (part), 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 (part), 2001)

**17.28.040 Dimensional standards.**

- A. Height Limit. Three stories with total height not to exceed three hundred sixty-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 (part), 2001)

#### **17.28.050 Parking.**

See Chapter 17.56 for required off-street parking and design requirements.  
(Ord. 1163 § 1 (part), 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 (part), 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 (part), 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 (part), 2001)

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

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

- A. Retail and wholesale stores and shops such as clothing and general merchandise;
- B. Grocery stores;
- C. Meat shops;
- D. Retail bakeries, micro-breweries and other specialty food processing with an associated retail use;
- E. Banks or similar financial institutions;
- F. Barbershops, beauty parlors and personal service shops;
- G. Hand laundries, clothes cleaning and pressing;
- H. Hotels, motels, bed and breakfast rooms and inns;

- I. Lumber yards and building materials, coal and fuel storage, providing that they are housed in buildings completely enclosed by walls and windows, and the yard regulations of this district shall be observed; and provided further that no such lumber yards, building material yards, coal and fuel stores shall be maintained closer than one hundred feet to the side lines of 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 or business offices;
  - 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;
  - S. Taverns;
  - T. Theaters;
  - U. Commercial day care centers;
  - V. Open air markets;
  - W. Mobile food service unit.
- (Ord. 1222 § 3 (Exh. C (part)), 2004: Ord. 1163 § 1 (part), 2001)

**17.32.030 Conditional uses.**

- 1. Residential uses,
- 2. Dancehalls, skating rinks, or other commercial amusement places,
- 3. Undertaking establishments and crematories,
- 4. Kennels,

5. Machine shops,

6. Mini-warehouses.

(Ord. 1163 § 1 (part), 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-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 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. 1163 § 1 (part), 2001)

#### **17.32.060 Landscaping.**

A minimum of ten percent of the site shall consist of landscaping consistent with the requirements of Chapter 17.60. See also Chapter 17.60.  
(Ord. 1163 § 1 (part), 2001)

#### **17.32.080 Lighting.**

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

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

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

4. Lighting may be used to accent key architectural elements of the buildings.  
(Ord. 1163 § 1 (part), 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.

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

(Ord. 1222 § 3 (Exh. C (part)), 2004: Ord. 1163 § 1 (part), 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 (part), 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 (part), 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 (part), 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 Chapter 17.80:

- A. Public/community facilities,
  - B. Any outright permitted use whose operations are predominately conducted out-of-doors, rather than completely enclosed within a building.
- (Ord. 1163 § 1 (part), 2001)

**17.34.040 Front yard.**

There shall be a front yard having a minimum depth of twenty feet.  
(Ord. 1163 § 1 (part), 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 (part), 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 (part), 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 (part), 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 (part), 2001)

**17.34.090 Lot coverage.**

The lot area covered by structures shall not exceed forty percent of the lot area.  
(Ord. 1163 § 1 (part), 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 (part), 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 (part), 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 (part), 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 Chapter 17.80:

- A. Chemical manufacture, storage and/or packaging;

- B. Asphalt manufacture, mixing or refining;
- C. Automobile dismantling, wrecking or junkyards;
- D. Cement, lime, gypsum or plaster of paris manufacture;
- E. Drop forge industries;
- F. Reduction or disposal of garbage, offal or similar refuse;
- G. Rubber reclaiming;
- H. Feed yards, livestock sales yards or slaughterhouses;
- I. Smelting, reduction or refining of metallic ores;
- J. Tanneries;
- K. Wineries;
- L. Manufacturing of industrial or household adhesives, glues, cements or component parts thereof, from vegetable, animal or synthetic plastic materials;
- M. Waste (refuse) recycling and processing.  
(Ord. 1163 § 1 (part), 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 (part), 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 (part), 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.
- 17.45.070 Application procedures.
- 17.45.080 Application for mixed use approval.
- 17.45.090 Approval criteria.
- 17.45.100 Mixed use final plan.
- 17.45.110 Subsequent approvals and permits.
- 17.45.120 Concurrent processing of development proposal applications.
- 17.45.130 Sureties.
- 17.45.140 Expiration of mixed use approval.
- 17.45.150 Amendment of final plan.

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

- A. The PMU district is established to apply to larger parcels of land with significant development potential 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 (part), 2002)

**17.45.020 Mixed use approval required.**

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

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

(Ord. 1180 § 3 (part), 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 (part), 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 (part), 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 (part), 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 subsection D of this section or other standards of this code, except those specified in subsection B of this section, may be authorized when the city council finds, with the advice of the planning commission, that compared to such standards, such deviation would advance the achievement of the stated purposes and objectives of the PMU district at the completion of the development.

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

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

8. Average density for single family to be four dwelling units per acre; 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. 1180 § 3 (part), 2002)

#### **17.45.070 Application procedures.**

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

(Ord. 1180 § 3 (part), 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. Fees or deposits as provided for in CEMC 16.48;
- 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. 1180 § 3 (part), 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 (part), 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 (part), 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. All applications will be reviewed consistent with the requirements of CEMC 17.100, Procedures.

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

1. Is within the scope and intent of the final plan;
2. Is of a similar size and scale and does not present appreciably different environmental effects from those identified during the final plan review process;
3. Does not reduce overall acreage identified as dedicated public areas, open space or buffering areas;
4. Does not materially change the balance of uses; and
5. Does not exceed the limitations of any development standards approved pursuant to CEMC 17.45.060.

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

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

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

(Ord. 1180 § 3 (part), 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 (part), 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 (part), 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 (part), 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 (part), 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 (part), 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 (part), 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 (part), 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 (part), 2001)

## 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.
- 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 (part), 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 (part), 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 (part), 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 area <sup>1</sup>
Professional and business offices	1.0 spaces per each 250 sq. ft. of gross floor area <sup>1</sup>
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 <sup>1</sup>
Retail stores, supermarkets, department stores, personal service	1.0 spaces per each 200 sq. ft. of gross floor area <sup>1</sup>
Other retail (furniture, appliance, hardware, service shops, shoe repair)	1.0 spaces per each 500 sq. ft. of gross floor area <sup>1</sup>
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 <sup>1</sup>
Motor vehicle repair and service	1.0 spaces per each 400 sq. ft. of gross floor area <sup>1,4</sup>
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

<sup>1</sup>Except when located within a shopping center.

<sup>2</sup>For parking requirements for associated office areas, see professional and business offices.

<sup>3</sup>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.

<sup>4</sup>Parking and storage for vehicles being repaired is separate.  
(Ord. 1163 § 1 (part), 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		
<hr/>							
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						
<hr/>							
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
	10.0						
<hr/>							
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						
<hr/>							
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						
<hr/>							

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 same 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 parking 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 (part), 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 (part), 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
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 (part), 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 (part), 2001)

**Chapter 17.64**

**LANDSCAPING REQUIREMENTS**

Sections:

- 17.64.010 Purpose.
- 17.64.020 Applicability.
- 17.64.030 Landscape plan approval.
- 17.64.040 Significant trees.
- 17.64.050 Surface parking area.
- 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 (part), 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 (part), 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 (part), 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 (part), 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 (part), 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 (part), 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				
	RM	Commercial	I	BP	
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/B1	5/B1	10/B2
BP	20/B3	20/B3	5/B1	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 (part), 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 (part), 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 (part), 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 (part), 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 (part), 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 (part), 2001)

## **Chapter 17.76**

### **SITE AND DESIGN REVIEW**

Sections:

**17.76.010 Purpose.**

**17.76.020 Applicability.**

**17.76.030 Timing.**

**17.76.040 Design review process.**

#### **17.76.010 Purpose.**

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

(Ord. 1163 § 1 (part), 2001)

#### **17.76.020 Applicability.**

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

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

(Ord. 1163 § 1 (part), 2001)

#### **17.76.030 Timing.**

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

(Ord. 1163 § 1 (part), 2001)

#### **17.76.040 Design review process.**

1. Pre-application conference. A pre-application conference may be required pursuant to BGMC 17.100.050.

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

- a. Written narrative description of-uses, types of structures proposed, hours of operation, abutting properties, proposed access, frequency of deliveries, and construction schedule, including any proposed phasing of development.
- b. Five copies of an existing conditions plan drawn to a minimum scale of one inch equals two hundred feet on a sheet no larger than twenty-four inches by thirty-six inches and including one reduced size copy no larger than legal size. The existing conditions plan shall contain the following features; the subject property boundaries, dimensions and size, current structural or landscape setbacks, location of existing on-site driveways and access points within one hundred feet of the subject site, location and dimension of any on-site structures, location of utilities, location of the nearest fire hydrant, location of existing structures within one hundred feet of the site, locations and dimensions of adjacent public or private roads and right-of-way or easements, approximate location of significant natural features including slopes over twenty-five percent, waterbodies, rock outcrops, wetland areas, areas of significant vegetation, the location of trees or groups of trees over six inches in diameter, and the location of any critical areas.
- c. Five copies of a site plan drawn to a minimum scale of one inch equals two hundred feet on a sheet no larger than twenty-four inches by thirty-six inches and including one reduced size copy no larger than legal size. The site plan shall contain the following information: the subject property boundaries, dimensions and size, location, dimensions and height of all proposed structures, location of building accesses, proposed setbacks, proposed phasing, proposed landscaping, location and dimensions of vehicle and pedestrian access points and circulation routes, the location of all proposed on-site parking including provisions for handicap parking, any easements, the location of any proposed lights, and any other proposed site improvements.
- d. Five copies of proposed architectural elevations.
- e. Preliminary grading, erosion control and stormwater plan.
- f. Preliminary utility plan.
- g. Any other items that are necessary to review the proposed development.

3. Decision. The planning director or review authority shall review the design review application for compliance with the design and zoning regulations of this code, using the design guidelines within the zoning districts and comprehensive plan to interpret how the regulations apply to the subject property. After reviewing the application and application materials, the planning director may grant, deny, or conditionally approve the application subject to modifications and the requirements of CEMC 17.100. No development

permit for the subject property requiring design review approval will be issued until the proposed development is granted design review approval or conditional approval. The terms of the design review approval or conditional approval will become a condition of approval on each subsequent development permit and no subsequent development permit will be issued unless it is consistent with the design review approval or conditional approval. The planning director shall send written notice of the design review decision to the applicant. If the design review application is denied, the decision shall specify the reasons for denial.

4. Appeals. Appeals of the decisions are permitted subject to CEMC 17.100.120 (Appeals section).

5. Duration of Approval. The applicant must begin construction or submit a complete building permit application consistent with the design review approval to the city within -the time period specified in CEMC 17.100.130, or that decision becomes void.

6. Criteria for design review approval.

A. In conducting the design review process, it shall be the responsibility of the planning director or designee to review designs for compliance with all the provisions of the zoning code and any other applicable regulations that affect the design of a development.

B. In reviewing design plans the planning director shall consider the following standards have been met. This section does not list all the standards against which the application will be reviewed, the following are listed to indicate the various requirements of development. Failure to comply with -the listed requirements or other requirements not listed here shall be ground for denial of design review approval.

1. The proposed use is permitted within the zoning district in which it is located.

2. The proposed design meets the dimensional requirements of the zoning district including lot, yard, building, height and other requirements.

3. The proposed design meets landscaping, screening and buffering standards of CEMC 17.64.

4. The proposed design meets the off-street parking and loading requirements of CEMC 17.56.

5. The standards of Chapter 18.01, maintenance, enhancement and preservation of critical areas are met.

6. The proposed design and use meets all other applicable sections of Cle Elum Municipal Code.

7. Public improvements are completed in compliance with applicable code sections.

8. Adequate and safe provisions are made for pedestrian and vehicle access.

9. All conditions of applicable previous approvals (SEPA review, CUP, rezones) are met.

10. All applicable conditions and criteria found in other Cle Elum Municipal Code titles are met.

(Ord. 1163 § 1 (part), 2001)

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

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

- A. A continuous pedestrian walkway shall be provided from the public street to access building entrances. The pedestrian walkway shall be a minimum of six feet wide and shall be elevated, protected by a curb, bollards, or landscaping otherwise protected to prevent vehicles from parking, driving or entering the walkway. The required six feet may not be encroached by vehicle overhangs. The walkway shall be composed of Portland cement concrete, brick pavers or other similar surface. Where a walkway must cross a vehicle access aisle it shall be distinguished from the driving areas by use of an alternative paving material which may be brick, pavers, or scored, brushed or colored concrete.
- B. Ground level mechanical equipment shall be screened with visual barriers from adjacent property, public roadways, parks or other public areas. Mechanical equipment on roofs shall be screened from ground level.
- C. A storage area for garbage and recycling containers shall be provided. The area shall be fully screened by a fence, wall, landscaping or combination thereof. Storage areas may not be located in a public right-of-way and where an alley serves the site, shall only be accessed from the alley.
- D. Predominant building materials shall be those materials that are characteristic of the historic buildings in the city or characteristic of central Washington, such as brick, wood, native stone, and tinted and textured masonry. Visible roofs should be metal. Architectural methods, such as parapets, shall be used to conceal flat roofs. Mansard roofs are prohibited.
- E. Outdoor storage and display of materials shall be screened from streets, rights-of-way and adjacent properties may a fully site obscuring buffer consisting of appropriate fencing and landscaping.
- F. For all uses creating over two thousand square feet of new impervious surfaces a stormwater control plan is required that treats and retains all stormwater on-site. This section shall not apply to development within the Old Town commercial zoning district. Development in the Old Town commercial may either treat and retain all stormwater on-site or make connection to an available city owned -system in a fashion acceptable to the public works director and making any necessary improvements. Impervious surfaces shall include cement, concrete, packed earth and gravel or other similar surface which changes the runoff patterns from native soils.
- G. Roofs shall be designed such that snow from the roof will not be deposited on adjacent public or

private properties.  
(Ord. 1163 § 1 (part), 2001)

## **Chapter 17.80**

### **CONDITIONAL USE PERMITS**

Sections:

**17.80.010 Purpose.**

**17.80.020 Applicability.**

**17.80.030 Procedure.**

**17.80.040 Submittal requirements.**

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

**17.80.060 Special conditions.**

**17.80.070 Revocation of a conditional use permit.**

**17.80.080 Change, enlargement or alterations.**

**17.80.090 Permit approvals--Validity.**

#### **17.80.010 Purpose.**

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

(Ord. 1163 § 1 (part), 2001)

#### **17.80.020 Applicability.**

The provisions of this chapter shall apply to all uses that are listed as conditional in this title.  
(Ord. 1163 § 1 (part), 2001)

#### **17.80.030 Procedure.**

Conditional use permits shall be considered a Type III process pursuant to CEMC 17.100.  
(Ord. 1163 § 1 (part), 2001)

#### **17.80.040 Submittal requirements.**

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

1. A completed application form signed by the owner(s) of the property subject to the application. If the applicant is not the property owner, a signed instrument authorizing the application is required.
2. A legal description of the subject property supplied by the Kittitas County, a title company or surveyor licensed in the state of Washington, and a current county assessors map(s) showing the

property (ies) subject to the application.

3. A current assessors map quarter section map identifying the properties within three hundred feet of the subject site and the names and mailing addresses of all property owners of record.
4. The application fees specified by CEMC 16.48.
5. A site plan prepared according to CEMC I 7. 76 (site plan review section) that includes the proposal and its relationship to uses within three hundred feet of the subject property.
6. A written statement including:
  - a. A detailed description of the proposed use.
  - b. A description of how the proposal meets the approval criteria in 17.80.050.
  - c. An analysis of how the proposal is consistent with the city of Cle Elum comprehensive plan.
  - d. A detailed description of any mitigation measures proposed by the applicant to meet the approval criteria.
7. Other information that the city planner deems reasonably necessary to review to the application.  
(Ord. 1163 § 1 (part), 2001)

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

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

1. The proposed use will be designed and operated in a manner which is compatible with the character, appearance, and operation of existing or proposed development in the vicinity of the subject property; and,
2. The hours and manner of operation of the proposed use are not inconsistent with adjacent or nearby uses; and,
3. The proposed use is compatible with the physical characteristics of the subject property and neighboring properties; and,
4. The location, nature and intensity of outdoor lighting is such that it is consistent with the surrounding neighborhood and does not cast light or glare on adjoining properties; and,
5. The proposed use is such i/wit pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and,

6. The proposed use is capable of being served by public facilities and services, and will not adversely the level of service to surrounding areas; and,
7. The proposed use is not detrimental to the public health, safety, or welfare; and,
8. The proposed use is consistent with the goals and policies of the comprehensive plan; and,
9. The subject site can accommodate the proposed use considering the size, shape, topography and drainage.

(Ord. 1163 § 1 (part), 2001)

#### **17.80.060 Special conditions.**

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

(Ord. 1163 § 1 (part), 2001)

#### **17.80.070 Revocation of a conditional use permit.**

The city may revoke a conditional use permit if, after a public hearing before the planning commission, the planning commission finds that the conditional use is not being operated as specified, or that the use is violating conditions set forth in the conditional use permit. Revocation is not the only remedy to addressing non-compliance with conditional use permit requirements. Enforcement proceedings may occur under the provisions of this title.

(Ord. 1163 § 1 (part), 2001)

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

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

(Ord. 1163 § 1 (part), 2001)

#### **17.80.090 Permit approvals--Validity.**

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

(Ord. 1163 § 1 (part), 2001)

## **Chapter 17.85**

## VARIANCES

### Sections:

**17.85.010 Purpose.**

**17.85.020 Applicability.**

**17.85.030 Procedures.**

**17.85.040 Criteria.**

### **17.85.010 Purpose.**

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

(Ord. 1163 § 1 (part), 2001)

### **17.85.020 Applicability.**

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

(Ord. 1163 § 1 (part), 2001)

### **17.85.030 Procedures.**

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

- A. Variances of less than two percent of any required standard shall be considered diminimus and will not require a separate application for a variance and will be reviewed along with the underlying application.
- B. Variances of between two and ten percent of any required standard shall be processed as a Type II application.
- C. Variances of greater than ten percent of any required standard shall be processed as a Type III application.

(Ord. 1163 § 1 (part), 2001)

### **17.85.040 Criteria.**

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

- A. There are -unusual, exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other property in the same vicinity or district. Such conditions may include topography, unique natural conditions, surroundings and size or unusual shape of the lot.
- B. The unusual circumstances or conditions and the strict application of this title cause the loss of a

substantial property right possessed by the owners of other properties in the same vicinity or district.

- C. The granting of a variance to remedy the hardship will not be detrimental to the public welfare or injurious to properties in the vicinity or district in which the property is located and the variance will be in general keeping with the purpose and intent of this title.
  - D. The variance approved will be for the least amount that will make possible the legal use of the land, building or structure and will not provide a special privilege inconsistent with the limitations upon use of other properties in the vicinity or use district.
  - E. The variance will not adversely affect the realization of the comprehensive plan.
  - F. The need for the variance was not caused by the actions of the applicant or property owner.
- (Ord. 1163 § 1 (part), 2001)

## **Chapter 17.90**

### **SIDEWALK DISPLAYS AND ADVERTISING IN COMMERCIAL AND INDUSTRIAL ZONES**

Sections:

**17.90.010 Sidewalk displays and advertising.**

**17.90.020 Permits and requirements.**

#### **17.90.010 Sidewalk displays and advertising.**

Merchants and business people may, temporarily, subject to the provisions of this title, display wares and merchandise and place advertising signs and -advertising objects on sidewalks and parking strip areas abutting their own business premises within commercial, business park or industrial areas zoned as such in the city. Such acts shall not be considered nuisances under Chapters 8.12 and 12.08 and any other existing city ordinances if a permit is obtained and all other requirements of this title are met.

(Ord. 1163 § 1 (part), 2001)

#### **17.90.020 Permits and requirements.**

Such displays and advertising on sidewalks or parking strips shall be unlawful, and a nuisance, unless:

- A. A permit therefor is obtained from the city under such terms for the public safety and convenience as the city council shall prescribe;
- B. There is left a free, unobstructed and adequate area for passage of the public that is a minimum of six feet-wide;
- C. The abutter makes adequate provision for safe-guarding the public against injury to person and damage to property;
- D. The abutter agrees in writing 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;

- E. No permit shall be approved for more than seven days in any one year period. The abutter keeps in full force and effect and leaves on deposit with the city clerk at all times while the city permit is in effect a liability insurance policy as described. The policy shall be in a reputable insurance company acceptable to the city. It shall provide not less than twenty-five thousand dollars per person and fifty thousand dollars per occurrence personal injury coverage, and not less than one thousand dollars per occurrence property damage coverage, and shall specifically under its terms afford such liability protection to the city as well as the abutter.

(Ord. 1163 § 1 (part), 2001)

## **Chapter 17.100**

### **PROJECT PERMIT PROCEDURES**

Sections:

**17.100.010 Purpose.**

**17.100.020 Applicability.**

**17.100.030 Definitions.**

**17.100.040 Application types and classification.**

**17.100.050 Pre-application review.**

**17.100.060 Determination of completeness.**

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

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

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

**17.100.100 Type IV review and decision procedure.**

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

**17.100.120 Decision timelines.**

**17.100.130 Appeals.**

**17.100.140 Development approval timeline.**

#### **17.100.010 Purpose.**

This chapter establishes procedures for the processing of project permit applications in the city of Cle Elum consistent with Chapter 36.70B of the Revised Code of Washington.

(Ord. 1139 § 1 (part), 2001)

#### **17.100.020 Applicability.**

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

Title 12--Streets, sidewalks, and public places.

Title 15--Buildings and construction.

Title 16--Subdivisions.

Title 17--Zoning.

Title 18--Critical areas development.

(Ord. 1139 § 1 (part), 2001)

**17.100.030 Definitions.**

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

- A. "Closed record appeal" means an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.
- B. "Closed record hearing" means a public hearing on the record by a local government body or officer, including the legislative body, following an open record hearing on a project permit application, when the project permit decision is on the record with no or limited new evidence or information allowed to be submitted to support the decision.
- C. "Days" shall refer to calendar days.
- D. "Open record hearing" means a hearing, conducted by a single hearing body or officer authorized by the city to conduct such hearings, that creates the local government's record through testimony and submission of evidence and information, under procedures prescribed by the city in this chapter. An open record hearing may be held prior to a decision on a project permit application to be known as an open record predecision hearing. An open record hearing may be held on an appeal, to be known as an open record appeal hearing, if no open record predecision hearing has been held on the project permit.
- E. "Party of record" shall mean any person, agency or organization who have submitted written comments on an application, made oral comments on an application during a public hearing or who has requested in writing to be a party of record. In all cases the property owner and applicant shall be considered parties of record. In those cases where there is no public notice of the application any interested party is considered a party of record.
- F. "Project permit" shall mean any land use or environmental permit or license required from a local government for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendments of a comprehensive plan, subarea plans, or development regulations.

(Ord. 1139 § 1 (part), 2001)

**17.100.040 Application types and classification.**

A. Project permit applications shall be subject to a Type I, Type II, Type III or Type IV process as set forth by this chapter.

B. Where the city must approve more than one (1) permit application for a project, all applications may be considered at one time. Where different permit applications required for a development are subject to different procedure types, all applications will be subject to the procedure type that requires the greatest level of public notice and involvement.

C. The city planner shall classify all applications as a specific type. The act of classifying an application shall be a Type I process which shall be appealable at the same time and in the same manner as for the project permit application being considered. The following guidelines shall be used when establishing the procedure type for a permit:

1. Type I -- This administrative process is used for applications where there are clear and objective standards involving little or no discretion in technical issues and that are exempt from SEPA review. The decision making authority for Type I permits shall be the city planner or designee. For decisions under Title 12, the decision making authority is the public works director or designee. Examples include building permits, boundary line adjustments, floodplain permits, and critical areas review (when not associated with a development permit).
2. Type II -- This administrative process is used for applications where a limited amount of professional discretion is used for objective and subjective standards involving non-technical issues. The applications may be of general public interest although no public hearing is held. If a Type I application is subject to SEPA it shall be considered a Type II application for processing. The decision-making authority for Type II permits is the city planner or designee. For decisions under Title 12, the decision making authority is the public works director or designee. Examples include short plat and site plan reviews.
3. Type III -- This hearing quasi-judicial process is used for applications that require a substantial amount of discretion on non-technical issues and where there is likely to be broad public interest. A public hearing is required. The decision making authority for Type III applications shall be the planning commission. Examples include conditional use permits, appeals of Type I and Type II decisions and certain variances.
4. Type IV -- This quasi-judicial process is used for applications that require a substantial amount of discretion on non-technical issues and where there is likely to be broad public interest. This process requires at least one open record public hearing before the planning commission and one closed record public hearing before the city council. The final decision making authority for Type IV actions shall be the city council with the planning commission acting as a recommending body in an advisory capacity. Examples include subdivisions, site specific rezones and master planned development approvals.

Table 17.100-1, Application Procedure

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

(Ord. 1139 § 1 (part), 2001)

**17.100.050 Pre-application review.**

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

- A. Applications subject to a Type II, III or IV process are required to conduct a pre-application meeting with staff prior to submitting an application, unless waived in writing by the city planner. Applications subject to a Type I process may choose to conduct a pre-application meeting, but one is not required.
- B. To initiate a pre-application an applicant shall submit a completed form provided by the city for the purpose along with all the information identified by the form and the required fee.
- C. Upon receipt of a completed form the city planner shall schedule a date and time to conduct a pre-application meeting with the applicant. The city planner may limit the days and times when a pre-application meeting may be scheduled.
- D. Within seven days of the pre-application meeting the city planner shall issue a summary of the pre-application review that includes the following information:
  - 1. Summary of the application;
  - 2. Identify the relevant approval criteria, development standards and other relevant laws and policies;
  - 3. Evaluate information supplied by the applicant and identify any changes that may be necessary to comply with the approval criteria and development standards;
  - 4. Applicable application fees;
  - 5. Public facilities and improvements necessary to serve the development;
  - 6. Current utility connection charges; and
  - 7. Physical development limitations.

(Ord. 1139 § 1 (part), 2001)

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

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

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

1. A completed application form signed by the owner(s) of the property subject to the application. If the applicant is not the property owner, a signed instrument authorizing the application is required.
2. A legal description of the subject property supplied by the Kittitas County, a title company or surveyor licensed in the state of Washington, and a current county assessors map(s) showing the property(ies) subject to the application
3. For applications subject to a Type II, III or IV process, a current assessors map identifying the properties within three hundred feet of the subject site along with the names and addresses of the property owners.
4. The application fees specified by CEMC 16.48.
5. All information required by other sections of the code.

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

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

E. A determination of completeness does not prevent the city from requiring additional information or studies that are necessary to fully review the project permit.  
(Ord. 1139 § 1 (part), 2001)

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

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

the applicant.  
(Ord. 1139 § 1 (part), 2001)

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

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

B. Following the comment period provided for in the notice of application, the city shall mail to the applicant copies of any comments received. The review authority shall consider any comments received along with responses by the applicant to those comments in reviewing the project permits. The applicant shall have 7 days to respond to the comments submitted.

C. A decision shall be issued subject to the time limitations of Section 17.100.120, and shall contain:

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

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

(Ord. 1139 § 1 (part), 2001)

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

A. Within fourteen days of the date of determination of completeness under Section 17.100.060 the city shall issue a notice of application consistent with the provisions of Section 17.100.100. The notice shall be issued at least 15 days prior to the date of the public hearing. The notice may contain the date, time and location of the public hearing if scheduled at the time of the issuance of notice.

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

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

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

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

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

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

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

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

(Ord. 1139 § 1 (part), 2001)

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

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

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

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

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

1. Adopt the recommendation as written.

2. Modify the recommendation and make a decision on the project permit application.

3. Remand the project permit application for the reconsideration of a specific aspect of the project.

(Ord. 1139 § 1 (part), 2001)

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

A. A notice of application shall be issued for all Type II, III and IV applications consistent with this section. Notice of application is not required for Type 1 applications.

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

1. The date of application, the date of notice of completion of the application and the date of the notice.

2. The name of the applicant and the name, address and phone number of the contact person.

3. The name and telephone number of a contact person with the city.

4. The location and description of the proposed project and a list of local permits included in the application.
5. The identification of any existing environmental documents that include the proposed project.
6. The location and times where the complete application can be viewed.
7. A statement of the fourteen day public comment period, the right of any person too comment on the application, receive notice of and participate in any hearings, request a copy of the decision, and any appeal rights.
8. If known, the date, time, place and type of public hearing if applicable and scheduled.
9. A statement of the list of development regulations, if known, which will be used to review the application.
10. A statement of the application type.
11. Any other appropriate information determined to be appropriate by the city.

C. The notice of application shall be distributed to the following:

1. The applicant and applicant's representative.
2. Owners of property within three hundred feet of the subject site. The records of the Kittitas county assessors office or licensed title company shall be used to determine the owners of record of the subject properties. Failure of any one party to receive notices is not grounds for a denial of an application provided a good faith effort was made to accurately distribute notice. A sworn certificate of mailing completed by the person conducting the mailing shall be evidence of the notice being mailed.
3. Agencies with jurisdiction.

D. Notice of application shall be published in the newspaper of general circulation. The notice shall include a brief project description, location, the date, time and place of the public hearing (if applicable), where and when comments must be submitted by and where additional information can be obtained.

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

F. If a hearing is required and not scheduled at the time the notice of application is issued a separate notice of public hearing shall be issued at least 14 days prior to the public hearing.

(Ord. 1139 § 1 (part), 2001)

### **17.100.120 Decision timelines.**

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

- A. The time during which the applicant has been requested by the city to provide additional information or make changes to submitted materials.
- B. The time period during which an environmental impact statement is being prepared. EISs shall be completed within one year of the date of the determination of significance, at which time the application shall become null and void.

C. An applicant may agree in writing to extend the time in which the review has to make a decision. (Ord. 1139 § 1 (part), 2001)

### **17.100.130 Appeals.**

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

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

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

C. The city council shall consider appeals of Type III decisions. Decisions shall be based on the record established for the Type III hearing including all submitted written materials, oral arguments, the decision being appealed and the argument on the appeal by the parties.

1. The city council shall consider the appeal at a closed record public hearing. The city council shall issue a written decision to affirm, reverse, modify or remand the original decision based on the appeal and record of the original decision.
2. A notice decision of the city council shall be mailed to parties entitled to receiving notice under CEMC 17.100.090.F [notice of decision on type III actions].

(Ord. 1153 § 1, 2001; Ord. 1139 § 1 (part), 2001)

#### **17.100.140 Development approval timeline.**

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

B. Approval time periods:

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

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

(Ord. 1139 § 1 (part), 2001)

### **Chapter 17.110**

## **BUILDING AND USE PERMITS**

Sections:

**17.110.010 Application.**

**17.110.020 Flats 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 (part), 2001)

### **17.110.020 Flats 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 (part), 2001)

## **Chapter 17.115**

### **ADDITIONS OR ANNEXATIONS TO CITY**

Sections:

**17.115.010 Use districts.**

### **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.

(Ord. 1163 § 1 (part), 2001)

## **Chapter 17.120**

### **AMENDMENTS AND RECLASSIFICATIONS**

Sections:

**17.120.010 Authorized.**

**17.120.020 Application procedure and hearing notice.**

**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 (part), 2001)

#### **17.120.020 Application procedure and hearing notice.**

Application for a rezone shall be processed as a Type IV application as outlined in Section 17.100.100, Procedures. Notice of proposed district boundary changes shall be given per the requirements of Section 17.100.110.  
(Ord. 1163 § 1 (part), 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 (part), 2001)

### **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 (part), 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 (part), 2001)

## **Chapter 17.140**

### **DEVELOPMENT AGREEMENTS**

Sections:

**17.140.010 Purpose.**

**17.140.020 General requirements.**

**17.140.030 Minimum standards to be addressed.**

**17.140.040 Procedures.**

**17.140.050 Effect of agreements.**

#### **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. 1147 § 1 (part), 2001)

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

A. A development agreement is an optional means that may be entered into at the discretion of the city 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 agreements.

D. A development agreement can be entered to before, concurrent with or following approval of the project permits for development of the property.  
(Ord. 1147 § 1 (part), 2001)

**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;
5. Other appropriate requirements.

B. Controls, standards and conditions may be established by referencing the applicable sections of the city of 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. 1147 § 1 (part), 2001)

**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. A development agreement shall be processed as a Type IV application as provided by Chapter 17.100. Because of the complex nature of these agreements the decision timelines of Section 17.100.120 shall not apply;

- D. 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;
- E. The city council in its sole discretion may approve a development agreement;
- F. An approved and fully executed development agreement shall be recorded with the county auditor.

(Ord. 1147 § 1 (part), 2001)

**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 by a party to the agreement;
- 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. 1147 § 1 (part), 2001)