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City of Cle Elum – 2025 Text Amendments

Written Narrative

The City of Cle Elum Planning Department is proposing non-project text amendments to the following CEMC Chapters:

1. 17.14 – (New) Permitted Land Uses
2. 17.16 – Residential District
3. 17.20 – RM Multi-Family Residential District
4. 17.24 – OTC Old Town Commercial District
5. 17.28 – EC Entry Commercial District
6. 17.32 – GC General Commercial District
7. 17.34 – Business Park District
8. 17.36 – I Industrial District
9. 17.50 – P Public Reserve Area District
10. 17.90 – Sidewalk Sales and Service of Food and Beverage
11. 14.20.030 - Definitions
12. 14.30.040 – Permit classification table
13. 14.30.220 – Notice of Decision
14. 14.30.240 – Public notice requirements
15. 16.30.040 – Final Plats

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

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

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

- 17.14.010 – Purpose.
 - Added a purpose statement to clarify the intent and objectives of the regulations within this chapter. To help ensure consistency in interpretation, guiding decision-makers, property owners, and developers on how the zoning provisions should be applied. The statement also provides a legal basis for enforcement by linking the regulations to

broader planning goals, such as protecting public health and safety, promoting orderly development, or preserving community character.

- 17.14.020 - Land use classification.
 - The purpose of this section is to establish a classification system for land uses within each zoning district, which dictates the level of review required based on the complexity and potential impacts of the proposed use. This system ensures that land uses are reviewed appropriately to promote compatibility with district intent, surrounding development, and the Cle Elum comprehensive plan.
- 17.14.030 - Table of permitted uses
- 17.14.040 - Unclassified uses
 - Provides directives on how to process uses that are not identified in the table.
- 17.14.050 - Home Occupations
 - Relocated from Chapter 17.16.

2. **17.16 – Residential (Exhibit B)**

Proposed changes to the Residential District include:

- 17.16.010 – Outright permitted uses.
 - Removal of this section, and see table 17.14.030
- 17.16.020 – Definitions
 - Removal of Host Short-Term Rental and Hosted Short-Term Rental. An updated definition of Short-Term Rental has been added under 14.20.
- 17.16.030 – Conditional uses.
 - Removal of this section, see table 17.14.030
- 17.16.100 – Home occupations.
 - Removal of this section, see 17.14.050

3. **17.20 – RM Multi-Family Residential (Exhibit C)**

Proposed changes to the RM Multiple Family Residential District include:

- Title change from RM to MF
- Removal of outdated language and the addition of clarifying language throughout.
- 17.20.005 – Purpose
 - Updated purpose statement to better match the Comprehensive Plan and to incorporate permitted uses, including zero-lot line.
- 17.20.010 – Permitted uses
 - Removal of this section, see table 17.14.030
- 17.20.020 – Conditional uses
 - Removal of this section, see table 17.14.030
- 17.20.050 – Side yard
 - Clarifying language and allowance for single-family homes, duplexes, and common-wall structures to have a reduced setback of five feet.
- 17.20.060 – Minimum lot size/density
 - Removal of minimum lot size for multiple unit dwellings and adding a minimum lot size for single family dwellings, as well as removing maximum density requirements. Providing calculation for maximum density.

- 17.20.080 – Lot coverage
 - Clarifying language regarding impervious surfaces and lot coverage
- 17.20.090 – Design review and design guidelines
 - Clarifying language and the removal of maximum building depth.

4. **17.24 – OTC Old Town Commercial Zoning District (Exhibit D)**

Proposed changes to the Old Town Commercial Zoning district include:

- Title – DC Downtown Commercial instead of OTC Old Town Commercial, consistent with the zoning map.
- Removal of outdated language and the addition of clarifying language throughout.
- 17.24.010 - The proposed changes reflect the expansion of the Downtown Commercial district's coverage, as established by Ordinance 1620, which replaced the previously identified Old Town Commercial zone. While the previous language described the district's boundaries in relation to specific streets, the updated version formally acknowledges its expansion under the ordinance and clarifies that no further expansion will occur.
- 17.24.020 – Permitted uses.
 - Removal of this section, see table 17.14.030
- 17.24.030 – Conditional uses (not fronting on First Street)
 - Removal of this section, see table 17.14.030
- 17.24.040 – Dimensional Standards
 - Revision of building height from 36- to 35-feet.
- 17.24.050 – Parking and loading
 - Addition of parking requirements for residential use in new construction.
- 17.24.090 – Design Standards
 - (g) Provide additional context to flat roof requirements and design standards.
 - (k) Add design provisions as it relates to fencing in the downtown core.

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

Proposed changes to the Entry Commercial District include:

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

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

Proposed changes to the General Commercial District include:

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

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

The repeal of Chapter 17.34, Business Park District, is proposed because the district is not identified on any current zoning maps and its intended purpose is already addressed by other zoning districts that

accommodate light manufacturing, wholesale trade, warehousing, business services, and research activities. Removing this chapter will eliminate redundancy in the zoning code and improve clarity in land use regulations.

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

Proposed changes to the Industrial District include:

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

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

Proposed changes to the P Public Reserve Area include:

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

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

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

- Title change from 17 Zoning to Title 12 Streets, Sidewalks and Public Places. The proposed amendment relocates these provisions from Title 17 - Zoning code to Title 12 – Streets, Sidewalks, and Public Places to better align with the intended regulatory framework. The standards in question primarily govern the use of public rights-of-way, including sidewalks and

other public spaces, rather than private land use and development. Title 12 is the appropriate section of the municipal code for regulations that address right-of-way use, permitting, and public access, ensuring consistency with other similar provisions and streamlining enforcement. Moving these regulations out of the zoning code also clarifies that they apply broadly to all applicable public spaces, rather than being tied to specific zoning designations.

- Title 12.18 instead of 17.90
- Title – Sidewalk Sales, Mobile Vendors, and Street Beautification, instead of Sidewalk Sales and Service of Food and Beverage.
- Removal of outdated language and the addition of clarifying language throughout.
- 12.18.010 – Purpose
 - Update of the purpose statement to clarify the City's commitment to economic growth while emphasizing intentional and safe use of public spaces. The revised statement expands permitting requirements to include all items placed in public rights-of-way and specifies that a sidewalk use permit is required in addition to a business license.
- 12.18.020 – Sidewalk use regulations
 - Addition of permanent barrier options and design standards.
 - Allowance of outdoor seating and sidewalk usage in the winter months, with clarifying requirements, definitions for space, and maintenance requirements.
 - Removal of (L), replaced by new section 17.90.025
- 12.18.025 – (New) Mobile Vendor Regulations
 - The proposed regulations allow for a broader range of services and ensure mobile vendors operate safely and without obstructing public spaces, prohibiting them from blocking sidewalks, streets, or vehicle travel lanes. Restrictions include minimum distance requirements from schools, businesses, and restaurants, limitations on vendor density per block, and a requirement for sidewalk use permits when serving customers from public property. Mobile vendors must also use retractable awnings for safety and comply with zoning and site design review requirements.
- 12.18.045 – (New) Snow Removal Compliance
 - With the allowance of winter operations, this section aims to identify additional requirements as it pertains to snow removal.

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

Proposed changes to this section are summarized below. Full track changes are enclosed as exhibits. Addition of several definitions and clarifying language throughout.

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

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

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

- While the Type 1 process is administrative, it requires iterative steps such as a determination of completeness and a determination of consistency. The purpose of these processing components are to ensure that sufficient information is provided in order to process the permit and that the proposal is consistent with the Comprehensive Plan.
- Permits or approvals proposed for removal are not contingent upon a zoning review and do not require the formal Type 1 process items such as a determination for completeness or consistency.
 - A building permit is issued after review of a site plan or an official site and design review. Additional Type 1 review is not necessary.
 - A Certificate of Occupancy is not a permit that is applied for – it is issued by the building official after final inspection.
 - A Certificate of Zoning Compliance is essentially an acknowledgement of a particular parcel or parcels, not a request for a permit that would require Type 1 review.
 - A Clearing and Grading Permit is part of the site development process that occurs after land use approval for construction or subdivision is issued. It is an implementation of a previous approval which should not require a new Type 1 review.
 - Approval of a Landscaping Plan or Stormwater Plan is an implementation of a previous site design or other land use approval. Additional Type 1 review is not necessary.
- The table is also removing Final Plats from the Type 4 process. This is consistent with RCW 58.17.100: “The legislative authorities of cities, towns, and counties may by ordinance delegate final plat approval to an established planning commission or agency, or to such other administrative personnel in accordance with state law or local charter.”

13. **14.30.220 Notice of Decision (Exhibit L)**

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

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

14. **14.30.240 Public Notice Requirements (Exhibit L)**

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

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

15. 16.30.040 Final Plat Procedures (Exhibit M)

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

EXHIBIT A

***NEW* Chapter 17.14**

PERMITTED LAND USES

Sections:

17.14.010 Purpose.

17.14.020 Land use classification system.

17.14.030 Table of permitted land uses.

17.14.040 Unclassified uses.

17.14.050 Home occupations.

17.14.010 Purpose.

The purpose of this chapter is to provide clarity and consistency in the City's zoning regulations by establishing a Table of Permitted Uses that aligns with the intent and character of each zoning district. Some uses are inherently compatible with a district's purpose and can be permitted outright, while others may require additional review to ensure that potential impacts are mitigated through careful site design. In some cases, certain uses may be fundamentally incompatible with a district's objectives and are therefore not allowed. This chapter defines where specific uses are permitted, identifies the appropriate level of review for each, and ensures that zoning decisions support the City's long-term vision for balanced growth, economic development, and community character.

17.14.020 Land use classification system.

Land uses within each zoning district shall be classified into four principal categories which establish a class of use. The class of use generally corresponds to a type of review that is based on a level of review complexity. However, certain circumstances may alter the type of review due to a higher or lower complexity.

A. Class (1) uses are permitted, provided the district standards are met. The administrative official shall use the procedures in CEMC Chapter 14.30.050 to review Class (1) uses and associated site improvements. Class (1) uses in certain situations may require a Type (2) review, as required by CEMC 14.30.040.

B. Class (2) uses are generally permitted in the district. However, the compatibility between a Class (2) use and the surrounding environment cannot be determined in advance, and

occasionally a Class (2) use may be incompatible at a particular location. Therefore, a Type (2) review by the administrative official is required in order to promote compatibility with the intent and character of the district and the policies and development criteria of the Cle Elum comprehensive plan.

C. Class (3) uses are generally not permitted in a particular district, but may be allowed by the hearing examiner after a Type (3) review and public hearing. The hearing examiner may approve, deny, or impose conditions on the proposed land use and site improvements to promote compatibility with the intent and character of the district and the policies and development criteria of the Cle Elum urban area comprehensive plan.

D. Uses Not Permitted. Any use listed in Table 16-1 and not classified as either a Class (1), (2), or (3) use in a particular district shall not be permitted in that district. A request for an unclassified use, under CEMC 17.14.040, that is denied by the hearing examiner is considered as a use not permitted.

E. Multiple Uses. When two or more uses are proposed for the same project, the entire project shall be subject to the type of review required by the highest classified use, Class (3) uses being higher than Class (2), and Class (2) uses being higher than Class (1).

F. Administrative Official's Determination of Table of Permitted Land Uses.

1. The administrative official shall be authorized to determine whether a new or expanded use not otherwise identified in Table 16-1, Permitted Land Uses, is consistent with or similar to those already provided for within the table.
2. In the event that an applicant is aggrieved by a verbal determination of the administrative official, the applicant may submit a request for a written determination to the city of Cle Elum planning division.
3. If the administrative official cannot conclusively determine that a new or expanded use is consistent with or similar to those identified within Table 16-1, the determination may be considered as an administrative interpretation under CEMC 14.10.030.

17.14.030 Table of permitted land uses.

Table 16.1. Permitted Land Uses

	R	MFR	DC	EC	GC	I	PU
AMUSEMENT AND RECREATION							
Entertainment Venue(*)				3 <u>2</u>	1		
Game Room(*)			<u>3</u>	<u>2</u>	<u>1</u>		
Open Air/Outdoor Market(*)			1	1	1		
Parks(*)	3	1	<u>3</u>	<u>3</u>	<u>3</u> -	<u>3</u> -	1
RV Park(*)	3	3		3	3	3	

	R	MFR	DC	EC	GC	I	PU
<u>Social Card Rooms(*)</u>			<u>3</u>	<u>3</u>	<u>3</u>		
Sports/Recreation Facility(*)				<u>12</u>	1		1
Theaters			1	<u>32</u>	<u>31</u>		
COMMUNITY SERVICES							
Cemetery/Crematorium with Funeral Home			<u>3</u>		<u>32</u>		
Places of Worship(*)	3	3	3	<u>1</u>	<u>1</u>		
Community Center (*) <u>Meeting Halls, Fraternal Organizations</u>	3	3	<u>12</u>	<u>1</u>	<u>1</u>		
<u>Correctional Facilities</u>							<u>3</u>
Day Care Center (*)	3	3		<u>1</u>	<u>1</u>		
Day Care Facilities (not home occupation): Family In-Home (*)	1	<u>1</u>					
Funeral Home not associated with Cemetery/Crematorium			3				
Hospital (*)		3			<u>2</u>		1
Libraries	3	3					1
<u>Meeting Halls, Fraternal Organizations (*)</u>			<u>2</u>	<u>1</u>	<u>1</u>		
Museums, Art Galleries			1		1		1
Public Facility (*)	3	3	1	1	1	1	1
Schools(*)	3	3					1
Business Schools (*)							1
Vocational Schools (*)							1
Community College/University							1
RESIDENTIAL							
Detached Single-Family Dwelling	1	1			3		
Accessory Dwelling Unit	1	<u>1</u>					
Existing Detached Single-Family Dwelling on Existing lots of record 5,000 sq/ft or less			<u>2</u>	<u>2</u>	<u>23</u>	<u>2</u>	
Detached Single-Family Dwelling (zero lot line)	2	2					
Attached Single-Family Dwelling, Common Wall	2	<u>2</u>					
Two-Family Dwelling (Duplex)	1	1					
Converted Dwelling	2	2					
Multifamily Development*		1	<u>2</u>	<u>2</u>	<u>32</u>		

	R	MFR	DC	EC	GC	I	PU
Mixed-Use Building*			1	2	<u>23</u>	<u>2</u>	
<u>Mobile Home Park</u>					<u>3</u>		
Adult Family Homes/Group Homes	1	<u>2</u>	<u>3²</u>	<u>3</u>	<u>3</u>		
Nursing/Convalescent Home (Medical)*	3	1		<u>2</u>	<u>2</u>		
<u>Retirement Home (Assisted Living)*</u>	<u>2</u>	<u>1</u>		<u>2</u>	<u>2</u>		
Bed and Breakfast	3	<u>12</u>	<u>2</u>	<u>2</u>	<u>2</u>		
RETAIL TRADE AND SERVICE							
Animal Clinic/Hospital/Veterinarian			<u>2</u>	<u>1</u>	1	<u>12</u>	
<u>Car Wash/Detailing</u>			<u>3²</u>	<u>1</u>	<u>1</u>	<u>1</u>	
Bars/Taverns			1	1	1		
Beauty and Barber Shops			1	1	1		
<u>Animal Grooming*</u>			<u>2</u>	<u>1</u>	<u>1</u>		
<u>Convenience Store w/ Gas Station</u>			<u>2</u>	<u>1</u>	<u>1</u>		
Financial Institutions			1	1	1		
General Retail			1	1	1	<u>2³</u>	
Hotels/Motels			1 ¹	1	1		
Pet Day Care/Animal Training/Kennel(*)				<u>2</u>	3	<u>2</u>	
Laundromats/Dry Cleaners			<u>2</u>	1	1	<u>2</u>	
Lumber Yards				2 ³	<u>1</u>	<u>1</u>	
Maintenance and Repair Shops				1	1	1	
Marijuana Retail			3	3	3	3	
<u>Massage Therapy/Spa</u>			<u>1</u>	<u>1</u>	<u>1</u>		
Micro-Brewery, Distillery, or Winery			<u>1</u>	1	1	<u>2</u>	
Mobile Vendor			1	1	1	<u>1</u>	
Motor Vehicle Sales				<u>1</u>	1 ⁵	1	
Offices and Clinics	3		1	1	1		
Contractor Office w/ Yard or Storage			<u>2²</u>	<u>1</u>	1	1	
<u>Contractor Office w/out Yard or Storage</u>			<u>1</u>	<u>1</u>	<u>1</u>		
Paint and Body Repair Shops				<u>1</u>	<u>2</u>	1	
Parking Lots and Garages			<u>3 & 2²</u>	1	<u>1</u>	1	
Parts and Accessories (tires, batteries, etc.)			<u>3 & 3²2²</u>	1	<u>1</u>	<u>1</u>	
<u>Broadcast Media</u>			<u>2</u>	<u>1</u>	<u>1</u>		
Recycling Drop-off Center (8)						3	

	R	MFR	DC	EC	GC	I	PU
<u>Sales/Rental: Auto, Truck, Trailer, Fleet Leasing Services with Storage</u>				<u>2</u>	<u>2</u>	<u>1</u>	
Sales/Rental: Heavy Equipment				<u>2</u>	<u>32</u>	<u>1</u>	
Restaurant			1	1	1		
<u>Restaurants, with Drive-In or Drive Through</u>			<u>2</u>	<u>1</u>	<u>1</u>	<u>2</u>	
Non-Hosted Short Term Rental*	<u>32</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>32</u>	<u>3</u>	
<u>Towing Services</u>				<u>1</u>	<u>2</u>	<u>1</u>	
Wrecking and Dismantling Yard						3	
INDUSTRIAL (or MANUFACTURING)							
Fabricated Structural Metal Products			<u>3²</u>	<u>32</u>	<u>1⁴2 & 3</u>	1	
Food Processing w/o Retail			<u>2 or 3²</u>	3	<u>1⁴2</u>	1	
Machinery and Equipment				3	<u>1⁴3</u>	1	
Marijuana, Producers, Processor, Research						<u>12</u>	
Plastic Products and Assembly				3	<u>1⁴3</u>	1	
Paperboard Containers and Boxes				3	<u>1⁴3</u>	1	
Prefabricated Structural Wood Products and Containers				3	<u>1⁴3</u>	1	
Printing, Publishing and Binding			3	<u>32</u>	<u>12</u>	1	
Wineries				<u>3</u>	<u>3</u>	<u>31</u>	
TRANSPORTATION							
Bus Terminals/Storage and Maintenance Facilities			<u>3²</u>	<u>1</u>	<u>2</u>	1	
Transportation Brokerage Offices, w/ Truck Parking/Contract Truck Hauling			<u>3²</u>	<u>2</u>	<u>3</u>	1	
Railroad Switch Yards, Maintenance and Repair Facilities, etc.			<u>3²</u>	<u>2</u>	<u>2</u>	1	
Airport							1
UTILITIES							
<u>Power Generating Facilities*</u>				<u>3</u>	<u>3</u>	<u>3</u>	
Utility Services*	3	3	3	3	3	<u>12</u>	
WHOLESALE TRADE - STORAGE							
Storage Facilities, Commercial*				<u>3</u>	<u>2</u>	1	
Residential Mini-Storage*		<u>3</u>	<u>3²</u>	<u>2</u>	<u>32</u>	<u>1</u>	

*Indicates a definition

1. Hotels and residential uses shall be located in the upper floors of a building with only necessary entrances and lobbies at the street level.
2. See zoning code section 17.14.020 for uses not fronting on First Street.
- ~~3. 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.~~
- 4.3. Manufacturing, production or treatment of products clearly incidental to the conduct of a retail business conducted on the premises.
- ~~5. Sales room or storerooms for motor vehicles and other articles of merchandise.~~

17.14.040 Unclassified uses.

Any use not listed in Table 4-1 is an unclassified use and shall be permitted only in those districts so designated by the hearing examiner. Any unclassified use permitted in a particular zoning district shall be allowed only as a Class (2) or (3) use.

17.14.050 Home occupations.

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

1. Ensure the compatibility of home occupations with other uses permitted in the underlying zone; and
2. Preserve the existing dwelling as the primary use of the structure or property; and
3. Maintain and preserve the character of residential neighborhoods; and
4. Promote the efficient use of public services and facilities by assuring these services are provided to the residential population for which they were planned and constructed, rather than commercial uses.

B. *Table of Permitted Home Occupations.* Table 16-2 titled "Table of Permitted Home Occupations" is incorporated as a part of this section. Each permitted home occupation listed in Table 16-2 is designated as a Type (1), (2) or (3) use for a particular zoning district. Proposed home occupations in existing dwellings in the commercial and industrial zoning districts shall follow the land use requirements of the MF zoning district. All permitted home occupations are subject to the standards of this title, including the specific conditions of subsection (C) of this section and the applicable review procedures of CEMC Chapter 14.30. Specific uses not permitted as home occupations are listed in subsection (H) of this section.

Table 16-2. Permitted Home Occupations*

Zoning District		
	R	MFR
Barbershop, beauty parlor	2	2
Day care, family home*	1	1

Professional services*	2	2
Dog grooming	2	2
Food preparation*	2	2
Home contractor*	1	1
Home office*	1	1
Home instruction*	1	1
Product assemblage/service*	1	1
Hosted short-term rental*	1	1
Unclassified home occupation		

Notes:

* Refers to definition in CEMC Chapter [14.20](#)

1 = Type (1) permitted home occupation

2 = Type (2) permitted home occupation

C = Conditional use, public hearing and approval by the hearing examiner required

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

1. The home occupation is conducted inside a structure within property on which is established the primary residence of the practitioner(s). For the purpose of administering this section, "primary residence" shall be defined as the residence where a person or persons resides for the majority of the calendar year;
2. The home occupation is incidental and subordinate to the residential functions of the property. No action related to the home occupation shall be permitted that impairs reasonable residential use of the dwelling;
3. There are no external alterations to the building which change its character from a dwelling;
4. The portion of the structure or facilities in which a home occupation is to be sited must be so designed that it may be readily converted to serve residential uses;
5. The business is conducted in a manner that will not alter the normal residential character of the premises by the use of color, materials, lighting and signs, or the emission of noise, vibration, dust, glare, heat, smoke or odors;

6. The home occupation does not generate materially greater traffic volumes than would normally be expected in the residential neighborhood; the frequency of deliveries should be comparable to that of a single-family home without a home business. No more than six customers or vehicle trips are permitted per day unless otherwise permitted through review;
7. There is no outside storage or display of any kind related to the home occupation except for typical vehicle parking associated with the business, but not including job trailers, food trucks, or similar accessory vehicles visible from the public right-of-way;
8. The home occupation does not require the use of electrical or mechanical equipment that would change the fire rating of the structure;
9. The home occupation does not require the use of electrical equipment that exceeds FCC standards for residential use;
10. The home occupation does not increase water or sewer use so that the combined total use for the dwelling and home occupation is significantly more than the average for residences in the neighborhood;
11. A business license is purchased where required;
12. One employee in addition to the owner/occupant is permitted;
13. All stock in trade kept for sale on the premises is produced on site by hand without the use of automated or production line equipment.

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

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

1. All equipment, materials, or goods shall be stored completely within the space designated for home occupation activities and not visible from the public right-of-way.
2. Only those materials or goods that are utilized or produced in connection with the home occupation may be stored within the dwelling unit or accessory building.

3. All flammable or combustible compounds, products, or materials shall be maintained and utilized in compliance with the fire code.
4. The frequency of home deliveries should be comparable to that of a single-family home without a home occupation associated with the residence. No more than six customers or vehicle trips are permitted per day unless otherwise permitted through review.

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

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

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

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

1. Auto repair, body work, or similar automobile-related activity;
2. Parking and storage of motor vehicles, commercial trucks or heavy equipment;
3. Antique shop or gift shop;
4. Kennel;
5. Veterinary clinic or hospital;
6. Painting of vehicles, trailers or boats;
7. Large appliance repair including stoves, refrigerators, washers and dryers;
8. Upholstering;

9. Machine and sheet metal shops;
10. Taxidermist;
11. Vehicle sign painting (except for the application of decals);
12. Marijuana production, processing and/or retailing.

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

- ~~2. Preserve the existing dwelling as the primary use of the structure or property; and~~
- ~~3. Maintain and preserve the character of residential neighborhoods; and~~
- ~~4. Promote the efficient use of public services and facilities by assuring these services are provided to the residential population for which they were planned and constructed, rather than commercial uses.~~

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

Table 16-2. Permitted Home Occupations*

	Zoning District	
	R	MF
Barbershop, beauty parlor	2	2
Day care, family home*	1	1
Professional services*	2	2
Dog grooming	2	2
Food preparation*	2	2
Home contractor*	1	1

EXHIBIT B

Chapter 17.16 R – RESIDENTIAL DISTRICT

Sections:

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

~~17.16.010~~ ~~Outright permitted uses.~~

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

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

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

~~C. Accessory dwelling units, provided:~~

- ~~1. Only one accessory dwelling unit is permitted per lot;~~
- ~~2. The accessory unit shall not be larger than the primary dwelling unit;~~
- ~~3. One additional off-street parking space is provided; and~~
- ~~4. Either the primary unit or the accessory unit is occupied by the owner of the property.~~

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

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

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

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

17.16.020 Definitions.

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

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

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

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

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

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

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

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

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

~~17.16.030—Conditional uses.~~

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

~~A. Libraries;~~

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

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

~~D. Retirement homes and nursing homes;~~

~~E. Municipal buildings;~~

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

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

~~H. Host short-term rental.~~

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

~~17.16.100 Home occupations.~~

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

- ~~1. Ensure the compatibility of home occupations with other uses permitted in the underlying zone; and~~
- ~~2. Preserve the existing dwelling as the primary use of the structure or property; and~~
- ~~3. Maintain and preserve the character of residential neighborhoods; and~~
- ~~4. Promote the efficient use of public services and facilities by assuring these services are provided to the residential population for which they were planned and constructed, rather than commercial uses.~~

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

~~Table 16-2. Permitted Home Occupations*~~

	Zoning District	
	R	MF
Barbershop, beauty parlor	2	2
Day care, family home*	1	1
Professional services*	2	2
Dog grooming	2	2
Food preparation*	2	2
Home contractor*	1	1
Home office*	1	1
Home instruction*	1	1
Product assemblage/service*	1	1
Hosted short-term rental*	1	1
Unclassified home occupation		
<p>Notes:</p> <p>* Refers to definition in CEMC Chapter <u>14.20</u></p> <p>1 = Type (1) permitted home occupation</p> <p>2 = Type (2) permitted home occupation</p> <p>C = Conditional use, public hearing and approval by the hearing examiner required</p>		

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

- ~~1. The home occupation is conducted inside a structure within property on which is established the primary residence of the practitioner(s). For the purpose of administering this section, "primary residence" shall be defined as the residence where a person or persons resides for the majority of the calendar year;~~
- ~~2. The home occupation is incidental and subordinate to the residential functions of the property. No action related to the home occupation shall be permitted that impairs reasonable residential use of the dwelling;~~
- ~~3. There are no external alterations to the building which change its character from a dwelling;~~
- ~~4. The portion of the structure or facilities in which a home occupation is to be sited must be so designed that it may be readily converted to serve residential uses;~~
- ~~5. The business is conducted in a manner that will not alter the normal residential character of the premises by the use of color, materials, lighting and signs, or the emission of noise, vibration, dust, glare, heat, smoke or odors;~~
- ~~6. The home occupation does not generate materially greater traffic volumes than would normally be expected in the residential neighborhood; the frequency of deliveries should be comparable to that of a single-family home without a home business. No more than six customers or vehicle trips are permitted per day unless otherwise permitted through review;~~
- ~~7. There is no outside storage or display of any kind related to the home occupation except for typical vehicle parking associated with the business, but not including job trailers, food trucks, or similar accessory vehicles visible from the public right-of-way;~~
- ~~8. The home occupation does not require the use of electrical or mechanical equipment that would change the fire rating of the structure;~~
- ~~9. The home occupation does not require the use of electrical equipment that exceeds FCC standards for residential use;~~

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

~~11. A business license is purchased where required;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT C

Chapter 17.20

~~RM-MF~~ 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 and intent of the Multiple -Family Residential district is to provide for and protect higher density urban residential areas where a mixture of multi-family residential uses-development may occur. The Multiple -Family Residential residences zone may include any sSingle Ffamily Residential-approved dwellings, duplexes, townhomuses, zero-lot line, unit-lot linecommon-wall or apartment complexes, multiple-unit dwellings with a higher allowed density per acre than the sSingle fFamily rResidential zone. The purpose of the multiple family-residential district is to create and maintain stable and attractive residential neighborhoods,- allowing apartments and townhouse dwellings. The Multiple fFamily R-residential districts~~ should also protect sensitive natural areas, provide for the efficient use of land and public services, reinforce more intense adjacent land uses such as retail, and provide appropriate vehicular and pedestrian access.

(Ord. 1163 § 1, 2001)

~~17.20.010 — Permitted uses.~~

~~The following uses are permitted in the multiple family district:~~

~~A. Single-family dwellings, zero lot line, common wall, multiple-unit dwellings and townhouses;~~

~~B. Parks and playgrounds (including park buildings);~~

~~C. Accessory buildings, such as are ordinarily appurtenant to multiple-unit residential 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. Attached ADUs are limited to 1,000 square feet unless the ADU is proposed for preexisting floor area on a single level of the primary unit. For detached ADUs, maximums are based on lot size.~~

~~ADU's floor area shall not exceed on thousand square feet~~

~~(Ord. 1163 § 1, 2001)~~

~~17.20.020 — Conditional uses.~~

~~The following purposes and uses of buildings shall be allowed only upon approval a conditional use permit in accordance with the provisions of 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 medical facilities and sanitariums, except for inebriates and persons suffering from mental diseases;~~

~~D. Telephone exchanges, electric substations and similar installations for public service; *definition needed.~~

~~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; Examples (take it out/keep?)~~

~~G. Municipal buildings, senior centers and community centers. * definition(s) *definitions consider name change~~

(Ord. 1163 § 1, 2001)

17.20.040 Rear yard.

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

(Ord. 1163 § 1, 2001)

17.20.050 Side yard.

~~There shall be a side yard of not less than ten feet in width on each side of a building, and not less than five feet in width between lot side and buildings in the rear yard. A side street side yard~~abutting a street or right of way, shall have a minimum width of fifteen feet. In the MF zoning district, the standard setback requirement from the side property line is shall be 10 feet. However, the following uses may have a reduced setback of 5 feet from the side property line: single-family homes, duplexes, common-wall structures, and accessory structures. Side yard setbacks shall be measured from the drip line of the principal structure's eave to the property line. (Drip-line? Consistent with SF?)

(Ord. 1163 § 1, 2001)

17.20.060 Minimum lot size/density.

Within the multiple family residential district, ~~the minimum lot size for multiple unit dwellings shall be fifteen thousand square feet. The~~ the minimum lot size for single-family dwellings, duplexes, zero lot line, common wall, and townhomes shall be 5,000 ~~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, determined by the ability to meet the required development standards.

THE MAXIMUM NUMBER OF UNITS PERMITTED ON A SITE = (the total site area in acres) - (the area of streets, rights-of-way, and access easements, in acres) x (the maximum number of dwelling units permitted per net residential acre).

(Any fraction of a dwelling unit shall be rounded up to the next whole number if one-half or over or down to the next whole number if less than one-half.)

(Ord. 1163 § 1, 2001)

17.20.080 Lot coverage.

The impervious surfaces on the lot or development site, including structures, sidewalks, and driveways, shall not cover more than eighty percent of the total lot area. ~~The lot area covered by structures shall not exceed forty-five percent of the lot area.~~

(Ord. 1163 § 1, 2001)

17.20.090 Design review and design guidelines.

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

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

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

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

~~DC. 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.

~~ED. 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.

~~FE. 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.

~~GF. 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~~single-family dwellings, zero lot line, common wall, and duplexes. 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.

EXHIBIT D

Chapter 17.24

~~OTC-OLD TOWN~~DC DOWNTOWN 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 purpose and intent of the Downtown Commercial district is to create an active, vibrant, intense, pedestrian-orientated retail core which reflects the historic character of the City and which is a nexus for civic and community functions. Existing historic buildings should be preserved and serve as the benchmark for new construction and infill development in the historic City core. Additionally, this zoning district is well suited for traditional mixed-use development (i.e. dwelling units on the upper floors of buildings) which promotes patronage to local businesses and further diversifies housing options. Design review standards should be established that pay special attention to signs, view shed protection, ambient lighting and landscaping, historic characteristics, and architectural consistency. The Downtown Commercial district is as established by Ordinance 1620, adopted on November 22, 2021, and shall not be further expanded. The three block area along First Street extending from Oaks Avenue through Wright Avenue and from Railroad Street to Second Street encompasses the historic downtown of Cle Elum and has a large number of existing historic structures. The purposes of this district are to acknowledge this historic area; to maintain and complement existing historic buildings; to keep the small retail shop feeling on the street level and to encourage complementary uses on upper floors; and to reinforce it as a pedestrian oriented area with a high level of pedestrian~~

~~amenity; and to reestablish this area as the civic and retail core of the city. Over time it is the objective to restore the historic street facades to maintain the authentic small town feeling.~~

(Ord. 1163 § 1, 2001)

~~17.24.020~~ — Permitted uses.

~~In the OTC DC district or Old Town Downtown commercial Commercial district the following uses are permitted:~~

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

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

~~13. Fraternal organizations;~~

~~14. Theaters;~~

~~15. Public offices and civic buildings;~~

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

~~17. Professional and business offices; and~~

~~18. Mobile food service unit.~~

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

~~1. Hotel, motel and inns;~~

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

~~3. Apartments or single room occupancy.~~

~~C. Public facilities and public utility use.~~

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

~~17.24.030 — Conditional uses (not fronting on First Street).~~

~~1. Undertaking establishments and crematories.~~

~~2. Printing establishments and newspaper printing.~~

~~3. Parking garages accessed from an alley.~~

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

(Ord. 1163 § 1, 2001)

17.24.040 Dimensional standards.

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

(Ord. 1163 § 1, 2001)

17.24.050 Parking and loading zones.

1. No on-site parking is required, except for residential uses when proposed with a new building; 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.

<u>EXISTING BUILDINGS</u>	<u>NEW BUILDINGS (NEW CONSTRUCTION)</u>
<u>No parking requirements</u>	<u>For residential uses, 1 space/ unit</u>

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~~entry from a side street (i.e., Oaks Street) or Railroad Street may be permitted.

(Ord. 1163 § 1, 2001)

17.24.090 Design standards.

The objective of these design standards is to create a strong identity for the downtown ~~area,~~
~~and 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. Roof designs should accommodate heavy winter snow loads. Traditional flat roofs with parapets are encouraged, but alternative roof styles that effectively manage snow accumulation, shedding, and structural load distribution are also permitted. Roof structures must prioritize safety, durability, and functionality to address seasonal weather conditions.~~

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.

~~k. Any proposed fencing should be ornamental, complementing the surrounding architecture and landscape. To maintain aesthetic quality and cohesion with the design character of the DC Downtown area chain link or similar industrial-style fencing is not permitted.~~

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.

EXHIBIT E

Chapter 17.28 EC ENTRY COMMERCIAL DISTRICT

Sections:

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

~~17.28.020~~ ~~Permitted uses.~~

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

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

- ~~1. Grocery stores;~~
- ~~2. Meat shops;~~
- ~~3. Retail micro-breweries and other specialty food processing when associated with a retail business;~~
- ~~4. Banks and businesses;~~
- ~~5. Barbershops, beauty parlors and personal service shops;~~
- ~~6. Clothing and general merchandising stores, retail;~~
- ~~7. Hand laundries, clothes cleaning and pressing;~~
- ~~8. Hotels and motels;~~

- ~~9. Locksmiths, shoe and other clothing repair shops;~~
- ~~10. Open air markets;~~
- ~~11. Parking lots;~~
- ~~12. Professional or business offices;~~
- ~~13. Copy companies;~~
- ~~14. Restaurants and cafeterias;~~
- ~~15. Taverns;~~
- ~~16. Service stations, tire repair shops;~~
- ~~17. Public offices and uses;~~
- ~~18. Mobile food service unit.~~

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

~~17.28.030 — Conditional uses.~~

- ~~1. Theaters, dancehalls, skating rinks, or other commercial amusement places.~~
- ~~2. Manufacturing, production or treatment of products clearly incidental to the retail business—
conducted on the premises.~~
- ~~3. Wireless communication facilities.~~

EXHIBIT F

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.

~~17.32.020~~ ~~Permitted uses.~~

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

- ~~A. Retail stores and shops such as clothing and general merchandise;~~
- ~~B. Grocery stores;~~
- ~~C. Meat shops;~~
- ~~D. Retail bakeries, micro-breweries and other specialty food processing with an associated retail use;~~
- ~~E. Banks or similar financial institutions;~~
- ~~F. Barbershops, beauty parlors and personal service shops;~~
- ~~G. Laundromats and dry cleaning;~~
- ~~H. Hotels, motels, bed and breakfast rooms and inns;~~
- ~~I. Lumber yards and building materials, coal and fuel storage, providing that they are housed in buildings completely enclosed by walls and windows, and the yard regulations of this district~~

~~shall be observed; and provided further that no such lumber yards, building material yards, coal and fuel stores shall be maintained closer than one hundred feet to the side lines of the R/RM or residential districts;~~

~~J. Locksmiths, shoe and other clothing repair shops;~~

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

~~L. Professional, medical business offices and veterinary clinics;~~

~~M. Public offices and uses;~~

~~N. Printing establishments and newspaper printing;~~

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

~~P. Restaurants, cafeterias and catering;~~

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

~~R. Studios, art galleries;~~

~~S. Taverns, bars, tasting rooms;~~

~~T. Theaters;~~

~~U. Commercial day care centers;~~

~~V. Open air markets;~~

~~W. Mobile food service unit.~~

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

~~17.32.030 — Conditional uses.~~

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

~~Conditional uses shall also require design review either in conjunction with or after the approval of a conditional use permit.~~

~~A. Residential uses;~~

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

~~C. Undertaking establishments and crematories;~~

~~D. Kennels;~~

~~E. Machine shops;~~

~~F. Mini-warehouses;~~

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

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

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

EXHIBIT G

REPEAL

~~Chapter 17.34~~ ~~BUSINESS PARK DISTRICT~~

Sections:

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

~~17.34.005 Purpose.~~

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

~~(Ord. 1163 § 1, 2001)~~

17.34.010 — Permitted uses.

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

~~A. Catalog or Internet sales;~~

~~B. Business and professional offices;~~

~~C. Commercial testing laboratories;~~

~~D. Research and development laboratories;~~

~~E. Research, financial or information processing offices;~~

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

~~G. Vocational/technical schools;~~

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

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

~~J. Printing, publishing and allied industries;~~

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

~~L. Wireless communication facilities.~~

~~(Ord. 1163 § 1, 2001)~~

17.34.020 — Accessory uses.

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

~~A. Cafeteria, sandwich and coffee shops;~~

~~B. Daycare centers;~~

~~C. Health clubs;~~

~~D. Dwelling unit for caretaker or watchman;~~

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

~~(Ord. 1163 § 1, 2001)~~

~~17.34.030 — Conditional uses.~~

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

~~A. Public/community facilities;~~

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

~~(Ord. 1163 § 1, 2001)~~

~~17.34.040 — Front yard.~~

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

~~(Ord. 1163 § 1, 2001)~~

~~17.34.050 — Rear yard.~~

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

~~(Ord. 1163 § 1, 2001)~~

~~17.34.060 — Side yard.~~

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

~~(Ord. 1163 § 1, 2001)~~

~~17.34.070 — Site area.~~

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

~~(Ord. 1163 § 1, 2001)~~

~~17.34.080 — Height limit.~~

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

~~(Ord. 1163 § 1, 2001)~~

~~17.34.090 — Lot coverage.~~

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

~~(Ord. 1163 § 1, 2001)~~

~~17.34.100 — Landscaping and screening.~~

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

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

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

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

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

~~(Ord. 1163 § 1, 2001)~~

~~17.34.110 — Design guidelines.~~

~~(To be developed)~~

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

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

~~City Website: cityofcleelum.com~~

~~City Telephone: (509) 674-2262~~

~~Hosted by General Code.~~

EXHIBIT H

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.

~~17.36.020~~ ~~Permitted uses.~~

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

- ~~A. Manufacturing, rebuilding and/or repairing nonmetal or mineral products;~~
- ~~B. Warehouse establishment;~~
- ~~C. Wholesale establishment;~~
- ~~D. Accessory retail uses, where products manufactured on site are sold to the general public;~~
- ~~E. Office buildings related to permitted uses conducted on the same premises or within the industrial district;~~
- ~~F. Food and dry goods processing, packaging and distribution operations;~~
- ~~G. Welding and metal fabrication shops;~~
- ~~H. Vehicle and machinery repair and storage;~~
- ~~I. Transportation terminals;~~

~~J. Contractor's offices, shops and storage yards;~~

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

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

~~M. Agricultural use of the land;~~

~~N. Veterinary clinic within the enclosed structure;~~

~~O. Wireless communication facilities;~~

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

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

~~17.36.030 — Conditional uses.~~

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

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

~~B. Asphalt manufacture, mixing or refining;~~

~~C. Automobile dismantling, wrecking or junkyards;~~

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

~~E. Drop forge industries;~~

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

~~G. Rubber reclaiming;~~

~~H. Feed yards, livestock sales yards or slaughterhouses;~~

~~I. Smelting, reduction or refining of metallic ores;~~

~~J. Tanneries;~~

~~K. Wineries;~~

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

~~M. Waste (refuse) recycling and processing.~~

(Ord. 1163 § 1, 2001)

EXHIBIT I

Chapter 17.50

P PUBLIC ~~USE RESERVE AREA~~ DISTRICT

Sections:

- | | |
|----------------------|---|
| 17.50.010 | Purpose. 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 ~~Purpose. Permitted uses.~~

~~The purpose and intent of the Public Use district is to provide for and protect areas for government and civic functions. Such uses include parks, government buildings, hospitals, educational institutions, libraries and museums, recreational uses and schools.~~

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

- ~~A. Governmental buildings and uses, federal, state, county, municipal or other governmental subdivisions;~~
- ~~B. Hospitals and sanitoriums, public and private, except those for inebriates, insane persons, or mentally diseased persons, subject to regulations of the health department;~~
- ~~C. Institutions for education, philanthropic or eleemosynary charitable uses;~~
- ~~D. Libraries, art galleries and museums;~~
- ~~E. Parks, playgrounds, tennis courts, swimming pools, and like recreational uses;~~
- ~~F. Schools, public and private.~~

(Ord. 1163 § 1, 2001)

17.50.020 Displaying of merchandise prohibited.

This district is reserved for public and semipublic uses and all forms of merchandise display, advertising devices, and manufacturing are prohibited. ~~All display of merchandise or products, all advertising devices and all manufacturing is prohibited.~~ Buildings may contain services such as food, requiring services such as food, drugs, cigars, etc., that are typically found in usual to a public building, office building ~~or hotel, may contain same but only~~ within the interior of the building. Entrances from streets must not display include external advertising ~~on same.~~ Street deliveries are ~~prohibited-restricted,~~ except during for certain designated hours, ~~or buildings shall must~~ be so designed to as to facilitate unloading fuel and merchandise from vehicles in an alley, or in a driveway or loading area located off the streets allow unloading of goods from vehicles in alleys, driveways, or other loading areas that are not located along streets.

(Ord. 1163 § 1, 2001)

~~17.50.030~~ ~~Structure approval required.~~

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

(Ord. 1163 § 1, 2001)

EXHIBIT J

Chapter ~~17.90~~

12.18

SIDEWALK SALES ~~AND SERVICE OF FOOD AND BEVERAGE~~ MOBILE VENDORS, AND STREET BEAUTIFICATION

Sections:

12.18.01 17.90.010	Purpose.
12.18.02 17.90.020	Sidewalk use regulations.
12.18.025	<u>Mobile Vendor Regulations</u>
12.18.03 17.90.030	Permit approvals.
12.18.04 17.90.040	Validity.
12.18.045	<u>Snow Removal Compliance</u>
12.18.05 17.90.050	Enforcement.

~~17.90~~**12.18.010 Purpose.**

The City of Cle Elum is committed to fostering local economic growth and community vitality by encouraging the safe and intentional use of public sidewalks and adjacent parking strips within commercial zones for outdoor merchandise sales and food and beverage service. To ensure these activities align with city standards and maintain public safety, any use of sidewalks or the erection of structures, plants/planters, or other items within public rights-of-way in commercial or industrial zones requires a sidewalk use permit, issued in addition to any applicable business license. The city of Cle Elum supports local economic development and vitality and promotes the safe and reasonable use of sidewalks and abutting parking strip areas in commercial zones for the sales of merchandise and the service of food and beverages pursuant to obtaining a sidewalk use permit.

(Ord. 1558 § 1, 2019)

12.1817.90.020 Sidewalk use regulations.

The display of any objects, including but not limited to plants, planters, merchandise, or other decorative items, and sSales of merchandise and service of food and beverages on sidewalks or parking strips, by current abutting business owners or by an approved ~~food cart~~mobile vendor (with signed approval from the abutting property owner), both with valid city business licenses shall be reviewed pursuant to the criteria below. Abutting business owners and ~~mobile vendor~~food cart operators are hereafter collectively referred to as “merchants.”

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

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

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

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

1. An approved and current license issued by the LCCB;
2. If alcohol is served, a barrier no less than forty-two inches in height is required. The barrier must be a physical structure that bars movement between two areas. ~~and must be movable. The barrier cannot be affixed to the sidewalk surface; The barrier may be either permanent or movable:~~
 - a. Permanent Barrier Option: If a permanent barrier is installed, it must comply with applicable accessibility standards and be securely affixed to the sidewalk surface without creating tripping hazards or obstructing sidewalk drainage.
 - b. Movable Barrier Option: If a movable barrier is used, it cannot be affixed to the sidewalk surface and must be sturdy enough to withstand incidental contact while being easily removable for emergency access or seasonal changes.

3. All tables, chairs, and barriers must be visible directly from the interior of the business;
- E. All objects placed on the sidewalk must be windfirm and approved by the city planner, fire chief, public works director or their designee;
- F. Merchants may not allow fire pits, open flames, electrical cords or other obstructions to be placed across the sidewalk. Propane, pellet stoves or other heat sources may be approved by the fire chief;

G. Outdoor Seating and Sidewalk Objects During Winter Months

1. **General Rule:** All permanent, temporary, or moveable sidewalk objects and barriers must be removed from the sidewalk during the winter months, defined as November 1st through April 1st, unless exempted under section 12.18.020 G(2).

2. **Active Use Exception:** Businesses may retain sidewalk objects and barriers during the winter months if the space is deemed an "active space" by the city planner, fire chief, public works director or their designee.

I. **Definition of Active Space:**

- i. The space is actively maintained and utilized for business purposes, such as customer seating or other serviceable activities.
- ii. Planters and decorative features are allowed only if they are well-maintained, contribute to the functionality or aesthetics of the space, and do not obstruct pedestrian access.
- iii. The space must be free of snow, ice, and other hazards at all times to ensure safety.

3. **Ongoing Maintenance Requirements:**

- I. Businesses must ensure snow and ice is removed from the sidewalk space daily or as conditions warrant.
- II. Any decorative or functional object located on the sidewalk space must be maintained in good condition and not pose a hazard or nuisance to public health, safety, or welfare.
- III. The City reserves the right to revoke an exception if the space is not actively maintained or used as permitted by this Chapter.

4. Monitoring and Compliance:

The City will conduct periodic inspections to ensure compliance with active space and maintenance standards. Non-compliant businesses will be subject to code enforcement, including the requirement to remove sidewalk objects.

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

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

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

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

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

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

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

(Ord. 1558 § 1, 2019)

12.18.025 Mobile Vendor Regulations

- A. No mobile vendor license shall grant the privilege to operate a mobile vending business unless the vehicle or conveyance is parked and operated in full compliance with city traffic and sidewalk ordinances, as now in effect or as may be amended. It is a violation of this chapter for any person selling or offering for sale any item to obstruct or cause to be obstructed the passage of any sidewalk, street, avenue, alley, or any other public space by causing people to congregate at or near the location where items are being sold or offered for sale.
- B. No merchandise may be displayed, offered, or sold, nor customers served, in any vehicle travel lane.
- C. Mobile vendors shall not ~~sell or vend wares~~ operate from their vehicle or conveyance:
1. Within three hundred feet of any public or private school grounds during regular school hours, classes, or school-related events, unless authorized by the school;
 2. ~~at the same time~~ Within one hundred feet of any restaurant, café, or eating establishment that is open if the mobile vendor is selling food items unless the applicant has obtained a signed agreement from the establishment permitting this proximity;
 3. In that portion of the public right-of-way abutting private property without the property owner's permission;
 4. Within any public park or public space unless a special event permit has been obtained;
 5. The number of mobile vendors, ~~not on private property~~, shall be limited to two per one linear block frontage, provided that one-hundred-foot distance restrictions are met, unless a city-approved special event permit site plan authorizes an exception.
 6. Overnight parking shall not be permitted for mobile vendors operating from the public right-of-way.
- E. A mobile vendor may park in a safe location adjacent to a public sidewalk or entirely within private or public property and serve customers directly onto a public sidewalk if granted an approved sidewalk use permit by the city. Mobile vendors may request a sidewalk use permit covering multiple locations at the discretion of the city planner. Mobile vendors are prohibited from serving customers whom are standing in a street or road, or other right-of-way where motor vehicle travel is permitted except when specifically permitted within the sidewalk use permit, such as for special events or neighborhood festivals.
- F. Awnings extending from mobile vendors must be easily retractable or removable to adjust for high winds and prevent injury or property damage.

G. Mobile vendors are limited to operating in commercial zoning districts identified in CEMC 17.14, Table 16.1 and Mobile vendors on private property shall be required to obtain Site Design Review or provide evidence that the site has been previously approved for mobile vendor use.

17.9012.18.030 Permit approvals.

A. The city planner or their designee is authorized to issue sidewalk use permits for the purpose of allowing the use of city sidewalk areas for the display of objects, including but not limited to plants, planters, merchandise, or other decorative items, and sales of merchandise and the service of food and beverage, including alcoholic beverages when authorized by applicable state liquor laws, as an extension of a permittee's adjacent business fronting directly upon the sidewalk.

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

1. Description of the objects, types of goods and/or services proposed;
2. Operating days and hours of the sidewalk use;
3. A site plan of the sidewalk area between the building and curb, describing the following:
 - a. Doorway and window locations of the building;
 - b. All permanent and temporary or movable sidewalk objects (e.g., city or private flower planters, street tree wells, umbrellas or awnings, street signs, bike racks, trash receptacles, street-lights, A-frame signs, etc.);
 - c. Description of method by which all objects will be made windfirm;
 - d. Proposed seating area – number and location of all proposed tables and chairs;
 - e. Width of sidewalk in feet (from building to curb);

- f. Distance in feet between sidewalk objects and barrier or seating area, including depiction of five-foot minimum unobstructed passage;
 - g. Distance in feet between each table, chair, barrier and the adjacent building and curb;
 - h. Locations of adjacent driveways, alleys, and/or curb ramps;
 - i. If required for alcohol service, the location of the required barrier;
- 4. Signed indemnification statement on the form provided for by the city; and
 - 5. Certificate of liability insurance with limits and requirements as set forth in the sidewalk use permit [application](#).
- C. The city planner, [fire chief](#), or their designee have the authority to inspect the sidewalk use at any time and may immediately revoke a sidewalk use permit upon finding a violation of this chapter.
- D. Sidewalk use permittees shall be authorized to use the sidewalk under the terms of a valid permit between six a.m. and ten p.m. seven days a week.

(Ord. 1558 § 1, 2019)

17.9012.18.040 Validity.

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

(Ord. 1558 § 1, 2019)

12.18.045 Snow Removal Compliance

All permit holders are responsible for ensuring that sidewalks adjacent to their permitted outdoor areas are kept clear of snow and ice in compliance with Chapter 12.14 of the Cle Elum Municipal Code. Snow removal efforts must not interfere with pedestrian access and shall be maintained to prevent hazards during the winter season. Noncompliance may result in revocation of the permit tied to the business license, as permits are non-transferable and subject to annual renewal requirements.

~~17.90~~12.18.050 Enforcement.

Permit requirements shall be enforced by the code enforcement officer, per CEMC Chapter [8.60](#).

(Ord. 1558 § 1, 2019)

EXHIBIT K

14.20.030 Definitions.

“Accessory dwelling unit” or “ADU” means a subordinate residential unit within a single-family home or as a separate building on the property of a single-family home, ~~where the primary residential building is more than twice the square footage of the accessory unit.~~

“Accessory dwelling unit – attached” or “A-ADU” means a room or set of rooms designed and established to be a separate dwelling unit incidental to the primary residential use of a single-family home.

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

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

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

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

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

"Animal Clinic/Hospital/Veterinarian" means a structure used for veterinary care of sick or injured animals. The boarding of animals is limited to short-term care and is accessory to the principal use. This definition does not include kennels.

"Animal Grooming" means a commercial establishment or home-based business where services are provided to maintain the appearance and hygiene of domestic animals, including bathing, clipping, trimming, brushing, and other related services. This use may include incidental retail sales of pet supplies but excludes overnight boarding or veterinary services, except as otherwise permitted.

"Attached Single-Family Dwelling, Common Wall" means two single-family dwellings, each on their own lot, that are attached together at a common interior property line.

"Bed and breakfast guesthouse" means an owner-occupied single-family residential dwelling which provides transient rental lodging, and at least one meal is provided, to a limit of four guest rooms or less.

"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).

"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.

~~"Churches, Synagogues, and Temples" means a structure, or group of structures, which by design and construction are primarily used for organized religious services and instruction.~~

"Class (1) uses" are those uses set forth and defined in the text and tables of CEMC Chapter 17.14 and are considered compatible and are permitted on any site in the district. The administrative official shall review Class (1) uses for compliance with the provisions and standards of this title.

"Class (2) uses" are those uses set forth and defined in the text and tables of CEMC Chapter 17.14 and are generally permitted throughout the district. However, site plan review by the administrative official is required in order to ensure compatibility with the intent and character of the district and the objectives of the Cle Elum urban area comprehensive plan.

“Class (3) uses” are those uses set forth and defined in the text and tables of CEMC Chapter 17.14 and are generally incompatible with adjacent and abutting property because of their size, emissions, traffic generation, neighborhood character or for other reasons. However, they may be compatible with other uses in the district if they are properly sited and designed. Class (3) may be permitted by the hearing examiner when he determines, after holding a public hearing, that the use complies with provisions and standards; and that difficulties related to the compatibility, the provision of public services, and the Cle Elum urban area comprehensive plan policies have been adequately resolved.

“Class (1), (2) or (3) use, approved” means any use or development approved upon completion of Type (1), (2) or (3) review.

“Class (1), (2) or (3) use or development, existing” means a use or development legally existing or legally established prior to the effective date of this title that has been or would be classified under CEMC Chapter 17.14 as a Class (1), (2) or (3) use in a particular district, even though the use has not been through Type (1), (2) or (3) review, and may or may not conform to the standards of this title. This definition includes any existing Class (1), (2), or (3) use with an approved modification under CEMC Chapter 14.30.

“Community Center, means a facility owned and operated by a public agency or nonprofit corporation, provided the principal use of the facility is for public assistance, community improvement, or public assembly.

“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.

“Converted Dwelling” means a structure which, due to interior alterations, has been modified to increase the number of individual dwelling units. This definition does not apply to multifamily structures constructed under the provisions of this title.

“Corner lot” means a lot of which at least two adjacent sides abut for their full length upon a street. “Lot line” means the line bounding a lot as defined in the deed or official plat.

“Cost burdened” means when thirty percent or more of a household’s monthly gross income is dedicated to housing, using the affordable housing definition in this section.

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

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

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

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

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

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

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

“Entertainment Venue” means a permanent indoor and/or outdoor facility, which may include structures and buildings, that provides various forms of entertainment to the public. Such venues may offer activities and devices for recreation or amusement, including but not limited to arcade games, bowling alleys, ice rinks, and dance halls. This use does not include outdoor amusement parks or rides typically associated with amusement parks.

“Existing uses” means a use or development legally existing or legally established by a jurisdiction prior to the effective date of this title that has been or would be classified under CEMC Chapter 17.14 as a Class (1), (2), or (3) use in the appropriate zoning district.

“Family” means a collective body of persons who live in one dwelling. The term “family” shall include foster children and legal wards even if they do not live in the household. The term does

not include persons sharing the same general house when the living style is primarily that of a dormitory or commune.

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

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

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

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

“Game Room” means a commercial facility, or a portion thereof, open to the general public, in which card games, pool, electronic games, bingo, etc., are played; provided, however, that this definition shall exclude "social card room" as defined herein.

“General Retail” means a business or establishment engaged in the sale of goods, merchandise, or consumer products directly to the general public for personal or household use. This includes, but is not limited to, clothing stores, grocery stores, pharmacies, bookstores, electronics stores, and specialty shops. General retail does not include wholesale sales, manufacturing, or businesses primarily engaged in providing services rather than goods.

“Grade plane” means a reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet (one thousand eight hundred twenty-nine millimeters) from the building between the structure and a point six feet (one thousand eight hundred twenty-nine millimeters) from the building.

“Group home” means a dwelling unit licensed by the state of Washington in which rooms or lodging, with or without meals, are provided for nine or fewer 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.

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

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

“Hospital” means an institution providing clinical, temporary, and emergency services of a medical or surgical nature to human patients which is licensed by state law to provide facilities and services for surgery, obstetrics, and general medical practice as distinguished from clinical treatment of mental and nervous disorders.

“Hotel” or “motel” means a lodging use located in a structure, or structures, where rooms are usually accessed by means of common interior hallways, and which more than ninety percent of the rooms are provided to transient visitors for a fee on a daily or short-term basis. For purposes of this definition, “daily or short-term” means thirty or fewer consecutive days. This definition does not include other defined uses including, but not limited to, a boarding house or multifamily dwelling, building designed or used for the transient rental of five or more units for—

~~sleeping purposes. A central kitchen and dining room and accessory shops and services catering to the public can be provided. Not included are institutions housing persons under legal restraint or requiring medical attention.~~

~~"Kennel" means an establishment licensed to operate a facility housing more than three dogs or cats and more than one litter of 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.~~

"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.

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

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

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

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

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

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

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

Meeting Hall/Fraternal Organization means a private or quasi private facility in which defined groups or organizations come together for meetings and social events; including but not limited to, private bridge club-type card rooms, grange halls.

“Mixed-Use Building” means a building or use in a commercial district or planned development, used partly for residential use and partly for a community facility or commercial use.

“Mobile home” means a factory-built dwelling built prior to June 15, 1976, to standards other than the United States department of housing and urban development code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the United States department of housing and urban development manufactured home construction and safety act.

“Mobile Home Park” means any real property which is rented or held out for rent to others for the placement of two or more mobile homes, manufactured homes, or park models for the primary purpose of production of income, except where such real property is rented or held

out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

“Multifamily Development” means a structure or structures, or portion thereof, designed for occupancy by three or more families living independently of each other and containing three or more attached or detached dwelling units on a lot. Any combination of three-plus, duplex and detached single-family dwellings that have a common driveway access on a single lot of record is considered multifamily development.

“Nursing/Convalescent Home (medical)” means an establishment providing nursing, dietary and other personal services to convalescents, invalids, or aged persons, but not the treatment of mental disorders or contagious or communicable diseases.

“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.

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

“Open air market” means ~~an a seasonal~~, outdoor market ~~that is seasonal in nature~~ where local artisans or farmers sell products such as baked goods, artwork, crafts and produce. All structures must be temporary, without permanent fixtures, and designed to be assembled and dismantled within the same day.

“Parks” refers to publicly or privately owned areas designated for recreational, scenic, conservation or leisure purposes. Parks may include a variety of amenities, such as playgrounds, sports fields, trails, natural landscapes, picnic areas, and similar facilities.

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

"Pet Day Care/Animal Training/Kennel" refers to any building, enclosure, or portion of a premises where dogs, cats, or other domesticated animals are boarded, kept, or maintained by someone other than the owner, or where six or more cats or four or more dogs over four months old are housed. This includes establishments licensed to house more than three dogs or cats, more than one litter of unweaned pups or kittens, or other household pets, where grooming, breeding, boarding, training, or selling of animals is conducted as a business or hobby. This definition includes boarding kennels but excludes pet shops, animal hospitals, and zoos.

"Place of worship" means an establishment, the principal purpose of which is religious worship and for which the principal building or other structure contains the sanctuary or principal place of worship, and including accessory uses in the main building or in separate buildings or structures, including religious education classrooms, assembly rooms, kitchen, library room or reading room, recreation hall, and one-family dwelling unit and residences on site for religious leaders, but excluding facilities for training of religious orders. Examples include churches, mosques, synagogues, and temples.

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

"Power Generating Facilities" means an industrial facility that converts primary energy into electricity for the electrical grid.

"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.

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

"Power Generating Facilities" means an industrial facility that converts primary energy into electricity for the electrical grid.

"Public Facility" means a facility owned and operated by a governmental agency or owned and operated by a private entity for the purpose of providing essential public services to the public

including, but not limited to: water, irrigation, wastewater, garbage, sanitary, transit, police, fire, ambulance, parks and recreation facilities, and street maintenance. The facility should be located to efficiently serve the peoplepopulation benefiting from the service.

“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.

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

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

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

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

“Residential Mini-Storage” means enclosed areas for ownership or lease located within a structure for the purpose of storing residential good and/or recreational vehicles.

“Retirement residence” means a building or group of buildings which provides residential facilities for more than five residents sixty-two years of age or more, except for spouses of such residents for whom there is no minimum age requirement. A retirement residence may provide a range of type of living units and may also provide food service, general health care supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services for its residents. Individual living units (suites) may include kitchens.

Retirement residences may also include a skilled nursing facility; provided, that the number of nursing beds shall not exceed twenty-five percent of the total number of suites. Facilities with more than twenty-five percent of the suites having nursing beds shall be considered a convalescent/nursing center. Suites within a retirement residence shall contain an average of two beds or less.

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

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

“School” means an institution organized for the purpose of providing instruction, training, or educational services to students at any level, including but not limited to public and private elementary, middle, and high schools; vocational and technical institutions; business schools; and colleges or universities. This definition encompasses facilities offering formal education, skill development, or professional certification, regardless of the institution’s public or private status or specialized field of study.

“Short-term rentals” or “vacation rentals” means ~~the rental of any existing residential building such as a single-family home, apartment, or condominium that is rented~~structure providing individuals for lodging for not more for less than thirty days at a time. For home occupations, such uses are limited to having not more than five guest rooms.

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

“Social Card Rooms” means a commercial facility, or a portion thereof, open to the general public, in which house banked social card games are played, as that term is defined by RCW 9.4.0282 (or as the same may be subsequently amended hereafter), or in which other activities occur that constitute gambling and are authorized by the Washington State Gambling Commission under RCW 9.46.070 (or as the same may be subsequently amended hereafter), to the extent that said activities include any gambling activity engaging in the use of, or associated with, slot machines (whether mechanical or electronic) or any gambling activity engaging in the use of, or associated with, any other electronic mechanism including video terminals. See also CEMC 3.26.

"Sports or Recreation Facility" is a designated area, building, or complex developed and used for organized and informal physical activities, fitness, and recreational purposes. This includes, but is not limited to, indoor and outdoor spaces for individual and team sports, fitness centers, gyms, sports courts, aquatic centers, multi-use recreation centers (such as YMCAs), and sports complexes. These facilities may host a variety of fitness, athletic, and wellness programs, events, and community activities aimed at promoting physical health, skill development, and social engagement among all age groups.

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

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

"Storage Facilities Commercial" means an enclosed storage area(s) designated as support facilities for commercial activities and used for the storage of retail materials.

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

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

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

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

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

“Variance” means a modification to numerical standards of this title when authorized by the planning commission after finding that the literal application of the provisions of this title would cause undue and unnecessary hardship in view of certain facts and conditions applying to a specific parcel of property.

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

(Ord. 1621 § 2 (Exh. A), 2022)

EXHIBIT L**14.30.040 Permit classification table.**

	Types of Permit /Approval/Action	Public Notice	Public Hearing	Decision Maker	Appellate Body
Type 1 Review	<ul style="list-style-type: none"> • Administrative Interpretation • Boundary Line Adjustment • Building Permit • Certificate of Occupancy • Certificate of Appropriateness (and waiver) (1) • Certificate of Zoning Compliance • Clearing and Grading Permit • Critical Area Authorization • Home Occupation Permit • Landscaping Plan Approval • SEPA Determination (no public notice required) • Sign Permit • Special Property Tax Valuation (1) • Special Use Permit • Stormwater Plan Approval • Type 1 Permit, Modification (2) 	None	None	City staff as designated by the mayor	Hearings examiner
Type 2 Review	<ul style="list-style-type: none"> • Critical Area Permit 	Yes	None, but written	City staff as	Hearings examiner

	Types of Permit /Approval/Action	Public Notice	Public Hearing	Decision Maker	Appellate Body
	<ul style="list-style-type: none"> • Floodplain Development Permit • SEPA Determination (public notice required) • Shoreline Authorization (3) • Shoreline Substantial Development Permit (3) • Subdivision, Short (nine or fewer lots) • Type 2 Permit, Modification • Type 3/4 Permit, Minor Modification • Variance with Type 1/2 Permit 		comments may be submitted	designated by the mayor	
Type 3 Review	<ul style="list-style-type: none"> • Binding Site Plan • Conditional Use Permit • Reasonable Use Exception • Rezone, Site-Specific • Shoreline Conditional Use Permit (3) • Shoreline Variance (3) • Type 3 Permit, Major Modification • Variance with Type 3 Permit 	Yes	Yes, before the hearings examiner	Hearings examiner	Superior Court
Type 4 Review	<ul style="list-style-type: none"> • Development Agreement • Planned Action Designation 	Yes	Yes, before the	City council	Superior Court

	Types of Permit /Approval/Action	Public Notice	Public Hearing	Decision Maker	Appellate Body
	<ul style="list-style-type: none"> • Planned Mixed-Use Development, Approval and Major Modification • Right-of-Way Vacation • Subdivision (ten+ lots), Preliminary/Final 		hearings examiner		
Type 5 Review	<ul style="list-style-type: none"> • Comprehensive Plan Amendment • Future Land Use Map Amendment • Rezone, General • Shoreline Master Program Amendment (2) • Zoning Code/Development Regulation Amendment (5) 	Yes	Yes, before the planning commission	City council	Superior Court (4)

Permit Classification Table Footnotes:

(1) Decisions on applications for certificates of appropriateness, waivers of certificates of appropriateness, and special property tax valuations shall be made by the historic preservation commission.

(2) If the proposed modification results in a SEPA action that requires public notice, it shall be processed as a Type 2 permit.

(3) Decisions to implement the city of Cle Elum shoreline master program shall be made in accordance with the following:

a. Shoreline conditional use permits and shoreline variances must also be approved by the Department of Ecology.

b. Appeals of shoreline authorizations and shoreline substantial development permits shall be heard by the state Shorelines Hearings Board in accordance with the provisions of Chapter [90.58](#) RCW and the Cle Elum shoreline master program.

c. Amendments to the city's shoreline master program are subject to review and approval by the Washington State Department of Ecology.

(4) Appeals of decisions authorized through the Growth Management Act, which may include amendments to the Cle Elum comprehensive plan, future land use map, zoning code, and the official zoning map, may be appealed to the Washington State Growth Management Hearings Board, and in some instances, directly to Kittitas County Superior Court. Please refer to Chapters [36.70A](#), [36.70B](#), and [36.70C](#) RCW for more details.

(5) The required public hearing shall be conducted by the planning commission; provided, that the city council may, at its discretion, conduct the hearing or assign the hearing to the city hearings examiner. This may include, but is not limited to, matters pertaining to the administration of the International Codes and to the administration of this title.

(Ord. 1621 § 2 (Exh. A), 2022)

14.30.220 Notice of decision.

A notice of decision shall be issued for all Type 2, ~~3 and 4~~ and 3 permit applications. A notice of decision may not be issued until the expiration of the comment period on the notice of application.

A. Notices of decision shall include:

1. A description of the decision or actions taken;
2. Any mitigation or conditions of approval required under applicable development regulations or under SEPA;
3. If a SEPA threshold determination has not been issued previously, the notice of decision shall state this determination;
4. A description of applicable appeal procedures; and
5. Notification that affected property owners may request a change in valuation for property tax purposes.

14.30.240 Public notice requirements.

A. These public notice requirements shall apply to the following unless otherwise specified:

1. Notices of application;
2. Public hearing notices;
3. Notices of decisions; and
4. Notices of appeals.

B. Notice of Application

1. The city shall issue a notice of application when required by CEMC 14.30.100.

2. The public notice period shall be a minimum of fourteen days and shall be:

a. Posted on the city website and at City Hall.

b. Posted by the applicant on a sign visible from each street frontage in accordance with city specifications and installation requirements.

C. Notice of Public Hearing

1. For projects requiring a public hearing, the notice shall be issued a minimum of fourteen days prior to the hearing.

2. The notice shall be:

a. Published in the general newspaper of record.

b. Posted on the city website and at City Hall.

c. Posted by the applicant on a sign visible from each street frontage in accordance with city specifications and installation requirements.

~~At least fifteen days prior to the date of any public hearing and/or any public comment periods—
all public notices shall be:~~

~~1. Published in the general newspaper of record.~~

~~2. Posted on the city website and at City Hall.~~

~~3. Posted by the applicant on a sign visible from each street frontage in accordance with city—
specifications and installation requirements; and~~

D. All notices shall be mMailed or emailed to the:

- a. Applicant;
- b. Owners of all parcels within three hundred feet of the boundaries of the parcel in question and any adjacent parcels under the ownership or control of the project sponsor;
- c. Agencies with jurisdiction;
- d. Parties who have provided oral or written testimony on the permit and requested to be on the mailing list;
- e. Parties who have submitted written requests to receive notice; and
- f. Parties of record.

EXHIBIT M

16.30.040 Final plat procedures.

A. *Filing Period.* An application for final plat containing all of the required items shall be made within five years of the date of preliminary plat approval.

B. *Administrative Review.* The planning director shall review the proposed final plat for conformance with the preliminary plat approval by the city council. Upon approval, the director shall then forward the plans to the city engineer for review of the final plat and public improvement plans. Upon approval of the city engineer the director may authorize construction of the required improvements prior to final plat approval. Prior to ~~filing~~ singing the final plat ~~for council action~~, the planning director shall make a determination that:

1. The final plat meets all approval requirements of the preliminary plat approval, this title, and state law;
2. The proposed final plat contains all of the necessary information;
3. A title insurance report confirms that the title of the land in the proposed subdivision is vested in the name of the owners having a title interest and whose signatures appear on the plat certificate;
4. The necessary public improvements have been installed consistent with the approved engineering plans and meeting of the city requirements and/or the developer has provided any required surety in a form acceptable to the city in an amount consistent with the required improvements.

C. *Bonding.* All required public improvements shall be made prior to final plat approval, unless a surety in an amount acceptable to the city is made. As provided by RCW [58.17.130](#), necessary improvements not completed prior to council approval of the final plat shall post a bond equal to one hundred fifty percent of the estimated cost of completion as approved by the city engineer. Improvements that may be bonded are limited to sidewalks, landscaping, street lighting and final pavement lifts.

~~D. *Council Action.* The council shall review the plat within thirty days of receiving an application and determine if the conditions of the preliminary plat approval have been met and that any required bonding is adequate to assure complete of the required improvements that have not been completed and accepted by the city.~~

DE. *Certification and Recording.* Upon approval, the council shall certify its acceptance by authorizing the mayor to sign the plat. The director shall have sign the final plat for the applicant/developer to record recorded with the county auditor. No building permits shall be issued by the city until a recorded copy of the final plat is received.