Planning Commission
Agenda
December 3, 2024
6:00 PM

MAYOR
MATTHEW LUNDH

CITY ADMINISTRATOR
ROBERT OMANS

CITY PLANNER
COLLEDA MONICK

CITY CLERK
DEBBIE LEE

PLANNING COMMISSION
GARY BERNDT - CHAIR
CASSIDY BUECHLE-CURTIS
JONATHAN CORNELIUS
MARC KIRKPATRICK
COLIN BRISSEY
PAUL KANTWILL
IAN STEELE

CITIZEN ALTERNATE
VACANT

119 W FIRST STREET
CLE ELUM, WA 98922

Join Virtually with Zoom: https://zoom.us/j/7573184018?pwd=dERndjBJVC9GdVQ1d2ISRExwZFhXZz09
Meeting ID: 757 318 4018 Passcode: 98922

Join by Phone: 1-(253)215-8782, Meeting ID: 757 318 4018, Passcode:98922
TextMyGov **Receive city text alert notifications: text CLEELUM to 91896**

DISCLAIMER: The City does not guarantee that virtual or telephonic access to the City Council meeting will be available and the City does not warrant audio quality. Attendees are encouraged to attend in-person.

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1. **Call to Order & Roll Call**
2. **Public Comment - Limited To 5 Minutes**
3. **Adoption of Minutes**
   a. November 19, 2024
4. **Business Requiring Public Hearings**
   a. None scheduled.
5. **Planning Update**
   a. Chair Gary Berndt
   b. Commissioner Cornelius - Climate Task Force Update
   c. Commissioner Brissey - Sub Committee: Table of Permitted Uses Update
   d. Planning Consultant Colleda Monick - Staff Announcements
6. **New Business**
   a. 17.24 - Old Town Commercial - Proposed changes to the purpose statement and design objectives to include changes that were made to the zoning map, and changes to parking requirements for residential uses.
   b. 17.90 - Sidewalk Sales and Service of Food and Beverage. Proposed text amendments: continued discussion around year-round usage and additional provisions for mobile vendors.
7. **Next Meeting Agenda Development**

a. Table of Permitted Uses - Update

b. Periodic Work Plan - Update

8. Commissioner Comments and Discussion

9. Adjournment

Upcoming Meetings:
Public Works & Community Development Committee Meeting: December 5, 2024 @ 12:00 p.m.
Lodging Tax & Event Committee Meeting: December 9, 2024 @ 8:30 a.m.
Regular Council Meeting: December 10, 2024 @ 6:00 p.m.
Public Safety & Health Committee Meeting: December 17, 2024 @ 1:00 p.m.
Historical Preservation Commission Meeting: December 17, 2024 @ 3:00 p.m.
Planning Commission Meeting: December 17, 2024 @ 6:00 p.m.
Coal Mines Trail Commission Meeting: January 6, 2025 @ 6:00 p.m.
General Government Committee Meeting: January 22, 2025 @ 8:30 a.m.

City of Cle Elum
Planning Commission (CEPC) Meeting Minutes
City Council Chambers
November 19, 2024 | 6:00 PM

Call to Order
Chair Berndt called the meeting to order at 6:00 PM

Roll Call
CEPC Members Present: Chair Gary Berndt, Colin Brissey, Ian Steele (virtually), Marc Kirkpatrick, Jon Cornelius and Cassidy Buechele-Curtis
CEPC Members Absent: Paul Kantwill. Commissioner Brissey made a motion to excuse Commissioner Kantwill. Commissioner Cornelius seconded. Motion carries.
Staff Present: Colleda Monick (virtually)

Public Comment
None

Adoption of Minutes
Commissioner Brissey motioned to accept the November 5, 2024 minutes. Commissioner Kirkpatrick seconded. Motion passed.

Public Hearing- City Planning
None Scheduled

Staff Report
Chair Berndt – Recently met with the new Community Development Director at the County, Chad Bala. The County is struggling with their Critical Area Ordinance. Berndt used the opportunity to reiterate the need for a regional planning process.
Commissioner Cornelius – Climate Task Force update, next meeting is scheduled for December 2nd. Chair Berndt mentioned that the Fire Task Force is interested in doing a standalone amendment.
Commissioner Brissey - Sub-Committee – Table of Permitted Uses update: Next meeting of the sub-committee is scheduled for December 3rd. Discussion for Commissioner Buechele-Curtis to replace Commissioner Kirkpatrick. Staff to follow up with potential meeting time change.
Commissioner Kirkpatrick - Cle Elum Downtown Association Strategic Plan.
Colleda Monick

- No updates

New Business

1. **17.90, Sidewalk Sales and Service of Food and Beverage,** Staff presented potential code changes including, consideration of a title change to Streets, Sidewalks, and Public Places, addition of "Mobile Vendor" to be more encompassing of the various types of mobile vendors, inclusion of planters, Snow Removal and discussion regarding expanding outdoor use to year-round.

DRAFT

The Commissioners approved a title change and requested staff to explore adding language addressing outdoor space requirements during winter, along with providing clearer guidance on mobile vendor regulations, particularly concerning time limits and permitted locations.

Citizen Comments on Agenda Items

None

Next Meeting Agenda Development

1. 17.90 – Finalize changes
2. 17.24 – Old Town Commercial
3. Table of Permitted Uses – Sub-committee update

Commissioner Comments and Discussion

None.

Adjournment

Chair Berndt called for a motion to adjourn. Commissioner Brissey motioned and Commissioner Kirkpatrick seconded to adjourn the meeting at 7:30 p.m. and to reconvene on December 3rd, 2024 at 6:00 p.m.

_____ _____

Chair Berndt Date

DRAFT

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, stormwater retainage, ~~-~~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~~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.

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

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)

17.24.060 Landscaping.

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

(Ord. 1163 § 1, 2001)

17.24.080 Lighting.

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

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

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

(Ord. 1163 § 1, 2001)

17.24.090 Design standards.

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

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

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

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

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

a. Reflect the cornice line of existing historic structures.

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

c. Use similar building modulation and proportions.

d. Large ground level display windows.

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

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

g. Flat roof with parapets.

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

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

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

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

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

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

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

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

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

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

(Ord. 1163 § 1, 2001)

The Cle Elum Municipal Code is current through Ordinance 1653, passed September 11, 2023.

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

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

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Chapter ~~17.90~~ 12.18

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

Sections:

12.18.010~~17.90.010~~	Purpose.
12.18.020~~17.90.020~~	Sidewalk use regulations.
12.18.025	Mobile Vendor Regulations
12.18.030~~17.90.030~~	Permit approvals.
12.18.040~~17.90.040~~	Validity.
12.18.045	Snow Removal Compliance
12.18.050~~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)

12.18~~17.90~~.020 Sidewalk use regulations.

The display of any objects, including but not limited to plants, planters, merchandise, or other decorative items, and s~~S~~ales 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 through 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."

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 removal from the space daily or as conditions warrant.

II. Any decorative or functional objects must remain in good condition and not become a hazard or nuisance.

III. The City reserves the right to revoke an exception if the space is not actively maintained or used as outlined.

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 directly into a street or road, 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.XX, Table XXX, ~~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.

Commented [CM1]: Place holder for future table of permitted uses.

~~17.90~~12.18.030 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.

Commented [CM2]: For discussion. Look at noise ordinance.

Commented [CM3R2]: Keep.

(Ord. 1558 § 1, 2019)

~~17.90~~12.18.040 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 tied 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)

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

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