

**TOWN OF SOUTH CLE ELUM  
WASHINGTON  
ORDINANCE NO. 651**

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**AN ORDINANCE OF THE TOWN OF SOUTH CLE ELUM,  
WASHINGTON, RELATING TO LAND USE AND ZONING;  
ADOPTING AMENDMENTS TO THE MUNICIPAL CODE;  
PROVIDING FOR SEVERABILITY; AND ESTABLISHING  
AN EFFECTIVE DATE**

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**WHEREAS**, in accordance with RCW 36.70A.130, an adopted Comprehensive Plan and development regulations shall be subject to continuing evaluation and review, and amendments shall be considered as a comprehensive whole and no more frequently than once every year, with certain exceptions; and

**WHEREAS**, it has been at least one year since the Town initiated an annual amendment to its Comprehensive Plan or development regulations; and

**WHEREAS**, Section 17.05.110 of the South Cle Elum Municipal Code (SCEMC) establishes a procedure for public participation in amendments to the Comprehensive Plan or development regulations, including establishing by resolution a schedule, the Town's proposed amendments, the procedure by which the public may propose amendments, and a public participation program; and

**WHEREAS**, on July 20, 2023, the Planning Commission provided a recommendation to Town Council regarding amendments to development regulations; and

**WHEREAS**, on August 15, 2023, and September 19, 2023, the Town Council considered the Planning Commission's recommendations, and identified additional amendments to development regulations to be included in the 2024 docket; and

**WHEREAS**, on March 5, 2024, the Town Council adopted Resolution No. 3/5/2024 setting the framework for public participation and annual review of amendments to the Comprehensive Plan and development regulations for the 2024 docket, and outlining the procedure by which the public may propose additional amendments; and

**WHEREAS**, no additional amendments to development regulations were proposed, and no amendments to the Comprehensive Plan were proposed; and

**WHEREAS**, the Town has undertaken a public involvement process and provided for early and continuous public participation opportunities including Planning Commission meetings

on May 16, 2024, and a public hearing on September 19, 2024, before the Planning Commission; and

**WHEREAS**, in accordance with WAC 365-196-630, a notice of intent to adopt the proposed Comprehensive Plan amendments was sent to the State of Washington Department of Commerce and to other state agencies with acknowledgement by the Department on July 31, 2024, to allow for a 60-day review and comment period; and

**WHEREAS**, an environmental review of the proposed Comprehensive Plan amendments has been conducted in accordance with the requirements of the State Environmental Policy Act (“SEPA”), and a SEPA threshold determination of non-significance was issued on August 8, 2024; and

**WHEREAS**, the SEPA comment period was open August 8 through August 22, 2024, and the Town received no comments on the SEPA documentation; and

**WHEREAS**, the full text of the amendments was provided to the Planning Commission, posted by the Town, and described at the aforementioned public meetings; and

**WHEREAS**, on September 19, 2024, the Planning Commission, after considering information presented at the aforementioned public hearings and public meetings, voted to recommend the adoption of the proposed amendments to the South Cle Elum Municipal Code to the Town Council with specific recommended changes; and

**WHEREAS**, after considering testimony and other evidence, including the Planning Commission recommendations included in the September 19, 2024, Meeting Minutes, the Town Council finds that additional time is required to study the recommended amendments to the Title 17 Zoning pertaining to permitted land uses and development standards (Exhibit B to this Ordinance); however, the remaining recommended amendments to Chapter 17.05 and Title 19 are consistent with the Comprehensive Plan (Exhibit A to this Ordinance); and

**NOW, THEREFORE**, the Town Council of the Town of South Cle Elum, Washington, does ordain as follows:

**Section 1. Incorporation of recitals.** The above stated recitals are incorporated as though fully set forth herein.

**Section 2. Adoption of Amendments South Cle Elum Municipal Code.** The Town Council adopts the proposed amendments to the South Cle Elum Zoning Code, “Exhibit A”, which is incorporated by reference herein.


**Section 3. Severability.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state

or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.


**Section 4.** Effective Date and Transmittal to State. This Ordinance shall be published in the official newspaper of the Town and shall take effect and be in full force five days after the date of publication. Pursuant to RCW 36.70A.106, this Ordinance shall be transmitted to the Washington State Department of Commerce within ten days of adoption.

**ADOPTED BY THE TOWN COUNCIL AT A REGULAR MEETING THEREOF ON THE 19th DAY OF NOVEMBER, 2024**

TOWN OF SOUTH CLE ELUM

  
James De Vere, Mayor

ATTEST/AUTHENTICATED:

  
Luanne Osiadacz, Town Clerk / Treasurer

Approved as to form:

  
Jeff Slothower  
Town Attorney

Filed with the Town Clerk: 11-19-2024

Passed by the Town Council: 11-19-2024

Ordinance No. 651

Date of Publication: 11-27-2024

**Town of South Cle Elum**  
**EXHIBIT A**  
**Planning Commission Recommendation**  
**Amendments to the South Cle Elum Municipal Code –**  
**Title 17 (Chapter 17.05 General Provisions) and Title 19 Subdivisions**

**TITLE 17**

*Section 17.05.110 of Chapter 17.05 GENERAL PROVISIONS the South Cle Elum Municipal Code is amended as follows:*

**17.05.110 Public participation in amendments to comprehensive plan or development regulations.**

(1) Purpose. The purpose of this chapter is to establish an annual process for persons to propose amendments to the county's comprehensive plan adopted pursuant to the Growth Management Act, Chapter 36.70A RCW, and to the town's development regulations. The procedures in this chapter are not a substitute for the town's land use permitting procedures.

(2) Application for Amendments. Any interested person, including citizens, staff, outside agencies, planning commission, and town council members, may submit an application for an amendment to the comprehensive plan, comprehensive plan map, zoning map and/or development regulations for consideration during the annual review process.

(a) The following materials shall be submitted to the town as part of a complete application:

(i) An application form provided by the town, if available;

(ii) Name, address, phone number, and email of the applicant, and, if the applicant is not the property owner, proof of the property owner's consent to the submission of the application;

(iii) Name, address, phone number, and email of the owner of the property identified in the application, if applicable;

(iv) A legal description of the property, if applicable;

(v) A description of the proposed amendment and any associated development proposals, if applicable;

(vi) Proposed amendment, preferably shown in underline and strikethrough format (i.e., new language underlined; language proposed for deletion in strikeouts);

(vii) An explanation of the rationale for the proposed amendment;

(viii) An explanation of how the proposed amendment and any associated development proposal(s), meet the requirements set forth in SCEMC 17.05.110(6);

(ix) A completed SEPA checklist;

(x) Fees, as established by the town's adopted fee schedule; and

(xi) Any additional information reasonably deemed necessary by the town to evaluate the proposed amendment.

(b) Applications must be submitted to the town no later than March 1st of the current calendar year in order to be considered during the annual review process.

- ~~(2)~~(3) Town Council Determination on Annual Review. Each calendar year, the town council will determine whether a review of the comprehensive plan, comprehensive plan map, zoning map and/or development regulations is necessary and if so, will establish by resolution a schedule and public participation program to involve the public ~~in the review and update of the town's comprehensive plan and/or development regulations~~. Included in the resolution will be the town's proposed ~~comprehensive plan or development regulation~~ amendments, proposed amendments for which an application was submitted in accordance with SCEMC 17.05.110(2), and the procedure by which the public may propose additional amendments within 30 days of notice of the resolution. The process ~~shall~~ must provide for broad dissemination of proposals and alternatives, opportunity for written comment, public meetings after effective public notice, open discussion and consideration and response to public comments. At a minimum, notice of the resolution ~~shall be given by publication~~ must be published in the official town newspaper on the first available date following adoption. If the council determines not to conduct an annual review, it will state the reason for its decision. ~~Nothing in this chapter shall preclude the council from enacting emergency amendments to the comprehensive plan or amending the development regulations more than once per year.~~
- (4) Amendments to Development Regulations Outside of the Annual Review Process. Development regulations may be amended at any time, provided the amendment is consistent with the town's comprehensive plan and comprehensive plan map. If inconsistent with the comprehensive plan and comprehensive plan map, the amendment must be processed along with any necessary plan amendments during the annual review process (SCEMC 17.05.110).
- ~~(3)~~(5) Concurrent Consideration of Comprehensive Plan Amendments. Except for emergency amendments, All-all proposed amendments to the comprehensive plan ~~shall~~ must be considered concurrently ~~so that the~~ as part of the annual review process (SCEMC 17.05.110) to determine the cumulative effect of the amendments can be determined.
- (6) Emergency Comprehensive Plan Amendments. The town may review and amend the Comprehensive Plan more than once a year only when the council determines that an emergency exists or in other circumstances as provided for by RCW 36.70A.130(2). Emergency amendments must be initiated by resolution upon a finding that a situation exists that requires immediate action to preserve the health, safety or welfare of the public; or to support the social, economic or environmental well-being of the town. Public notice and an opportunity for public comment must precede the adoption of emergency amendments, and moratoria or interim development regulations may apply per WAC 365-196-640(4).
- ~~(4)~~(7) Consistency Requirements. All amendments to the comprehensive plan ~~shall~~ must be consistent with the Growth Management Act, the Kittitas County-wide planning policy and the remaining provisions of the comprehensive plan. Any amendments to development regulations ~~shall~~ must be consistent with the comprehensive plan. (Ord. 469 Exh. A, 2006).

## TITLE 19

*Section 19.05.025 of Chapter 19.05 GENERAL PROVISIONS the South Cle Elum Municipal Code is amended as follows:*

### 19.05.025 Exemptions.

The provisions of this title ~~shall~~ do not apply to:

- (1) ~~Adjusting Adjustments of~~ boundary lines ~~in a manner which does not create that do not result in~~ any additional lots or tracts ~~nor create any lot which and where all resulting lots~~ contain ~~insufficient~~ sufficient area or dimensions to meet minimum requirements for a building site under the town zoning code;

- (2) Divisions of land where ~~no lot is less~~ all lots are greater than 20 acres;
- (3) Divisions made by testamentary provisions or the laws of descent;
- (4) Cemeteries and other burial plots while used for that purpose;
- (5) Other exemptions available under RCW 58.17.040. (Ord. 462 § 1, 2005).

*Section 19.05.030 of Chapter 19.05 GENERAL PROVISIONS of the South Cle Elum Municipal Code is amended as follows:*

**19.05.030 Authority.**

The town council, hereafter referred to as the council, is vested with the duty of administering subdivision regulations within the town except where established elsewhere by this title, and may prepare and require the use of such forms as are essential to the administration of this title. (Ord. 462 § 1, 2005).

*Chapter 19.10 DEFINITIONS of the South Cle Elum Municipal Code is amended to add the following definition:*

**19.10.035 Boundary line adjustment.**

“Boundary line adjustment” means the adjustment of boundary lines between existing lots.

*A new Chapter 19.40 BOUNDARY LINE ADJUSTMENT is added to Title 19 of the South Cle Elum Municipal Code as follows:*

**Chapter 19.40**

**BOUNDARY LINE ADJUSTMENT**

**19.40.010 Purpose/ Applicability**

This Chapter establishes standards and procedures to adjust boundaries between existing lots. The standards in this Chapter apply to a permit action meeting the exemption threshold of RCW 58.17.040(6).

**19.40.020 Application Requirements**

- (1) Boundary line adjustments must be prepared by a land surveyor who is licensed in the state of Washington, consistent with RCW 58.09.
- (2) Application for boundary line adjustments must be submitted to the town clerk on forms made available by the town. The application must include:
  - (a) Payment of a nonrefundable application fee as set forth on the town’s fee schedule;
  - (b) A declaration of the boundary line adjustment;
  - (c) The legal description of the current parcels;
  - (d) The legal description of the proposed parcels;
  - (e) A sketch of the before and after configuration of the parcels drawn to scale indicating easements, any existing buildings, structures, fences, utilities or drain fields at no smaller than one inch to 50 feet;

- (f) A survey performed and certified by a registered land surveyor that conforms to professional standards and practices consistent with Chapter 58.09 RCW;
- (g) A notarized acknowledgment of the affected property owners and all easement holders; and
- (h) Certification of the town clerk that there are no delinquent taxes, special assessments, or liens outstanding against the property.

#### **19.40.030 Procedures**

- (1) Determination of Complete Application.
  - (a) The town clerk must review or appoint staff to review the application for completeness in accordance with the procedures of SCEMC 18.05.030. Within 28 calendar days after receiving a boundary line adjustment application, the town must provide a written determination to the applicant:
    - (i) That the application is complete and will be processed accordingly; or
    - (ii) That the application is incomplete and what information is necessary to make the application complete.
  - (b) A boundary line adjustment application is complete when it meets the submittal requirements of SCEMC 19.40.020.
  - (c) The determination of completeness does not preclude the town from requesting additional information or studies if new information is required to continue evaluation of the proposed boundary line adjustment.
  - (a) An incomplete application expires after 180 calendar days unless all the requested information is submitted prior to the expiration date. Applicants must submit a new application if their application expires.
- (2) Public Notice. Public notice is not required for boundary line adjustments.
- (3) Decision. The administrator, or their designee, must review the application based on the criteria established under SCEMC 19.40.040 and make a decision on the application within 65 days from the date it was deemed complete.
  - (a) The decision may:
    - (i) Approve the application.
    - (ii) Approve the application with conditions.
    - (iii) Deny the application. An application denial must include a written reason to which the application is denied.
  - (b) The town must provide a written letter detailing the decision made to the applicant including any required development conditions.
- (4) Appeal. Applicants may appeal the decision to the town council. The appeal must be filed within 14 days of the decision.
- (5) Recording. All boundary line adjustments must be recorded surveys consistent with the requirements of Chapter 58.09 RCW and Chapter 332-130 WAC. All lot lines being adjusted must be surveyed, and newly established lot corners must be staked. Upon approval of the boundary line adjustment, the applicant must record the approved boundary line adjustment survey and covenants with the Kittitas County auditor, pay all recording fees, and provide the town with a copy of the recorded documents.

#### **19.40.040 Approval Criteria**

Town of South Cle Elum  
EXHIBIT A: Proposed Amendments

Boundary line adjustment applications must meet all the following approval criteria:

- (1) The boundary line adjustment cannot result in the creation of any additional tract, lot, parcel, site or division.
- (2) The boundary line adjustment cannot result in a lot that contains insufficient area and dimensions to meet the minimum standards for the applicable zone.
- (3) The adjusted boundary lines must run in a straight line ~~over its entire length~~ except when natural boundaries or existing rights-of-way preclude such as straight line.
- (4) All lots modified by the boundary line adjustment procedures must have legal access meeting the standards of the Town. The boundary line adjustment cannot require the creation of new streets or private roads, dedication of public-right-of-way, or creation of access easements.
- (5) The boundary line adjustment must not diminish or impair existing or future drainage, water supply, or sanitary sewage disposal. Existing easements and/or drain fields must not be jeopardized, or rendered impractical, to serve their purpose.
- (6) The boundary line adjustment cannot violate any applicable requirement or condition of a previous land use action, subdivision, short plat or binding site plan.
- (7) The adjustment must not result in a lot having more than one zoning or land use designation.
- (8) The adjustment must not result in a lot located partially within the town limits and partially within unincorporated Kittitas County.