

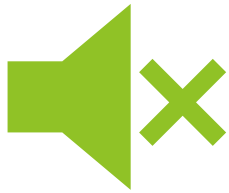
Shoreline Master Program & Critical Areas Ordinance Update

Community Open House

Tuesday, November 10, 2020

6:00pm - 7:30pm

Zoom FAQ



All participants have been muted upon entry. Please remain muted until the host has acknowledged you.



During the open house, please “Raise Your Hand” to indicate that you would like to speak.



Please mute yourself after you have finished speaking.

Zoom FAQ



Here's how to raise your hand if you're using your computer:

Click on the Participants section, at the bottom of your screen.

Click on the small icon in the shape of a hand, labeled "Raise Hand".

Your hand is now raised, which means that the hosts and other participants will see that you have something to say.



If you're using the Zoom app on iOS or Android:

Scroll to the bottom left corner.

Tap on the icon labeled "Raise Hand".

Zoom FAQ



If you're calling in:

Press *9 to raise your hand, and then *9 to lower your hand.



If you are unable to raise your hand:

Please wait until the host has indicated that all participants who have raised their hands have had an opportunity to speak. The host will then invite call-in users to un-mute themselves and ask their questions/provide comments.

Tonight's Agenda

6:00 – 6:15pm

▶ Welcome and Introductions

6:15pm – 6:40pm

▶ Part 1: Shoreline Master Program

▶ Overview of the SMA/SMP

▶ What does the SMP cover?

▶ SMP Periodic Review and Potential Code Changes

6:40pm - 7:10pm

▶ Part 2: Critical Areas Ordinance

▶ Overview of the GMA

▶ Best Available Science

▶ CAO Periodic Review and Potential Code Changes

7:10pm – 7:30pm

▶ Next Steps/Questions

Introductions

- ▶ **City of Cle Elum**
 - ▶ Lucy Temple, AICP - City SMP/CAO Update Lead
- ▶ **AHBL, Inc. (Consultant)**
 - ▶ Brittany Port, AICP – Land Use Planner
 - ▶ Helen Stanton – Land Use Planner

Why are we here?

- ▶ The City is obligated under certain state laws to review and amend its regulations pertaining to shorelines and critical areas.
 - ▶ The Shoreline Management Act (RCW 90.58) requires the City's Shoreline Master Program be reviewed and revised, if needed, on an eight-year schedule.
 - ▶ The Growth Management Act (RCW 36.70A) requires all cities and counties to adopt development regulations that protect critical areas. The City is also required to review its Comprehensive Plan and development regulations on an eight-year schedule.

Poll: What brings you here tonight?

- ▶ Let us know what brings you here this evening in the poll box.

Part 1: Shoreline Master Program



Shoreline Management Act (SMA)

- ▶ Originally passed in 1971.
- ▶ Manages and protects the state's shoreline resources by planning for reasonable and appropriate uses.
- ▶ Governs use and development of shorelines of the state.



Shoreline Master Program (SMP)

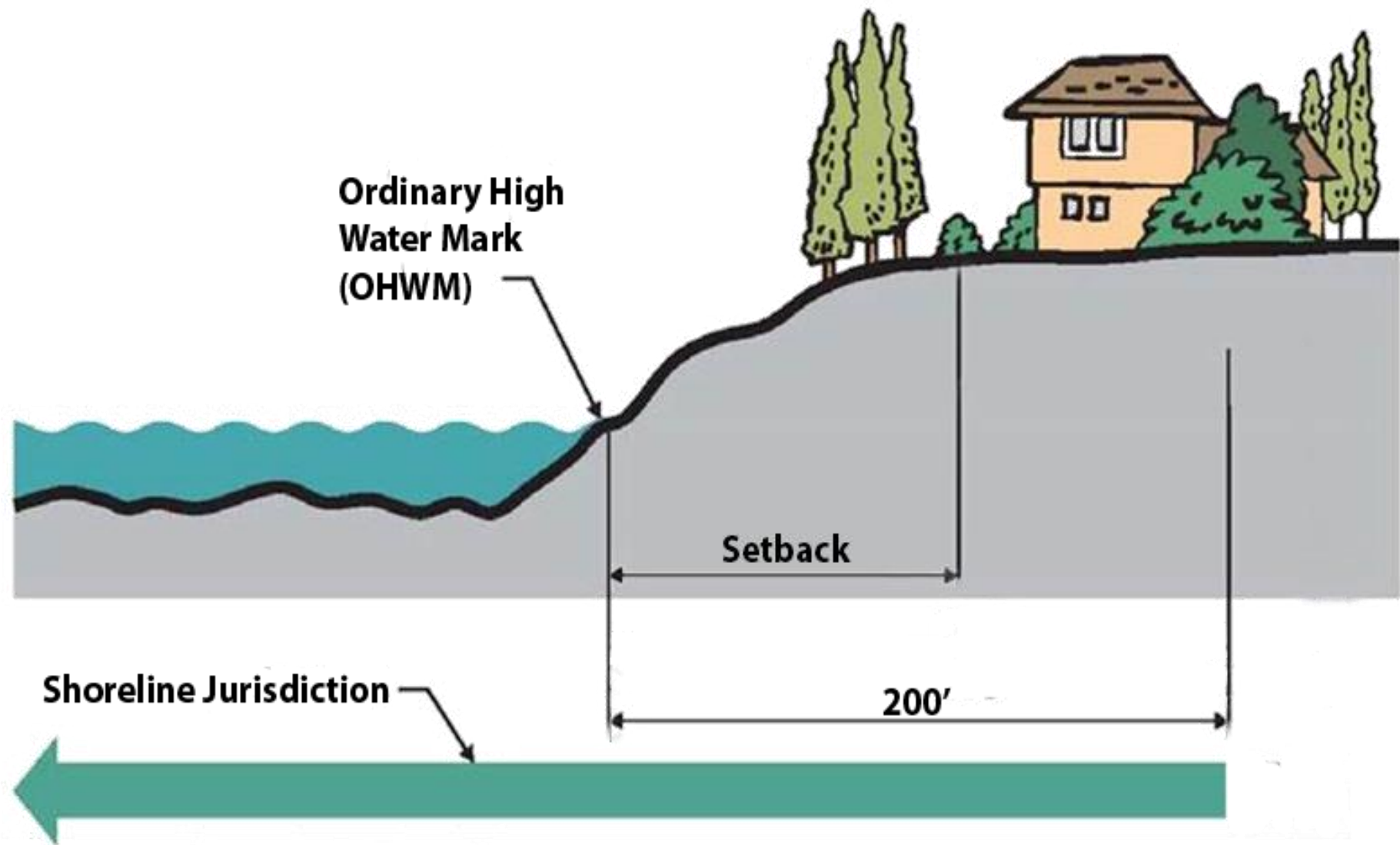
- ▶ Required by State law.
- ▶ Implements the SMA in the City.
- ▶ Establishes goals, policies, and regulations for shoreline use, protection, and development.
- ▶ Cle Elum did a comprehensive SMP update in 2012, culminating with adoption in 2016. The SMP was later amended in 2019.

Poll: Were you involved in the City's Comprehensive SMP Update in 2012?

- ▶ Let us know in the poll box.

Shoreline Jurisdiction

- ▶ Major waterbodies and adjacent shorelands extending 200-feet landward from the ordinary high water mark.
- ▶ In Cle Elum, includes the Cle Elum River and the Yakima River and all upland areas within 200 feet of the ordinary high water mark of those waterbodies.





Natural



Urban
Conservancy

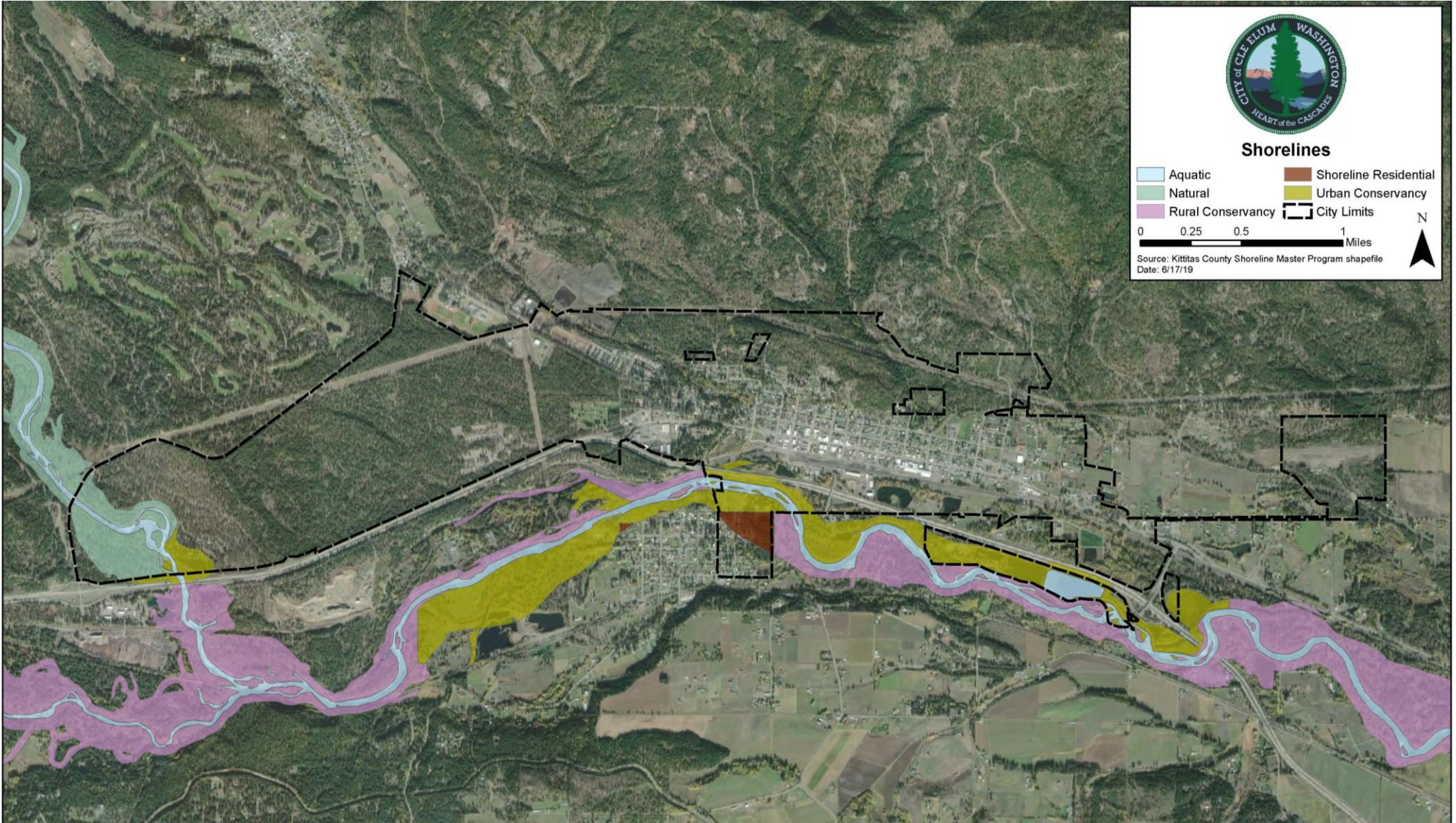


Shoreline
Residential



Aquatic

Shoreline Environments



Framework of the SMP

- ▶ Goals and Policies
- ▶ Allowed Uses
- ▶ Shoreline Modifications
- ▶ Development Standards
- ▶ Restoration
- ▶ Vegetation Removal and Enhancement
- ▶ Public Access

Permit Types

Shoreline Exemption:

- Must meet 1 of 15 Specific Criteria
- Ex: Restoration Projects, New Homes, Small Projects
- Administrative Review and Decision; Ecology Notified

Substantial Development:

- Does not meet exemption criteria, or exceeds \$\$ threshold.
- Ex: Commercial Development, Multi-Family Development
- Administrative Review and Decision; Ecology Notified

Permit Types

Variance

- Applies when relief is necessary from strict application of SMP standards.
- Hearing Examiner decision and public hearing; Ecology makes final approval.

Conditional Use Permit

- Applies to certain uses and activities, such as uses considered “non-water-oriented”.
- Hearing Examiner decision and public hearing; Ecology makes final approval.

Purpose of SMP Review

- ▶ Stay current with changes in laws and rules.
- ▶ Remain consistent with City plans and regulations.
- ▶ Respond to changed circumstances, new information and improved data.
- ▶ Ecology is not funding any additional scientific analysis of shorelines.

Periodic Review Checklist

- ▶ Ecology provides a checklist of what must be reviewed/amended to be consistent with changes in state law/guidance.
- ▶ Most of these changes are procedural in nature.

Periodic Review Checklist

This document is intended for use by counties, cities and towns subject to the Shoreline Management Act (SMA) to conduct the “periodic review” of their Shoreline Master Programs (SMPs). This review is intended to keep SMPs current with amendments to state laws or rules, changes to local plans and regulations, and changes to address local circumstances, new information or improved data. The review is required under the SMA at [RCW 90.58.080\(4\)](#). Ecology’s rule outlining procedures for conducting these reviews is at [WAC 173-26-090](#).

This checklist summarizes amendments to state law, rules and applicable updated guidance adopted between 2007 and 2019 that may trigger the need for local SMP amendments during periodic reviews.

How to use this checklist

See the associated *Periodic Review Checklist Guidance* for a description of each item, relevant links, review considerations, and example language.

At the **beginning of the periodic review**, use the review column to document review considerations and determine if local amendments are needed to maintain compliance. See WAC 173-26-090(3)(b)(i).

Ecology recommends reviewing all items on the checklist. Some items on the checklist prior to the local SMP adoption may be relevant.

At the **end of your review process**, use the checklist as a final summary identifying your final action, indicating where the SMP addresses applicable amended laws, or indicate where no action is needed. See WAC 173-26-090(3)(d)(ii)(D), and WAC 173-26-110(9)(b).

Local governments should coordinate with their assigned [Ecology regional planner](#) for more information on how to use this checklist and conduct the periodic review.

What's Changing?

- ▶ Cost threshold for what constitutes a “substantial development” has increased to \$7,047 (updated in accordance with Consumer Price Index).
- ▶ The cost threshold for building and replacing freshwater docks has increased to \$22,500 for docks that replace existing docks, and \$11,200 for new docks (previously \$10,000 for new or replacement docks)
- ▶ Certain activities have been exempted from review under the Shoreline Management Act
 - ▶ Remedial activities that are required to occur under consent decree
 - ▶ Improvement to boatyards required under the National Pollution Discharge Elimination System (NPDES)
 - ▶ WSDOT facility maintenance

What's Changing?

- ▶ The definition of “development” has been clarified to exclude the dismantling/removal of structures.
- ▶ Ecology clarified that forest practices that only involve timber cutting are not developments under the SMA
- ▶ An additional SMP exemption has been added for retrofitting structures to comply with the Americans with Disabilities Act

Updated Shoreline Requirements...

- ▶ Apply to future development.
- ▶ Do not apply retroactively to past actions.
- ▶ Do not require changes to existing land uses or developments.



Part 2: Critical Areas Ordinance



Growth Management Act

- ▶ As a City in Kittitas County, Cle Elum is required to plan under the Growth Management Act.
- ▶ The Growth Management Act requires that the City review its development regulations every eight years, and make amendments necessary to ensure compliance with the GMA.
- ▶ The City complies with the GMA by enacting a Critical Areas Ordinance and updating it in accordance with the best available science.

Best Available Science

- ▶ The Best Available Science (BAS) is a compilation of published studies, technical reports, GIS mapping, and aerial photography of critical areas within the City.
- ▶ A report, titled the “Best Available Science” report has been prepared to ensure that the City’s CAO is based on the most current, accurate and complete science and technical information.

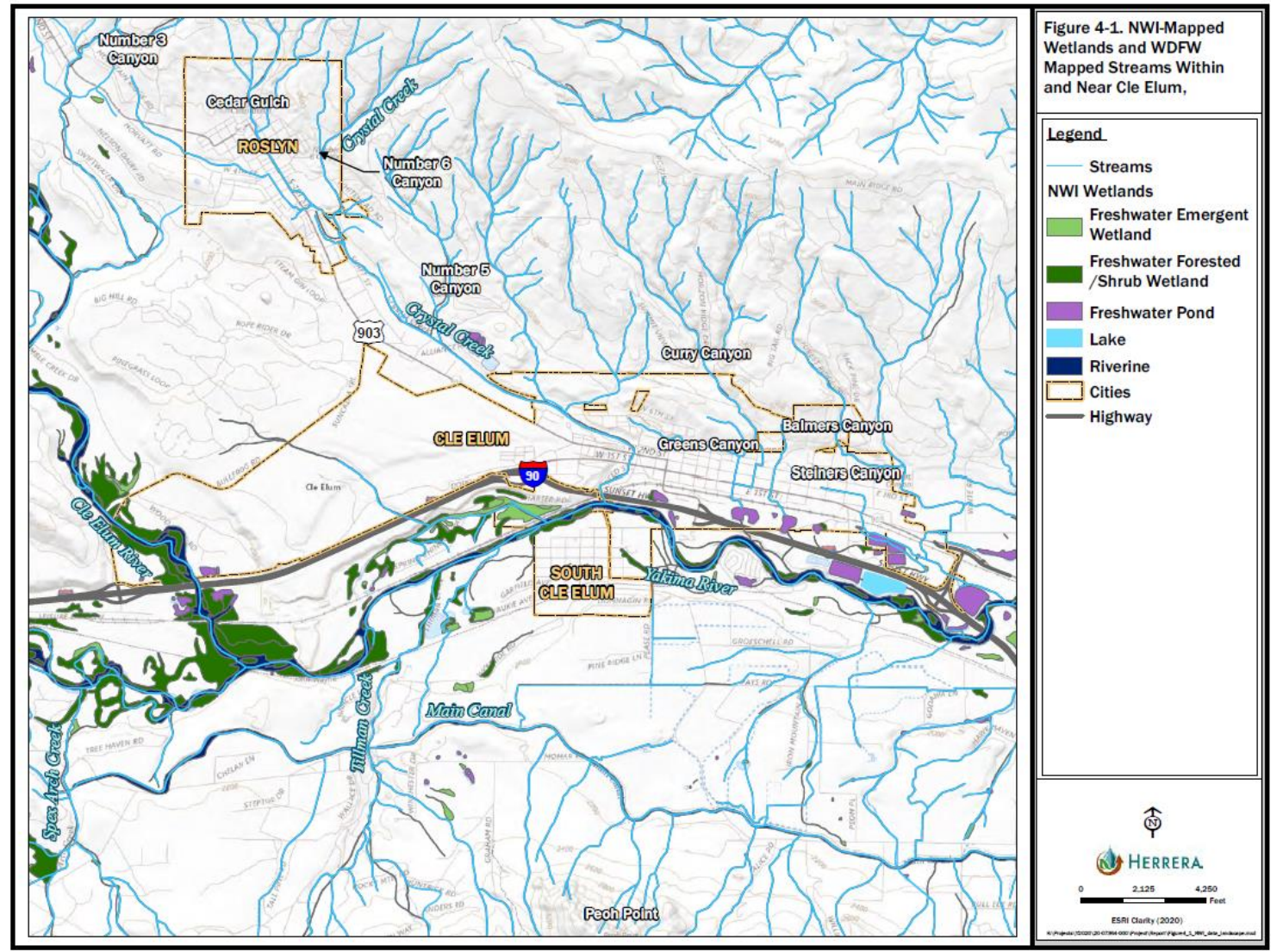


Critical Areas Protection

- ▶ The City's Municipal Code (<https://cleelum.municipal.codes/CEMC/18.01>) provides for the protection of sensitive areas for the benefit of the environment as well as protection of private property.
- ▶ Critical areas in the City of Cle Elum include:
 - ▶ Wetlands
 - ▶ Aquifer recharge areas
 - ▶ Fish and wildlife habitats
 - ▶ Frequently flooded areas
 - ▶ Geologically hazardous areas (erosion, landslide and seismic hazard areas)

Wetlands

- ▶ The City currently defines wetlands in accordance with state law, which requires the use of the “Federal Wetland Delineation Manual”. Wetland boundaries are delineated by a qualified professional, based on the presence of specific soils and plant types.
- ▶ “Buffers” are required to protect wetlands. These are currently established in the City’s CAO based on the category of the wetland.



Wetlands

- ▶ The City is considering amending its CAO to incorporate the latest wetland BAS from the Department of Ecology. This includes increasing the standard buffer widths for each wetland category.

Table 4-1. City Standard Width Designated Buffers Compared to Ecology Recommendations for Buffer Widths Based Only on Wetland Category.

Category of Wetland	City of Cle Elum Existing Designated Buffers	Ecology Recommended Buffer Widths
Category IV	40 feet	50 feet
Category III	60 feet	150 feet
Category II: Based on total score	75 feet	200 feet
Category I: Based on total score	75 feet	250 feet

Wetlands

- ▶ Consistent with BAS, the City is allowed to reduce the standard buffer width based on the intensity of the land use:

Table 4-2. Width of Buffers Needed to Protect Wetland Buffers in Eastern Washington Considering Impacts of Proposed Land Uses.

Category of Wetland	Land Use with Low Impact	Land Use with Moderate Impact	Land Use with High Impact
Category IV	25 feet	40 feet	50 feet
Category III	75 feet	110 feet	150 feet
Category II	100 feet	150 feet	200 feet
Category I	125 feet	190 feet	250 feet

Wetlands

- ▶ Or based on the number of habitat points the wetland scores on a wetland rating form:

Table 4-3. Ecology Recommended Wetland Buffers Based on Wetland Category and Habitat Score on Rating Forms.				
Wetland Category	Habitat Points Scored on Wetland Rating Forms			
	3-4	5	6-7	8-9
Category IV	40 feet			
Category III	60 feet	75 feet	120 feet	150 feet
Category II	75 feet	90 feet	120 feet	150 feet
Category I	75 feet	90 feet	120 feet	150 feet

Fish and Wildlife Habitat Conservation Areas

- ▶ The City currently defines FWHCAs as:
 - ▶ Areas with which endangered, threatened and sensitive species have a primary association
 - ▶ Habitats and species of local importance
 - ▶ Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish and wildlife habitat;
 - ▶ Waters of the State;
 - ▶ State natural area preserves and natural resource conservation areas.

Fish and Wildlife Habitat Conservation Areas

- ▶ Some of the animal and plant species that are covered by the City's FWHCAs include:
 - ▶ Bull Trout
 - ▶ Steelhead
 - ▶ Northern Spotted Owl
 - ▶ Canada Lynx
 - ▶ Gray Wolf
- ▶ Some other species that occur in Cle Elum or the surrounding area but are not on the federal or state endangered species lists could be included as "species of local importance"
 - ▶ Westslope cutthroat
 - ▶ Coho
 - ▶ Rainbow trout
 - ▶ Elk

Fish and Wildlife Habitat Conservation Areas

- ▶ The City's code currently designates all of the FWHCAs required by state law and best available science.
- ▶ To be consistent with the SMP, the City should adopt 200' buffers for the Yakima River and the Cle Elum River. The City may also consider establishing buffers for fish bearing streams (Type F). Non-fish bearing streams should also be considered for protection.

Table 5-4. Ecology Recommended Riparian Buffers for City of Cle Elum.

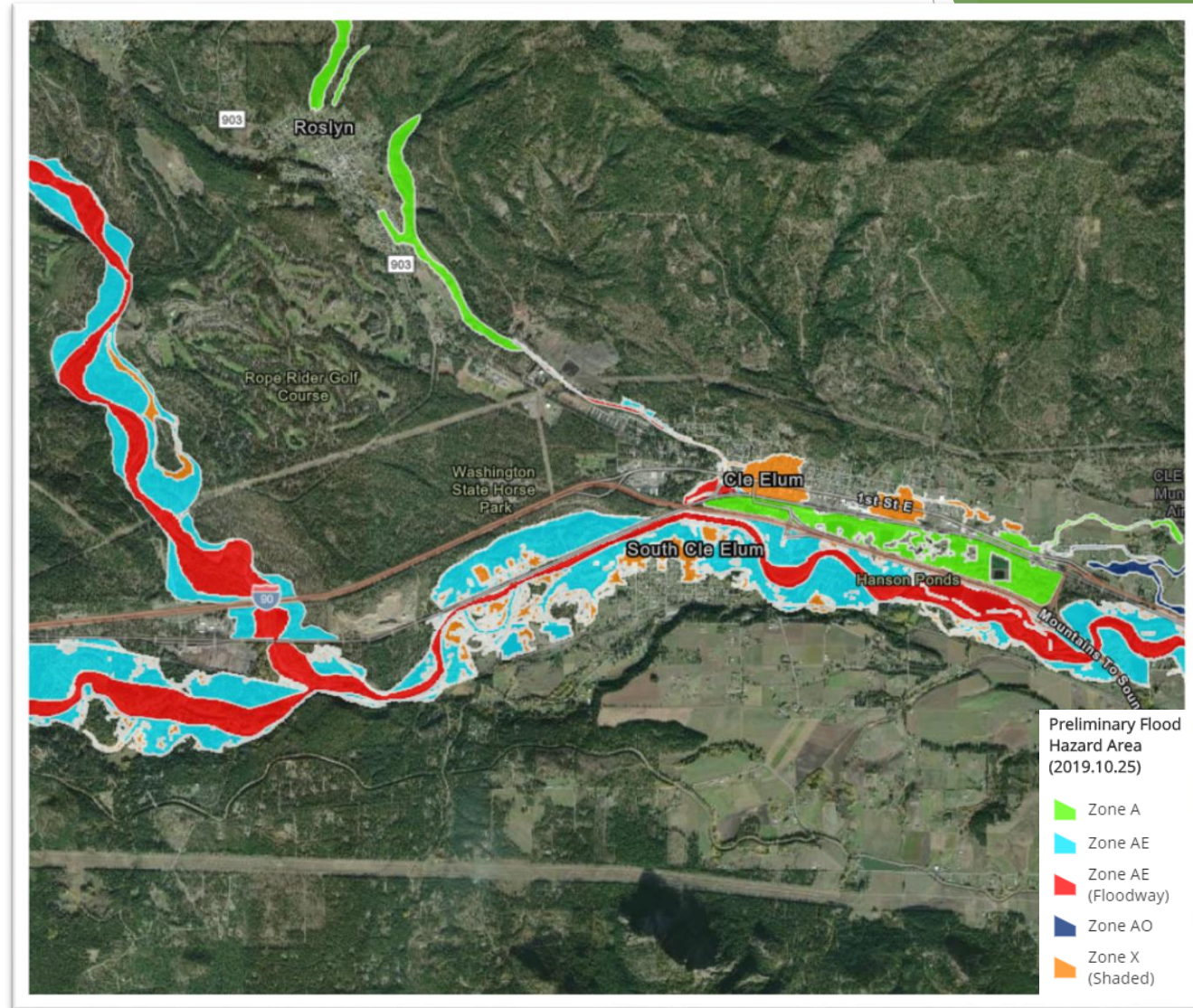
Name of Stream and or Water Type	Ecology Recommended Buffer Width
Yakima River–(Type S)	200 feet
Cle Elum River–(Type S)	200 feet
Crystal Creek–(Type F)	50 feet
Non-fish bearing perennial, seasonal (ephemeral) streams–(Type Np and Ns)	25 feet

Critical Aquifer Recharge Areas

- ▶ Critical aquifer recharge areas are defined as areas with a critical recharging effect on aquifers used for potable water.
- ▶ In Cle Elum, these likely include any low lying areas that have alluvial soils.
- ▶ Certain restrictions on development within CARAs are already implemented in the City's code, such as using best management practices during construction and minimizing impervious surface coverage.
- ▶ Consistent with BAS, the City may also limit new underground storage tanks in CARAs, and limiting activities involving fertilizers, herbicides and pesticides.

Frequently Flooded Areas

- ▶ Frequently Flooded Areas are areas that are defined according to the Flood Insurance Rate Maps (FIRMs).
- ▶ These maps are currently in the process of being updated by FEMA.
- ▶ The City will need to adopt these new maps when they have been adopted by FEMA.



Frequently Flooded Areas

- ▶ Currently the City's code adequately protects human life from flood risk, by requiring buildings or improvements be placed outside of the flood hazard area or for residentially buildings, elevating them.
- ▶ The updated FEMA maps now make a distinction between floodways and floodplains. Restrictions within floodways should be strengthened due to the velocities that occur in floodways as opposed to floodplains.

Geologically Hazardous Areas

- ▶ Geologically hazardous areas are defined in the City's code and include:
 - ▶ Erosion hazard areas
 - ▶ Landslide hazard areas
 - ▶ Seismic hazard areas
 - ▶ Mine hazard areas
 - ▶ Volcanic hazard areas
- ▶ Structures and improvements in geologically hazardous areas are required to minimize alterations to slopes, not result in risk to neighboring properties, and to minimize impervious surfaces.
- ▶ The City's code lacks any standard buffers or setbacks from geologically hazardous areas and known geologically hazardous areas are not documented in the City

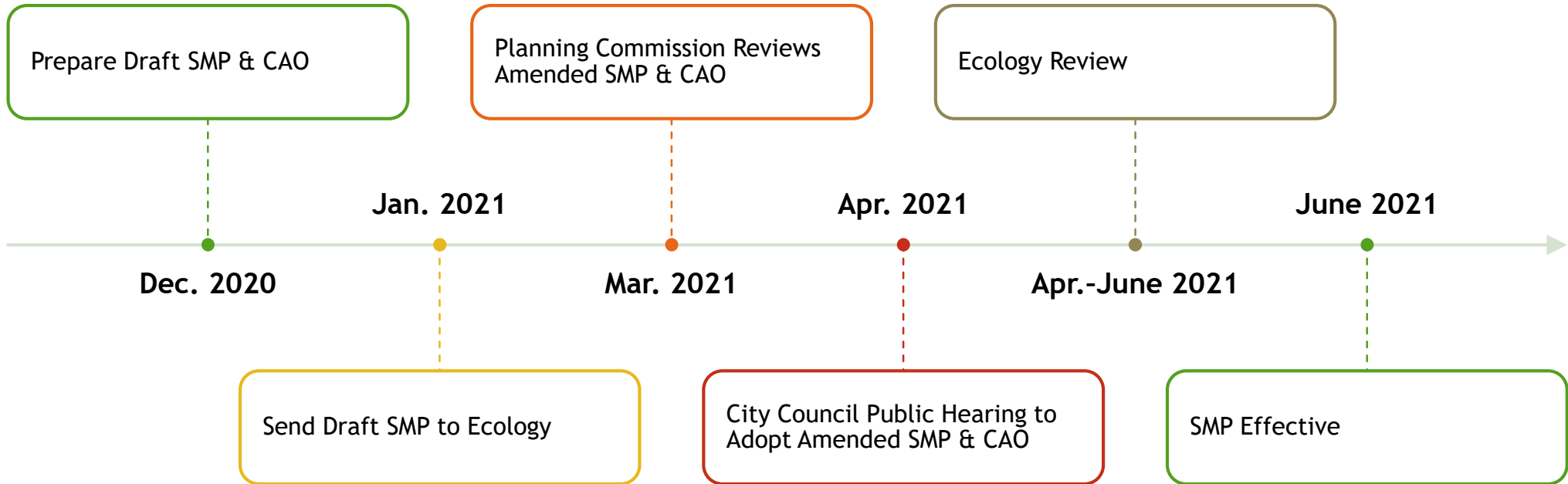
Geologically Hazardous Areas

- ▶ The City's code or GIS maps should document where landslide hazard areas and steep slopes exist.
 - ▶ An inventory prepared for the Department of Natural Resources identified where landslide conditions were present, which is primarily along the higher relief areas north of downtown.
 - ▶ Steep slopes are those greater than 35% and can be mapped.
- ▶ Buffers should be considered for known landslide and steep slope hazard areas.
 - ▶ Buffers may be set at a fraction of the slope height or a fixed distance (e.g. 50 feet).
 - ▶ If development is to occur within these buffers, it should be accompanied with a report from a licensed geotechnical engineer.

Next Steps



Important Milestones



Opportunities to be Involved

- ▶ Planning Commission – March 2021
- ▶ City Council Public Hearing - April 2021
- ▶ SMP/CAO Periodic Review Website - <https://cityofcleelum.com/2020-2021-shoreline-master-program-critical-areas-ordinance-update/>

Discussion & Questions

