

**CITY OF CLE ELUM
WASHINGTON
ORDINANCE NO. 1606**

**AN ORDINANCE OF THE CITY OF CLE ELUM,
WASHINGTON, AMENDING THE CRITICAL AREAS
PROTECTION ORDINANCE, 18.01 CEMC; PROVIDING
FOR SEVERABILITY; AND ESTABLISHING AN
EFFECTIVE DATE**

WHEREAS, the Critical Areas Ordinance (CAO) is a set of development regulations that serves to protect sensitive areas in the City, including wetlands, steep slopes, fish and wildlife habitat areas, and critical aquifer recharge areas; and

WHEREAS, as part of the City's compliance with the Growth Management Act, the City is required to review its CAO in accordance with new best available science and make updates, as necessary; and

WHEREAS, the City's current CAO was last amended in 2010 (Ordinance No. 1335), as codified in Chapter 18.01 CEMC; and

WHEREAS, beginning in August 2020, a Best Available Science document was developed for the City to determine required amendments to bring the regulations into concurrence with state law, per the Department of Commerce Critical Areas Ordinance Checklist; and

WHEREAS, public comment was solicited throughout the process via the City's website and interested parties were kept up to date via social media and news media; and

WHEREAS, an open house was held in November 2020 which provided an opportunity for visioning and identification of high priority issues and sought specific input on several issues; and

WHEREAS, in February 2021, the City prepared draft amendments for review by other agencies and the public and feedback received was incorporated into the review and subsequent drafts; and

WHEREAS, a public hearing was held before the Cle Elum Planning Commission on March 16, 2021 to collect public comments on the proposed amendments; and

WHEREAS, following public testimony by the Washington State Department of Wildlife (WDFW), the City made additional revisions to the CAO, incorporating WDFW's guidance on

stream buffers into the ordinance for Crystal Creek, a fish-bearing stream that is not regulated under the City’s Shoreline Master Program; and

WHEREAS, due to substantive WDFW comments, the City noticed a new public hearing on the CAO to incorporate feedback on the new revisions; and

WHEREAS, on May 4, 2021, the Planning Commission continued the Public Hearing, heard public comment, deliberated on the proposed action, and voted to recommend amendments to Chapter 18.01 CEMC – Critical Areas Protection to the City Council; and

WHEREAS, it is in the interest of the health, safety, and welfare of the City to adopt the regulations as described below.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLE ELUM, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 18.01 CEMC (“Critical Areas Protection”), Amended. Cle Elum Municipal Code Section 18.01 is hereby amended to read as set forth in the attached Exhibit A and incorporated herein by this reference.

Section 2. Severability. Should any portion of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE _____ DAY OF _____ 2021.

CITY OF CLE ELUM

Jay McGowan, Mayor

ATTEST/AUTHENTICATED:

Kathi Swanson, City Clerk

Approved as to form:

Alexandra L. Kenyon, City Attorney

Filed with the City Clerk:

Passed by the City Council:

Date of Publication:

Effective Date: