

PLANNING COMMISSION

Agenda

May 3, 2022

6:00 p.m.



119 W FIRST STREET
CLE ELUM, WA 98922

MAYOR
JAY MCGOWAN

CITY ADMINISTRATOR
ROBERT OMANS

DESIGNATED CITY PLANNER
GREGG DOHRN with assistance
from MEAGAN HAYES

CITY CLERK
KATHI SWANSON

PLANNING COMMISSION
GARY BERNDT
VACANT
MATT FLUEGGE
LIZ KURTZ
ELIZABETH TORREY

CITIZEN ALTERNATE
VACANT

Cle Elum Planning Commission meetings are held in a hybrid format, with attendance opportunities at City Hall and Zoom.

City Hall, 119 W. First Street, Cle Elum, WA 98922

Zoom connection information on next page; will change every meeting to ensure cybersecurity

-
1. **Call to Order & Roll Call**
 2. **Set Agenda**
 3. **Adoption of Minutes**
 - a. April 19, 2022
 4. **Staff Report**
 - a. Designated City Planner, Mr. Gregg Dohrn
 - i. Update to City Planner position
 - ii. Update to Planning Commission vacancies
 - iii. Other updates
 5. **New Business**
 - a. None scheduled
 6. **Unfinished Business**
 - a. Final review of 2022 Planning Commission work plan
 - b. Critical Areas Checklist
 - c. Flood Damage Prevention Ordinance
 - i. *Action to initiate expedited review requested by staff and schedule a public hearing for June 7, 2022*
 7. **Next Meeting Agenda Development**
 8. **Citizen Comments on Non-Agenda Items (limited to 5 minutes)**
 9. **Commissioner Comments and Discussion**
 10. **Adjournment**

Next Regular Commission Meeting: Tuesday, May 17, 2022

City of Cle Elum is inviting you to a scheduled Zoom meeting.

Topic: Regular Meeting of the Cle Elum Planning Commission (HYBRID MEETING)

Time: May 3, 2022 06:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/83870314255?pwd=cDEwc3h4QUxZR1BVUSstFSXJQa3RMQT09>

Meeting ID: 838 7031 4255

Passcode: Planner

One tap mobile

+13462487799,,83870314255#,,,*0552337# US (Houston)

+14086380968,,83870314255#,,,*0552337# US (San Jose)

Dial by your location

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

Meeting ID: 838 7031 4255

Passcode: 0552337

Find your local number: <https://us06web.zoom.us/u/kpDEJOIQ8>

CITY OF CLE ELUM
PLANNING COMMISSION MEETING
DRAFT - Meeting Minutes
April 19, 2022 6:00pm Hybrid Meeting

1. Call to Order & Roll Call

Chair Berndt called the meeting to order at 6:00pm.

Commission members present: Chair Berndt, Commissioner Torrey,
Commissioner Fluegge and Commissioner Kurtz

Commission members absent: NONE

Staff present: Designated City Planner Gregg Dohrn; Planning Consultant
Meagan Hayes; and Permit Technician Virgil Amick

2. Set Agenda

A motion was made by Commissioner Fluegge and seconded by Commissioner Kurtz to accept the agenda with revisions to add the 2022 Work Plan discussions to New Business; none opposed. Motion carries and the meeting agenda is set.

3. Adoption of Minutes

A motion was made by Commissioner Torrey and seconded by Commissioner Kurtz to approve the April 5, 2022 meeting minutes as presented; none opposed. Minutes approved.

4. Staff Report

a. Mr. Gregg Dohrn, Designated City Planner

i. Update to City Planner Position

- o Mr. Dohrn reported that two applications for the City Planner position have been received; however, it is ideal to have a broader candidate pool. Outreach is ongoing and the position will remain open until filled.

ii. Update to Planning Commission Vacancies

- o Mr. Dohrn did not have an update from the Mayor regarding the vacancies of the Planning Commission.
- o Commissioner Berndt asked staff if those who have applied but have not been selected for appointment have been notified of such; Mr. Dohrn was unable to confirm that, as appointments are made by the Mayor with confirmation by the City Council.

5. New Business

a. 2022 Work Plan

- i. Mr. Dohrn introduced the draft updated 2022 Work Plan as developed by Planning Staff. The plan includes various ongoing projects, including the Critical Areas Ordinance, the Flood Damage Prevention regulations, the 2022 Comprehensive Plan docket updates, and other annual project actions (draft work plan attached herein at Exhibit A).
- ii. The presented work plan is in draft form and is subject to modifications based on progress, incoming land use applications, and other unforeseen circumstances.

6. Unfinished Business

a. Draft Critical Areas Ordinance

- 1 i. Mrs. Hayes presented the most updated draft of the Critical Areas Ordinance.
2 Recent revisions include modifications to the RMZ widths to incorporate Best
3 Available Science practices and policies.
4 ii. Mrs. Hayes proposed next action steps for the draft Critical Areas Ordinance
5 to include:
6 o SEPA Consult to the Department of Ecology to enable comprehensive
7 review by State Agencies and Tribal partners
8 o Notice to Commerce with intent to adopt within 60-days
9
10 iii. Commissioner Torrey shared support of the proposed action steps and
11 encouraged staff and the Planning Commission to be prepared and willing to
12 accept and incorporate the feedback received during the review period.
13 iv. A motion was made by Commissioner Torrey to move the Critical Areas
14 Ordinance ahead in a manner to enable formal Consult with the Department of
15 Ecology and Notice to the Department of Commerce with intent to amend;
16 Fluegge seconded. None opposed, motion carries.
17 v. Staff will initiate these action steps and will aim to have all applicable notices
18 out by May 5, 2022.

19 b. Critical Areas Administrative Checklist

- 20 i. Staff presented the updated draft of the checklist for critical area review.
21 ii. Commissioner Torrey offered additional recommendations and feedback to
22 further improve the checklist:
23 o Consolidation of all rows pertaining specifically to wetlands
24 o Addition of WDFW technical resource to the Fish and Wildlife row
25 o Renaming hyperlinks to improve understanding and readability.
26 iii. Commissioner Torrey also posed a suggestion to incorporate the critical areas
27 checklist with all SEPA Checklists; staff will attach the checklist to the SEPA
28 checklist once the critical areas checklist is finalized and approved by the
29 Commission for use.
30 iv. Staff will incorporate the suggested revisions and present the next draft
31 checklist at the next regular meeting.

32 **7. Next Meeting Agenda Development**

- 33 a. The next agenda will include:
34 i. Ongoing review and consideration of the Critical Areas Administrative
35 Checklist (action anticipated)
36 ii. Final review of the updated 2022 Work Plan (action anticipated)
37 iii. Flood Damage Prevention Ordinance (action anticipated)
38 iv. Staff report by Mr. Gregg Dohrn

39 **8. Citizen Comments on Non-Agenda Items (limited to 5 minutes)**

40 Ingrid Vimont, 291 Nelson Creek Road, Cle Elum, WA

41 Ms. Vimont shared her concerns regarding growth and suggested that all development
42 applications be required to submit Emergency Evacuation Modeling alongside their
43 development applications. Additional comment was submitted via email and is attached
44 hereto as Exhibit B.

45 Phill Hess, 4650 Airport Rd., Cle Elum, WA

46 Mr. Hess stated that the proposal to incorporate the Site Potential Tree Height Best
47 Available Science into the draft Critical Areas Ordinance is causing the Critical Areas
48 Ordinance to be more complicated. Mr. Hess suggested the City not incorporate this

1 specific practice and develop simple numerical buffer standards. Mr. Hess also shared his
2 comments as related to the FireWise Committee he serves on and the Comprehensive
3 Plan Docket application that will be considered in coming meetings. Mr. Hess believes
4 that the City will need to hire experts to assist the FireWise Committee in establishing the
5 language for the Comprehensive Plan. Additional comment was submitted via email and
6 is attached hereto as Exhibit C.

7 **9. Commissioner Comments and Discussion**

8 a. Commissioner Fluegge

9 i. Commissioner Fluegge shared his concerns that a Community Master Plan is
10 not on the 2022 Work Plan for the Planning Commission. Commissioner
11 Fluegge shared with the Commission that he does not think the
12 Comprehensive Plan should be used as such and that the city needs a “big
13 picture document”.

14 ii. Commissioner Fluegge also informed the Commission that he would not be
15 present at the next regular meeting of the Planning Commission due to a work
16 conflict.

17 b. No other Commissioner comments/discussions presented

18 **10. Adjournment**

19 Chair Berndt called for a motion to adjourn. A motion was made by Commissioner
20 Fluegge and seconded by Commissioner Torrey to adjourn the regular meeting of the Cle
21 Elum Planning Commission at 7:25 pm; none opposed. Meeting adjourned.

City of Cle Elum, Washington
Draft Updated 2022 Planning Commission Work Program
April 19, 2022

Note: This work program is subject to a quarterly review and update. It is also a goal to implement a revised schedule of monthly Planning Commission meetings during 2022.

April 19, 2022, Regular Meeting.

1. Present draft updated 2022 City Planning Priorities and Planning Commission Work Program.
2. Authorize City Staff to initiate integrated SEPA/GMA review process of proposed amendments to update the Critical Areas Regulations.

Note: The integrated 60-day SEPA/GMA review process for the proposed updates to the City's regulations to preserve and protect environmentally sensitive areas (aka critical areas) would end on or about June 27, 2022, and as a result, the required public hearing could be scheduled for the July 19, or August 2, 2022, Regular Planning Commission meeting, or alternatively, at a Special Meeting of the Planning Commission on July 12, scheduled in lieu of meeting on July 5th.

May 3, 2022, Regular Meeting.

1. Review and finalize draft updated 2022 Planning Commission Work Program.
2. Discussion of draft updated Flood Prevention Regulations and authorization of Expedited 14-day State Agency Review and Comment Period.

May 17, 2022, Regular Meeting.

1. Discussion of 2022 Docketing Proposals.
 - a. Firewise/Urban Wildfire Prevention.
 - b. Affordable Housing.

June 7, 2022, Regular Meeting

1. Public hearing and recommendation to City Council on updated Flood Prevention Regulations.
2. Continued discussion of 2022 Docketing Proposals.
 - a. Fire Wise/Urban Wildfire Prevention.
 - b. Affordable Housing.

Note: The Chair of the Planning Commission would present the recommended Flood Prevention Regulations at the June 13th City Council meeting.

June 21, 2022, Regular Meeting

1. Hold for continued discussion of recommendation to City Council on updated Flood Prevention Regulations (if needed).
2. Authorize City Staff to initiate integrated SEPA/GMA review process of docketed 2022 Comprehensive Plan/Development Regulation Amendments.
 - a. Fire Wise/Urban Wildfire Prevention.
 - b. Affordable Housing.

Note: The integrated 60-day SEPA/GMA review process for the proposed amendments would end on or about September 6, 2022, and as a result, the required public hearing would be scheduled for the September 20th Regular Planning Commission meeting.

July 5, 2022, Regular Meeting

Note: This meeting may be canceled or if need be, rescheduled to July 12, 2022.

July 19, 2022, Regular Meeting

1. Presentation of written comments received on the draft updated Critical Areas Regulations.
2. Public hearing on the draft updated Critical Areas Regulations.
3. Review and discussion of all public comments on draft updated Critical Areas Regulations.

August 2, 2022, Regular Meeting

1. Prepare recommendation to City Council on draft updated Critical Areas Regulations.

Note: The Chair of the Planning Commission would present the recommended amendments at the August 8th City Council meeting.

August 16, 2022, Regular Meeting

1. Hold for additional discussion of recommendation to City Council on draft updated Critical Areas Regulations, if needed.

Note: This meeting would be cancelled if additional time is not required to finalize recommendation to City Council on draft updated Critical Areas Regulations.

September 6, 2022, Regular Meeting

Note: This meeting may be cancelled.

September 20, 2022, Regular Meeting.

1. Presentation of the written comments received on the docketed 2022 Comprehensive Plan/Development Regulation Amendments.
 - a. Fire Wise/Urban Wildfire Prevention.
 - b. Affordable Housing.
2. Public hearing on docketed 2022 Comprehensive Plan/Development Regulation Amendments.
 - a. Fire Wise/Urban Wildfire Prevention.
 - b. Affordable Housing.
3. Review and discussion of all public comments received on docketed 2022 Comprehensive Plan/Development Regulation Amendments.
 - a. Fire Wise/Urban Wildfire Prevention.
 - b. Affordable Housing.

October 4, 2022, Regular Meeting

1. Prepare recommendation to City Council on the docketed 2022 Comprehensive Plan/Development Regulation Amendments.
 - a. Fire Wise/Urban Wildfire Prevention.
 - b. Affordable Housing.

Note: The Chair of the Planning Commission would present the recommended amendments at the October 10th City Council meeting.

October 18, 2022, Regular Meeting

1. Hold for further deliberations of recommendation to City Council on the docketed 2022 Comprehensive Plan/Development Regulation Amendments, if needed.

Note: The Chair of the Planning Commission would present the recommended amendments at the October 24th City Council meeting.

November 1, 2022, Regular Meeting

1. End of year review and discussion of draft annual Planning Commission report to the City Council.
2. Review and comment on 2023 City Planning priorities.
3. Review and comment on draft 2023 Planning Commission Work Program.

November 15, 2022, Regular Meeting

Note: Hold for unfinished business or emergent issues if needed, if not, cancel meeting.

December 6, 2022, Regular Meeting

1. Finalize end of year report and recommendations.

December 20, 2022, Regular Meeting

Note: Hold for unfinished business or emergent issues if needed, if not, cancel meeting.

FW: Vimont Planning Commission comments 11/19/2022

Planning <planning@cleelum.gov>

Thu 4/21/2022 7:06 AM

To: Meagan Hayes <mhayes@cleelum.gov>

From: Ingrid Vimont <email4ingrid@yahoo.com>

Sent: Wednesday, April 20, 2022 8:10 PM

To: Planning <planning@cleelum.gov>; Gary Berndt <berndts@q.com>

Subject: Vimont Planning Commission comments 11/19/2022

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello,

These are my written comments that I presented to the Planning Commission 4/19/22

Vimont Planning Commission comments 4/19/22

In relation to the explosive growth Upper Kittitas County is facing since 2020, the following are my personal and professional recommendations for successful, sustainable, healthy, fair long-term growth.

- Slow down
- Regroup
- Operate in a strategic & comprehensive manner
- Utilize best case and worst case scenarios to plan a healthy community (learn from other's mistakes)
- Require emergency evacuation traffic modeling
- Reinforce current infrastructure for sustainable growth (water, sewer, road systems, schools, EMS, fire, police, etc.)
- Partner with all local service providers (fire, EMS, police, water, sewer, roads, etc.)
- Revisit & Update templates for sustainable growth processes for negotiating with new and existing developers
- Offer all local service providers a seat at the planning table
- Plan and execute growth regionally vs locally
- Hire a full time city attorney to protect the interest of the entire greater Cle Elum area

Thank you for entering my comments into the Planning Commission record.

Ingrid Vimont, RN

206-484-3812

City Planning Commission Meeting – April 19, 2022

My name is Phil Hess, I reside at 4650 Airport road

Attn Meagan Hayes:

Following are my comments submitted verbally at the subject meeting relative to the City CAO currently under consideration.

I believe it is an unnecessary complication to use SPTH as a criteria for type F, Np, Ns stream buffers., (RMZ's)

To me, it makes much more sense to simply use a fixed width buffer for these streams.

This is especially appropriate because I believe we only have one Type F – Crystal Creek – that will be affected by the proposed CAO

I believe the only other F, Np, Ns streams within the City are already within the City Heights Development Agreement and as such will not be subject to the new, updated CAO. There may be typed waters in future UGA's.

These City Heights streams are currently being buffered by Forest & Fish Law FPA rules.

The proposed CAO buffers for F, Np, Ns exceed F & F buffers which is fine and I support.

If you haven't already done so, I recommend a complete inventory of F, Np, Ns within City jurisdiction (and future UGA's) and not already under an existing development agreement.

If this inventory reveals typed waters then I believe the adjacent property owners (within the City only) should be notified of the implications of the new CAO. There shouldn't be very many.

If you think I'm off base on all this, ok to ignore or tell me so !

Thank-you

/s/

Phil Hess

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December 20, 2022, Regular Meeting

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City of Cle Elum, Washington
2022 Planning Priorities
Draft Quarterly Update
April 19, 2022

At the request of Mayor McGowan and the Chair of the Planning Commission, the City Staff and consultants have reviewed and prepared potential revisions to the list of 2022 planning priorities for the City of Cle Elum. Activities that require a recommendation by the Planning Commission have been highlighted and should be incorporated into the Planning Commission's updated 2022 meeting schedule. This priority list should continue to be reviewed and updated on a quarterly basis.

Long Range/Comprehensive Planning

1. Complete review and adoption of updated Critical Area Regulations (2019 GMA mandate).
 - a. Further Staff/Planning Commission review of Critical Area regulations/mapping.
 - b. Staff/Planning Commission review of Interim Flood Hazard regulations.
 - c. Integration of Flood Hazard and Critical Area Regulations.
 - d. Updated Planning Commission Integrated Critical Area recommendation.
2. 2022 Annual Comprehensive Plan amendment docketing process.
 - a. Firewise Policies and Wildfire Prevention Regulations.
 - b. Review Housing Policies and Implementing Regulations.
3. Updated Development Regulations/Unified Development Code.
 - a. Complete review and update Table of Permitted Land Uses (in progress).

Other potential priorities include as time and resources permit:

- b. Density and dimension standards.
 - c. In-fill development standards.
 - d. Parking standards.
 - e. Landscaping standards.
 - f. Concurrency and Transportation Demand Management regulations.
 - g. Regulations governing the Siting of Essential Public Facilities.
 - b. Review and update subdivision regulations.
 - c. Entry Commercial design standards.
 - d. Others (To be determined).
4. Joint City-County Interlocal Planning Agreement

- e. Potential UGA boundary adjustments.
 - f. Review and update County-wide Planning Policies.
 - g. Preparation and adoption of shared UGA development standards.
 - h. Preparation and implementation of Sub-area Plan (s).
 - i. Sub-regional transportation planning.
 - j. Siting and development of shared law enforcement facility.
5. Review and update Airport Master Plan/ Preparation of Sub-Area Plan (Airport Advisory Committee).
6. Review and recommend Capital Facilities funding strategies.
- a. REET 2.
 - b. Traffic impact mitigation fees.
 - c. Transportation improvement benefit district.
 - d. Other (To be determined).

Master Planned Developments

1. City Heights
 - a. Phase 1 preliminary plat implementation and final plat approval.
 - b. Phase 2 preliminary plat approval and implementation.
 - c. Phase 3 preliminary plat application review and approval.
 - d. City Heights ongoing litigation.
2. Bullfrog UGA
 - a. Complete transfer of rights, responsibilities, and obligations.
 - b. 47 Degrees Major Modification application review.
 - c. Draft Development Agreement.
 - d. Consultation with Yakama Nation.
 - e. Recruit Deputy Project Manager.
3. Cle Elum Pines West
 - a. Phase 4 development review.
 - b. Dedication of parcels to the City.
 - c. Closeout Development Agreement.
4. Forest Ridge Final Plat approval (County).
5. Airport Property exchange.
 - a. Draft Development Agreement (if applicable).

6. Weiss/Olson Annexation and Development Agreement (if applicable).

Current Planning/Development Review

1. Respond to daily planning inquiries.
2. Pre-application meeting facilitation and review.
3. SEPA reviews.
4. Administrative review of land use applications.
 - a. Administrative decision: Type 1 and Type 2 applications.
 - b. Staff review and recommendation: Type 3, 4, and 5 applications.
5. Planning review of other City Applications.
 - a. Building permit applications.
 - b. Business license.
 - c. Hauling permits.
6. City Land Use Hearings Examiner support.
7. City Council development review support.
8. Regional development project application review.
9. Continue to reorganize planning files.
10. Continue to review and update planning applications and internal review procedures.

Other Planning Activities

1. City Planner recruitment, selection, orientation, training, and support.
2. Planning Commission support.
 - a. Continue to review and update annual work program.
 - b. Preparation of meeting agendas and packets.
 - c. Review and update Planning Commission bylaws.
 - d. New Planning Commissioner training and support.
3. Historic Preservation Commission support.

4. Community Recreation Center Task Force support.
5. City Council Parks Committee support.
6. CEDA Design Committee support.
7. Upper County Traffic Task Force support.
8. QUADCO quarterly meetings support.
9. Special projects.
 - a. DOE Brownfields Project.
 - b. Ongoing DNR Firewising of City Property.
 - c. Downtown Revitalization Project.
 - d. Hanson Ponds FEMA Grant support.
 - e. Otto's Auto Site Clean-up Grant.
 - f. Others (To be determined).
10. Establish and implement stormwater management utility.
11. Review and update planning fees and charges.
12. Review and update municipal water service fees and charges.
13. Review and update municipal wastewater service fees and charges.

In addition to the quarterly review and update of these planning priorities in 2022, it should be noted that CEMC Chapter 14.10.020 Administrative Roles and Responsibilities, adopted by the City Council on February 28, 2022, and effective March 31, 2022, provides the following process for the preparation and implementation of City Planning Priorities in 2023 and subsequent years:

6. *The Mayor and the City Administrator shall prepare and present for discussion with the City Council during the annual budget process a workplan that identifies planning priorities and activities for the coming year.*
 - a. *As directed by the Mayor and City Council, the City Staff shall, in consultation with the Chair of the Planning Commission, prepare an annual workplan for the Planning Commission to implement the City planning priorities.*
 - b. *(The) Planning Commission, in consultation with City staff, shall prepare and present an annual report to the Mayor and City Council highlighting their activities and accomplishments and recommended priorities for the coming year.*

DRAFT

City of Cle Elum

119 West First Street
Cle Elum, WA 98922



Phone: (509) 674-2262
Fax: (509) 674-4097
www.cleelum.gov

CRITICAL AREAS CHECKLIST

The purpose of this checklist is to provide critical areas information to City staff to determine potential impacts of a project or action regulated under the City of Cle Elum Critical Areas Ordinance. Critical areas, including critical aquifer recharge areas (CARAS), fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas and wetlands are regulated under Cle Elum Municipal Code (CEMC) XX.XX.XXXX to ensure these ecologically sensitive areas are protected. This checklist is designed to ensure any critical areas and/or buffer zones are accurately identified on or adjacent to the subject property and project area(s). Site plans should be to scale and include accurate measurements of critical areas and associated buffers.

A property owner or authorized representative must fill out the checklist completely and submit it to the City alongside their pre-application conference materials. Information sources for each question are provided at the end of this document. City staff will review this checklist along with critical area information available to the City through Title XXXX and make a preliminary determination of impacts. This determination will be included in the pre-application conference summary will clarify if further critical area study is needed. Further critical areas study may include a site visit, critical areas report or other means of site investigation consistent with Title XXXX. In the event that inadequate information is provided by the applicant alongside their pre-application conference submittal, a critical areas determination may be withheld until sufficient information is provided. This delay may result in additional permitting delays for the applicant. As such, use of this checklist is highly encouraged to streamline City review and permitting.

Property Owner

Legal Owner Name:	
Mailing Address:	
Email:	
Contact Number:	

Applicant

Check this box if the information is identical to the above information:	<input type="checkbox"/>
Name:	
Mailing Address:	
Email:	
Contact Number:	

Contact Person

Check this box if the information is identical to the above information:	<input type="checkbox"/>
Name:	
Mailing Address:	
Email:	
Contact Number:	

Project Information	
Parcel Number:	
Site Address:	
Describe Proposal, Underlying Permitting Requirements	

GENERAL PROJECT INFORMATION

Question	Resource Materials	Tip	Response
Are you aware of any environmental documentation that has been prepared related to critical areas that includes the subject area?	Consider contacting the Cle Elum Planning Department for additional information on existing environmental documentation at planning@cleelum.gov	N/A	
Is the proposed site adjacent to, or does it include a body of water (e.g. exposed standing water, pond, year round or seasonal stream, river or lake)?	County Web Map Tool Forest Practices Application Mapping Tool	Kittitas County utilizes GIS data to identify existing or suspected water bodies within the County. Our Compass system includes a layer labeled “DNR Water Type” which will activate the water body layer. The following link can assist in determining the nature of a water body in Cle Elum.	

<p>Have any wetlands been identified within 300 feet of the project site or are there any areas consistent with traditional wetland characteristics? I.E., open water, seasonal water, marsh areas, wetland plats (cat tails).</p>	<p>County Web Map Tool</p> <p>National Wetlands Mapper</p>	<p>Kittitas County utilizes GIS data to identify existing or suspected wetlands within the County. The following link can assist in determining the nature of a wetland in Cle Elum. The County Compas system includes a layer labeled “Wetlands” which will activate the wetlands layer. Sometimes the GIS information is incomplete. Visual verification of wetland characteristics (such as marsh areas, saturated soils and wetland plants such as cat tails) should additionally be noted in your responses to ensure your project is compliant with Cle Elum Critical Area regulations.</p>	
<p>Are there any landslide hazards or slopes of 33% of greater within 50 feet of the project area?</p>	<p>County Web Map Tool</p> <p>Geologic Hazard Mapping Tool</p>	<p>The Kittitas County Compas System includes a layer titled “Hazardous Slopes.” These slopes present as red or yellow overlays.</p>	
<p>Does the site presently have fish or wildlife habitat?</p>	<p>County Web Map Tool</p> <p>Priority Habitats and Species</p> <p>Areas of Responsibilities – WDFW Assistance</p>	<p>General information on Priority Habitat Species areas can be found on the Kittitas County Compas system under the layer labeled “DFW Priority Habitat Species.” Additionally, the existence of fish or wildlife habitat requires a visual inspection of the general project area. Characteristics such as fallen trees, tall grassy areas, ground holes, visual verification of wildlife and other characteristics can all be indicators of local habitat areas. If you are unsure if your project area contains wildlife habitat, please</p>	

		contact WDFW at 509-575-2740 for guidance.	
Is the project located within Flood Hazard Zone?	County Web Map Tool FEMA National Flood Hazard Layer FEMA Map Service Center	The EFFECTIVE flood hazard map is the mapping available through FEMA. Any other mapping available may be used for general purposes, however, final determinations will be made through FEMA maps, which may differ from other unregulated mapping sources.	

Signature of Legal Owner of Authorized Representative

I, _____, (print name), affirm that the above responses are made truthfully and to the best of my knowledge. I further affirm that I am the owner of record of the area proposed for the above-identified land use action, or, if not the owner, attached here within is written permission from the owner(s) authorizing my action on his/her/their behalf.

**Signature of Legal Owner
of Authorized Agent:**

Date:

**CEMC Chapter 15.24
Flood Hazard Prevention**

Sections:

- 15.24.010 Statutory Authorization.**
- 15.24.020 Findings of Fact.**
- 15.24.030 Purpose.**
- 15.24.040 Definitions.**
- 15.24.050 Applicability of Provisions.**
- 15.24.060 Basis for Establishing Areas of Special Flood Hazard.**
- 15.24.065 Compliance.**
- 15.24.070 Interpretation of Provisions.**
- 15.24.080 Liability – Disclaimer.**
- 15.24.090 Abrogation of Easements.**
- 15.25.095 Severability.**
- 15.24.100 General Flood Loss Reduction Methods.**
- 15.24.110 Development Permit – Required.**
- 15.24.120 Administration – Designation of Floodplain Administrator.**
- 15.24.130 Administration – Duties and Responsibilities of Floodplain Administrator.**
- 15.24.140 General Construction and Development Standards.**
- 15.24.145 Critical Facility.**
- 15.24.150 Construction and Development – Residential and Nonresidential –
Manufactured Homes.**
- 15.24.155 AE Zones with Base Flood Elevations but No Floodways.**
- 15.24.160 Wetlands Management.**
- 15.24.160 Floodway Location.**
- 15.24.175 Variance and Appeals Procedures.**
- 15.24.180 Violation – Penalty.**

15.24.010 Statutory Authorization.

The Legislature of the State of Washington has delegated responsibility to local governmental units to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry.

15.24.020 Findings of Fact.

- A. The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage

uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

15.24.030 Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health.
- B. To minimize expenditure of public money and costly flood control projects.
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. To minimize prolonged business interruptions.
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard.
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

15.24.040 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application:

“Alteration of watercourse” means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

“Appeal” means a request for a review of the interpretation of any provision of this chapter or a request for a variance.

“Area of shallow flooding” means a designated AO, AH, AR/AO or AR/AH zone on the Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. Such flooding is characterized by sheet flow or ponding. Also referred to as the sheet flow area.

“Area of special flood hazard” means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on Flood Insurance Rate Maps (FIRM) includes the letters A, AO, AH, A1-30, AE, A99 and AR. “Special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard.”

“ASCE 24” means the most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “one-hundred-year flood.”

“Base Flood Elevation (BFE)” means the elevation to which floodwater is anticipated to rise during the base flood.

“Basement” means any area of the building having its floor sub-grade (below ground level) on all sides.

“Critical facility” means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials, located within the area of special flood hazard.

“Flood” or “flooding” means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters; and/or
 - b. The unusual and rapid accumulation of runoff of surface waters from any source.
 - c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly

unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

“Flood elevation study” means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

“Flood insurance rate map (FIRM)” means the official map on which the Federal Insurance Administrator has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

“Flood insurance study” See “Flood Elevation Study.”

“Floodplain or flood-prone area” means any land area susceptible to being inundated by water from any source. See "Flood or flooding."

“Floodplain administrator” means the community official designated by title to administer and enforce the floodplain management regulations.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Floodproofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

“Floodway” means the channel or a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as “Regulatory Floodway.”

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic Structure” means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily

determined by the Secretary to qualify as a registered historic district.

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter found in Section [15.24.150\(A\)\(2\)](#).

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes “manufactured home” also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes, “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.”

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Mean Sea Level” means, for purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community’s Flood Insurance Rate Map are referenced.

“New construction” means, for the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

“Recreational vehicle” means a vehicle which is built on a single chassis, four hundred square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

“Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building including a gas or liquid storage tank that is principally aboveground, as well as a manufactured home.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any reconstruction, rehabilitation, addition or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions, or
2. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

“Variance” means a grant of relief by a community from the terms of a floodplain management regulation.

“Water dependent” means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

15.24.050 Applicability of Provisions.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the City of Cle Elum.

15.24.060 Basis for Establishing Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Insurance Administrator in a scientific and engineering report entitled “The Flood Insurance Study for Kittitas County, Washington and Incorporated Areas” dated September 24, 2021, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs) , and any revisions thereto, are adopted by reference and declared to be part of this chapter. The Flood Insurance Study and FIRM are on file at the Cle Elum City Hall 119 West First Street, Cle Elum, Washington, 98922. The best available information for flood hazard area identification as outlined in Section 15.24.130(B) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 15.24.130(B).

15.24.065 Compliance.

All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations.

15.24.070 Interpretation of Provisions.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements.
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

15.24.080 Liability – Disclaimer.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administrator, for any flood damages that result from reliance on this chapter, or any administrative decision lawfully made under this chapter.

15.24.090 Abrogation of Easements.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

15.24.095 Severability.

This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

15.24.100 General Flood Loss Reduction Methods.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters.
- D. Controlling filling, grading, dredging and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or may increase flood hazards in other areas.

15.24.110 Development Permit – Required.

- A. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in CEMC Section [15.24.060](#). The permit shall be for all structures including manufactured homes, as set forth in the “definitions,” and for all development including fill and other activities, also as set forth in the “definitions.”
- B. Application for Development Permit. Application for a development permit shall be made on forms furnished by the City and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:
 - 1. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
 - 2. Proposed elevation in relation to mean sea level to which any structure will be floodproofed.

3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in CEMC Section [15.24.150\(B\)](#).
4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.
5. Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation; and
6. Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

C. Development Permit Fee. An application fee, as set forth by resolution of the City Council, must be paid at the time of application.

15.24.120 Administration – Designation of the Floodplain Administrator.

The Mayor shall appoint a Floodplain Administrator to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

15.24.130 Administration – Duties and Responsibilities of the Floodplain Administrator.

Duties of the Floodplain Administrator shall include, but not be limited to:

A. Permit Review.

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied.
2. Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
3. Review all development permits to determine if the proposed development is located in the floodway, assure that the encroachment provisions of Section [15.24.160\(B\)](#) are met.
4. Review all development permits to determine that the site is reasonably safe from flooding.
5. Notify FEMA when annexations occur in the Special Flood Hazard Area.

6. Notify FEMA of changes to the base flood elevation within six months of when technical information of such changes becomes available. Such notification shall include technical or scientific information.

B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section [15.24.060](#), the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections [15.24.150](#) and [15.24.160](#).

C. Information to be Obtained and Maintained.

1. Where base flood elevation data is provided through the Flood Insurance Study, Flood Insurance Rate Map, or required as in (B) of this section, obtain and maintain a record of the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

2. For all new or substantially improved flood-proofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required as in (B) of this section:

a Obtain and maintain a record of the actual elevation (in relation to mean sea level) to which the structure was floodproofed.

b. Maintain the floodproofing certifications required in Section [15.24.110\(B\)\(3\)](#).

3. Maintain for public inspection all records pertaining to the provisions of this chapter.

4. Certification required by Section 15.24.160(A)(floodway encroachments).

5. Records of all variance actions, including justification for their issuance.

6. Improvement and damage calculations.

D. Alteration of Watercourses.

Whenever a watercourse is to be altered or relocated:

1. Notify adjacent communities and the state of Washington Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means; and

2. Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

- E. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section [15.24.170](#). Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP.

15.24.140 General Construction and Development Standards.

In all areas of special flood hazard the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.
2. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
4. Water wells shall be located on high ground that is not in the floodway.

D. Subdivision Proposals and Development.

1. All subdivision proposals, as well as new development, shall be consistent with the need to minimize flood damage.
2. All subdivision proposals, as well as new development, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
3. All subdivision proposals, as well as well as new development, shall have adequate drainage provided to reduce exposure to flood damage; and
4. Where subdivision proposals and other proposed developments in which base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty lots or five acres (whichever is less).

E. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study, Flood Insurance Rate Map, or from another authoritative source ([Section 15.24.130\(B\)](#)), applications for floodplain development permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

15.24.145 Critical Facility.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the base floodplain (100-year floodplain). Construction of new critical facilities shall be permissible within the base floodplain if no feasible alternative site is available. Critical facilities constructed within the base floodplain shall have the lowest floor elevated to three feet or more above the level of the base flood elevation at the site or to the height of the 500-year flood, whichever is higher. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base floodplain shall be provided to all critical facilities to the extent possible.

15.24.150 Construction and Development – Residential and Nonresidential – Manufactured Homes.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section [15.24.060](#) or [15.24.130\(B\)](#), the following provisions are required.

A. Residential Construction.

1. New construction and substantial improvement of any residential structure in an AO zone shall meet the following requirements:
 - a. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement and mechanical equipment) elevated above the highest adjacent grade to the structure, one foot or more above the depth number specified in feet on the community's FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified).
 - b. New construction and substantial improvements of nonresidential structures within AO zones shall either:
 - (1) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
 - (2) Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer, or architect as in Section 18.03.150(B)(2)(c).
 - c. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
 - d. Recreational vehicles placed on sites within AO zones on the community's FIRM either:
 - (1) Be on the site for fewer than 180 consecutive days, or

- (2) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - (3) Meet the requirements of subsections (1) and (3) above and the anchoring requirements for manufactured homes (Section 18.03.140(A)(2)).
2. In AE zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE. Mechanical equipment utilities shall be waterproofed or elevated at least one foot above the BFE.
3. New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonable obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
4. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or if used solely for parking access or storage shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - d. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.
5. Interior grades below the lowest exterior grade are prohibited unless the interior grade is above the base flood elevation. Below grade crawlspaces are permitted subject to the following criteria:
 - a. The interior grade is not more than two feet below the lowest adjacent exterior grade.
 - b. The height of the below grade crawlspace, as measured from the interior grade to the top of the crawlspace foundation wall, must not exceed four feet at any point.
 - c. There must be an adequate drainage system that removes interior floodwaters.

- d. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace.
- e. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- f. The crawlspace is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than 1 foot above the lowest adjacent exterior grade.
- g. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE.
- h. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of subsection 1 or 2 below:

- 1. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet all of the following requirements:
 - a. In AE zones or other A zoned areas where the BFE has been determined or can be reasonably obtained:
 - (1) New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater.
 - (2) Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE, or as required by ASCE 24, whichever is greater.
 - b. If located in an AO zone, the structure shall meet the requirements in Section 15.24.150(A)(1).
 - c. If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all

cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

- d. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or if used solely for parking, access or storage shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - (1) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - (2) The bottom of all openings shall be no higher than one foot above grade.
 - (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
 - (4) A garage attached to a structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.
2. If the requirements of subsection 1 are not met, then new construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet all of the following requirements:
- a. Be floodproofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater.
 - b. Have structural components capable of resisting hydrostatic and hydrostatic loads and effects of buoyancy.
 - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the official as set forth in Section [15.24.130\(C\)\(2\)](#); and
 - d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection [\(A\)\(1\)](#) of this section.

3. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).

C. **Manufactured Homes.** All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section [15.24.140\(A\)\(2\)](#).

D. **Recreational Vehicles.** Recreational vehicles, where authorized by the City of Cle Elum, placed on sites are required to:

1. Be on site for fewer than one hundred eighty consecutive days; and
2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions; or
3. Meet the requirements of 15.24.150(C), above.

E. **Enclosed Area Below the Lowest Floor.** If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

15.24.155 AE Zones with Base Flood Elevations but No Floodways.

In areas with BFEs (when a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within AE zones on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

15.24.160 Wetlands Management.

To the maximum extent possible, to avoid the short-term and long-term adverse impacts associated with the destruction or modification of wetlands, especially those activities which limit or disrupt the ability of the wetland to alleviate flooding impacts, the following process should be implemented:

- A. Review proposals for development within base flood plains for their possible impacts on wetlands located within the flood plain.
- B. Ensure that development activities in or around wetlands do not negatively affect public safety, health, and welfare by disrupting the wetlands' ability to reduce flood and storm drainage.

- C. Request technical assistance from the Department of Ecology in identifying wetland areas. Existing wetland map information from the National Wetlands Inventory (NWI) can be used in conjunction with the community's FIRM to prepare an overlay zone indicating critical wetland areas deserving special attention.

15.24.170 Floodway Location.

Located within areas of special flood hazard established in Section [15.24.060](#) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. Construction or reconstruction of residential structures is prohibited within designated floodways, except for:
 - 1. Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and
 - 2. Repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent of the market value of the structure either:
 - a. Before the repair, reconstruction or repair is started, or
 - b. If the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places shall not be included in the fifty percent.
- C. If subsection [\(A\)](#) of this section is satisfied or construction is allowed pursuant to subsection [\(B\)](#) of this section, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section [15.24.150](#), provisions for flood hazard reduction.

15.24.175 Variance and Appeals Procedures.

- A. Appeal Board.

1. The City Council shall hear and decide appeals and the city planner shall consider requests for variances from the requirements of this chapter.
2. The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the City in the enforcement or administration of this chapter.
3. In passing upon such applications, the City shall consider all technical evaluations, all relevant factors standards specified in other sections of this chapter, and:
 - a. The danger that materials may be swept onto other lands to the injury of others.
 - b. The danger to life and property due to flooding or erosion damage.
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - d. The importance of the services provided by the proposed facility to the community.
 - e. The necessity to the facility of a waterfront location, where applicable.
 - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
 - g. The compatibility of the proposed use with existing and anticipated development.
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
4. Upon consideration of the factors of subdivision 3 of this subsection and the purposes of this chapter, the City may attach such conditions to the granting of variances, as it deems necessary to further the purposes of this chapter.
5. The City shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

B. Conditions for Variances.

1. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items a through k of subdivision 3 of [\(A\)](#) of this section have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.
2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.
3. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause.
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection [\(A\)\(3\)](#) of this section or conflict with existing local laws or ordinances.
6. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
7. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subdivision 1 of this subsection, and otherwise complies with subsections A and B of Section [15.24.140](#).
8. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation

and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

15.24.180 Violation – Penalty.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction be fined not more than five thousand dollars for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing contained in this chapter shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.