

CITY OF CLE ELUM
WASHINGTON
ORDINANCE NO. 1569

AN ORDINANCE OF THE CITY OF CLE ELUM, WASHINGTON,
AMENDING CHAPTER 18.02 CEMC RELATING TO THE 2019 SHORELINE
MASTER PROGRAM; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Cle Elum ("City") is a shoreline authority as designated by the Shoreline Management Act ("SMA") of the State of Washington (Chapter 90.58 RCW); and

WHEREAS, the City established a Shoreline Master Program ("SMP") in 2015 as required by the SMA; and

WHEREAS, the Cle Elum SMP requires updating to become consistent with the Kittitas County SMP and Yakama Nation Settlement Agreement under Growth Management Hearings Board Case No. 16-1-0006; and

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

Section 1. Amend CEMC 18.02.010, ("Shoreline master program adopted"). Cle Elum Municipal Code Chapter 18.02.010 entitled "Shoreline master program adopted" is hereby amended to read as follows:

CEMC 18.02.010 Shoreline master program adopted.

The ~~2015-2019~~ Cle Elum Shoreline Master Program, as shown in Exhibit A to Ordinance No. ~~1456-1569~~, and as may be amended from time to time in the future in accordance with the Washington Shoreline Management Act (Chapter 90.58 RCW), is hereby adopted by reference and is hereinafter referred to as the Cle Elum SMP.

Section 2. Establish CEMC 18.02.030, ("Applicability"). Cle Elum Municipal Code 18.02.030 entitled "Applicability" is hereby established to read as follows:

CEMC 18.02.030 – Applicability.

All lands within 200 feet of the Ordinary High Water Mark of any stream or river with an annual mean flow of more than 20 cubic feet per second, and any wetlands or other wetted areas which would otherwise be regulated by the Critical Areas Ordinance (Chapter 18.01 CEMC) but which are connected by surface flow to a shoreline water body, within or directly adjoining Cle Elum municipal limits shall

be deemed within shoreline jurisdiction and shall be regulated by the Cle Elum SMP.

Within the City of Cle Elum the Yakima River and the Cle Elum River are the only shoreline waterbodies which are regulated by the SMP along with any critical area connected by surface flow to these waterbodies, however, such designations may change as determined by the Shoreline Manager.

Section 3. Establish CEMC 18.02.040, ("Shoreline Manager established"). Cle Elum Municipal Code Chapter 18.02.040 entitled "Shoreline Manager established" is hereby established to read as follows:

CEMC 18.02.040 – Shoreline Manager established.


The City of Cle Elum Shoreline Manager shall be the City's Planning Director.

Section 4. 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 5. 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.

PASSED BY THE CITY COUNCIL OF CLE ELUM AT A REGULAR MEETING THEREOF ON THE 24th DAY OF September, 2019.

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: 9/24/19
Passed by the City Council: 9/24/19
Date of Publication: 9/26/19
Effective Date: 10/3/19