

Title 15  
BUILDINGS AND CONSTRUCTION

Chapters:

- 15.04 Building Code
- 15.06 Dangerous Buildings
- 15.12 Contractors' Bonds
- 15.16 Fire Limits
- 15.20 Sign Code
- 15.22 Historic Preservation
- 15.24 Flood Hazard Prevention
- 15.30 Grading, Excavation and Land Filling

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Chapter 15.04  
BUILDING CODE<sup>1</sup>

Sections:

- 15.04.010 Title.
- 15.04.020 Purpose.
- 15.04.030 Adoption of Codes by Reference and Amendments to Referenced Codes.
- 15.04.040 Design Requirements.
- 15.04.050 Pole Buildings.
- 15.04.060 Contractor Registration.
- 15.04.070 Fees.
- 15.04.080 Permits.
- 15.04.090 Enforcement.
- 15.04.100 Liability.

15.04.010 Title.

This title is known as and may be referred to as the “City of Cle Elum Building Code.”

15.04.020 Purpose.

The purpose of the code and regulations adopted in this title is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of buildings and structures within the City of Cle Elum. It is not the purpose or intent to create or designate any particular class or group of persons to be especially protected or benefited, nor is it intended to create any special relationship with any individual.

15.04.030 Adoption of Codes by Reference and Amendments to Referenced Codes.

The City of Cle Elum hereby adopts the following codes, as amended by the Washington State Building Code Council pursuant to RCW [19.27](#) and [70.92](#) as amended by this chapter for the

purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures.

A. The 2015 International Building Code (IBC) published by the International Code Council, Inc. as adopted and amended by the Washington State Building Code Council in Chapter [51-50](#) WAC, includes adoption of and amendments to the ICC/ANSI A117.1-2009 and may subsequently be amended by this chapter, is hereby adopted with the following appendices and amendments:

*Appendices:*

Appendix E: Supplementary Accessibility Requirements

Appendix H: Signs

Appendix I: Patio Covers

*Amendments.*

1. Amend Section 105.2 Work Exempt from Permit. Building: (a) by substituting “200” for “120” in the square feet of floor area exempt from building permits and adding the following, “all required building; zoning and critical area requirements are met; (b) by adding the words “platforms” and “decks” to modify permit exemptions.

B. The 2015 International Residential Code (IRC) published by the International Code Council, Inc. as adopted and amended by the Washington State Building Code Council in Chapter [51-51](#) WAC, and as may subsequently be amended by this chapter, is hereby adopted with the following appendices and amendments:

*Appendices.*

Appendix H: Patio Covers

*Amendments.*

1. Amend Section 105.2 Work Exempt from Permit. Building: (a) By adding the following, “is not used as a habitable space and does not contain plumbing or mechanical systems, is not closer than 6-feet to any other structure and all required building, zoning and critical area requirements are met.”

C. The 2015 International Mechanical Code (IMC) published by the International Code Council, Inc. as adopted and amended by the Washington State Building Code Council in Chapter [51-52](#) WAC. Includes adoption of and amendments to the 2015 International Fuel Gas Code, the 2015 National Fuel Gas Code (NFPA 54) and the 2014 Liquefied Petroleum Gas Code (NFPA 58), and as may subsequently be amended by this chapter, is hereby adopted.

D. The 2015 International Fire Code (IFC) published by the International Code Council, Inc. as adopted and amended by the Washington State Building Code Council in Chapter [51-54A](#) WAC, and as may subsequently be amended by this chapter, is hereby adopted with the following Appendices:

*Appendices.*

Appendix B: Fire Flow for Buildings

Appendix C: Fire Hydrant Locations and Distribution

Appendix D: Fire Apparatus Access Roads

E. The 2015 Uniform Plumbing Code (UPC) except as provided in RCW [19.27.170](#), the Uniform Plumbing Code and Uniform Plumbing Code Standards, published by the International Association of Plumbing and Mechanical Officials; provided, that any provisions of such code affecting sewers or fuel gas piping are not adopted. The UPC, as adopted and amended by the Washington State Building Code Council in Chapters [51-56](#) and [51-57](#) WAC, and as may subsequently be amended by this chapter, is hereby adopted.

In case of conflict among the codes enumerated in subsections [\(A\)](#), [\(B\)](#), [\(C\)](#), [\(D\)](#) and [\(E\)](#) of this section, the first named code shall govern over those following.

F. The 2015 International Energy Conservation Code / Washington State Energy Code as adopted by the Washington State Building Code Council in Chapter [51-11](#) WAC is hereby adopted.

G. The 2015 International Existing Building Code published by the International Code Council, Inc., as adopted and amended by the Washington State Building Code Council and as may subsequently be amended by this chapter, is hereby adopted.

H. The 2015 International Swimming Pool and Spa Code published by the International Code Council, Inc., as adopted by the Washington State Building Code Council and as may subsequently be amended by the chapter, is hereby adopted.

15.04.040 Design Requirements.

A. *Conflict Between Codes.* Whenever there is a conflict between a referenced code in Section [15.04.030](#) of this code and the general requirements contained in Section [15.04.040](#) of this code, the general requirements shall apply.

B. *Climatic and Geographic Design Criteria.*

GROUND SNOW LOAD	115
WIND SPEED (Gust)	110 mph Topographic effects: NO
SEISMIC DESIGN CATEGORY	IRC: D <sub>0</sub> IBC: S <sub>S</sub> =0.65 S <sub>1</sub> =0.23
SUBJECT TO DAMAGE FROM	
Weathering	Severe
Frost line depth	24"
Termite	Slight To Moderate
WINTER DESIGN TEMP.	2°
ICE SHIELD UNDERLAYMENT REQUIRED	YES
FLOOD HAZARDS	Date Entered Into NFIP: 3/3/1975 Date of Current FIRM Maps Adopted:

	5/5/1981
AIR FREEZING INDEX	1500
MEAN ANNUAL TEMP.	50

C. *Professional Preparation of Plans.* The City of Cle Elum shall require a Washington State licensed design professional, licensed under the provisions of RCW [18.08](#), WAC [308-12](#) (for Architects) or RCW [18.43](#) (for Engineers) to stamp, prepare or oversee the preparation of plans and calculations for buildings or structures when ANY of the following criteria are met but is not limited to the following:

1. The following are required to be professionally designed for structural integrity (lateral and gravity), life safety and architectural barriers (accessibility):

a. A building of any occupancy over four thousand square feet.

Exception: Residential structures

b. Buildings containing five or more residential dwelling units.

2. The following are required to be professionally designed for structural integrity (lateral and gravity) only.

a. All steel, concrete, masonry and timber framed structures.

b. All log buildings and structures.

This includes any log or beam style trusses used in stick framed buildings.

Exception: One-story log buildings with a single ridged stick-framed roof with no valleys or trussed roof may be accepted without a professional structural design.

c. All other structures within the City of Cle Elum.

Exception: One-story buildings with a single ridged stick-framed roof with no valleys or trussed roof may be accepted without a professional structural design.

d. All pre-manufactured metal structures.

These structures are primarily used as carports and require a building permit when over 200 square feet. All plans and specifications must be engineered by a Washington State licensed engineer and plans must state the snow load and wind load capacities. Plans must also include details on the tie-down or foundation systems.

#### 15.04.050 Pole Buildings.

The following section shall govern all pole style structures.

A. *Design Requirements.* All pole style structures shall follow the requirements of section [15.04.040](#) 'Design Requirements' with the following additions:

1. The City of Cle Elum shall require a Washington State licensed design professional, licensed under the provisions of RCW [18.08](#), WAC [308-12](#) (for Architects) or RCW [18.43](#) (for Engineers) to stamp, prepare or oversee the preparation of plans and calculations for pole structures when:
  - a. The eave height exceeds twelve feet.
  - b. The minimum embedment depth listed below cannot be met.
  - c. The backfill requirements listed below cannot be met.
  - d. The use of the building or structure is for habitable space.
  - e. The structure is over one story.
  - f. The occupant load based on the IBC is greater than or equal to 10.

B. *Post Embedment Requirements.* Posts must be embedded into the ground a distance one-third the height of the eave. The minimum post embedment is three feet.

Example: A twelve-foot eave height building would require the posts be embedded into the ground four feet. An eight-foot eave height building would require the posts be embedded three feet.

Post holes are required to be six inches deeper than the post embedment length to allow for concrete footing under the posts. Post hole diameters will be sized to directly support three-fourths of the gravity load.

C. *Backfill Requirements.* The backfill requirements for all posts holes shall be concrete. All native material taken out for the excavation of the post hole shall be replaced with concrete.

15.04.060 Contractor Registration.

No permit shall be issued for work which is to be done by any contractor required to be registered under Chapter [18.27](#) RCW without verification that such contractor is currently registered as required by law. All contractors shall have a city business license as required under Chapter [5.02](#) CEMC.

15.04.070 Fees.

A. All City of Cle Elum permit fees shall be established by resolution.

B. *Investigation Fees – Work without a Permit.*

1. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.
2. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the Building Permit Fee. This fee is an additional, punitive fee and shall not apply to the Permit Fees that may subsequently be issued. Payment of the investigative fee does not vest the illegal work with any legitimacy, nor does it establish any right to a Permit for continued development of that project. If the work done remains illegal for 90 days after service of the Stop Work Order, it shall be considered hazardous.
3. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

C. *Fee Refunds.* The building official may authorize the refunding of:

1. One hundred percent of any fee erroneously paid or collected.
2. Up to eighty percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.



3. Up to eighty percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than one hundred eighty days after the date of fee payment.

#### 15.04.080 Permits.

- A. Except as specified in Section [15.04.030](#) above (work exempt from permit), no building or structure shall be erected, placed, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the City of Cle Elum.
- B. All permits shall expire by limitation and be declared void if any one of the following apply:
  1. Work is not started within one hundred eighty days of obtaining a permit.
  2. Work is abandoned for one hundred eighty days or more after beginning work.
  3. An inspection has not been performed and approved by the City of Cle Elum for over one year.
- C. The building official may extend the time for action by the applicant for a period not exceeding one hundred eighty days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. If a permit has expired, an applicant may renew the permit for one-half the permit fee(s) plus issuance fees and less plan review fees, provided no changes have been made or will be made to the original construction documents for such work, and provided further that the permit was reviewed under the current adopted codes. If there are changes to the original construction documents or if the permit is renewed under a different code, a plan review fee will be charged at the current rate.

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15.04.090 Enforcement.

A. *Violation.* It is unlawful for any person, firm or corporation to violate any provision of this chapter, or any code adopted herein, or to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure within the city, or to use any land contrary to, or in violation of, any of the provisions of the chapter, or any code adopted herein.

B. *Penalty for Violations.* See CEMC Chapter [8.60](#) (Code Enforcement).

C. *Severability.* The penalties provided in this section are intended to be in addition to, and not to supersede, any penalties provided in any of the codes adopted in CEMC [15.04.030](#). In the event of a conflict between the penalty provisions of this section and the penalty provisions in any of the codes, this section shall control.

15.04.100 Liability.

The express intent of the City of Cle Elum is that the responsibility for compliance with the provisions of this chapter shall rest with the permit applicant and their agents.

Chapter 15.06  
DANGEROUS BUILDINGS

## Sections:

- 15.06.010 Dangerous buildings defined.
- 15.06.020 Board – Established – Membership and organization.
- 15.06.030 Inspector – Responsibilities and procedures.
- 15.06.040 Board – Duties following filing of complaint.
- 15.06.050 Cooperation of city officers authorized.
- 15.06.060 Failure to comply with board order – City to perform work when – Costs.
- 15.06.070 Administrative liability.
- 15.06.080 Chapter provisions not exclusive – City powers.
- 15.06.090 Appeals from board decisions – Procedure.
- 15.06.100 Complaints required – Violation – Penalty.

## 15.06.010 Dangerous buildings defined.

There exist in the city certain dangerous buildings that are not consistent with the health, safety and welfare of the residents of the city, and which are declared to be public nuisances, said “dangerous buildings” being defined as follows:

- A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity of such wall or member falls outside the middle third of its base;
- B. Those which, exclusive of the foundation, show thirty-three percent, or more, of damage or deterioration of the supporting member or members, or fifty percent of damage or deterioration of the nonsupporting member, enclosing or outside walls or coverings;
- C. Those which have improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;
- D. Those which have become damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city. A building damaged to the extent of fifty percent of the replacement valuation shall be considered a dangerous building;

E. Those which have become or are so dilapidated or decayed or unsafe or insanitary, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein;

F. Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein. Any building without plumbing, or with plumbing or sewage disposal systems that do not meet the minimum requirements of the city plumbing code, shall be considered insanitary;

G. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication. Insufficient facilities for egress, stairways, elevators, fire escapes, etc., means those which do not meet the minimum requirements of the building code of the city;

H. Those which have parts thereof which are so insecurely attached that they may fall and injure members of the public or property;

I. Those which because of their condition are unsafe or insanitary, or dangerous to the health, morals, safety or general welfare of the people of the city.

#### 15.06.020 Board – Established – Membership and organization.

There is created and established a “board of appeals,” hereinafter called “board.” The board is empowered to conduct the hearings, to make the findings and to issue the orders called for in this chapter. The members of this board shall be the same as those members of the board of appeals established by Section 204 of the 1982 Uniform Building Code and any later editions thereof or amendments thereto. The board shall appoint a chairman, shall adopt rules and procedures to fulfill its functions under this chapter, shall meet as often as required, and shall work with and cooperate with the chief building inspector.

#### 15.06.030 Inspector – Responsibilities and procedures.

The chief building inspector or the Cle Elum fire chief, hereinafter called “inspector,” or his authorized representative shall have the following responsibilities and shall abide by the following procedures:

A. *Inspection.* The inspector shall be an ex officio member of the board, shall work with and cooperate with the board, and shall inspect or cause to be inspected all buildings which may be brought to his attention for the purpose of deciding whether any condition exists which would render any building in the city a dangerous building.

B. *Informal Procedure.* If any building is found to be a dangerous building by the inspector, he shall proceed as follows:

1. Determine all owners of the building as shown by public records;
2. Determine the legal description of the property upon which the building is located;
3. Notify all owners of the building by registered mail, return receipt requested, that the building is a dangerous building within the terms of the dangerous building code;
4. The notice shall include:
  - a. A list of the conditions which cause the building to be a dangerous building,
  - b. A recommendation as to how the conditions can best be corrected to comply with the dangerous building code,
  - c. A request that the conditions be corrected within ninety days, and
  - d. A notice that failure to correct the conditions will result in the filing of a complaint with the board.

C. *Formal Procedure.* If the inspector proceeds informally and the dangerous conditions are not corrected within ninety days to the satisfaction of the inspector, or if the inspector finds that an emergency exists which demands immediate action without the informal procedure, the inspector shall proceed as follows:

1. File a complaint with the board;
2. The complaint shall include:
  - a. The names of all owners,
  - b. A legal description of the property upon which the building is located, as well as the street address,
  - c. The conditions which cause the building to be a dangerous building,

- d. The recommendations of the inspector as to how the conditions can best be corrected,
  - e. A notice that hearing shall be held before the board at the City Hall of Cle Elum, Kittitas County, state of Washington, not less than ten days nor more than thirty days after the serving of the complaint, or in the event of publication or posting, not less than fifteen days or more than thirty days from the date of the last publication and posting, and
  - f. A notice that all parties in interest shall be given the right to file an answer to the complaint, to appear in person or otherwise, and to give testimony at the time and place fixed in the complaint;
3. Serve copies of the complaint upon all owners or, if the whereabouts of the owners are unknown and cannot be determined by reasonable diligence and the inspector shall so state by affidavit, the complaint shall be served by publishing the same once each week for two consecutive weeks in a newspaper published in the city;
  4. Post in a conspicuous place on the property a copy of the complaint;
  5. File a copy of the complaint with the Kittitas County auditor, which filing shall have the same force and effect as other lis pendens notices as provided by law.

15.06.040 Board – Duties following filing of complaint.

The board, upon filing of a complaint, shall:

- A. Conduct a hearing thereon on the date stated in the complaint;
- B. At the hearing, the board shall hear all of the testimony relevant to the allegations of the complaint;
- C. Upon hearing all of the testimony to be presented, the board shall make written findings of fact and an order within sixty days from the date of hearing; the findings shall state whether or not the building in question is a dangerous building and, if so, shall order the remedial action that should be taken. The board shall have authority to order repairs, vacation and/or demolition;
- D. The board, in making the findings and order, shall be controlled by the following standards for repair, vacation or demolition:

1. If the dangerous building can be reasonably repaired so that it will not longer exist in violation of the terms of this chapter, it shall be ordered repaired by the board,
  2. If the dangerous building is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated by the board,
  3. If the dangerous building is fifty percent damaged or decayed or deteriorated in value, it shall be demolished. "Value" as used herein means replacement valuation,
  4. If the dangerous building cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be demolished;
- E. A copy of the executed findings and order shall be served upon the owners of the property by registered mail, return receipt requested, shall be posted in a conspicuous place on the property, and shall be filed with the Kittitas County auditor.

15.06.050 Cooperation of city officers authorized.

The city attorney, fire chief, police chief and all other public officers shall work with and cooperate with the inspector and the board to the extent necessary to carry out the terms and provisions of this chapter.

15.06.060 Failure to comply with board order – City to perform work when – Costs.

If the owners fail to comply with the order issued by the board, or, if appealed, the order issued by the city council or the Kittitas County Superior Court, then, and in that event, the board may direct or cause such dwelling, building or structure to be repaired or demolished, as the order may require, and the costs of such shall be assessed against the real property upon which such costs were incurred, unless such amount is previously paid. The city treasurer shall determine the amount of the assessment due and owing and shall certify the same to the county treasurer, who shall enter the amount of such assessment upon the tax rolls against the property, all in the manner provided by law.

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15.06.070 Administrative liability.

No officer, agent or employee of the city shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the city as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the city until the final determination of the proceedings therein.

15.06.080 Chapter provisions not exclusive – City powers.

Nothing in this chapter shall be construed to abrogate or impair the power of the city or any department thereof to enforce any provision of its ordinances or regulations, nor to prevent or punish violations thereof, and any powers conferred by this chapter shall be in addition to and supplemental to powers conferred by other laws, nor shall this chapter be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings, or in any other manner provided by law.

15.06.090 Appeals from board decisions – Procedure.

The owners may file an appeal from the order of the board within thirty days of the date of the service of the order. The appeal notice may be a formal notice or may be a simple letter from the owner addressed to the city council; the city council shall then conduct a hearing as outlined in this chapter. Any decision upon review by the city council may be further reviewed by the superior court of the county. The review shall be by writ of certiorari and shall be initiated by serving and filing a petition for the writ within thirty days after the council's decision has become final.

15.06.100 Complaints required – Violation – Penalty.

No owner or occupant or any other person having charge, custody or control of any building or premises shall fail or refuse, after receiving notice, to promptly comply with any lawful order



issued by the board. Violation of this provision or any other provision of this chapter, shall be punishable as set forth in Section [1.16.010](#) of this code.

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Chapter 15.12  
CONTRACTORS' BONDS

Sections:

- 15.12.010 Statutes adopted.
- 15.12.020 Bonds payable to city.
- 15.12.030 Maintenance bond.

15.12.010 Statutes adopted.

The provisions of Chapter [39.08](#) of the Revised Code of Washington have been filed in triplicate with the city clerk and are adopted by reference into this chapter and shall hereafter be in effect in the city in the same manner as if they were fully set out in this chapter.

15.12.020 Bonds payable to city.

All contractors' bonds given to the city in connection with any project to be performed for the city shall be payable to the city.

15.12.030 Maintenance bond.

Performance and payment bonds furnished by any contractor to the city shall comply with the requirements of RCW Chapter [39.08](#). In addition, the city may require the furnishing by the contractor of a maintenance bond in the sum of at least twenty percent of the total contract price with a corporate surety approved by the city, before final payment is made to the contractor, the bond to guarantee the repair of all damage due to faulty materials and equipment and workmanship provided or done by the contractor for the city, and to remain in effect for a period of one year after date of final acceptance of the project by the city.

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Chapter 15.16  
FIRE LIMITS

Sections:

15.16.010 Designated.

15.16.010 Designated.

All that portion of the city described in this section is declared to be within and constitute the fire limits of the city:

All of Blocks One, Two, Three, Four, and A; Lots Seven to Eighteen inclusive in Block Five; Lots Six to Twenty-five inclusive in Block Six; Lots One to Twenty inclusive in Block Seven; Lots Seven to Eighteen inclusive in Block Eight; Lots Seven to Twelve inclusive in Block Nine; all in the original town (now city) of Cle Elum.

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Chapter 15.20  
SIGN CODE

Sections:

- 15.20.030 Purpose and applicability.
- 15.20.035 Definitions.
- 15.20.040 Enforcing official.
- 15.20.050 Right of entry.
- 15.20.060 Appeals.
- 15.20.070 Permits.
- 15.20.090 Removal of signs.
- 15.20.135 Prohibited signs.
- 15.20.140 Residential areas.
- 15.20.150 General commercial, entry commercial areas and public reserve.
- 15.20.155 Old Town commercial.
- 15.20.160 Industrial areas.
- 15.20.165 Business park areas.
- 15.20.167 Lighting of signs.
- 15.20.170 Temporary signs.
- 15.20.175 Nonconforming signs.
- 15.20.190 Responsibility of owner.
- 15.20.195 Maintenance and safety.
- 15.20.200 Variances.
- 15.20.210 Violation – Penalty.

15.20.030 Purpose and applicability.

The purpose of this chapter is to improve the quality of life and to harmonize the residential and business environments in the city. It is intended to improve the visual environment, permit signage consistent with the character of the community, and reduce signs or advertising distractions and/or obstructions that may contribute to hazards or accidents. The use of signs shall be regulated by zone. This chapter is designed to recognize the communication needs of the business community, and encourage maintenance of those signs, but also to protect the public health, safety, welfare and aesthetics by regulating outdoor signs of all types. This chapter applies to all signs as defined by Section [15.20.035](#).

### 15.20.035 Definitions.

Unless otherwise set forth, the following words as used in this chapter shall have the following meanings:

“Changeable copy sign (automatic)” means a sign on which the copy changes automatically on a lamp bank or through mechanical means, e.g., electrical or electronic time and temperature units.

“Double-faced sign” means a sign with two faces.

“Electrical sign” means a sign or sign structure in which electrical wiring, connections or fixtures are used.

“Facade” means the front or face of a building.

“Flashing sign” means a sign which contains an intermittent or sequential flashing light source used primarily to attract attention. It does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing of intermittent light.

“Freestanding sign” means a sign supported upon the ground by poles or braces or other structure designed and constructed to support the sign only and not attached to any building.

“Illegal sign” means a sign which does not meet the requirements of this code and which has not received legal nonconforming status.

“Internal illumination” means an indirect concealed light source that is recessed or contained within any element of a sign.

“Maintenance” means, for purposes of this chapter, the cleaning, painting, repair of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

“Mural” means a picture or picture-print combination that contains no advertising copy and which does not convey an advertising message which is painted or otherwise applied on the exterior wall of a building or structure.

“Nonconforming sign” means a sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations.

“Off-premises sign” means a sign structure advertising an establishment, merchandise, service or entertainment, which is not sold, produced, manufactured or furnished at the property on which the sign is located, e.g., “billboards” or “outdoor advertising”; provided, however, that signs

located on property under the same ownership and which would be in a single tax parcel or immediately adjacent thereto but for the presence of an intervening right-of-way shall not be construed as an “off-premises sign” for purposes of this chapter.

“Owner” means a person recorded as such on official records. For the purpose of this chapter, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the administrator, e.g., a sign leased from a sign company.

“Projecting sign” means a sign, which is attached to and projects horizontally from a building wall.

“Public benefit sign” means an off-premises sign installed, maintained, and controlled in, over or adjacent to the public right-of-way for the sole purpose of providing directions to an establishment that serves or provides a benefit to the general public, including but not limited to directional signs to hospitals, schools, and other establishments of general public need or interest. In the case of a designated American Red Cross Emergency Shelter a digital message center sign not to exceed 45 square feet per face, with no more than two sign faces, may be permitted for the purpose of providing emergency information, community information and information related to events and activities that help fund or otherwise support the designated Emergency Shelter. The Digital Message Center Sign shall only be operational from the hours of 8:00 a.m. Pacific Time to 6:00 p.m. Pacific Time. A minimum of one-second transition time between messages is required. A permit for any public benefit sign may be additionally conditioned by the responsible official as to size, height, location, illumination, coloring, hours of operation, and similar characteristics to keep with the purposes and objectives of the Cle Elum Municipal Code and the Cle Elum Comprehensive Plan.

“Public service sign” means a sign installed, maintained and controlled by the City of Cle Elum for the sole purpose of providing directions to locations and objects of interest to visitors and the traveling public and not to advertise a specific business or product.

“Reverse internal illumination” means an indirect concealed light source located within the sign and where the majority of the sign face does not allow light to be revealed except for the sign letter or graphics.

“Sandwich board sign” means a portable sign capable of supporting itself through an “A” frame structure.

“Sign” means any communication device, structure, placard or fixture that is visible from any public right-of-way, pedestrian path or sidewalk and is intended to aid in promoting the sale of product, goods, services or events or to identify a building using graphics, letters, figures, symbols, trademarks or written copy but not murals.

Sign, Area of.

1. *Projecting and freestanding.* The area of a freestanding or projecting sign shall have all faces of any double-faced or multi-faced sign counted in calculating its area. The area of the sign shall be measured as follows if the sign is composed of one or two individual cabinets:
  - a. The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall include embellishments such as pole covers, framing, decorative roofing, etc. Support structures shall not be included in the determination of total area unless the support structures contribute to the advertising message.
  - b. If the sign is composed of more than two sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules, within a single, continuous geometric figure shall be the area of the sign. Support structures shall not be included in the determination of total area unless the support structures contribute to the advertising message.
2. *Wall signs.* The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area.
3. *Awning signs.* The area of awning signs shall be measured by the area around and enclosing the advertising message.

“Sign, awning” means a sign attached, painted or installed on an awning projecting from a storefront.

“Temporary sign” means any sign or advertising display constructed of cloth, wood, canvas, light fabric, paper or other light materials with or without frames that is not permanently mounted and is intended to be displaced for a limited time only such as for political candidacy or special events.

“Wall sign” means a sign attached, painted or erected on or parallel to the face of building to which it is attached and supported throughout its entire length with the exposed face parallel to the plane of the building. Signs on or in windows will be considered wall signs.

15.20.040 Enforcing official.

The city planner or designee is authorized and directed to enforce all the provisions of this code.

15.20.050 Right of entry.

Upon presentation of proper credentials the city planner, the building official or their duly authorized representatives may enter at reasonable times any building, structure, or premises in the city to perform any duty imposed upon him by this code. The city shall make reasonable effort to inform the owner of the need to access the premises authorized by this section.

15.20.060 Appeals.

Any administrative decision on a permit for a sign may be appealable to the city council pursuant to the provisions of CEMC [17.100](#).

15.20.070 Permits.

A. *Permits Required.* No sign shall hereafter be erected, moved, constructed, structurally altered or repaired except as provided by this title and a permit having been duly issued by the city.

B. Permits are not required for the following activities or signs in all districts:

1. Changing of advertising copy without increasing sign size or modifying characteristics;
2. Maintenance and cleaning of existing signs, provided such maintenance and cleaning does not include structural or electrical changes;



3. On-premises, non-electrical signs, three square feet or less in size used for advertising the street address of the building and the name of the occupant or owner;
4. Non-illuminated real estate or contractors sign pertaining to the sale or lease of the premises or the construction or improvement of the property, not exceeding six square feet in area;
5. Public informational signs installed, maintained and controlled by the City of Cle Elum. Signs shall not exceed twenty-five square feet of area devoted to advertising and are limited to no more than two signs at the west end of First Street, a single sign at Oakes Street and two signs at the east end of First Street;
6. Temporary signs;
7. Signs placed on or inside windows, provided that a minimum of fifty percent of any window shall remain free of signs.

C. Applications for sign permits shall be made to the City of Cle Elum on a form provided by the city. Applications shall include:

1. Name, address, telephone number and other contact information of the applicant or authorized agent and the legal owner of the property upon which the sign is to be located;
2. If the applicant is not the property owner, a signed instrument from the property owner authorizing the application;
3. Street address, tax parcel number, and acreage of the subject property;
4. A description of the sign, either in writing or in plan form, that identifies the type of sign per this chapter, the type of structural support, sign height, sign area and method of illumination;
5. A site plan drawn to scale, at a minimum scale of one inch equals twenty feet, that includes the dimensions of the subject property, the proposed location of the sign, the dimensions of the sign, the location of existing development on-site, the location size and dimensions of any existing signs on-site and the location of any public or private roads abutting the property;
6. Lighting details, if applicable, including fixture type, wattage, shielding, and other information necessary to determine compliance;

7. The required application fee as set by the Cle Elum city council.

D. Sign permits shall be processed as a Type I Application, as provided in CEMC [17.100](#).

E. Sign permits shall become invalid if work is not begun within one hundred eighty days of permit issuance. The city may authorize a single one hundred eighty day extension upon request of the applicant for circumstances beyond the applicant's control that prohibit installation of the sign within the required time period.

#### 15.20.090 Removal of signs.

Any sign(s) and fixture(s) now or hereafter existing which, for a period of sixty days, no longer advertises a bona fide business conducted or product sold shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, lot, or structure upon which the sign may be found. Fixtures that are no longer used shall be removed. Signs that are not used because of a vacant building shall remove the fixture or replace the sign face with a blank. Upon failure to comply with this provision, the building official is authorized to cause removal of the sign and any expense incident thereto shall be paid by the owner of the promises or filed as a lien against the property.

#### 15.20.135 Prohibited signs.

The following signs are prohibited in all districts within the City of Cle Elum except as specifically allowed as temporary signs:

A. Any sign not specifically listed as permitted in this chapter is prohibited unless otherwise provided by law;

B. Any sign which, by reason of its size, location, movement, content, coloring or manner of illumination may be confused with traffic control signs or signals, which determination shall be in the sole discretion of the responsible official;

C. Stationary motor vehicles, trailers and related devices used to circumvent the intent of this chapter;

- D. Signs which are attached to utility poles, trees, fences, rocks or natural features and other similar objects which are not designed specifically for the installation of the sign;
- E. Roof signs or signs projecting or installed above the eave lines of buildings;
- F. All lighted signs which are adjacent to and directed toward a residential district and which detract from the welfare of the residential district;
- G. Animated, moving, automatic changing copy, revolving, blinking or flashing signs, except public service signs such as those which only give the time, temperature and humidity, and digital message center signs providing emergency information, community information and information related to events and activities that help fund or otherwise support the designated American Red Cross Emergency Shelter;
- H. Any sign or advertising display which obstructs in any way the vision of motorists entering or leaving public or private rights-of-way;
- I. Signs extending over the public right-of-way and any sign placed within the right-of-way, with the exception of projecting signs, awning signs, and public benefit signs;
- J. Off-premises signs, with the exception of public service signs controlled and installed by the City of Cle Elum and public benefit signs, as allowed in the entry commercial zone pursuant to Section [15.20.150](#);
- K. Signs emitting pollutants such as smoke and sound;
- L. Signs displaying unwarranted content (i.e., obscene language); and
- M. Signs located within structural setbacks established by the zoning district, unless specifically authorized by this chapter.

15.20.140 Residential areas.

The following signs shall be permitted in all residential zoning districts in the city:

- A. A wall mounted or freestanding sign, not exceeding fifteen square feet in area, erected upon the premises of a church or other institution for the purposes of displaying the name of the institution and its activities or services. Freestanding signs shall not exceed six feet in height;

B. A land sales sign of twenty-five square feet or less, non-illuminated, advertising the sale or development of a subdivision containing an area of not less than seven lots, erected upon the property so developed and advertised for sale.

15.20.150 General commercial, entry commercial areas and public reserve.

In areas zoned general commercial, entry commercial and public reserve, the following regulations apply:

- A. The aggregate sign area for any lot shall not exceed two square feet for each foot of street frontage. Aggregate sign area for corner lots shall not exceed one and one-half square foot for each foot of street frontage;
- B. Projecting and awning signs are permitted. Sign size shall not exceed forty-five square feet of area and shall maintain a vertical clearance of ten feet from the bottom edge of the sign or awning to the sidewalk surface;
- C. Wall signs are permitted. The size of a wall sign shall not exceed ten percent of the building facade on which they are located, and no more than two signs are permitted per facade. For buildings with multiple tenants, maximum sign size shall be based on that portion of the facade occupied by each individual tenant;
- D. Freestanding signs are permitted. One freestanding sign is permitted per street frontage; provided, that corner lots with less than eighty feet on each street shall be permitted only one freestanding sign (except for freestanding off-premises signs, as provided for in subsection (E) of this section). Freestanding signs shall not exceed two hundred square feet of total sign area, and no one face shall exceed one hundred square feet. The height for a freestanding sign shall not exceed thirty-five feet;
- E. Off-premises signs are allowed in the entry and general commercial zones, provided:
1. Off-premises signs shall be permitted only for businesses located not more than one block off of First Street, or not more than one block off of the principal arterial serving the business, except for public benefit signs;
  2. In general commercial, off-premises freestanding sign dimensions shall follow the guidelines within subsection (D) of this section;

3. A general commercial property fronting on First Street may choose to allow one additional off-premises freestanding sign, for another general commercial business property (which contains at least twenty thousand square feet of commercial floor space). This sign must follow regulations within this subsection (E), and other sections of this chapter;
  4. In entry commercial, no off-premises sign shall exceed six feet in height, if not overhanging a pedestrian pathway or vehicle lane;
  5. In entry commercial, off-premises signs shall not exceed twenty-four square feet per sign face, and shall have no more than two faces;
  6. Off-premises signs shall not be allowed within any right-of-way and must be located no further than five hundred feet from the exterior boundary of the parcel upon which the business is situated; provided, however, that this prohibition does not apply to public benefit signs;
  7. Only one off-premises sign permitted per business or organization, with the exception of public benefit signs;
  8. The sign copy of the off-premises sign shall be limited to copy, text and graphics of the business or facility benefiting from the off-premises sign;
  9. A notarized agreement from the property owner on whose property the sign will be located is required as part of the application. At a minimum, the agreement shall address:
    - a. Final responsibility for maintenance, removal and nuisance/abatement issues will be that of the property owner upon which the off-premises sign is located;
    - b. The right of use of the off-premises sign is neither assignable nor transferable without sign permit approval from the city of Cle Elum; and
    - c. That the property owner upon which the sign is to be located authorizes the sign to be placed upon their property;
- F. Sandwich boards and portable signs are allowed under the following conditions:
1. They shall not exceed two feet in overall width and four feet overall height;
  2. Must be wind-firm in some acceptable manner;

3. May not obstruct more than twenty percent of a sidewalk or right-of-way. A minimum clearance of clear passage shall be six feet;
4. Shall not be placed in or on a street or alley right-of-way;
5. Shall be constructed of materials that are hard, durable, weather proof and permanent. Signs shall be constructed in an “A” frame fashion only. Copy and images shall only indicate the name and type of business. Changeable copy is not permitted except for hand drawn lettering or graphics such as a chalkboard;
6. Shall be allowed only immediately in front of the business being occupied. Provided that a property owner may grant another business owner the right to locate a sign on their property frontage if the businesses are located on the same block and not more than one sign is permitted;
7. Only one sign is permitted per lot, structure or business;
8. Shall not obstruct sight distance requirements on public streets; and
9. Shall be removed from public view during closed hours.

15.20.155 Old Town commercial.

Signs in the Old Town commercial zone shall be permitted as follows:

- A. All signs shall be consistent with the historical and pedestrian character of the district.
- B. The aggregate sign area for any lot shall not exceed two square feet for each foot of street frontage. The permitted signs enumerated in this subsection shall be subject to the total aggregate sign area.
- C. Wall signs are permitted provided they do not total an area more than ten percent of the building facade on which they are located. Each multi-tenant building may have one identification wall sign for each street frontage.
- D. Projecting and awning signs shall not exceed forty-five square feet of area and shall maintain a vertical clearance of ten feet from the bottom edge of the sign or awning to the sidewalk surface.

E. Sandwich board signs are allowed under the following conditions:

1. They shall not exceed two feet in overall width and four feet overall height;
2. Must be wind-firm in some acceptable manner;
3. May not obstruct more than twenty percent of a sidewalk or right-of-way. A minimum clearance of clear passage shall be six feet;
4. Shall not be placed in or on the traveled or parking area of a street or alley right-of-way;
5. Shall be constructed of materials that are hard, durable, weather proof and permanent. Signs shall be constructed in an “A” frame fashion only. Copy and images shall only indicate the name and type of business. Changeable copy is not permitted except for hand drawn lettering or graphics such as a chalkboard;
6. Shall be allowed only immediately in front of the business being occupied. Provided that a property owner may grant another business owner the right to locate a sign on their property frontage if the businesses are located on the same block and not more than one sign is permitted;
7. Only one sign is permitted per lot, structure or business;
8. Shall not obstruct sight distance requirements on public streets;
9. Shall be removed from public view during closed hours.

F. Application of the specific sign standards in this section to individual signs may not be required if the applicant provides substantial evidence that the imposition of the standards will result in a sign that is less consistent with the historic character of the area.

#### 15.20.160 Industrial areas.

In areas which are zoned industrial, the following regulations apply:

A. The aggregate sign area for any lot shall not exceed one foot for each foot of street frontage. The permitted signs enumerated in this subsection shall be subject to the total aggregate sign area.

1. Wall signs are permitted but shall not total an area more than fifteen percent of the building facade on which they are located, and not exceed two signs per facade.
2. Each structure may have one freestanding sign per street frontage, provided that corner lots with less than eighty feet on each street shall be permitted only one freestanding sign. Freestanding signs shall not exceed one hundred square feet of total sign area, and no one face shall exceed fifty square feet. The maximum height for a freestanding sign shall not exceed the height of the building containing the activity being advertised and in no case shall exceed twenty-five feet. The width of the support system for a freestanding sign shall be a minimum of eighty percent of the width of the sign face.

B. Buildings having multiple occupancy will be allowed individual signs as set forth in subsection [\(A\)](#) of this section.

#### 15.20.165 Business park areas.

Signs in the business park zone shall be permitted as follows:

- A. The aggregate sign area for any lot shall not exceed one square foot for each foot of street frontage. The permitted signs enumerated in this subsection shall be subject to the total aggregate sign area.
- B. Wall signs are permitted provided they do not total an area more than ten percent of the building facade on which they are located. Each multi-tenant building may have one identification wall sign for each street frontage.
- C. Each building may have one freestanding sign per street frontage. The sign may not exceed a total of one hundred square feet for the total of all faces. No one face shall exceed fifty square feet in area. The sign shall not exceed fifteen feet in height. The width of the support system for a freestanding sign shall be a minimum of eighty percent of the width of the sign face.

#### 15.20.167 Lighting of signs.

A. Internal and exterior illuminated signs are allowed in all zones except R, RM and the Old Town commercial zoning district where only exterior and reverse internal illuminated signs are permitted provided, that awning signs may be internally illuminated.



B. No on ground lighting fixtures shall be permitted. Fixtures must be mounted to the bottom or top of the sign face and shall be shielded or mounted on curved standards to direct light to sign face only to minimize glare and off-sight lighting impacts. One mounted light shall be permitted per five square feet of sign area.

C. The illumination of signs shall not cause excessive light or glare that could result in the reduced visibility of official signs and approaching, merging or entering traffic.

D. Portable and temporary signs shall not be illuminated.

#### 15.20.170 Temporary signs.

Temporary signs are defined as signs announcing political candidacy, special events or any sign which becomes meaningless due to the passage of time for a period of one year or less. The following regulations apply to temporary signs:

A. Political signs shall be no larger than nine square feet.

B. Permission must be obtained from the appropriate property owner to erect a sign for which an individual seeks election to an office or position.

C. Political signs shall not be erected or displayed more than ninety days prior to an election.

D. Exterior political signs shall be removed not more than fifteen days following the applicable election or event date.

E. A deposit fee as set forth by resolution of the city council shall be required for temporary signs with an expiration date such as an election date or an event date. Upon removal of any such signs by the applicant or his or her agent within the time period specified in this section, the deposit set forth in this section shall be returned.

F. Temporary promotional signs advertising specific events such as sales, grand openings and other similar activities are permitted. Signs shall remain in place no longer than fourteen days in any six-month period and shall comply with all other provisions of this code.

### 15.20.175 Nonconforming signs.

A. Existing signs that are nonconforming to the provisions of this chapter are permitted to continue subject to the provisions of subsection [\(B\)](#) of this section. Nonconforming signs may be replaced by a sign of the same type, size, dimensions and location without losing its nonconforming status. Sandwich board and temporary signs that are nonconforming are not permitted to be continued and shall be made conforming.

B. A nonconforming sign shall lose its nonconforming status if:

1. The sign is relocated; or
2. The structure or size of the sign is altered in any way. This section shall exclude normal and routine maintenance; or
3. The sign is not maintained consistent with Section [15.20.195](#).

### 15.20.190 Responsibility of owner.

This chapter shall not be construed to relieve or lessen the responsibility of any person owning or operating or installing any sign for damages to property or injuries to persons caused by the construction, maintenance or operation of any sign or any defect therein, nor shall the city or any agent thereof be held or construed as assuming any such liability or responsibility by reason of the permits, fees and inspections provided for in this chapter. The minimum safety requirements and regulations prescribed in this chapter shall not relieve the property owner nor the person constructing or maintaining a sign from the obligation of taking any additional steps necessary to make and keep the sign safe for persons and property. The city and other public agencies are not responsible for damage caused to signs overhanging the public right-of-way during maintenance operations or construction activities.

### 15.20.195 Maintenance and safety.

All signs and components thereof must be maintained in good repair and in a safe, neat, clean and attractive condition. Signs that are a danger to the general public shall be repaired or removed at the direction of the city.

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15.20.200 Variances.

Variances to dimensional standards may be permitted in accordance with the provisions of Chapter [17.85](#).

15.20.210 Violation – Penalty.

It is unlawful to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign or structure in the city, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this code. Each such person shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted, and upon conviction of any such violation shall be punished as set forth in the applicable provisions of the Cle Elum Municipal Code.

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Chapter 15.22  
HISTORIC PRESERVATION

Sections:

- 15.22.010 Title.
- 15.22.020 Purpose.
- 15.22.030 Definitions.
- 15.22.040 Cle Elum historic commission.
- 15.22.050 Cle Elum register of historic places.
- 15.22.060 Review of changes to Cle Elum register properties.
- 15.22.070 Review and monitoring of properties for special property tax valuation.
- 15.22.080 Relationship to zoning.

15.22.010 Title.

This chapter shall be known and may be cited as the “historic preservation ordinance of the City of Cle Elum.”

15.22.020 Purpose.

The purpose of this chapter is to provide for the identification, evaluation, designation, and protection of designated historic and prehistoric resources within the boundaries of the City of Cle Elum and preserve and rehabilitate eligible historic properties within the city for future generations through special valuation, a property tax incentive, as provided in Chapter [84.26](#) RCW in order to:

- A. Safeguard the heritage of the city as represented by those buildings, districts, objects, sites and structures which reflect significant elements of the city’s;
- B. Foster civic and neighborhood pride in the beauty and accomplishments of the past, and a sense of identity based on the city’s history;
- C. Stabilize or improve the aesthetic and economic vitality and values of such sites, improvements and objects;

- D. Assist, encourage and provide incentives to private owners for preservation, restoration, redevelopment and use of outstanding historic buildings, districts, objects, sites and structures;
- E. Promote and facilitate the early identification and resolution of conflicts between preservation of historic resources and alternative land uses; and
- F. Conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.

#### 15.22.030 Definitions.

The following words and terms when used in this chapter shall mean as follows, unless a different meaning clearly appears from the context:

“Actual cost of rehabilitation” means costs incurred within twenty-four months prior to the date of application and directly resulting from one or more of the following:

1. Improvements to an existing building located on or within the perimeters of the original structure;
2. Improvements outside of but directly attached to the original structure which are necessary to make the building fully usable but shall not include rentable/habitable floor-space attributable to new construction;
3. Architectural and engineering services attributable to the design of the improvements;
4. All costs defined as “qualified rehabilitation expenditures” for purposes of the federal historic preservation investment tax credit.

“Building” means a structure constructed by human beings. This includes both residential and nonresidential buildings, main and accessory buildings.

“Certificate of appropriateness” means the document indicating that the commission has reviewed the proposed changes to a local register property or within a local register historic district and certified the changes as not adversely affecting the historic characteristics of the property which contribute to its designation.

“Certified local government” or “CLG” means the designation reflecting that the local government has been jointly certified by the State Historic Preservation Officer and the National

Park Service as having established its own historic preservation commission and a program meeting federal and state standards.

“Class of properties eligible to apply for special valuation” means all properties in Cle Elum listed on the National Register of Historic Places or certified as contributing to a National Register Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter [84.26](#) RCW, until Cle Elum becomes a certified local government (CLG). Once a CLG, the class of properties eligible to apply for special valuation means all properties listed on the Cle Elum register of historic places or properties certified as contributing to a Cle Elum register historic district which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter [84.26](#) RCW.

“Cle Elum historic inventory” or “inventory” means the comprehensive inventory of historic and prehistoric resources within the boundaries of the City of Cle Elum.

“Cle Elum historic preservation commission” or “commission” means the commission created by Section [15.22.040](#) in this chapter.

“Cle Elum register of historic places,” “local register,” or “register” mean the listing of locally designated properties provided for in Section [15.22.050](#) in this chapter.

“Cost” means the actual cost of rehabilitation, which cost shall be at least twenty-five percent of the assessed valuation of the historic property, exclusive of the assessed value attributable to the land, prior to rehabilitation.

“District” means a geographically definable area urban or rural, small or large – possessing a significant concentration, linkage, or continuity of sites buildings, structures, and/or objects united by past events or aesthetically by plan or physical development.

“Emergency repair” means work necessary to prevent destruction or dilapidation to real property or structural appurtenances thereto immediately threatened or damaged by fire, flood, earthquake or other disaster.

“Historic property” means real property together with improvements thereon, except property listed in a register primarily for objects buried below ground, which is listed in a local register of a certified local government or the National Register of Historic Places.

“Incentives” are such rights or privileges or combination thereof which the city council, or other local, state, or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant or obtain for the owner(s) of register properties. Examples of economic incentives, include, but are not limited to, tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, facade easements, gifts, preferential leasing policies, beneficial placement of public improvements or amenities, or the like.

“Local review board” or “board” used in Chapter [84.26](#) RCW and Chapter [254-20](#) WAC for the special valuation of historic properties means the commission created in Section [15.22.040](#) in this chapter.

“National Register of Historic Places” means the national listing of properties significant to our cultural history because of their documented importance to our history, architectural history, engineering or cultural heritage.

“Object” means a thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

“Ordinary repair and maintenance” means work for which a permit issued by the City of Cle Elum is not required by law, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structure appurtenance therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay, or damage.

“Owner” of property is the fee simple owner of record as exists on the Kittitas County assessor’s records.

“Significance” or “significant” used in the context of historic significance means the following: a property with local, state, or national significance is one which helps in the understanding of the history or prehistory of the local area, state, or nation (whichever is applicable) by illuminating the local, statewide, or nationwide impact of the events or persons associated with the property, or its architectural type or style in information potential. The local area can include Cle Elum, Kittitas County, Central Washington or a modest geographic or cultural area, such as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to one or more localities; state significance to a theme important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.

“Site” means a place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupation or activities that may be marked by physical remains; or it may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may be the location of ruined or now nonextant building or structure of the location itself possesses historic cultural or archaeological significance.

“Special valuation for historic properties” or “special valuation” means the local option program which when implemented makes available to property owners a special tax valuation for rehabilitation of historic properties under which the assessed value of an eligible historic property is determined at a rate that excludes, for up to ten years, the actual cost of the rehabilitation. (Chapter [84.26](#) RCW).

“State Register of Historic Places” means the state listing of properties significant to the community, state, or nation but which may or may not meet the criteria of the National Register.

“Structure” means a work made up of interdependent and interrelated parts in a definite pattern of organization. Generally constructed by man, it is often an engineering project.

“Universal Transverse Macerator” or “UTM” means the grid zone in metric measurement providing for an exact point of numerical reference.

“Waiver of a certificate of appropriateness” or “waiver” means the document indicating that the commission has reviewed the proposed whole or partial demolition of a local register property or in a local register historic district and failing to find alternatives to demolition has issued a waiver of a certificate of appropriateness which allows the building or zoning official to issue a permit for demolition.

“Washington State Advisory Council’s Standards for the Rehabilitation and Maintenance of Historic Properties” or “State Advisory’s Council’s Standards” means the rehabilitation and maintenance standards used by the Cle Elum historic preservation commission as minimum requirements for determining whether or not a historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified.



15.22.040 Cle Elum historic commission.

A. *Creation and Size.* There is hereby established a Cle Elum historic preservation commission, consisting of five members, as provided in subsection (B) of this section. Members of the Cle Elum historic preservation commission shall be appointed by the mayor and approved by the city council and at least three members of the commission shall live within the corporate limits of the City of Cle Elum, and the other members must reside within unincorporated Kittitas County, lying within the boundaries of Cle Elum-Roslyn School District No. 404, except as provided in subsection (B)(2) of this section.

B. *Composition of the Commission.*

1. All members of the commission must have a demonstrated interest and competence in historic preservation and possess qualities of impartiality and broad judgment.
2. The commission shall always include at least two professionals who have experience in identifying, evaluating, and protecting historic resources and are selected from among the disciplines of architecture, history, architectural history, historic preservation, planning, archaeology, anthropology, cultural geography, curation, real estate or related disciplines. The commission action that would otherwise be valid shall not be rendered invalid by the temporary vacancy of one or all of the professional positions, unless the commission action is related to meeting certified local government (CLG) responsibilities cited in the certification agreement between the mayor and the State Historic Preservation Officer on behalf of the state. Furthermore, exception to the residency requirement of commission members may be granted by the mayor and city council in order to obtain representatives from these disciplines.
3. In making appointments, the mayor may consider names submitted from any source, but the mayor shall notify history, city and county development related organizations of vacancies so that names of interested and qualified individuals may be submitted by such organizations for consideration along with names from any other source.

C. *Terms.* The original appointment of members to the commission shall be as follows: three for two years, and two for three years. Thereafter, appointments shall be made for a three year term. Vacancies shall be filled by the mayor for an unexpired term in the same manner as the original appointment.

D. *Powers and Duties.* The major responsibility of the historic preservation commission is to identify and actively encourage the conservation of the city's historic resources by initiating and

maintaining a register of historic places and reviewing proposed changes to register properties; to raise community awareness of the city's history and historic resources; and to serve as the city's primary resource in matters of history, historic planning, and preservation. In carrying out these responsibilities, the historic preservation commission shall engage in the following:

1. Conduct and maintain a comprehensive inventory of historic resources within the boundaries of the City of Cle Elum and known as the Cle Elum historic inventory, and publicize and periodically update inventory results. Properties listed on the inventory shall be recorded on official zoning records with an "HI" (for historic inventory designation). This designation shall not change or modify the underlying zone classification;
2. Initiate and maintain the Cle Elum register of historic places. This official register shall be compiled of buildings, structures, sites, objects, and districts identified by the commission as having historic significance worthy of recognition and protection by the City of Cle Elum and encouragement of efforts by owners to maintain, rehabilitate, and preserve properties;
3. Review nominations to the Cle Elum register of historic places according to criteria in CEMC Section [15.22.050](#) and adopt standards in its rules to be used to guide this review;
4. Review proposals to construct, change, alter, modify, remodel, move, demolish, or significantly affect properties or districts on the register as provided in CEMC Section [15.22.060](#); and adopt standards in its rules to be used to guide this review and the issuance of a certificate of appropriateness or waiver;
5. Provide for the review either by the commission or its staff of all applications for approvals, permits, environmental assessments or impact statements, and other similar documents pertaining to identified historic resources or adjacent properties;
6. Conduct all commission meetings in compliance with Chapter [42.30](#) RCW, Open Public Meetings Act, to provide for adequate public participation and adopt standards in its rules to guide this action;
7. Participate in, promote and conduct public information, educational and interpretive programs pertaining to historic and prehistoric resources;
8. Establish liaison support, communication and cooperation with federal, state, and other local government entities which will further historic preservation objectives, including public education, within the Cle Elum area;

9. Review and comment to the city council on land use, housing and redevelopment, municipal improvement and other types of planning and programs undertaken by any agency of the City of Cle Elum, other neighboring communities, the county, the state or federal governments, as they relate to historic resources of the City of Cle Elum;
10. Advise the city council and the chief local elected official generally on matters of Cle Elum's history and historic preservation;
11. Perform other related functions assigned to the commission by the city council or the chief local elected official;
12. Provide information to the public on methods of maintaining and rehabilitating historic properties. This may take the form of pamphlets, newsletters, workshops, or similar activities;
13. Officially recognize excellence in the rehabilitation of historic buildings, structures, sites and districts, and new construction in historic areas; and encourage appropriate measures for such recognition;
14. Be informed about and provide information to the public and city departments on incentives for preservation of historic resources including legislation, regulations and codes which encourage the use and adaptive reuse of historic properties;
15. Review nominations to the State and National Registers of Historic Places;
16. Investigate and report to the city council on the use of various federal, state, local or private funding sources available to promote historic resource preservation in the City of Cle Elum;
17. Serve as the local review board for special valuation and:
  - a. Make determination concerning the eligibility of historic properties for special valuation,
  - b. Verify that the improvements are consistent with the Washington state advisory council's standards for rehabilitation and maintenance,
  - c. Enter into agreements with property owners for the duration of the special valuation period as required under WAC [254-20-070\(2\)](#),
  - d. Approve or deny applications for special valuation,

- e. Monitor the property for continued compliance with the agreement and statutory eligibility requirements during the ten-year special valuation period, and
- f. Adopt bylaws and/or administrative rules and comply with all other local review board responsibilities identified in Chapter [84.26](#) RCW;

18. The commission shall adopt rules of procedure to address subsections [\(D\)\(3\)](#), [\(D\)\(4\)](#), [\(D\)\(6\)](#), and this subsection of this chapter.

E. *Compensation.* All members shall serve without compensation.

F. *Rules and Officers.* The commission shall establish and adopt its own rules of procedure, and shall select from among its membership a chairperson and such other officers as may be necessary to conduct the commission's business.

G. *Commission Staff.* Commission and professional staff assistance shall be provided by the city planner with additional assistance and information to be provided by other city departments as may be necessary to aid the commission in carrying out its duties and responsibilities under this chapter.

15.22.050 Cle Elum register of historic places.

A. *Criteria for Determining Designation in the Register.* Any building, structure, site, object, or district may be designated for inclusion in the Cle Elum register of historic places if it is significantly associated with the history, architecture, archaeology, engineering, or cultural heritage of the community; if it has integrity; is at least fifty years old, or is of lesser age and has exceptional importance; and if it falls in at least one of the following categories:

1. Is associated with events that have made a significant contribution to the broad patterns of national, state, or local history;
2. Embodies the distinctive architectural characteristics of a type, period, style, or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction;
3. Is an outstanding work of a designer, builder, or architect who has made a substantial contribution to the art;

4. Exemplifies or reflects special elements of the city's cultural, special, economic, political, aesthetic, engineering, or architectural history;
5. Is associated with the lives of persons significant in national, state, or local history;
6. Has yielded or may be likely to yield important archaeological information related to history or prehistory;
7. Is a building or structure removed from its original location but which is significant primarily for architectural value, or which is the only surviving structure significantly associated with an historic person or event;
8. Is a birthplace or grave of an historical figure of outstanding importance and is the only surviving structure or site associated with that person;
9. Is a cemetery that derives its primary significance from age, from distinctive design features, or from association with historic events, or cultural patterns;
10. Is a reconstructed building that has been executed in a historically accurate manner on the original site;
11. Is a creative and unique example of folk architecture and design created by persons not formally trained in the architectural or design professions, and which does not fit into formal architectural or historical categories.

B. *Process for Designating Properties or Districts to the Cle Elum Register of Historic Places.*

1. Any person may nominate a building, structure, site, object, or district for inclusion in the Cle Elum register of historic places. Members of the historic preservation commission or the commission as a whole may generate nominations. In its designation decision, the commission shall consider the Cle Elum historic inventory and the Cle Elum comprehensive plan.
2. In the case of individual properties, the designation shall include the UTM reference and all features – interior and exterior – and outbuildings that contribute to its designation.
3. In the case of districts, the designation shall include description of the boundaries of the district; the characteristics of the district which justifies its designation; and a list of all properties including features, structures, sites, and objects which contribute to the designation of the district.

4. The historic preservation commission shall consider the merits of the nomination, according to the criteria in subsection [\(A\)](#) of this section and according to the nomination review standards established in rules, at a public meeting. Adequate notice will be given to the public, the owner(s) and the authors of the nomination, if different, and lessees, if any, of the subject property prior to the public meeting according to standards for public meetings established in rules and in compliance with Chapter [42.30](#) RCW, Open Public Meetings Act. Such notice shall include publication in a newspaper of general circulation in Cle Elum and posting of the property. If the commission finds that the nominated property is eligible for the Cle Elum register of historic places, the commission shall make recommendation to the Cle Elum city council that the property be listed in the register with the owner's consent. In the case of historic districts, the commission shall consider a simple majority of property owners to be adequate for owner consent. Owner consent and notification procedures in the case of districts shall be further defined in rules. The public, property owner(s) and the authors of the nomination, if different, and lessees, if any, shall be notified of the listing.

5. Properties listed on the Cle Elum register of historic places shall be recorded on official zoning records with an "HR" (for Historic Register) designation. This designation shall not change or modify the underlying zone classification.

*C. Removal of Properties from the Register.* In the event that any property is no longer deemed appropriate for designation to the Cle Elum register of historic places, the commission may initiate removal from such designation by the same procedure as provided for in establishing the designation, in subsection [\(B\)](#) of this section. A property may be removed from the Cle Elum register of historic places without the owner's consent.

*D. Effects of Listing on the Register.*

1. Listing on the Cle Elum register of historic places is an honorary designation denoting significant association with the historic, archaeological, engineering, or cultural heritage of the community. Properties are listed individually or as contributing properties to a historic district.

2. Prior to the commencement of any work on a register property, excluding ordinary repair and maintenance and emergency measures defined in CEMC Section [15.22.060\(B\)](#), the owner must request and receive a certificate of appropriateness from the commission for the proposed work. Violation of this rule shall be grounds for the commission to review the property for removal from the register.

3. Prior to whole or partial demolition of a register property, the owner must request and receive a waiver of a certificate of appropriateness.
4. Once the City of Cle Elum is certified as a certified local government (CLG), all properties listed on the Cle Elum register of historic places may be eligible for special tax valuation on their rehabilitation, as provided in CEMC Section [15.22.070](#).

15.22.060 Review of changes to Cle Elum register properties.

A. *Review Required.* No person shall change the use, construct any new building or structure, or reconstruct, alter, restore, remodel, repair, move, or demolish any existing property on the Cle Elum register of historic places or within a historic district on the Cle Elum register without review by the commission and without receipt of a certificate of appropriateness, or in the case of demolition, a waiver, as a result of the review. The review shall apply to all features of the property, interior and exterior, that contribute to its designation and are listed on the nomination form. Information required by the commission to review the proposed changes is established in rules.

B. *Exemptions.* The following activities do not require a certificate of appropriateness or review by the commission: ordinary repair and maintenance – which includes painting – or emergency measures defined in CEMC Section [15.22.030](#).

C. *Review Process.*

1. *Requests for Review and Issuance of a Certificate of Appropriateness or Waiver.* The building or zoning official shall report any application for a permit to work on a designated Cle Elum register property or in a Cle Elum register historic district to the commission. If the activity is not exempt from review, the commission or professional staff shall notify the applicant of the review requirements. The building or zoning official shall not issue any such permit until a certificate of appropriateness or a waiver is received from the commission but shall work with the commission in considering building and fire code requirements.

2. *Commission Review.* The owner or his/her agent (architect, contractor, lessee, etc.) shall apply to the commission for a review of proposed changes on a Cle Elum register property or within a Cle Elum register historic district and request a certificate of appropriateness or, in the case of demolition, a waiver. Each application for review of proposed changes shall be accompanied by such information as is required by the commission established in its rules

for the proper review of the proposed project. The commission shall meet with the applicant and review the proposed work according to the design review criteria established in rules. Unless legally required, there shall be no notice, posting, or publication requirements for action on the application, but all such actions shall be made at regular meetings of the commission. The commission shall complete its review and make its recommendations within thirty calendar days of the date of receipt of the application. If the commission is unable to process the request, the commission may ask for an extension of time. The commission's recommendations shall be in writing and shall state the findings of fact and reasons relied upon in reaching its decision. Any conditions agreed to by the applicant in this review process shall become conditions of approval of the permits granted. If the owner agrees to the commission's recommendations, a certificate of appropriateness shall be awarded by the commission according to standards established in the commission's rules. The commission's recommendations and, if awarded, the certificate of appropriateness shall be transmitted to the building or zoning official. If a certificate of appropriateness is awarded, the building or zoning official may then issue the permit.

3. *Demolition.* A waiver of the certificate of appropriateness is required before a permit may be issued to allow whole or partial demolition of a designated Cle Elum register property or in a Cle Elum register historic district. The owner or his/her agent shall apply to the commission for a review of the proposed demolition and request a waiver. The applicant shall meet with the commission in an attempt to find alternatives to demolition. These negotiations may last no longer than forty-five calendar days from the initial meeting of the commission, unless either party requests an extension. If no request for an extension is made and no alternative to demolition has been agreed to, the commission shall act and advise the official in charge of issuing a demolition permit of the approval or denial of the waiver of a certificate of appropriateness. Conditions in the case of granting a demolition permit may include allowing the commission up to forty-five additional calendar days to develop alternatives to demolition. When issuing a waiver the board may require the owner to mitigate the loss of the Cle Elum register property by means determined by the commission at the meeting. Any conditions agreed to by the applicant in this review process shall become conditions of approval of the permits granted. After the property is demolished, the commission shall initiate removal of the property from the register.

4. *Appeal of Approval or Denial of a Waiver of a Certificate of Appropriateness.* The commission's decision regarding a waiver of a certificate of appropriateness may be appealed to the city council within ten days. The appeal must state the grounds upon which



the appeal is based. The appeal shall be reviewed by the council only on the records of the commission. Appeal of council's decision regarding a waiver of a certificate of appropriateness may be appealed to superior court.

5. *Certificate of Appropriateness or Waiver Application Fee.* An application for a certificate of appropriateness or waiver application shall be accompanied by the fee for such application as set forth by resolution of the city council.

15.22.070 Review and monitoring of properties for special property tax valuation.

A. *Time Lines.*

1. Applications shall be forwarded to the commission by the assessor within ten calendar days of filing.
2. Applications shall be reviewed by the commission before December 31 of the calendar year in which the application is made.
3. Commission decisions regarding the applications shall be certified in writing and filed with the assessor within ten calendar days of issuance.

B. *Procedure.*

1. The assessor forwards the application(s) to the commission;
2. The commission reviews the application(s), consistent with its rules of procedure, and determines if the application(s) are complete and if the properties meet the criteria set forth in WAC [254-20-070\(1\)](#) and listed in subsection [\(C\)](#) of this section:
  - a. If the commission finds the properties meet all the criteria, then, on behalf of the City of Cle Elum, it enters into a historic preservation special valuation agreement (set forth in WAC [254-20-120](#) and in [\(D\)](#) of this section with the owner. Upon execution of the agreement between the owner and commission, the commission approves the application(s),
  - b. If the commission determines the properties do not meet all the criteria, then it shall deny the application(s);

3. The commission certifies its decisions in writing and states the facts upon which the approvals or denials are based and files copies of the certifications with the assessor;
4. For approved applications:
  - a. The commission forwards copies of the agreements, applications, and supporting documentation (as required by WAC [254-20-090\(4\)](#) and identified in subsection [\(C\)\(2\)](#) of this section to the assessor,
  - b. Notifies the state review board that the properties have been approved for special valuation, and
  - c. Monitors the properties for continued compliance with the agreements throughout the ten-year special valuation period;
5. The commission determines, in a manner consistent with its rules of procedure, whether or not properties are disqualified from special valuation either because of:
  - a. The owner's failure to comply with the terms of the agreement, or
  - b. Because of a loss of historic value resulting from physical changes to the building or site;
6. For disqualified properties, in the event that the commission concludes that a property is no longer qualified for special valuation, the commission shall notify the owner, assessor, and state review board in writing and state the facts supporting its findings.

C. *Criteria.*

1. *Historic Property Criteria.* The class of historic property eligible to apply for special valuation in Cle Elum means all properties listed on the National Register of Historic Places or certified as contributing to a National Register Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter [84.26](#) RCW, until Cle Elum becomes a certified local government (CLG). Once a CLG, the class of property eligible to apply for special valuation in Cle Elum means all properties listed on the Cle Elum register of historic places or properties certified as contributing to a local register historic district which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter [84.26](#) RCW.

2. *Application Criteria.* Complete applications shall consist of the following documentation:

- a. A legal description of the historic property;
- b. Comprehensive exterior and interior photographs of the historic property before and after rehabilitation;
- c. Architectural plans or other legible drawings depicting the completed rehabilitation work;
- d. A notarized affidavit attesting to the actual cost of the rehabilitation work completed prior to the date of application and the period of time during which the work was performed and documentation of both to be made available to the commission upon request; and
- e. For properties located within historic districts, in addition to the standard application documentation, a statement from the secretary of the interior or appropriate local official, as specified in local administrative rules or by the local government, indicating the property is a certified historic structure is required.

3. *Property Review Criteria.* In its review the commission shall determine if the properties meet all the following criteria:

- a. The property is historic property;
- b. The property is included within a class of historic property determined eligible for special valuation by the City of Cle Elum under this section;
- c. The property has been rehabilitated at a cost which meets the definition set forth in RCW [84.26.020\(2\)](#) (and identified in subsection [\(C\)\(4\)](#) of this section) within twenty-four months prior to the date of application;
- d. The property has not been altered in any way which adversely affects those elements which qualify it as historically significant as determined by applying the Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties (WAC [254-20-100\(1\)](#) and listed in subsection [\(C\)\(4\)](#) of this section).

4. *Rehabilitation and Maintenance Criteria.* The Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties in WAC [254-20-100](#)

shall be used by the commission as minimum requirements for determining whether or not a historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified.

D. *Agreement.* The historic preservation special valuation agreement in WAC [254-20-120](#) shall be used by the commission as the minimum agreement necessary to comply with the requirements of RCW [84.26.050\(2\)](#).

E. *Appeals.* Any decision of the commission acting on any application for classification as historic property, eligible for special valuation, may be appealed to superior court under Chapter [34.04.130](#) RCW in addition to any other remedy of law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the county board of equalization.

#### 15.22.080 Relationship to zoning.

Properties designated to the register shall be subject to the provisions set forth in this chapter, as well as the use, setback and other controls of the zoning district in which they are located. Nothing contained herein shall be construed to repeal, modify or waive any zoning provisions that are or may otherwise apply to or affect the designated property.

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 floodwaters.
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.



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**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.

Chapter 15.28  
ENVIRONMENTAL POLICY

*This Chapter was repealed through the adoption of Ordinance 1621 on February 28, 2022. See new Title 14 Unified Development Code.*

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Chapter 15.30  
GRADING, EXCAVATION AND LAND FILLING

Sections:

- 15.30.010 Purpose.
- 15.30.020 Permit required.
- 15.30.030 Exemptions.
- 15.30.040 Prohibited excavation, grading and filling.
- 15.30.050 Permit application.
- 15.30.060 Standards.
- 15.30.070 Application review.
- 15.30.080 Sureties.
- 15.30.090 Expiration of permit.
- 15.30.100 Grading, excavation and land filling permit fee.

15.30.010 Purpose.

The purpose of this chapter includes but is not limited to regulating the grading, excavation and filling of land in order to minimize erosion and sedimentation of watercourses and wetlands, minimize the need for and maintenance of drainage facilities, minimize adverse effects on ground and surface waters, minimize their potential for earth slides and slippage, and maintain the maximum natural vegetation.

15.30.020 Permit required.

A grading permit is required for grading, excavation or filling of land except as exempted under Section [15.30.030](#) of this chapter.

15.30.030 Exemptions.

A grading permit is not required for:

- A. Excavation and grading in association with a building permit;

- B. Excavations required for installation of public improvements;
- C. Excavations for the study of soil and groundwater conditions;
- D. Landscape installation which does not result in a fill more than one foot in depth placed on natural terrain with a gradient less than twenty percent or an earth berm not more than four feet in height and which does not exceed fifty cubic yards on any one lot; or
- E. Excavations, grading or filling when required as a condition of a preliminary plat, short plat, or binding site plan.

15.30.040 Prohibited excavation, grading and filling.

Excavation, grading or filling is prohibited in the following areas and situations:

- A. Within fifty feet of the top of the bank of any watercourse except as required by an approved drainage plan;
- B. If the work would result in the deposit of materials or otherwise have effects on public rights-of-way, easements and property; or
- C. On slopes greater than forty percent in gradient.

15.30.050 Permit application.

The permit application shall be provided by the city planner and include the following:

- A. The name, address and telephone number of the owner of the property on which the work is to be performed;
- B. The name, address and telephone number of the person doing the work;
- C. A map of the site which includes: topography, vegetation, wetlands and watercourses, public improvements, structures and rights-of-way or other easements and such features within three hundred feet of the work site;
- D. The names and addresses of all property owners and residents within three hundred feet of the work site;

- E. A grading plan indicating the areas to be filled or excavated, the contours of the land after filling or excavating and the amount of material to be moved;
- F. An engineered soil compaction plan for all fills;
- G. If material is to be moved from or to another lot or parcel of property, the application shall include the location of the site, the route to be followed, and evidence of compliance with the regulations of the government with jurisdiction over the site to borrow from or receive material;
- H. A plan for the control of erosion and water quality during and after the site work;
- I. A plan for drainage of the site;
- J. A plan for restoration of vegetation or landscaping on the site;
- K. An estimate of the cost of the work to be undertaken;
- L. A SEPA environmental checklist if excavation or fill is over five hundred cubic yards; and
- M. Other such information as may be required by the city planner, including engineering geological study, soils and hydrological studies;
- N. A plan for dust control during grading, excavating or filling.

#### 15.30.060 Standards.

The following standards must be met to the satisfaction of the city planner prior to permit issuance:

- A. Cut slopes shall be no steeper than is safe for the intended use and shall not be steeper than two horizontal to one vertical, or as recommended by a soils engineer.
- B. Fills that are intended for building sites shall be constructed in conformance with the requirements of the latest edition of the IBC as adopted by the city.
- C. Except as permitted by the city, no material other than earth material shall be buried or placed in fills. Placement of other than earth material is regulated by state statutes or federal laws and additional permits may be required.

D. Fills shall be constructed using earth materials, compaction methods and construction techniques, so that stable fills are created.

E. Grading, filling, or clearing in or within the vicinity of a wetland shall comply with CEMC Chapter [18.01](#).

F. Grading, filling or clearing in an area of special flood hazard shall be done in accordance with the latest version of the City of Cle Elum floodplain management ordinance (CEMC Chapter [15.24](#)) or this chapter, whichever has the more stringent development regulations.

G. Grading, filling or clearing of archaeological sites shall be done in accordance with WAC Chapter [25-48](#), as now adopted or as may be amended, or other applicable state or federal law.

#### 15.30.070 Application review.

The city planner shall review all applications for grading permits. The planner shall process the permit application as a Type II application under CEMC Chapter [17.100](#).

#### 15.30.080 Sureties.

The city planner may require, as a condition of the permit, a surety to be posted to secure the applicant's obligation to comply with the conditions of the permit. The surety may be up to one hundred twenty-five percent of the estimated cost of the work.

#### 15.30.090 Expiration of permit.

A grading permit shall expire six months from the date of issuance. The city planner may grant one extension of time for an additional six months.

#### 15.30.100 Grading, excavation and land filling permit fee.

A permit fee shall be paid for each grading permit in accordance with fees set by resolution adopted by the Cle Elum city council.