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CRITICAL AREA DETERMINATION
CRITICAL AREAS PRESENT – WETLAND & FLOODPLAIN ACTIONS REQUIRED & NO IMPACT FROM INTERRUPTED BUFFER FOR MERCER CREEK

Date of Review Request: March 4, 2025

Date of Revised Submittal: December 8, 2025

Date of Determination: February 6, 2026

Final Determination: Critical Areas Present – Actions Required for Wetland and Floodplain; No Impact from Interrupted Buffer for Mercer Creek

Project Description: P25-021 – Evaluating a 13-lot preliminary long subdivision on lands containing critical areas and buffers. This review is associated with preliminary subdivision application P25-140: the Houghton long plat would subdivide an unplatted 4.69-acre parcel at 2519 North Airport Road (Parcel ID # 281133) into 13 lots for future residential development, with an additional open space tract and a stormwater tract. The property contains wetlands identified by the National Wetland Inventory, and a wetland delineation report was required. The property also contains a portion of 100-year floodplain. Due to the number of lots proposed and the presence of wetlands, the subdivision is also subject to a SEPA Threshold Determination, evaluated by SEPA Environmental Checklist P25-022.

Applicant has submitted a December 19, 2023 Critical Area Report from Sewall Wetland Consulting, Inc. that identifies the 100-year floodplain and evaluates wetlands on the property.

Project Locations: 2519 N Airport Rd, Parcel 281133.

Project Applicant: Mark Kirkpatrick of Encompass Engineering and Surveying, agent for property owners Rebecca Lynn Devere and Jeffrey James Houghton

STAFF REVIEW:

1. Chapter 15.610 of the Ellensburg City Code (ECC) sets forth requirements for proposed activities in the vicinity of a designated Critical Area.
2. Mercer Creek runs roughly northeast-to-southwest near the property east of N Airport Road. Its associated 85-foot wide buffer per ECC 15.650.040(D) is constrained to the developed portion of the N Airport Rd right-of-way (ROW) and does not extend onto the subject property. Mercer Creek's streambed is also mapped as R4SBCx riverine wetland on the National Wetland inventory, a designation indicating a channel at least in part excavated by humans and approximately bounded by its ordinary high watermark.
3. Per ECC 15.620.030(E)(7) and 15.650.040(D)(5), the developed road section of N Airport Road qualifies as an interrupted buffer between the proposed subdivision and Mercer Creek's wetlands and fish and wildlife habitat conservation area. While said Critical Areas are near the project, the submitted Critical Area Report is not required to evaluate Mercer Creek or its associated wetlands based on the buffer interruption.
4. The National Wetland Inventory indicates the presence of PSS1C wetlands on the subject

property and extending onto northerly abutting parcels. The wetlands are within the western portion of the property. Project proponents were required to complete a Critical Areas Report.

5. Based upon the best available science submitted by a qualified professional, the wetlands score as Category III and require a minimum 130-foot buffer from developed improvements on the subject property pursuant to ECC Table 15.620.030(E)(3).
6. ECC 15.620.030(E)(6) permits wetland buffer width averaging under certain criteria, including in part where wetland functions or functional performance will not be reduced and would not be adversely impacted by a narrower buffer in other places; where the total width contained in the buffer area after averaging is no less than that which would be contained in the standard buffer; and, the buffer width is not reduced to less than 75 percent of the standard width or 35 feet.
7. Based on the submitted Critical Area Report and site plans submitted with associated preliminary long subdivision P25-140, buffer averaging is proposed. Standard buffers of the stormwater tract and Lots 5-9 would be averaged to the northwesternmost corner of the parent parcel, wholly contiguous with the standard buffer northwest of the delineated Category III wetland, effectively transferring an equivalent area of 7,854 square feet. At a maximum, averaging would reduce the standard buffer width by approximately 32 feet on lots 5 and 6 and a portion of Lot 7, a distance which would retain more than 75% of the standard wetland buffer width. The reduced buffer edge would terminate coincident with the rear yard property line of Lots 5-9 and the stormwater tract.
8. Wetlands and buffers can require temporary fences and markers while projects impacting Critical Areas are completed, and permanent signage may be required upon project completion, the latter for which specific provisions may be modified as necessary to assure protection of sensitive features or wildlife, all pursuant to ECC 15.620.030(F).
9. A significant portion of the parcel and the subdivision's proposed development area, including at least a portion of each developable lot except for Lot 2, is within the 100-year floodplain, mapped Zone AO Depth 1 on FEMA's Flood Insurance Rate Map (FIRM), which is regulated as a Frequently Flooded Area pursuant to ECC Chapter 15.630.
10. ECC 15.630.040 – "Performance Standards—General Requirements"

    C. Development proposals must not reduce the effective base flood storage volume of a floodplain. Grading or other activity that would reduce the effective storage volume must be mitigated by creating compensatory storage on the site. The compensatory storage must provide equivalent volume at equivalent elevations to that being displaced, be hydraulically connected to the source of the flooding, be provided in the same construction season, and occur on site or off site, if legal arrangements can be made to assure that the effective compensatory storage will be preserved over time.

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    F. Construction materials and methods.

    1. Methods that minimize flood damage. All new construction and substantial improvements shall be constructed using flood-resistant materials and utility equipment, and with methods and practices that minimize flood damage.

    …

    3. Utilities shall be protected. All utilities shall be located on the buildable portion of the site out of the floodplain unless there is no buildable site area out of the floodplain. Electrical, hearing, 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 their components during conditions of flooding. … All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

G. Elevation certificate required following construction. Following construction or substantial improvement of a structure within the floodplain where the base flood elevation is provided, the applicant shall be required to submit to the director an as-built elevation certificate from a licensed professional land surveyor that records the elevation of the lowest floor (including basement), and whether the structure contains a basement. The director shall obtain said as-built elevation certificate and maintain for public inspection said certificates in its official records.

…

I. Anchoring.

1. Anchoring required. All new construction and substantial improvements within the floodplain, 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.

…

J. Fill and grading. Fill and grading within the floodplain shall only occur after the review and approval by the city of the clearing, grading, and fill proposal. Such proposal shall require a determination from a licensed professional engineer that the fill or grading will not block side channels, inhibit channel migration, increase flood hazards to others, or be placed within a channel migration zone, whether or not the city delineated such zones as of the time of the application.

11. ECC 15.630.050 – "Performance Standards—Specific Uses":

A. Residential construction.

…

2. New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements of ECC 15.630.060.

3. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs must meet or exceed the following minimum criteria:

a. 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.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Opening may be equipped with screens, louvers, valves, or other coverings or devices; provided, that they permit the entry and exist of floodwater.

d. A garage attached to a residential structure, constructed with the garage floor slab below the BFE [base flood elevation]*, must be designed to allow for the automatic entry and exit of floodwaters.*

E. Utilities.

1. Shall be designed to minimize infiltration of floodwaters. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.

2. Sanitary sewage systems. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

F. Subdivision and development proposals.

1. All subdivisions and short subdivisions shall:

a. Minimize flood damage. Subdivisions, short subdivisions, as well and new development shall be designed to minimize or eliminate flood damage to proposed structures; and public utilities and facilities that are installed as part of such subdivisions, such as sewer, gas, electrical, and water systems, shall be located and constructed to minimize flood damage. Subdivisions should be designed using natural features of the landscape, and should not incorporate flood protection changes.

b. Have adequate drainage. Subdivisions, short subdivisions, as well as new development shall have adequate natural surface water drainage in accordance with the city's public works development standards to reduce exposure to flood hazards.

12. Where crawlspaces are constructed to elevate buildings above base flood elevation with enclosed areas below the base flood elevation, they must meet applicable requirements and standards of ECC 15.630.050(H).

13. ECC 15.630.060 – "Performance Standards—Areas of shallow flooding"

    Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In addition to other provisions in this code, the following provisions also apply:

    A. Residential structures. New construction and substantial improvements of residential structures within AO zones…shall have the lowest floor (including basement and mechanical equipment) elevated above the highest adjacent grade of the building site to one foot above the depth number specified in feet on the flood insurance map or at least two feet if no depth number is specified.

    …

    C. Drainage paths. All development shall include adequate drainage paths around structure on slopes to guide floodwaters around and away from proposed structures.

14. Detached appurtenant structures in the AO zone, such as garages and small storage structures, must either be constructed in accordance with all applicable standards in ECC 15.630.050(A), or if constructed such that the floor is below the BFE must meet all requirements of ECC 15.630.050(J)(1).

15. Based on the location of project activities required for completion of the proposed project and information provided in the Critical Area Report, development of the subdivision would have No Impact on Mercer Creek as a fish and wildlife habitat conservation area, or its associated R4SBCx wetlands, due to the buffer interruption of North Airport Road.

16. The subdivision proposes platting an undevelopable open space tract containing the entirety of the parcel's delineated wetlands, its averaged buffer, and portion of 100-year floodplain. Protection of this Critical Area is subject to Required Actions specified below.
17. Existing utility mains and transmission systems, including for potable water delivery, sanitary sewer (wastewater) conveyance, electricity, and natural gas, abut the property in North Airport Road and would be extended into a proposed public ROW terminating in a cul-de-sac within the subdivision, with service lines to all proposed lots. The proposed ROW would include paved surfacing, curbs, buffered sidewalks, and storm drains within the subdivision, as well as like improvements along the entire North Airport Road frontage. The resulting subdivision would permit residential development on 13 lots. Performance standards regulating development with 100-year floodplains per the preceding will apply to the proposed subdivision and future residential construction as would be facilitated by recording its final plat.
18. The proposed subdivision and future residential development that would be facilitated upon its final platting does not impact Critical Areas in a manner contrary to the purpose, intent, and requirements of Title 15, Division VI, provided it abides with the preceding standards and City of Ellensburg Public Works Development Standards, including any public works permits and conditions thereto, as further described below.

REQUIRED ACTIONS FOR PROPOSED PROJECT ACTIVITIES:

It has been determined that the proposed subdivision including required utility improvements, and future site development and residential construction to be permitted upon its approval, have **No Impact on the fish and wildlife habitat conservation area (streams) and associated wetlands for Mercer Creek,** pursuant to ECC 15.620.030(E)(7) and 15.650.040(D)(5).

It has further been determined that proposed subdivision including required utility improvements, and future site development and residential construction to be permitted upon its approval, **Require Actions for Category III Wetlands delineated in the Critical Area Report, for and frequently flooded areas (100-year floodplains)** pursuant to the preceding standards and regulations. Such activities shall further abide by the following:

1. Subdivision improvements development and final plat approval shall adhere to all requirements and conditions contained in approval of preliminary long subdivision P25-140, including applicable Ellensburg City Code Title 15 Subdivision regulations for minimum improvements and Public Works Development Standards.

2. Wetland buffer averaging as proposed and permitted by ECC Chapter 15.620 is approved, subject to the following:

    a. During construction of subdivision improvements and continuing until recording of a final plat, the outer perimeter of the wetland buffer coincident with the rear property line of Lots 5-8, the northwesternmost boundary of Lot 9, and westerly border of the stormwater tract shall be marked with installation of temporary markers in such a way to ensure no unauthorized intrusion into the wetland or its buffer will occur. Temporary markings and any temporary fencing shall be maintained throughout construction of subdivision improvements and shall not be removed until permanent signs are in place pursuant to the following.

b. Permanent signs shall be installed along the easterly boundary of the wetland buffer and attached to proposed wildlife friendly fencing prior to construction of residential dwellings within the subdivision. The signs shall be made of a metal face with green color background and white letters, sized no smaller than one foot by one foot square and no larger than two feet by two feet square, mounted no less than three feet above and no more than five feet above adjacent grade. Signs must be posted at intervals specified by ECC 15.620.030(F)(2)(a), with number and location to be verified by the Community Development Director prior to installation. Signs must remain unobstructed and be maintained by the subdivision's owners association in perpetuity. Signs shall be installed prior to approval of the final plat of the long subdivision proposed in City File # P25-140. Signs shall be worded as follows:

   PROTECTED CRITICAL AREA
   DO NOT DISTURB
   CONTACT THE CITY OF ELLENSBURG
   REGARDING USES AND RESTRICTIONS

c. Two permanent signs with the same wording, specifications, and maintenance required by 2.b (above) shall be installed along the western property boundary of the subdivision's open space tract and wetland buffer, with each attached to a metal post, other untreated material of equal durability, or wildlife friendly fencing if installed at this location. One sign shall be posted along the abutting segment of southwesterly parcel 953724; and one sign shall be posted along the abutting segment of westerly parcel 321133 adjacent to its shared corner with northwesterly abutting parcel 14453.

3. All development activities within the FEMA mapped 100-year floodplain shall abide by applicable performance standards of ECC Chapter 15.630, including and not limited to site grading and excavation activities, installation of utilities, and future residential construction.

4. Any further development or activities beyond the scope of work described for development of the proposed subdivision shall require a separate Critical Area Review.

5. All work shall be conducted using the best management practices for tree and vegetation protection, construction management, erosion and sedimentation control, water quality protection, and regulation of chemical applications. Any incidental damage to, or alteration of, a critical area shall be restored, rehabilitated, or replaced at the responsible party's expense.

Mark Rud, Associate Planner

2/6/2026
Date