

1 **Chapter 15.12**
2 **FLOOD HAZARD REGULATIONS**

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28 Prior legislation: Ords. 621, 625, 643, 776, 856, 890, 920, 976, 1015, 1031, 1093, 1198, 1203 and 1234.

29 **Article I. Findings of Fact and Purpose**

30 **15.12.010 Findings.**

31 A. The flood hazard areas of the city of Snoqualmie are subject to periodic inundation which may result in loss of
32 life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary
33 public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the
34 public health, safety and general welfare.

35 B. These flood losses may be caused by the cumulative effects of obstructions in areas of special flood hazard that
36 increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are
37 inadequately floodproofed, elevated or otherwise protected also contribute to flood loss. (Ord. 1237 § 1, 2020).

38 **15.12.020 Purpose.**

39 A. These regulations are promulgated in order to promote the public health, safety and general welfare, and to
40 minimize public and private losses due to flood conditions in specific areas by provisions designed:

- 41 1. To protect human life and health;

- 42 2. To minimize expenditure of public money for costly flood control projects;
- 43 3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the
44 expense of the general public;
- 45 4. To minimize prolonged business interruptions;
- 46 5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and
47 sewer lines, streets and bridges located in areas of special flood hazard;
- 48 6. To help maintain a stable tax base by providing for the sound use and development of special flood hazard
49 areas so as to minimize blight areas caused by flooding;
- 50 7. To notify potential buyers that property is in a special flood hazard area;
- 51 8. To notify those who occupy the special flood hazard areas that they assume responsibility for their actions;
52 and
- 53 9. To participate in and maintain eligibility for flood insurance and disaster relief.
- 54 B. It is further the purpose of these regulations to comply with the requirements of the National Flood Insurance
55 Program by adoption of floodplain management regulations consistent with federal criteria, as set forth in Title 44
56 CFR, Subchapter B – Insurance and Hazard Mitigation. (Ord. 1237 § 1, 2020).

57 **15.12.030 Methods of reducing flood losses.**

58 In order to accomplish the foregoing purposes, this chapter includes methods and provisions for:

- 59 A. Restricting or prohibiting development that is dangerous to health, safety and property due to water or erosion
60 hazards, or which results in damaging increases in erosion or flood heights or velocities;
- 61 B. Requiring that development vulnerable to floods be protected against flood damage at the time of initial
62 construction or substantial improvement;
- 63 C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers which help
64 accommodate the storage or channeling of floodwaters;
- 65 D. Controlling the filling, grading, dredging, and other development which may increase flood damage;
- 66 E. Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase
67 flood hazards in other areas; and
- 68 F. Such other measures as are deemed necessary and appropriate in light of any special vulnerability to flood
69 damage of a specific site due to location or natural features. (Ord. 1237 § 1, 2020).

70 **Article II. Definitions**

71 **15.12.040 Definitions.**

72 Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted to have the
73 meaning they have in common usage and to give this chapter its most reasonable application to effectuate its
74 purposes. The following words and phrases shall for purposes of this chapter have the following meanings:

- 75 A. "Alteration of watercourse" means any action that will change the location of the channel occupied by water
76 within the banks of any portion of a riverine water body.
- 77 B. "Appeal" means a request for a review of the floodplain administrator's interpretation of this chapter, or review
78 by superior court of a decision of the hearing examiner such as a request for a variance.

79 C. “Area of shallow flooding” means a designated AO, AH, AR/AO, or AR/AH (or VO) zone on a community’s
80 flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one
81 to three feet; where a clearly defined channel does not exist; where the path of flooding is unpredictable; and where
82 velocity flow may be evident. Also referred to as the “sheet flow area.”

83 D. “Area of special flood hazard” means the land in the floodplain within a community subject to a one percent or
84 greater chance of flooding in any given year. It is shown on the flood insurance rate map (FIRM) as zone A, AO,
85 AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). “Special flood hazard area” is synonymous with this term.

86 E. “Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year. Also
87 referred to as the “100-year flood.”

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

89 G. “Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

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

93 I. “Development” means any manmade changes to improved or unimproved real estate, including but not limited to
94 buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage
95 of equipment or materials located within an area of special flood hazard.

96 J. “Fill” means any natural or processed earthen material of any nature whatsoever, including, but not limited to,
97 soil, wood chips, gravel, crushed rock, concrete, or asphalt, imported to a lot, tract or parcel, other than those
98 materials that are directly incorporated into a building or structure. Fill is considered development (see definition
99 above) for the purposes of this chapter. For purposes of construction of railroad track, “fill” shall not include such
100 ballast as may be required by state or federal regulations to provide for the stability of the track, not exceeding 16
101 inches in depth. For purposes of road, driveway, sidewalk or approved parking area construction, “fill” shall include
102 materials used to construct to subgrade, including gravel or rock, but shall not include above-grade concrete, asphalt,
103 gravel or other paving material, if any, not exceeding four inches in total thickness; and further provided, for
104 purposes of public streets, “fill” shall not include materials used to construct to six inches of subgrade to create a
105 roadway crown, where deemed necessary or appropriate by the city engineer.

106 K. “Flood” or “flooding” means:

107 1. A general and temporary condition of partial or complete inundation of normally dry land areas from:

108 a. The overflow of inland or tidal waters;

109 b. The unusual and rapid accumulation of runoff of surface waters from any source; and/or

110 c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in subsection (1)(b) of
111 this definition, and are akin to a river of liquid and flowing mud on the surfaces of normally dry land
112 areas, as when earth is carried by a current of water and deposited along the path of the current.

113 2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or
114 undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by
115 an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated
116 force of nature such as a flash flood or abnormal tidal surge, or by some similarly unusual and foreseeable
117 event which results in flooding as defined in subsection (1)(a) of this definition.

118 L. “Flood insurance rate map (FIRM)” means the official map on which the Federal Insurance Administrator has
119 delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM
120 that has been made available digitally is called a “digital flood insurance rate map (DFIRM).”

- 121 M. “Flood insurance study” or “flood elevation study” means an examination, evaluation, and determination of
122 flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation, and
123 determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.
- 124 N. “Floodplain” or “flood-prone area” means a land area susceptible to being inundated by water from any source.
- 125 O. “Floodplain administrator” means the community official designated to administer and enforce the floodplain
126 management regulations. The community development director (or designee) is the city’s floodplain administrator.
- 127 P. “Floodproofing” means any combination of structural and nonstructural additions, changes or adjustments to
128 structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary
129 facilities, structures and their contents. Floodproofed structures are those that have the structural integrity and design
130 to be impervious to floodwater below the base flood elevation.
- 131 Q. “Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved
132 in order to discharge the base flood without cumulatively increasing the water surface elevation more than a
133 designated height. Also referred to as the “regulatory floodway.”
- 134 R. “Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or
135 carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary
136 for the loading and unloading of cargo or passengers, and ship building or ship repair facilities. The term does not
137 include long-term storage or related manufacturing activities.
- 138 S. “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to
139 the proposed walls of a structure.
- 140 T. “Historic structure” means any structure that is:
- 141 1. Listed individually in the National Register of Historic Places, or preliminarily designated by the Secretary
142 of the Interior as meeting the requirements for individual listing on the National Register; or
- 143 2. Certified or preliminarily designated by the Secretary of the Interior as contributing to the historical
144 significance of a registered historic district or a district primarily determined by the Secretary to qualify as a
145 registered historic district; or
- 146 3. Individually listed on the Washington State inventory of historic places; or
- 147 4. Individually listed on King County’s or the city of Snoqualmie’s inventory of historic places.
- 148 U. “Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-
149 resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement
150 area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the
151 structure in violation of the applicable nonelevation design requirements of this chapter (i.e., provided there are
152 adequate flood ventilation openings).
- 153 V. “Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent
154 chassis and is designed for use with or without permanent foundation when attached to the required utilities. The
155 term does not include a recreational vehicle.
- 156 W. “Manufactured home park” or “manufactured home subdivision” means a parcel (or series of contiguous parcels)
157 of land divided into two or more lots for sale or rent for the placement of manufactured homes.
- 158 X. “Market value” means the value a structure would bring on the open market upon reasonable exposure to sale,
159 excluding the value of the land itself, as determined by the floodplain administrator based on the improvement value
160 published by the King County assessor. In no event, however, shall such value be less than the assessed value for tax
161 purposes as determined by the King County assessor. The floodplain administrator shall also be guided by Section
162 4.5 – Determining Market Value of the Substantial Improvement/Substantial Damage Manual, FEMA P-758.

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- 163 Y. “Mechanical equipment” means electrical, heating, ventilation, plumbing, and air conditioning equipment and
164 other service facilities (including ductwork).
- 165 Z. “Mean sea level” means the vertical datum to which base flood elevations shown on a community’s FIRM are
166 referenced.
- 167 AA. “New construction” means:
- 168 1. For the purposes of determining insurance rates, structures for which the start of construction commenced on
169 or after June 25, 1984, and includes any subsequent improvements to such structures.
- 170 2. For floodplain management purposes, structures for which the start of construction commenced on or after
171 July 10, 1989, and includes any subsequent improvements to such structures.
- 172 BB. “Person” includes any individual, or group of individuals, corporation, partnership, association, or other entity,
173 including state and local governments and agencies.
- 174 CC. “Recreational vehicle” means a vehicle:
- 175 1. Built on a single chassis;
- 176 2. Four hundred square feet or less when measured at the largest horizontal projection;
- 177 3. Designed to be self-propelled or permanently towable by a light duty truck; and
- 178 4. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational,
179 camping, travel or seasonal use.
- 180 DD. “Start of construction” includes substantial improvement and means the date the building permit was issued;
181 provided, the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other
182 improvement was within 180 days of the permit issuance date. The “actual start of construction” means either the
183 first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the
184 installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a
185 manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing,
186 grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for
187 a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on
188 the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main
189 structure. For substantial improvement, the “actual start of construction” means the first alteration of any wall,
190 ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of
191 the building.
- 192 EE. “Structure” means a walled and roofed building, including a gas or liquid storage tank, that is principally above
193 ground, as well as a manufactured home.
- 194 FF. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the
195 structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure
196 before the damage occurred.
- 197 GG. “Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a
198 structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of
199 construction of the improvement. This term includes structures which have incurred substantial damage, regardless
200 of the actual repair work performed. The term does not include either:
- 201 1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or
202 safety code specifications which have been identified by the local code enforcement official and are the
203 minimum necessary to assure safe living conditions; or

204 2. Any alteration of a historic structure, provided the alteration will not preclude the structure's continued
205 designation as a historic structure.

206 HH. "Variance" means a grant of relief from the requirements of this chapter. (Ord. 1237 § 1, 2020).

207 **Article III. General Provisions**

208 **15.12.050 Lands to which chapter applies.**

209 A. This chapter shall apply to all special flood hazard areas within the corporate limits of the city.

210 B. The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering
211 report titled "The Flood Insurance Study (FIS) for King County, Washington, and Incorporated Areas," dated
212 August 19, 2020, and any revisions thereto, are hereby adopted by reference. The FIS and FIRM are on file at
213 Snoqualmie City Hall. The best available information for flood hazard identification as outlined in SMC
214 15.12.120(B) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under SMC
215 15.12.120(B). (Ord. 1237 § 1, 2020).

216 **15.12.060 Compliance required – Penalties.**

217 All development within the special flood hazard area is subject to the terms of this chapter and other applicable
218 regulations.

219 A. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full
220 compliance with the terms of this chapter and other applicable regulations.

221 B. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations
222 of conditions and safeguards established in connection with conditions by the floodplain administrator pursuant to
223 the authority of this chapter) after notice of violation and order to comply issued by the floodplain administrator
224 shall constitute a civil infraction. Any person who violates the provisions of this chapter or fails to comply with any
225 of its requirements shall be subject to a cumulative civil penalty of \$500.00 per day from the date set for compliance
226 in the order to comply until such violation is corrected, or compliance with such order occurs. The penalty provided
227 shall be collected by civil action in district court.

228 C. Nothing contained herein shall be construed to prevent the floodplain administrator from taking such other lawful
229 action as is necessary to prevent or remedy any violation, and all violations shall also be subject to abatement as a
230 public nuisance pursuant to Chapter 8.16 SMC, including removal of unlawful structures, fill or flood barriers, at the
231 owner's expense.

232 D. In any action to collect a civil penalty, the defendant may show that the violation giving rise to such action was
233 caused by the willful act or neglect of another, or that correction of such violation was commenced promptly upon
234 receipt of notice thereof but that full compliance within the time specified was prevented by inability to obtain
235 necessary materials or labor, or other circumstances or conditions beyond the defendant's control, and upon such
236 showing the court may abate all or part of the penalty accumulated as justice may require. (Ord. 1237 § 1, 2020).

237 **15.12.070 Abrogation and greater restrictions.**

238 This chapter is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions.
239 However, where the provisions of this chapter and any other ordinance, easement, covenant, or deed provision
240 conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 1237 § 1, 2020).

241 **15.12.080 Interpretation.**

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

243 A. Considered as absolute minimum requirements;

244 B. Liberally construed in favor of the city; and

245 C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 1237 § 1, 2020).

246 **15.12.090 Warning and disclaimer of liability.**

247 The degree of flood protection required by this chapter is deemed reasonable for regulatory purposes and is based on
248 scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be
249 increased by manmade or natural causes. This chapter does not imply that land outside of special flood hazard areas,
250 or uses permitted within such areas, will be free from flooding or flood damages. This chapter shall not create any
251 liability on the part of the city of Snoqualmie, any officer or employee thereof, or the Federal Insurance
252 Administration, for any damages that result from reliance on this chapter or any administrative decisions lawfully
253 made hereunder. (Ord. 1237 § 1, 2020).

254 **Article IV. Administration**

255 **15.12.100 Community development director to administer.**

256 The community development director of the city shall be the floodplain administrator and shall administer,
257 implement, and enforce the provisions of this chapter, and shall have the authority to grant or deny flood
258 improvement permits in accordance with its provisions. The community development director may delegate
259 authority to implement these provisions to the building official or other city official. (Ord. 1237 § 1, 2020).

260 **15.12.110 Development permit required.**

261 A. Prohibition. No land within the areas of special flood hazard shall hereafter be subdivided, short platted or have
262 its lot lines adjusted; nor be improved, filled, graded or cleared; nor shall any structure, including a manufactured
263 home, be constructed, reconstructed, substantially improved, relocated or erected, nor shall any other development,
264 as defined above, be commenced upon such land, unless the person responsible therefor shall first obtain a
265 development permit for such action, to be known as a flood improvement permit.

266 B. Permit Application. Application for a development permit shall be made on forms as prescribed by the floodplain
267 administrator, and may include but not be limited to plans in duplicate drawn to scale, showing the nature, location,
268 dimensions and elevations of the area for which application is made, and existing or proposed structures, fill, storage
269 of materials, drainage facilities and their locations. The following information and documents shall be required:

- 270 1. The name and address of the applicant;
- 271 2. The name and address of the legal owner;
- 272 3. The legal description of the property;
- 273 4. The nature of the proposed action;
- 274 5. A statement as to the proposed use of any structure;
- 275 6. A statement as to whether the proposed action is temporary or permanent;
- 276 7. The elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- 277 8. The elevation in relation to mean sea level to which any structure has been floodproofed;
- 278 9. The certification of registered professional engineer or architect that the floodproofing methods for any
279 nonresidential structure meet the floodproofing criteria of this chapter;
- 280 10. A description of the extent to which a watercourse will be altered or relocated as a result of the proposed
281 development;
- 282 11. Where development is proposed in a floodway, an engineering analysis indicating no net rise of the base
283 flood elevation;
- 284 12. Any other information that may be reasonably required by the floodplain administrator in order to review
285 the application; and

286 13. A floodplain habitat assessment and mitigation plan may be required unless the floodplain administrator
287 makes and documents a determination of no adverse effect on any species listed under the Endangered Species
288 Act. The habitat assessment and mitigation plan shall be prepared at the applicant's sole expense by a qualified
289 consultant in accordance with the requirements of the Floodplain Habitat Assessment and Mitigation Draft
290 Regional Guidance 2011 prepared by FEMA Region X, or any successor guidance document approved by
291 FEMA for habitat assessment and mitigation. The city's actual costs of review of applicant's habitat assessment
292 and mitigation plan shall be paid by the applicant.

293 C. Permits May Be Conditioned or Denied. All proposals shall be reviewed for and may be denied or conditioned
294 upon their effect upon their compliance with the requirements of this chapter, including but not limited to their effect
295 upon storage and conveyance of floodwaters.

296 D. Permit Fees. The fees for processing flood improvement permit applications shall be as established by resolution
297 of city council.

298 E. Hazards and Emergencies.

299 1. The floodplain administrator may temporarily waive the requirement to obtain a permit under this chapter if
300 they determine that a hazard and/or emergency that threatens the public health, safety and welfare has occurred
301 or is occurring. Waiver of the requirement to obtain a permit shall not waive the requirement to comply with
302 any other provision of this chapter, except that the floodplain administrator may allow abatement of an
303 emergency in a manner not otherwise allowed by this chapter, provided such abatement is removed, replaced,
304 or otherwise modified to be in conformance with the provisions of this chapter within a reasonable time as
305 determined by the floodplain administrator, not to exceed one year.

306 2. The floodplain administrator shall require a permit once they have determined that the hazard and/or
307 emergency is no longer occurring, or that the circumstances which lead to the hazard or emergency have
308 sufficiently abated to minimize the hazard or end the emergency.

309 3. The floodplain administrator shall transmit a report to the mayor and city council detailing any and all
310 activity authorized under this section within 30 days of the termination of the hazard and/or emergency; or if
311 the emergency extends for a period in excess of 30 days, then the floodplain administrator shall transmit a
312 report every 30 days for the duration of the emergency.

313 4. Determination of Hazard or Emergency.

314 a. For the purposes of this chapter, and except as provided by this section, determinations of a hazard
315 and/or emergency are at the discretion of the floodplain administrator, in consultation with the emergency
316 management director, city administrator, and mayor.

317 b. The declaration of an emergency by the mayor under Chapter 2.48 SMC shall constitute a hazard and/or
318 emergency under this chapter. (Ord. 1237 § 1, 2020).

319 **15.12.120 Duties of the floodplain administrator.**

320 Duties of the floodplain administrator shall include but not be limited to the following:

321 A. Permit Review. Review all development permits to determine that:

322 1. The permit requirements of this chapter have been satisfied;

323 2. All other required state and federal permits have been obtained;

324 3. The site is reasonably safe from flooding;

325 4. The proposed development is not located in the floodway. If located in the floodway, ensure the
326 encroachment provisions of this chapter are met;

327 5. Base flood elevation data is available for the site of the proposed development. If base flood information is
328 not available, ensure base flood elevation is determined or alternative base flood data is provided per subsection
329 B of this section; and

330 6. FEMA is notified when annexations occur in the special flood hazard area.

331 B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with SMC
332 15.12.050(B), the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation and
333 floodway data available from a federal, state or other source, in order to administer the provisions of SMC
334 15.12.160, Specific standards, and SMC 15.12.170, Floodways.

335 C. Information to Be Obtained and Maintained. The floodplain administrator shall obtain, record and maintain for
336 public inspection the following information:

337 1. Where base flood elevation data is provided through a flood insurance study (FIS), FIRM, or as required by
338 SMC 15.12.050(B), the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including
339 basement) of all new or substantially improved structures, and whether or not the structure contains a basement;

340 2. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data
341 is provided through the FIS, FIRM, or as required by SMC 15.12.050(B):

342 a. Verify and record the actual elevation (in relation to mean sea level) to which the structure was
343 floodproofed;

344 b. Maintain the floodproofing certifications required by this chapter;

345 3. Certification required by SMC 15.12.170 regarding floodway encroachments;

346 4. Records of all variance actions, including justification for their issuance;

347 5. Improvement and damage calculations; and

348 6. All other records pertaining to the provisions of this chapter.

349 D. Alteration of Watercourses. With respect to any alteration or relocation of a watercourse, the floodplain
350 administrator shall:

351 1. Notify adjacent communities and the Washington State Department of Ecology prior to such alteration or
352 relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator;
353 and

354 2. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the
355 flood carrying capacity is not diminished.

356 E. Interpretation of FIRM Boundaries. The floodplain administrator shall make interpretations where needed as to
357 the exact location of the boundaries of the areas of special flood hazard; for example, where there appears to be a
358 conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary
359 shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted when consistent
360 with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR
361 59-76) as the same now exist or may hereafter be amended.

362 F. Inspections and Right of Entry.

363 1. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the
364 floodplain administrator or designee has reasonable cause to believe that there exists in any building or upon
365 any lands any condition or violation of this chapter, the floodplain administrator or designee may enter such
366 building or lands at all reasonable times to inspect the same or to perform any duty imposed on the floodplain
367 administrator by this chapter, provided, that if such building or lands be occupied, they shall first identify

368 themselves and request entry; and if such building or lands is unoccupied, they shall first make a reasonable
369 effort to locate the owner or person having control of the building or lands and request entry. If such entry is
370 refused, the floodplain administrator or designee shall have recourse to every remedy provided by law to secure
371 entry.

372 2. No owner or occupant or any other person having charge, care or control of any building or lands shall fail or
373 neglect, after proper request, to promptly permit entry by the floodplain administrator or designee for the
374 purposes authorized above. (Ord. 1237 § 1, 2020).

375 **15.12.130 Variances.**

376 A. Purpose. The variance provision is provided to property owners who, due to the strict application of standards set
377 forth in this chapter, and/or due to unique circumstances regarding the subject property, are deprived of privilege
378 commonly enjoyed by other properties in the same vicinity and flood area and under the same flood regulation;
379 provided, however, the fact that surrounding properties have been developed under regulations in force prior to the
380 adoption of this code shall not be the sole basis for the granting of a variance.

381 B. Intent. The variance criteria set forth in this section are based on the general principle of zoning law that
382 variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of
383 property with physical characteristics so unusual that complying with the requirements of this chapter would create
384 an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to
385 the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to
386 the structure, its inhabitants, or the property owners.

387 It is the duty of the city of Snoqualmie to help protect its citizens from flooding. This need is so compelling and the
388 implications of the cost of insuring a structure built below the base flood elevation are so serious that variances from
389 the flood elevation or from other requirements in the flood hazard regulations are quite rare. The long-term goal of
390 preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the
391 variance criteria provided in this section are very detailed and contain multiple provisions that must be met before a
392 variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other
393 than a variance are more appropriate.

394 C. The hearing examiner of the city shall hear and decide requests for variances from the requirements of this
395 chapter.

396 D. Variances from the strict application of this chapter may be granted only upon full consideration of the matters
397 set forth in subsections E and F of this section. No variance may be granted from the requirements of SMC
398 15.12.160(A) or (B) or SMC 15.12.170(B), and no variance may be granted to any requirement in this chapter to
399 elevate a structure, mechanical equipment, or other development.

400 E. Variance Criteria.

401 1. Variance shall only be issued if the hearing examiner finds on the basis of clear and convincing evidence
402 that:

403 a. A showing of good and sufficient cause has been made;

404 b. Failure to grant the variance would result in exceptional hardship to the applicant; and

405 c. Granting of a variance will not result in increased flood heights, additional threats to public safety,
406 extraordinary public expense or nuisance, or conflict with any other existing local laws or ordinances.

407 2. Variances may be issued for the reconstruction, repair, rehabilitation, or restoration of structures listed on the
408 National Register of Historic Places or a comparable state inventory of historic places, without regard for the
409 procedures set forth in this section.

410 3. Variances shall not be issued within a designated floodway if any increase in flood levels during the base
411 flood discharge would result.

412 4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering
413 the flood hazard, to afford relief.

414 5. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot
415 of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below
416 the base flood level, providing the provisions of subsection F of this section have been fully considered. As the
417 lot size increases beyond the one-half acre, the technical justification required for issuing the variance
418 increases.

419 F. In passing upon such applications, the hearing examiner shall consider all technical evaluations, relevant factors,
420 standards specified in other sections of this chapter, and the following:

421 1. The danger that materials may be swept onto other lands to the injury of others;

422 2. The danger to life and property due to flooding or erosion damage;

423 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on
424 the individual owner;

425 4. The importance of the services provided by the proposed facility to the community;

426 5. The necessity to the facility of a waterfront location, if applicable;

427 6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion
428 damage;

429 7. The compatibility of the proposed use with existing and anticipated development;

430 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that
431 area;

432 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

433 10. The expected heights, velocities, duration, rate of rise and sediment transport of the floodwaters expected at
434 the site; and

435 11. The costs of providing governmental services during and after flood conditions, including maintenance and
436 repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

437 G. Upon consideration of the factors specified in subsections E and F of this section and the purposes of this chapter,
438 the hearing examiner may approve, approve with conditions such as it deems necessary to further the purposes of
439 this chapter, or deny the request.

440 H. The floodplain administrator shall maintain records of all appeal actions and report any variances to the Federal
441 Insurance Administrator upon request.

442 I. Any applicant to whom a variance is granted shall be given a written notice that the structure will be permitted to
443 be built with a lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be
444 commensurate with the increased risk resulting therefrom. All risk of damage or loss not covered by flood insurance
445 occurring as a result of such variance permitting a reduction in the required elevation for the lowest floor shall be
446 borne solely by the applicant.

447 J. Appeals. See SMC 15.12.190(B). (Ord. 1237 § 1, 2020).

448 **15.12.140 Changes to special flood hazard area.**

449 A. If a project will alter the BFE or boundaries of the SFHA, then the project proponent (applicant) shall provide
450 engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of
451 the SFHA would normally require a letter of map change, then the project proponent shall initiate, and receive

452 approval of, a conditional letter of map revision (CLOMR) prior to approval of the development permit. The project
453 shall be constructed in a manner consistent with the approved CLOMR.

454 B. If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation
455 package to the floodplain administrator to be attached to the floodplain development permit, including all required
456 property owner notifications. (Ord. 1237 § 1, 2020).

457 **Article V. Flood Hazard Reduction**

458 **15.12.150 General standards.**

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

460 A. Finished Grade After Construction.

461 1. After construction or other development, but prior to final building inspection, certificate of occupancy or
462 other final approval, the applicant shall obtain and furnish to the city a topographic survey, prepared by a
463 licensed surveyor or engineer, with sufficient scale and contour to interval to adequately assess variation in
464 ground surface and determine the average grade after construction or development, unless the requirement for a
465 topographic survey was waived at the time of application.

466 2. The average finished grade of all lots, tracts or parcels after construction of a building or other development,
467 excluding the area occupied by the above-grade building or other development, shall be no greater than the
468 average grade of the lot prior to construction or development. After construction or other development but prior
469 to final building inspection, the applicant shall furnish, together with the topographic survey, the written
470 certification of the licensed surveyor or engineer preparing the topographic survey that the finished grade meets
471 the requirement of this subsection. No building or other development shall be occupied or used if the
472 requirements of this section are not met.

473 3. Any earth material that must be removed from a site in order to comply with the requirements of this chapter
474 shall be transported to an approved disposal site at the applicant's or property owner's sole expense, and
475 evidence of such disposal shall be furnished to the floodplain administrator.

476 B. Anchoring.

477 1. All new construction and substantial improvements, including those related to manufactured homes, shall be
478 anchored to prevent flotation, collapse or lateral movement of the structure, resulting from hydrodynamic and
479 hydrostatic loads including the effects of buoyancy, pursuant to a design prepared by a registered professional
480 engineer or architect licensed by the state of Washington.

481 2. All manufactured homes shall be anchored to prevent flotation, collapse or lateral movement, and shall be
482 installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not
483 limited to, use of over-the-top or frame ties to ground anchors. All anchoring designs shall be prepared by a
484 registered professional engineer or architect.

485 C. Construction Materials and Methods.

486 1. All new construction and substantial improvements shall be constructed with materials and utility equipment
487 resistant to flood damage.

488 2. All new construction and substantial improvements shall be constructed using methods and practices that
489 minimize flood damage.

490 3. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be
491 elevated at least ~~one foot~~two feet above ~~the~~ the BFE so as to prevent water from entering or accumulating within
492 the components during conditions of flooding.

493 D. Utilities.

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

496 2. New water wells shall be located on high ground that is not in the floodway.

497 3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of
498 floodwaters into the systems and discharge from the systems into floodwaters.

499 4. On-site waste disposal systems, if otherwise permitted, shall be located to avoid impairment to them or
500 contamination from them during flooding.

501 E. Subdivision, Short Subdivision, Binding Site Improvement Plan and Commercial and Multifamily Site Plan
502 Approval Proposals as Well as New Development Within Areas of Special Flood Hazard.

503 1. All subdivision, short subdivision, binding site improvement plan and commercial and multifamily site plan
504 proposals, as well as new development within areas of special flood hazard shall be subject to the provisions of
505 this subsection.

506 2. All proposals shall be consistent with the need to minimize flood damage.

507 3. All proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located
508 and constructed to minimize flood damage.

509 4. All proposals shall have adequate drainage provided to reduce exposure to flood damage.

510 5. Where subdivision, short subdivision, binding site improvement plan, and commercial and multifamily site
511 plan proposals contain more than 50 lots and/or more than five acres, base flood elevation data shall be
512 provided as part of the application.

513 6. All proposals shall be reviewed for, and may be denied or conditioned upon, their effect upon storage and
514 conveyance of floodwaters. The design of all projects shall be reviewed specifically (without limitation of
515 review for compliance with all other requirements) to ensure compliance with the requirements of SMC
516 15.12.160(E) and to eliminate potential flood barriers to the maximum degree possible.

517 7. No subdivision proposal shall be approved until the application has been submitted to the Department of
518 Ecology and the floodplain administrator has either received the comments of the Department of Ecology or
519 confirmed in writing that the Department of Ecology does not intend to submit comments.

520 F. Review of Building Permits. Where elevation data is not available either through the flood insurance study,
521 FIRM, or from another authoritative source per SMC 15.12.120(C), applications for building permits for floodplain
522 development shall not be granted until base flood elevation data is established.

523 G. Storage of Materials and Equipment.

524 1. The storage or processing of materials that could be injurious to human, animal, or plant life if released due
525 to damage from flooding is prohibited in special flood hazard areas.

526 2. Storage of other material or equipment may be allowed by the floodplain administrator if, in their sole
527 determination, such material or equipment is not subject to damage by floods and is firmly anchored to prevent
528 flotation, or is readily removable from the area within the time available after flood warning.

529 H. Building Height. Within the area of special flood hazard, building height shall be measured as follows:

530 1. For buildings that are elevated as described in SMC 15.12.160(A), (B)(1), (C), or (E), height shall be
531 measured from the BFE plus any required freeboard (e.g., ~~one foot~~^{two feet}). In case of any conflict or
532 inconsistency between this subsection and the provisions of SMC 17.10.020(GG), this subsection shall govern.

533 2. For buildings that are floodproofed as described in SMC 15.12.160(B)(2), or otherwise not elevated, height
534 shall be measured as described in SMC 17.10.020(GG). (Ord. 1237 § 1, 2020).

535 **15.12.160 Specific standards.**

536 A. Residential Construction.

537 1. In AE zones, where the BFE has been determined or can be reasonably obtained, new construction and
538 substantial improvement of any residential structure shall have the lowest floor (including basement) elevated
539 to at least ~~two feet~~~~one foot~~ above the base flood elevation. Mechanical equipment shall be elevated at least ~~one-~~
540 ~~feettwo feet~~ above the BFE. Utilities shall be waterproof or elevated at least ~~one-feettwo feet~~ above the BFE.

541 2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, unless they are
542 designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit
543 of floodwaters. Designs for meeting this requirement must be certified by a registered professional engineer or
544 architect or must meet or exceed the following minimum criteria:

545 a. Have a minimum of two openings having a total net area of not less than one square inch for every
546 square foot of enclosed area subject to flooding shall be provided;

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

548 c. Openings may be equipped with screens, louvers, valves, or other coverings or devices; provided, that
549 they permit the automatic entry and exit of floodwaters and do not otherwise inhibit the flow of
550 floodwaters.

551 B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial, or
552 other nonresidential structure shall meet the requirements of subsection (B)(1) or (B)(2) of this section:

553 1. New construction and substantial improvement of any commercial, industrial or other nonresidential
554 structure shall meet all of the following requirements:

555 a. In AE zones where the BFE has been determined or can be reasonably obtained, the lowest floor,
556 including basement, shall be elevated ~~one-feettwo feet~~ or more above the BFE or to the elevation required
557 by ASCE 24, whichever is greater. Mechanical equipment shall be elevated at least ~~one-feettwo feet~~ above
558 the BFE. Utilities shall be waterproof up to at least ~~one-feettwo feet~~ above the BFE, or elevated at least
559 ~~one-feettwo feet~~ above the BFE; and

560 b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be
561 designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and
562 exit of floodwaters. Designs for meeting this requirement shall be certified by a registered professional
563 engineer or architect and must meet or exceed the following criteria:

564 i. Have a minimum of two openings having a total net area of not less than one square inch for every
565 square foot of enclosed area subject to flooding;

566 ii. The bottom of all openings shall be no higher than one foot above grade; and

567 iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices; provided,
568 that they permit the automatic entry and exit of floodwaters and do not otherwise inhibit the flow of
569 floodwaters.

570 2. If the requirements of subsection (B)(1) of this section are not met or cannot be met, then new construction
571 and substantial improvement of any commercial, industrial, or nonresidential structure shall meet all of the
572 following requirements:

573 a. Be dry floodproofed up to at least ~~one-feettwo feet~~ above the BFE such that the structure is watertight
574 with walls substantially impermeable to the passage of water;

575 b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of
576 buoyancy;

577 c. Be certified by a registered professional engineer or architect that the design and methods of
578 construction are in accordance with accepted standards of practice for meeting the provisions of this
579 subsection based on their development and/or review of the structural design, specifications and plans, and
580 such certification is provided to the building official.

581 3. Applicants for floodproofing nonresidential buildings shall be notified that flood insurance premiums will be
582 based on rates that are ~~one foottwo feet~~ below the floodproofed level; for example, a building floodproofed to
583 ~~one foottwo feet~~ above the base flood level will be rated as at the base flood level.

584 C. Manufactured Homes.

585 1. All manufactured homes to be placed or substantially improved on sites within the area of special flood
586 hazard shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is ~~one-~~
587 ~~foottwo feet~~ or more above the base flood elevation, and shall be securely anchored to an adequately anchored
588 foundation system to resist flotation, collapse and lateral movement.

589 2. Mechanical equipment for manufactured homes shall be elevated at least ~~one-foottwo feet~~ above the BFE.
590 Utilities for manufactured homes shall be waterproof up to at least ~~one-foottwo feet~~ above the BFE, or elevated
591 at least ~~one-foottwo feet~~ above the BFE.

592 3. For purposes of this section, “substantial damage” of a manufactured home shall mean any damage the cost
593 of which to repair or reconstruct exceeds 50 percent of the market value of the manufactured home before the
594 repair or reconstruction is started.

595 D. Recreational Vehicles. Recreational vehicles placed on site within zones A1-30, AH and AE on the FIRM shall
596 be on the site fewer than 180 consecutive days, and either:

597 1. Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick
598 disconnect type utilities and security devices, and have no permanent attached additions; or

599 2. Meet the requirements of the elevation and anchoring requirements for manufactured homes in subsection C
600 of this section.

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

608 F. Fill.

609 1. Subject to the provisions of subsection (F)(2) of this section, no fill shall be permitted except where
610 provision has been made on the subject property to balance the capacity to store floodwaters and accommodate
611 potential surface flow in an amount equal to the amount of floodwater likely to be displaced by the fill;
612 provided, provision may be made to balance the capacity to store floodwaters off the subject property, when it
613 can be demonstrated that the property upon which the balancing capacity is being created is located such that
614 no increase in the base flood discharge will result. Care shall be taken to prevent erosion and surface runoff to
615 adjacent properties. All fill shall be compacted at the time of placement.

616 2. Any person may place not more than five cubic yards of material used solely for landscape maintenance or
617 gardening at a residence or business in any one calendar year; provided, such activity requires a flood
618 improvement permit from the floodplain administrator. Such right shall not be assignable, nor shall it carry
619 over from year to year or otherwise be cumulative.

620 3. Fill within the floodway shall comply with the provisions of SMC 15.12.170.

621 G. Clearing and Grading. Clearing and grading shall be approved only when the application provides:

622 1. A plan and profile of the site to be cleared;

623 2. Identification of the flora to be protected, or removed;

624 3. A reclamation plan to prevent erosion; and

625 4. A drainage plan in accordance with Chapter 12.16 SMC, where a street project is proposed.

626 H. Bank Improvements. Where proposed development or improvements include modification or work along the
627 banks of the Snoqualmie River or Kimball Creek, application shall first be made to the State Department of
628 Fisheries and Game for a State Hydraulics Permit. Application for the permit required by this chapter shall not be
629 made until after the state permit is approved, and a certified copy has been provided to the city.

630 I. Hazardous Materials.

631 1. The placement, transfer or storage of chemicals, petroleum products or by-products, fertilizers, insecticides,
632 pesticides, lime, cement or other material that, when inundated, will constitute a hazard to life, health and
633 safety, or adversely affect the quality of surface waters, in quantities greater than those declared to be exempt
634 pursuant to the Uniform Building Code is prohibited within areas of special flood hazard.

635 2. Where a clearing and grading permit is sought in connection with any development for which a shorelines
636 substantial development permit is required, the application shall be reviewed by the city shorelines
637 administrator prior to issuance of a clearing and grading permit.

638 J. Enclosed Areas Below the Lowest Floor.

639 1. If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas
640 below the lowest flood, these areas shall be used solely for parking of vehicles, building access, or storage.

641 2. Subgrade Crawlspace. A subgrade crawlspace may be allowed when it meets the requirements of FEMA
642 Technical Bulletin 11-01, including all of the following:

643 a. The interior grade of the crawl space is not more than two feet below the lowest adjacent exterior grade;

644 b. The height of the crawl space from the interior grade of the crawl space to the top of the crawl space
645 foundation wall does not exceed four feet;

646 c. There is a drainage system that removes interior floodwaters; and

647 d. The velocity of floodwaters at the site is not more than five feet per second.

648 K. Accessory Structures. For A Zones:

649 1. Accessory structures used solely for parking of vehicles or limited storage may be constructed such that the
650 floor is below the BFE, provided the structure is designed and constructed in accordance with the following
651 requirements:

652 a. Use of the accessory structure shall be limited to parking of vehicles or limited storage;

653 b. The portions of the accessory structure located below the BFE shall be built using flood resistant
654 materials;

655 c. The accessory structure shall be adequately anchored to prevent flotation, collapse, and lateral
656 movement;

657 d. Any mechanical equipment servicing the accessory structure shall be elevated at least ~~one foot~~two feet
658 above the BFE;

659 e. Any utilities servicing the accessory structure shall be waterproof up to at least ~~one foot~~two feet above
660 the BFE, or elevated at least ~~one foot~~two feet above the BFE;

661 f. The accessory structure must comply with floodway encroachment provisions in SMC 15.12.170;

662 g. The accessory structure shall be designed to allow for the automatic entry and exit of floodwaters in
663 accordance with subsection (B)(1)(b) of this section.

664 h. The structure shall have low damage potential;

665 i. If the structure is converted to another use, it shall be brought into full compliance with the standards
666 governing such use; and

667 j. The structure shall not be used for human habitation.

668 2. Detached garages, storage structures, and other accessory structures not meeting the standards in subsection
669 (K)(1) of this section shall be constructed in accordance with all applicable standards in subsection A of this
670 section.

671 3. Upon completion of the structure, certification that the requirements of this section have been satisfied shall
672 be provided to the floodplain administrator for verification. (Ord. 1237 § 1, 2020).

673 **15.12.170 Floodways.**

674 Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely
675 hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and increase erosion
676 potential, the following provisions apply in all areas designated as floodways on the FIRM:

677 A. Encroachments Prohibited. No encroachments, including fill, new construction, substantial improvements, or
678 other development shall be permitted within the floodway unless certification by a registered professional engineer
679 is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard
680 engineering practice that the proposed encroachment would not result in any increase in flood levels during the
681 occurrence of the base flood discharge.

682 B. Residential Construction Prohibited. No new construction or reconstruction of residential structures shall be
683 permitted within the floodway, except for the following:

684 1. Repairs, reconstruction or improvements to a structure which do not increase the ground floor area; and

685 2. Repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the
686 market value either:

687 a. Before the repair, reconstruction or improvement is commenced; or

688 b. If the structure has been damaged, and is being restored, before the damage occurred. Any project for
689 improvement of a structure to correct existing violations of state or local health, sanitary or safety code
690 specifications which have been identified by the local code enforcement official and are the minimum
691 necessary to assure safe living conditions or to structures identified as historic places shall not be included
692 in the 50 percent limitation.

693 C. If the requirements of subsection A of this section are met, all new construction and substantial improvement
694 shall comply with all other applicable flood hazard reduction standards of this chapter. (Ord. 1237 § 1, 2020).

695 **15.12.180 Zones with base flood elevations but no floodways.**

696 In areas with BFEs when a regulatory floodway has not been designated no new construction, substantial
697 improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the FIRM,

698 unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other
699 existing and anticipated development, will not increase the water surface elevation of the base flood more than one
700 foot at any point within the city. (Ord. 1237 § 1, 2020).

701 **15.12.190 Appeals.**

702 A. Appeals of Actions of the Floodplain Administrator. Any person with standing may appeal from any
703 requirements, decision, determination, or other action of the floodplain administrator when it is alleged that there is
704 an error in the administration of this chapter. All such appeals shall be made within 14 days of the issuance of the
705 permit, decision, determination, or other action of the floodplain administrator by filing a written notice of appeal
706 with the community development department. The notice shall identify the requirement, decision or determination
707 alleged to be erroneous, and shall include information required by SMC 2.14.100. Such appeal shall be heard by the
708 hearing examiner within 60 days of the date of filing of the notice of appeal. The hearing examiner's decision shall
709 be in writing and rendered per SMC 2.14.120. The decision of the hearing examiner made pursuant to this
710 subsection may be appealed to the King County superior court in accordance with the provisions of Chapter 36.70C
711 RCW.

712 B. Appeals of Variance Decisions. Any person with standing may appeal a decision of the hearing examiner made
713 pursuant to this chapter on a variance, to the city council. Appeals shall be filed within 14 days of the notice of
714 decision for the variance and shall conform to the requirements of Chapter 14.40 SMC. The decision of the city
715 council made pursuant to this subsection may be appealed to the King County superior court in accordance with the
716 provisions of Chapter 36.70C RCW. (Ord. 1237 § 1, 2020).

717

1 **Chapter 19.12**
2 **CRITICAL AREAS**

3 Sections:

- 4 19.12.010 Legislative purpose.
- 5 19.12.020 Critical areas definitions.
- 6 19.12.030 Applicability.
- 7 19.12.040 Allowed activities.
- 8 19.12.050 Designation and protection of critical areas and buffers.
- 9 19.12.060 Critical areas [reportstudy](#).
- 10 19.12.070 Critical area review process.
- 11 19.12.080 Critical area tracts and notice on title.
- 12 19.12.090 General provisions.
- 13 19.12.100 Erosion hazard areas.
- 14 19.12.110 Landslide hazard areas.
- 15 19.12.120 Steep slope hazard areas.
- 16 19.12.130 Seismic hazard areas.
- 17 19.12.140 Channel migration and associated erosion hazard zones.
- 18 19.12.150 Frequently flooded areas.
- 19 19.12.160 Streams.
- 20 19.12.170 Wetlands.
- 21 19.12.180 Mitigation banking.
- 22 19.12.190 Fish and wildlife habitat conservation areas.
- 23 19.12.200 Critical aquifer recharge areas.
- 24 19.12.210 Administration and enforcement.
- 25 19.12.220 Severability.
- 26 19.12.230 Liberal construction.

27 **19.12.010 Legislative purpose.**

28 A. The purpose of this chapter is to provide for the designation and protection of critical areas, referred to as critical
29 areas in the Washington Growth Management Act of 1990, Chapter 36.70A RCW, incorporating best available
30 science, giving special consideration to conservation or protection measures necessary to preserve or enhance
31 anadromous fisheries, as required by the Growth Management Act, to supplement the development requirements
32 contained in the Snoqualmie Municipal Code, to alert tax assessors and appraisers to the presence of
33 environmentally critical areas and the development limitations of such areas and to establish special standards for
34 the use and development of lands based on the existence of natural conditions and features, including erosion,
35 landslide, channel migration zones, seismic hazard areas and steep slope areas, critical recharge areas, fish and
36 wildlife conservation areas, streams, and wetlands.

37 B. The standards and procedures established in this chapter are intended to protect environmentally critical areas
38 while accommodating the rights of property owners to use their property in a reasonable manner. By regulating
39 development and alterations to critical areas, this chapter seeks to:

- 40 1. Protect members of the public, and protect public and private resources and facilities, from injury, loss of
41 life, property damage or financial losses due to erosion, landslide, seismic events, soils subsidence or steep
42 slope regression;
- 43 2. Protect unique, fragile and valuable elements of the environment, including critical groundwater recharge
44 areas and wildlife and its habitat;
- 45 3. Mitigate unavoidable impacts to environmentally critical areas by regulating alterations in and adjacent to
46 those areas;

- 47 4. Reduce cumulative adverse environmental impacts to water availability, water quality, wetlands, streams and
48 other aquatic resources;
- 49 5. Ensure minimal adverse impacts to, and no net loss of, ecological functions resulting from uses, activities,
50 and development within the city;
- 51 6. Protect hydrologic connections between water bodies, water courses and associated wetlands;
- 52 7. Provide city officials with the information and authority to implement the policies of the State Environmental
53 Policy Act, Chapter 43.21C RCW, the Snoqualmie Comprehensive Plan, and the Growth Management Act of
54 1990. (Ord. 1176 § 2, 2016).

55 **19.12.020 Critical areas definitions.**

56 A. “Accessory structure” means a structure for a use incidental and subordinate to the principal use or structure. An
57 accessory structure does not contain dwelling or employment space, and is located on the same lot as the principal
58 use or structure.

59 B. “Adjacent” means within 300 feet of a critical area.

60 C. “Alteration” means any human-induced action which changes the existing condition of a critical area. Alterations
61 include, but are not limited to: grading; filling; dredging; draining; channelizing; cutting, pruning, topping, clearing,
62 relocating or removing vegetation; applying manure, herbicides or pesticides or any hazardous or toxic substance;
63 discharging pollutants except stormwater; grazing domestic animals; paving, construction, or application of gravel;
64 modifying for surface water management purposes; or any other human activity that changes the existing landforms,
65 vegetation, hydrology, wildlife or wildlife habitat of a critical area.

66 D. “Animal containment area” means a site where 2,000 pounds or more of animals per acre are kept or where
67 animal waste material is deposited in quantities capable of impacting groundwater resources.

68 E. “Buffer” means the designated area adjacent to a wetland, stream, geologically hazardous area, or channel
69 migration zone. Stream buffers is synonymous with Riparian Management Zones in this chapter. The buffer is
70 intended to protect the resource in the case of wetlands and streams; to protect against injury or damage to persons
71 and property and to protect against landslide, erosion and other undesirable consequences in the case of geologically
72 hazardous areas; and to protect against injury and damage to persons and property in the case of channel migration
73 zones. Buffers are not applicable to critical aquifer recharge areas, fish and wildlife habitat areas (except to the
74 extent that buffers for other critical areas serve as fish and wildlife habitat areas), or frequently flooded areas.

75 F. “Channel migration zone (CMZ)” means the area along a river within which the channel(s) can be reasonably
76 predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when
77 considered with the characteristics of the river and its surroundings as delineated on the Snoqualmie River Channel
78 Migration Area Map, contained in Channel Migration in the Three Forks Area of the Snoqualmie River (King
79 County Department of Natural Resources, Surface Water Management Division, Seattle, WA, 1996), which is
80 hereby incorporated herein by this reference.

81 G. “Critical aquifer recharge area” means the recharge areas of aquifers which serve as a source of drinking water
82 for which there is no feasible alternative source and which, due to prevailing geologic conditions characterized by
83 high infiltration rates, are susceptible to contamination from activities on the surface.

84 H. “Critical area” includes the following areas and associated buffers: (1) wetlands; (2) streams; (3) channel
85 migration zones; (4) areas with a critical recharging effect on aquifers used for potable water; (5) fish and wildlife
86 habitat conservation areas; (6) frequently flooded areas; and (7) geologically hazardous areas. “Sensitive area” has
87 the same meaning as “critical area” for the purposes of this chapter.

88 I. “Cutting” means as defined in SMC 15.20.020.

89 J. “Development proposal” means any activity relating to the use and/or development of land requiring a permit or
90 approval from the city, including but not limited to: commercial or residential building permit, boundary line
91 adjustment, binding site plan, conditional use permit, franchise right-of-way permit, grading and clearing permit,

92 mixed use approval, planned unit development, conditional use permit, variance, short subdivision, special use
93 permit, subdivision, flood hazard permit, unclassified use permit, utility and other use permit, variance, rezone, or
94 any subsequently required permit or approval not expressly exempted by this chapter.

95 K. "Director" means the department head of the community development department, or equivalent position.

96 L. "Drainage facility" means as defined in SMC 15.18.040.

97 M. "Erosion hazard area" means those areas of the city containing soils which, according to the USDA Soil
98 Conservation Service, King County Soils Survey, dated 1973, and any subsequent revisions or additions thereto, and
99 the USDA Soil Conservation Service, Soils Survey for Snoqualmie Pass Area, Parts of King and Pierce Counties,
100 WA, dated December 1992, may experience severe to very severe erosion hazard, and which occur on slopes of 15
101 percent or greater. This group of soils includes: Alderwood Gravelly Sandy Loam (AgD), Alderwood-Kitsap (AkF),
102 Beausite Gravelly Sandy Loam (BeD and BeF), Kitsap Silt Loam (KpD), Ovall Gravelly Sandy Loam (OvD and
103 OvF), Ragnar Fine Sandy Loam (RaD), Ragnar-Indianola Association (RdE), Riverwash (Rh), or Coastal Beaches
104 (Cb), and any soil type that could be subject to erosion when disturbed.

105 N. "Fish and wildlife habitat conservation area" means ~~an area that provides essential habitat for maintaining listed~~
106 ~~species of endangered, threatened or critical populations.~~

107 1. Areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the
108 ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term.
109 These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat
110 or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and
111 areas with high relative population density or species richness. Locally important habitats and species may also
112 be designated by the City of Snoqualmie.

113 2. Fish and wildlife habitat conservation areas include areas of primary association for State or Federal listed
114 wildlife species, state sensitive wildlife species, and current Priority Habitats and Species designated by
115 Washington Department of Fish and Wildlife.

116 3. "Habitats of local importance" designated as fish and wildlife habitat conservation areas include those areas
117 found to be locally important by the City of Snoqualmie.

118 4. Waters of the State, including streams and wetlands.

119 5. Riparian Management Zones.

120 6. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as
121 irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the
122 boundaries of, and are maintained by, a port district or an irrigation district or company.

123 O. "Geologically hazardous areas" means areas that, because of their susceptibility to erosion, sliding, earthquake,
124 or other geological events, may pose hazards to the siting of commercial, residential, or industrial development
125 consistent with public health or safety concerns, without appropriate mitigation, and specified at WAC 365-190-
126 120.

127 P. "Hazard tree" is defined as a threat to life, property, or public safety.

128 QP. "Hazardous substance(s)" means:

129 1. A hazardous substance as defined by Section 101(14) of the Comprehensive Environmental Response,
130 Compensation, and Liability Act (CERCLA); any substance designated pursuant to Section 311(b)(2)(A) of the
131 Clean Water Act (CWA); any hazardous waste having the characteristics identified under or listed pursuant to
132 Section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the
133 Solid Waste Disposal Act has been suspended by act of Congress); any toxic pollutant listed under Section
134 307(a) of the CWA; or any imminently hazardous chemical substance or mixture with respect to which the

135 United States Environmental Protection Agency has taken action pursuant to Section 7 of the Toxic Substances
136 Control Act;

137 2. Hazardous substances that include any liquid, solid, gas or sludge, including any material, substance,
138 product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical, or biological
139 properties described in WAC 173-303-090, 173-303-102, or 173-303-103.

140 **RQ.** “Hazardous waste” includes, but is not limited to, explosives, medical wastes, radioactive wastes, pesticides and
141 chemicals which are potentially harmful to the public health or the environment, including anything defined as a
142 hazardous substance.

143 **SR.** “Invasive species” means a species that is (1) nonnative (or alien) to the Puget Sound or the Central Puget
144 Lowland region, and (2) whose introduction causes or is likely to cause economic or environmental harm, or harm to
145 human health. Invasive species can be plants, animals, and other organisms (e.g., microbes); human actions are the
146 primary means of invasive introductions.

147 **TS.** “Landslide hazard area” means those areas of the city subject to a risk of landslide, including the following
148 areas:

149 1. Any area with slopes greater than 15 percent and impermeable soils (typically silt and clay) frequently
150 interbedded with granular soils (predominantly sand and gravel) and springs or groundwater seepage;

151 2. Any area that includes areas with significant visible evidence of groundwater seepage, and which also
152 includes existing landslide deposits regardless of slope;

153 3. Any area which has shown movement during the Holocene epoch (from 10,000 years ago to present) or
154 which is underlain by mass wastage debris of that epoch as determined by a geologist;

155 4. Any area potentially unstable as a result of rapid stream incision or stream bank erosion;

156 5. Any area located on an alluvial fan, presently or potentially subject to inundation by debris flow or
157 deposition of stream-transported sediments.

158 **UF.** “Listed species” means those wildlife species that have been listed as endangered, threatened or ~~critical-~~
159 ~~sensitive~~ by the U.S. Fish and Wildlife Service, NOAA National Marine Fisheries Service, or Washington
160 Department of Wildlife pursuant to RCW 77.12.020 and Chapter 232-12 WAC as may be amended.

161 **VU.** “Mitigation bank” means a site where wetlands and buffers are restored, created, enhanced, or preserved
162 expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to similar
163 resources.

164 **WV.** “Mitigation bank instrument” means the documentation of agency and bank sponsor concurrence on the
165 objectives and administration of the bank. The “bank instrument” describes in detail the physical and legal
166 characteristics of the bank, including the service area, and how the bank will be established and operated.

167 **XW.** “Mitigation bank sponsor” means any public or private entity responsible for establishing and, in most
168 circumstances, operating a bank.

169 **YX.** “Noxious weeds” means as defined in SMC 15.20.020.

170 **Z.** “Ordinary high water mark” means the point on the sides of streams or lakes which is historically or normally at
171 water’s edge, as identified by a visible change in vegetation and/or soil. The ordinary high water mark should be
172 determined using the most current federal and state methodologies.

173 **AAZ.** “Pruning” means as defined in SMC 15.20.020.

174 **BBZ.** “Qualified critical area consultant” means a person whom the city determines has the qualifications specified
175 below to conduct critical areas studies pursuant to this chapter, and to make recommendations for critical areas

176 mitigation. For areas of potential geologic instability, the qualified critical areas consultant shall be a geologist or
177 geotechnical engineer. For wetlands the qualified critical areas consultant shall be a certified professional wetland
178 scientist or a noncertified professional wetland scientist with at least two years of full-time work experience as a
179 wetlands professional, including delineating wetlands using the state or federal manuals, preparing wetland reports,
180 conducting function assessments, and developing and implementing mitigation plans. For streams, the qualified
181 critical areas consultant shall be a specialist in fisheries and hydrology. For fish and wildlife habitat conservation
182 areas, the qualified critical areas consultant shall be a fish or wildlife biologist, zoologist, limnologist or
183 ornithologist. For critical aquifer recharge areas, the qualified critical areas consultant shall be a geologist or civil
184 engineer with a minimum of four years of professional experience in groundwater studies and evaluation.

185 CC. “Riparian management zone” means an area that has the potential to provide full riparian functions,
186 synonymous with stream buffer. Primary functions of riparian management zones include shading, bank stability,
187 nutrient input, wood recruitment, and pollution control.

188 DDAA. “Seismic hazard area” means those areas of the city subject to severe risk of earthquake damage as a result
189 of seismically induced landslides, earth adjustments, settlement or soil liquefaction.

190 EE. “Sensitive species” means any wildlife species native to the state of Washington that is vulnerable or declining
191 and is likely to become endangered or threatened in a significant portion of its range within the state without
192 cooperative management or removal of threats, as currently listed by the Washington Department of Fish and
193 Wildlife.

194 BBFF. “Special waste” means all nonhazardous wastes that have special handling needs or have specific waste
195 properties that require waste clearance by either the solid waste division of the King County department of natural
196 resources and parks or the King County health department, or both. Such wastes are specified in the King County
197 Waste Acceptance Policy (P.U.T. 4-1-4 or future amendments of that rule), and include contaminated soil, asbestos-
198 containing materials, treated biomedical wastes, treatment plant grit and vector wastes, industrial wastes, tires, and
199 other wastes.

200 EEGG. “Steep slope hazard area” means those areas of the city where the ground rises at an inclination of 40
201 percent or more within a vertical elevation change of at least 10 feet (a vertical rise of 10 feet or more for every 25
202 feet of horizontal distance). A slope is delineated by establishing its toe and top and measured by averaging the
203 inclination over at least 10 feet of vertical distance.

204 DDHH. “Stream” means any area of the city where surface waters produce a defined channel or bed which
205 demonstrates clear evidence of the passage of water. The channel or bed need not contain water year-round. The
206 term does not include irrigation ditches, canals, engineered storm or surface water runoff devices or other entirely
207 artificial watercourses unless they are used by salmonids, or unless the created conveyances contain the waters from
208 a stream which was naturally occurring prior to construction/alteration of the conveyance system.

209 EEII. “Topping” means as defined in SMC 15.20.020.

210 JJ. “Waters of the state” means lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all
211 other surface waters and watercourses within the jurisdiction of the state of Washington.

212 KKFF. “Wetland” or “wetlands” means areas that are inundated or saturated by surface water or groundwater at a
213 frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of
214 vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs,
215 and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites,
216 including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities,
217 wastewater treatment facilities, farm ponds, and landscape amenities, ~~and wetlands created after July 1, 1990, -~~
218 Wetlands do not include areas that were unintentionally created as a result of blockage of drainage from the
219 construction of a road, street, or highway ~~after July 1, 1990.~~ Wetlands may include those artificial wetlands areas
220 intentionally created from nonwetland areas ~~as compensatory mitigation for impacts to~~ mitigate conversion of
221 wetlands.

222 ~~GGLL~~. “Wildland” means an area in which development is essentially nonexistent, except for roads, railroads,
223 power lines, and similar transportation facilities. Structures, if any, are widely scattered.

224 ~~HHMM~~. “Wildland/urban interface” means any area where wildland fuels threaten to ignite combustible homes and
225 structures. (Ord. 1198 § 23 (Exh. E), 2017; Ord. 1176 § 2, 2016).

226 **19.12.030 Applicability.**

227 A. The city of Snoqualmie (city) shall regulate ~~critical areas the city’s critical area uses, activities, and developments~~
228 ~~within, or adjacent to, or likely to affect one or more critical areas,~~ consistent with the provisions of this chapter.
229 Frequently flooded areas are deemed critical areas, and are also subject to regulation pursuant to Chapter 15.12
230 SMC.

231 B. Critical areas regulated by this chapter include:

232 1. Geologically hazardous areas including:

233 a. Erosion hazard areas;

234 b. Landslide hazard areas;

235 c. Steep slope hazard areas; and

236 d. Seismic hazard areas;

237 2. Channel migration and erosion hazard zones;

238 3. Frequently flooded areas;

239 4. Streams;

240 5. Wetlands;

241 6. Fish and wildlife habitat conservation areas; and

242 7. Critical aquifer recharge areas.

243 C. When the provisions of this section or any other provisions of the city’s municipal code are in direct conflict with
244 each other, or with other federal or state regulations, the most restrictive provision shall apply. (Ord. 1176 § 2,
245 2016).

246 **19.12.040 Allowed activities.**

247 A. The following development, modifications, activities, and associated uses are allowed as provided below,
248 provided they are consistent with the provisions of other local, state, and federal laws and requirements and ensure
249 minimal impacts to and no net loss of ecological functions:

250 1. Emergencies that threaten the public health, safety and welfare. Altered critical areas or buffers may be
251 required to be restored and/or impacts resulting from emergency actions mitigated, based on review by the city,
252 after the emergency situation is stabilized.

253 2. Removal of such potential fuels within portions of a critical areas buffer in the urban-wildland interface as
254 determined necessary by the fire chief on a site-specific assessment to create a defensible space within 30 feet
255 of a residence in areas declared by the fire chief to be a wildfire threat zone, pursuant to a plan approved by the
256 fire chief. Such plan shall not authorize any more clearing of a critical area buffer than is necessary to eliminate
257 fuels likely to cause the spread of a wildfire.

258 3. Structures, improvements and uses in existence ~~on the date this chapter becomes effective and~~ that do not
259 meet the requirements of this chapter. Such existing structures and improvements may be remodeled,
260 reconstructed or replaced, provided:

- 261 a. Such actions or improvements are designed to only expand on the side of the existing structure, away
262 from the critical area, and do not make the structure(s) intrude further into the critical area or its buffer;
263 and
- 264 b. Do not increase the amount of impervious area within the critical area or buffer; and
- 265 c. Do not increase the potential impact to a critical area or, in the case of an existing structure or
266 improvement in areas of potential geologic instability, do not increase the potential of soil movement or
267 risk of harm or damage to existing uses or development, or to the public safety.
- 268 4. Existing uses may be maintained but shall not be expanded further into a critical area or its buffer. If an
269 existing use that does not meet the requirements of this chapter is abandoned for a period of one year or more,
270 such use shall not be reestablished.
- 271 5. Normal and routine maintenance or repair of existing utility or street rights-of-way or utility structures
272 including drainage facilities. Utility or street rights-of-way shall be maintained in a manner that meets the
273 objectives of safe and efficient use of the right-of-way, while eliminating the use of chemical herbicides within
274 the corridors. Normal and routine maintenance includes vegetation management performed in accordance with
275 best management practices that is part of ongoing maintenance of structures, infrastructure, or utilities;
276 provided, that such management actions are part of regular and ongoing maintenance, do not expand further
277 into the critical area, are not the result of an expansion of the structure or utility, and do not directly impact an
278 endangered or threatened species.
- 279 6. Removal of invasive plants and noxious weeds, and additional aggressive non-native species, including
280 Japanese knotweed, Scot's broom, English ivy, Himalayan and evergreen blackberry; provided, only hand labor
281 and light equipment that minimizes disturbance to the critical area or buffer are used, and any chemical
282 applications are approved by the Department of Ecology for use adjacent to streams and wetlands, and further
283 provided best management practices are used and soil compaction is avoided.
- 284 7. Removal of dangerous-hazard trees, with the director's approval. A certified arborist's evaluation may be
285 required in the discretion of the director if the hazard is not clearly evident. Creation of snags are encouraged
286 rather than complete tree removal. Hazard trees removed from critical areas must be replaced at a minimum 3:1
287 ratio and maintained for at least three years.
- 288 8. Enhancement and restoration plantings for the purpose of restoring functions and values of critical areas or
289 buffers that do not require construction permits; provided, only hand labor and light equipment that minimizes
290 disturbance to the critical area or buffer are used. Removal or trimming of trees within critical areas or their
291 buffers, and replacing them with lower growing shrubs, for the purpose of creating or expanding a view
292 corridor shall not be deemed an enhancement or restoration action and is not an exempted activity.
- 293 9. The following agricultural activities in existence as of the effective date of Ordinance No. 691:
- 294 a. Grazing of livestock, provided best management practices are implemented to protect the water quality;
- 295 b. Mowing of hay, grass or grain crops;
- 296 c. Tilling, discing, planting, seeding, harvesting and related activities for pasture, food crops, grass seed or
297 sod; provided, that such activities do not involve any expansion into the critical areas or buffer of the area
298 involved from that existing on the date this chapter becomes effective;
- 299 d. Normal and routine maintenance of drainage and irrigation ditches, provided they are not used by
300 salmonids; farm ponds, stocked fish ponds, manure lagoons, and created livestock watering ponds;
301 provided, that such activities shall not involve conversion of or expansion into any wetland or buffer not
302 currently being used for such activity and best management practices are used. Maintenance actions within
303 drainage ditches that drain directly to salmonid-bearing waters may require permits from state or federal
304 regulatory agencies.

305 B. Public Agency or Utility Exception. If the application of this chapter would prohibit a development proposal by a
306 public agency or public utility, the agency or utility may apply for an exception pursuant to this section. After
307 holding a public hearing, the hearing examiner may approve the exception if he/she finds that there is no other
308 practical alternative to the proposed development with less impact on critical areas or their buffers, and the proposal
309 minimizes the impact on critical areas or their buffers. Any decision of the hearing examiner is final unless
310 appealed.

311 C. Reasonable Use Exception. If the application of this chapter would deny all reasonable use of the property,
312 development may be allowed which is consistent with the general intent of this chapter and the public interest;
313 provided, that the hearing examiner, after a public hearing and consultation with the city attorney, finds that:

314 1. This chapter would otherwise deny all reasonable use of the property;

315 2. There is no other reasonable use with less impact on the critical area or its buffer;

316 3. The proposed development does not pose an unreasonable threat to the public health, safety or welfare on or
317 off the property; and

318 4. Any proposed alteration of the critical area or its buffer is the minimum necessary to allow for reasonable
319 use of the property, and will not result in a net loss of critical area functions and values. Any decision of the
320 hearing examiner regarding this reasonable use exception shall be final unless appealed.

321 D. Farm Plans. Agricultural activities may be conducted consistent with a farm plan approved by the King
322 Conservation District and the city. A qualified consultant shall evaluate agricultural activities, including vegetation
323 management, outlined in a farm plan with the standards established in these chapters.

324 E. Mitigation Required. Any authorized alteration of a critical area or its buffer under subsections C and D of this
325 section shall be subject to conditions established by the city and shall require mitigation described in an approved
326 mitigation plan that meets the mitigation requirements of this chapter. (Ord. 1198 § 23 (Exh. E), 2017; Ord. 1176 §
327 2, 2016).

328 **19.12.050 Designation and protection of critical areas and buffers.**

329 A. Designation. Critical areas are designated in this chapter by defining their characteristics, by defining their
330 locations by adoption of a map, or both. In the case of frequently flooded areas, critical areas are designated in
331 Chapter 15.12 SMC.

332 B. Protection. Critical areas shall be protected as follows:

333 1. The city shall not permit or approve any use, activity or development proposal, or authorization to alter the
334 condition of any land, water or vegetation, or to construct or alter any structure or improvement, in, over or on
335 a critical area or its buffer, except in compliance with the requirements of this chapter.

336 2. No person shall alter, nor direct or permit the alteration of, any critical area or buffer except as allowed in
337 compliance with the requirements of this chapter.

338 3. The provisions of this chapter apply to all critical areas and buffers as designated or defined by this chapter,
339 whether or not the critical area or buffer has been delineated or mapped. (Ord. 1198 § 23 (Exh. E), 2017; Ord.
340 1176 § 2, 2016).

341 **19.12.060 Critical areas ~~report~~study.**

342 A. When Required. Except as provided in subsection B of this section, for any use, activity or development proposal
343 on site that includes, is adjacent to, or could significantly impact a critical area, other than a critical aquifer recharge
344 area, the applicant or developer, at ~~their~~-its own expense, shall initiate a critical areas ~~study-report~~ prepared by a
345 qualified critical area consultant to adequately evaluate the potential impacts to such areas from such use, activity or
346 development proposal. The critical areas ~~study-report~~ shall be conducted by a qualified critical areas consultant,
347 subject to the additional provisions of subsection D of this section. No critical areas ~~study-report~~ shall be required if
348 a critical area ~~report~~study previously has been prepared pursuant to this section; provided, that the previous ~~report~~
349 ~~study~~ contemplated and evaluated the type of use, activity or development to occur on the site; and further provided,

350 any wetland delineation studies provided with the report shall be valid for a maximum period of five years after
351 initial completion.

352 B. Waivers. The director may waive the requirement for a critical areas reportstudy upon finding that:

353 1. There will be no alteration of the critical area or areas and associated buffers, or that the use, activity or
354 development proposal is located in a portion of a wetland or stream buffer adjacent to and upland of an existing
355 road and/or other existing development, such that the development site does not provide significant buffer
356 functions;

357 2. The development proposal will not impact the critical areas ~~or buffers~~ in a manner contrary to the goals,
358 intent, and requirements of this chapter; and

359 3. The development proposal meets the minimum standards of this chapter.

360 C. Contents of reportStudy. The critical areas reportstudy shall meet the minimum requirements as the director may
361 establish by administrative rule. The city director may, in his or her discretion, require such supplements or
362 amendments to the reportstudy as he or she may deem necessary to develop a reasonably comprehensive
363 understanding of the site conditions and potential impacts. Critical areas reports relating to wetlands shall be in
364 accordance with the additional criteria found in SMC 19.12.170(B).

365 D. Additional Review. In situations where the applicant has provided its own critical areas reportstudy, the city may
366 require review of the submitted reportstudy by staff with the necessary critical areas qualifications or retain another
367 qualified critical areas consultant as adjunct staff to review the adequacy of the critical areas reportstudy. The costs
368 for such critical areas consultant review shall be borne by the applicant and shall be for services necessary to review
369 the applicant's critical areas reportstudy, meet with the applicant and/or other relevant city staff, and to conduct any
370 necessary field work to evaluate the applicant's critical areas reportstudy. The city critical areas consultant
371 ordinarily should not conduct a full independent or duplicative critical areas reportstudy. In situations where the city
372 has provided the critical areas reportstudy (at the applicant's expense), the applicant shall have the right, but not the
373 obligation, to submit a second opinion to the city for consideration. The determination of the city as to the adequacy
374 of a critical areas reportstudy shall be final unless the issue is raised on appeal of the development proposal approval
375 or permit. No interlocutory appeal of the report-study-results is authorized by this section. (Ord. 1198 § 23 (Exh. E),
376 2017; Ord. 1176 § 2, 2016).

377 **19.12.070 Critical area review process.**

378 A. Preapplication Meeting. When a use, activity or development proposal includes or is adjacent to one or more
379 critical areas, the applicant shall meet with the director prior to the submission of any application or development
380 proposal to discuss the goals, purposes, objectives and requirements of this chapter, the scope of any critical areas
381 reportstudy or studiesreports, the qualifications of the applicant's technical consultants, and the nature of the use,
382 activity or development proposal.

383 B. Incorporation of Critical Areas Conditions in Permits and Approvals. Review of critical areas studies-reports and
384 suggested conditions and mitigation shall be reviewed during and incorporated into the underlying permit or
385 approval of the use, activity or development approval by whatever person or body has the authority for the
386 underlying permit or approval. The director shall include in every report, recommendation or administrative decision
387 on a use, activity or development proposal such findings as may be necessary to address the provisions of this
388 chapter.

389 C. Authority to Condition or Deny Proposals. The city may approve, approve with conditions, or deny any
390 development proposal in order to comply with the requirements and carry out the goals, purposes, and objectives of
391 this chapter. In addition to its general authority under this chapter and any other applicable law or chapter, the city
392 shall condition or deny a permit or approval for a use, activity or development proposal if it is determined that it will
393 increase the potential of soil movement or otherwise result in a significant risk of injury to persons or damage to the
394 structure, site or adjacent properties in the case of areas of potential geologic instability, or will result in a risk of
395 significant harm to a wetland or stream or its functional values, or will disturb the qualities that are essential to
396 maintain the habitat in designated fish and wildlife habitat conservation areas, or poses a significant risk of

397 degrading the quality of groundwater in a critical recharge area. The city shall impose mitigation consistent with the
398 requirements of this chapter and as contained in an approved mitigation ~~report~~study.

399 D. Monitoring.

400 1. Whenever mitigation is required, the city ~~will~~may require monitoring to ensure the mitigation meets the
401 design performance standards established in the approved mitigation plan. The city may require that a qualified
402 critical area consultant, at the direction of the city and at the applicant's expense, monitor the development
403 proposal site during construction and for a sufficient period of time after construction to ensure satisfactory
404 mitigation of impacts on the critical area. The qualified critical area consultant shall monitor per the provisions
405 outlined in the approved mitigation plan based on the conditions or restrictions imposed by the city and such
406 administrative rules as the director shall prescribe.

407 2. When monitoring is required, the city shall require the qualified critical area consultant to make written,
408 dated monitoring reports at intervals as may be specified in the approved monitoring plan. The city will review
409 and comment on each monitoring report, and may require any remedial actions as determined necessary to
410 assure success of the mitigation plan. The city will require a final statement from the qualified critical area
411 consultant that, based upon technical data, the mitigation area complies with the performance standards in the
412 approved mitigation plan. Where monitoring reveals a significant deviation from designed performance
413 standards or a failure of mitigation measures, the city may require the applicant to take appropriate corrective
414 action, and the project shall be subject to further monitoring for a time frame to be determined by the city.

415 E. Assurance Devices. Prior to issuance of any permit or approval which authorizes site disturbance under the
416 provisions of this chapter, the city shall require a bond or other security to assure that all work required by this
417 chapter or any permit condition relating to critical areas is satisfactorily completed in accordance with the approved
418 plans, specifications, permit or approval conditions, and applicable regulations and to assure that all work or actions
419 not satisfactorily completed will be corrected to comply with approved plans, specifications, requirements, and
420 regulations to eliminate hazardous conditions, to restore environmental damage or degradation, and to protect the
421 health, safety and general welfare of the public. If the development proposal is subject to mitigation, the applicant
422 shall post a performance and maintenance bond or other security in a form and amount deemed acceptable by the
423 city to cover long-term monitoring, maintenance, and performance for mitigation projects to ensure mitigation is
424 fully functional for the duration of the monitoring period.

425 1. Performance Bonds. Mitigation required pursuant to a development proposal must be completed prior to the
426 city's granting of final approval of the development proposal. If the applicant demonstrates that seasonal
427 requirements or other circumstances beyond its control prevent completion of the mitigation prior to final
428 approval, the applicant may post a performance bond, assignment of savings, or other security instrument
429 approved by the city attorney equal to 150 percent of the total cost of the remaining mitigation and guarantees
430 that all required mitigation measures will be completed no later than the time established by the city in
431 accordance with this chapter. The performance bond shall be released following inspection and approval of the
432 bonded improvements.

433 2. Maintenance/Monitoring Bonds. The city shall require the applicant whose development proposal is subject
434 to a mitigation plan to post a maintenance/monitoring bond, assignment of savings, or other security instrument
435 approved by the city attorney equal to 50 percent of the total estimated maintenance and monitoring cost to
436 guarantee satisfactory workmanship, materials, and performance of structures and improvements. The
437 maintenance bond will be released after meeting the maintenance and mitigation requirements of this chapter
438 and any applicable conditions of approval.

439 3. All bonds shall be submitted with the appropriate bond quantity worksheet identified by the city. (Ord. 1198
440 § 23 (Exh. E), 2017; Ord. 1176 § 2, 2016).

441 **19.12.080 Critical area tracts and notice on title.**

442 A. Critical Area Tracts. Any critical area ~~and its buffer~~ where development or alteration is prohibited or limited
443 pursuant to this chapter shall be placed in a separate critical area tract if determined by the city to be necessary to
444 protect the critical area. Critical area tracts may be required to be conveyed to the city, if deemed necessary to

445 protect the critical area. Alternatively, the city may require the critical area ~~and its buffer~~ be placed in a Native
446 Growth Protection Easement (NGPE) or similar easement.

447 B. Notice on Title. The owner of any property that is subject to the provisions of this chapter shall, as a condition of
448 approval pursuant to the provisions of this chapter, record with the records and elections division of King County a
449 notice in a form approved by the city providing notice of the presence of a critical area ~~and/or buffer~~ on the property,
450 the application of this chapter to the property, and that limitations on actions in or affecting such areas may exist.
451 The provisions of this section shall not apply where such notice has already been recorded pursuant to a previous
452 approval, such as a final plat. The form of such notice may be adopted by administrative rule.

453 1. The notice shall state:

454 a. The presence of the critical area, ~~buffer,~~ or mitigation area on the property;

455 b. The allowable use of this property; and

456 c. The limitations that may exist on action in, or affecting, the critical area, ~~buffer,~~ and/or mitigation area.

457 2. The notice on the title shall run with the property.

458 3. The notice on title will not be required if the work on existing structures or uses is valued at less than 50
459 percent of the assessed value of the existing structure or use, and if it does not increase the area of impact to the
460 critical area ~~or its buffer~~.

461 4. This notice on title shall not be required for a development proposal by a public agency or public or private
462 utility:

463 a. Within a recorded easement or right-of-way; or

464 b. Where the agency or utility has been adjudicated the right to an easement or right-of-way.

465 5. The applicant shall submit proof that the notice has been filed for public record for all affected property prior
466 to building permit approval or prior to recording of the final plat in case of subdivisions. (Ord. 1234 § 8, 2020;
467 Ord. 1198 § 23 (Exh. E), 2017; Ord. 1176 § 2, 2016).

468 **19.12.090 General provisions.**

469 The city will apply the following general methods and mechanisms to accomplish the purposes of this chapter. This
470 section shall be applied to all approved development applications and alterations where critical areas may be
471 affected. Remediation and compensation, for wetlands and streams, may be accomplished using mitigation banking
472 described in this section.

473 A. Mitigation Sequencing. Conditions to protect critical areas ~~and buffers~~ shall be sequenced as follows:

474 1. Avoid the impact by refraining from certain actions or parts of an action to the extent feasible;

475 2. Minimize the impacts by limiting the degree or magnitude of the action, by redesigning the proposed project
476 to minimize impacts and/or avoid or reduce impacts by using appropriate technology, best management
477 practices and design strategies;

478 3. Remediate the impact by repairing, rehabilitating, or restoring the affected environment;

479 4. Reduce or eliminate the impact over time by preservation and maintenance operations;

480 5. Compensate for the impacts by creating, replacing, enhancing, or providing substitute resources or
481 environments;

482 6. Monitor the mitigation provided for the impact and take appropriate corrective measures when necessary.

483 B. Buffers.

484 1. Measurement of Buffers. All buffers shall be measured perpendicular from the critical area boundary as
485 surveyed in the field. For buffer width determination and measurement purposes, the “critical area” excludes
486 the buffer area. The width of the buffer shall be determined according to the category of the critical area and the
487 proposed land use, as described in this chapter.

488 2. Standard Buffers. The standard buffer widths presume the existence of a native forest vegetation community
489 in the buffer zone adequate to protect the critical area functions and values at the time of the proposed activity.
490 If the vegetation or protection is inadequate, the city may require an increase in the buffer width or additional
491 native plantings within the standard buffer width. Provisions to reduce or to average buffer widths to obtain
492 optimal habitat value are provided under the performance standards for each critical area.

493 3. Buffer Averaging. The director may allow wetland or stream buffer averaging only when the buffer area
494 width after averaging will not adversely impact the critical area and/or buffer functions and values, including
495 wetland hydrology that causes short- or long-term changes in native vegetation composition, soil
496 characteristics, nutrient cycling or water chemistry. At a minimum, any proposed buffer averaging shall meet
497 the following criteria:

498 a. The resulting buffer area is no less than that which would be provided by the standard buffer;

499 b. The buffer width shall not be reduced by more than 25 percent at any one point as a result of the buffer
500 averaging, and provided, buffer averaging shall not result in a wetland buffer being reduced to less than 25
501 feet at any one point in any case;

502 c. The buffer area is reduced by averaging only in those locations where the least significant upland
503 habitat is present within the standard buffer zone, and the areas for increased buffer incorporate the highest
504 functioning upland habitats, where feasible;

505 d. The buffer area may be required to be enhanced where the buffer is allowed to be reduced, if the buffer
506 is in a degraded condition;

507 e. The areas of expanded buffer width are contiguous with the standard buffer;

508 f. Encroachment into the buffer does not occur waterward of the top of an associated steep slope or into a
509 channel migration zone;

510 g. Encroachment does not occur into the buffer of an associated wetland except as otherwise allowed; and

511 h. Buffer averaging shall not result in the relocation of any portion of a buffer onto an adjacent property
512 not in common ownership.

513 4. Increased Buffer Widths. Buffers of prescribed widths are established in this chapter for various categories
514 of wetlands, streams, geologically hazardous areas and channel migration zones. The director may require
515 increased buffer widths as necessary to protect critical areas when either the critical area is particularly ~~critical-~~
516 sensitive to disturbance or the development poses unusual impacts. Examples of circumstances that may require
517 buffers beyond minimum requirements include, but are not limited to:

518 a. Unclassified uses;

519 b. The critical area is in a ~~sensitivecritical~~ drainage basin or documented salmonid spawning or rearing
520 habitat;

521 c. The critical area is a ~~critical~~ fish habitat for spawning or rearing as determined by the Washington
522 Department of Fish and Wildlife;

523 d. The land adjacent to the critical area and its associated buffer, and located within the development
524 proposal, is classified as an erosion hazard area; or

525 e. A trail or utility corridor in excess of 10 percent of the buffer width is proposed for inclusion in the
526 buffer.

527 C. Building Setback Line. A building setback line of 15 feet shall be required from the edge of a buffer for any
528 building or structure to ensure that the exteriors of the building or structure can be improved, maintained or repaired
529 without encroaching into the buffer. Trails, sidewalks, parking lots, or stormwater facilities may be located within
530 the building setback line as long as access for maintenance will not result in adverse impacts to the actual buffer.

531 D. Land Segregation. Subdivisions, short subdivisions, binding site improvement plans, boundary line adjustments
532 and any other division of land in critical areas and buffers shall be subject to the following provisions:

533 1. Land that is wholly within a wetland or stream or buffer may not be subdivided or the boundary line adjusted
534 except as approved under a reasonable use permit. In the case of land where one parcel is entirely within a
535 wetland or stream buffer and an adjacent parcel is located partially or entirely out of a wetland or stream buffer,
536 the provisions of subsection B of this section shall apply to boundary line adjustments between the two parcels.

537 2. Land that is partially within a wetland or stream or buffer may be divided or the boundary line adjusted to
538 create buildable lots; provided, that an accessible and contiguous portion of each new or adjusted buildable lot
539 is:

540 a. Located outside the ~~wetland or stream critical area~~ and any associated buffer; and

541 b. Complies with the minimum lot size for the zoning district in which it is located, if applicable.

542 3. Accessory roads and utilities serving the proposed division of land may be permitted within the wetland or
543 stream and associated buffer only if the city determines that no other feasible alternative exists.

544 E. Marking or Fencing.

545 1. Temporary Markers. The outer perimeter of wetland, stream, fish and wildlife habitat conservation areas,
546 steep slopes and their associated buffer and the limits of these areas to be disturbed pursuant to an approved
547 permit or authorization shall be marked in the field prior to site clearing in a manner approved by the city so no
548 unauthorized intrusion will occur. Markers or fencing are subject to inspection by the director or his/her
549 designee prior to the commencement of permitted activities. This temporary marking shall be maintained
550 throughout construction and shall not be removed until directed by the director, or until permanent signs and/or
551 fencing, if required, are in place.

552 2. Permanent Markers. Following the implementation of an approved development plan or alteration, the outer
553 perimeter of the critical area or buffer that is not disturbed shall be permanently identified. The director shall
554 approve sign locations during review of the development proposal. Along residential boundaries, the signs shall
555 be at least four inches by six inches in size and spaced one per centerline of lot or every 75 feet for lots whose
556 boundaries exceed 150 feet. At road endings, crossings, and other areas where public access to the critical area
557 is allowed, the sign shall be a minimum of 18 inches by 24 inches in size and spaced one every 75 feet. This
558 identification shall include permanent wood or metal signs on treated wood or metal posts. Signs shall be
559 worded as follows:

560 CRITICAL AREA BOUNDARY

561 Protection of this natural area is in your care. Alteration or disturbance is prohibited. Please
562 call the City of Snoqualmie at (425) 888-5337 for more information. Removal of this sign is
563 prohibited.

564 3. Permanent Fencing. The director shall require permanent fencing where there is a likelihood of the intrusion
565 into the critical area ~~or its buffer~~ based on the development proposal. The director shall also require such
566 fencing when, subsequent to approval of the development proposal, intrusions threaten conservation of critical
567 areas ~~or buffers~~. The director may use any appropriate enforcement actions including, but not limited to, fines,
568 abatement, or permit denial to ensure compliance.

569 F. Mitigation Plans.

570 1. Whenever mitigation is required, the applicant shall prepare and submit a mitigation plan using a watershed
571 approach for city review and approval.

572 2. General Mitigation Requirements. Mitigation for alterations to critical areas shall achieve equivalent or
573 greater biological functions and may include, in the case of streams and wetlands, mitigation for adverse
574 impacts upstream and downstream of the development proposal site. Mitigation sites for wetlands, streams, and
575 fish and wildlife habitat conservation areas shall be located to achieve contiguous habitat to minimize the
576 isolating effects of development on habitat areas. Mitigation of aquatic habitat should be located within the
577 same aquatic system as the area disturbed, unless the applicant provides a sound ecological basis for providing
578 it in as close proximity to the project site as feasible and as approved by the administrator. Mitigation shall
579 address each function affected by the alteration to achieve functional equivalency or improvement on a per
580 function basis. Increased ratios of mitigation area may be required for wetlands, and the buffers of streams or
581 wetlands, as provided in this chapter.

582 3. Mitigation Plan Submittal Requirements. The required scope and content of a mitigation plan shall be
583 established by administrative rule promulgated by the director. Mitigation plans for wetlands and streams shall
584 be based upon the Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance – Version 2
585 (Ecology Publication 21-06-003, Olympia, WA, April 2021, or as revised) and Part 2: Developing Mitigation
586 Plans – Version 1 (Ecology Publication Number 06-06-011b, Olympia, WA, March 2006, or as revised), and
587 Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington) (Publication No. 09-
588 06-32, Olympia, WA, December 2009, or as revised) as it now exists or may hereafter be modified, ~~in the final~~
589 ~~guidance document when published.~~

590 4. Mitigation Monitoring. The time period for mitigation monitoring shall be established per the administrative
591 rule established per subsection (F)(3) of this section, and shall be subject to the following minimum standards.
592 Monitoring for compensatory mitigation for alteration of a wetland or stream shall occur for a minimum of five
593 years. In the case of forested and scrub-shrub wetlands, monitoring shall occur for a minimum of 10 years, with
594 reports submitted in years 1, 2, 3, 5, 7, and 10 and shall be secured with a bond or assignment for security.

595 G. Habitat Study. A habitat study shall be required for all development proposals that the director determines may
596 affect the habitat of a listed species. If one or more listed species is using the subject property, the following
597 additional requirements shall apply:

598 1. The applicant using a qualified professional consultant shall submit a habitat management plan, which at a
599 minimum shall identify the qualities that are essential to maintain viable habitat for listed species using the fish
600 and wildlife habitat conservation area and identify measures to minimize the impact from proposed activities on
601 the habitat. The applicant shall be guided by the “Management Recommendations for Washington’s Priority
602 Habitats and Species,” issued by the Washington Department of Wildlife, May 1991, and as may be amended,
603 and by any recovery and management plans prepared by the Washington Department of Wildlife for the listed
604 species pursuant to WAC 232-12-297(11).

605 2. Conditions shall be imposed, as necessary, based on the measures identified in the habitat management plan.

606 3. To retain adequate natural habitat for listed species, buffers may be established on a case-by-case basis as
607 described in the habitat management plan.

608 H. Minimal Impacts and No Net Loss. All the regulations of this chapter shall be applied to uses, activities,
609 modifications and development to ensure minimal impacts to and no net loss of ecological function.

610 I. Where impact to critical areas or their buffers cannot be avoided, the applicant shall demonstrate that the impact is
611 authorized by the provisions of this chapter or a reasonable use exception. (Ord. 1198 § 23 (Exh. E), 2017; Ord.
612 1176 § 2, 2016).

613 **19.12.100 Erosion hazard areas.**

614 Alteration of erosion hazard areas may be permitted subject to the following requirements:

615 A. Clearing and Grading within Erosion Hazard Areas. Clearing and grading within erosion hazard areas shall
616 conform to the following standards:

617 1. Clearing of up to 15,000 square feet on any one lot and timber harvest pursuant to a DNR-approved forest
618 practice permit or a city-approved clearing or grading permit may be cleared at any time. All other clearing on
619 erosion hazard areas shall be allowed only from April 1st to November 1st unless otherwise approved by the
620 city.

621 2. Clearing and grading in erosion hazard areas shall be sequenced as follows:

622 a. No clearing or grading shall occur in an erosion hazard area until after the area to be cleared and/or
623 graded has been marked in the field and the markings have been approved by the city.

624 b. Clearing and grading for and installation of temporary erosion and sedimentation control measures in
625 erosion hazard areas shall occur prior to clearing and grading for roads and utilities.

626 c. Clearing and grading for roads and utilities in erosion hazard areas shall be completed prior to any
627 clearing or grading of lots or building pads and shall be the minimum necessary to accomplish the project
628 engineering designs.

629 d. Clearing and grading of lots, building pads or other retained vegetation shall subsequently be removed
630 only if it is a specific element of an approved structure and subject to specific development approval from
631 the city.

632 3. Approved clearing and grading pursuant to this section shall use directional felling, approved skidding plans
633 and other techniques to minimize damage to soils and understory vegetation.

634 B. Erosion Control Plan. All development must submit an erosion control plan consistent with the requirements of
635 this section and other relevant portions of the Snoqualmie Municipal Code. Approval of such plans shall include
636 mitigation, monitoring and bonds as necessary to ensure satisfactory performance of the conditions of approval.

637 C. Buffers. There are no buffers for erosion hazard areas. (Ord. 1198 § 23 (Exh. E), 2017; Ord. 1176 § 2, 2016).

638 **19.12.110 Landslide hazard areas.**

639 A. Alteration of a landslide hazard area on slopes 40 percent or steeper is prohibited except as provided for under the
640 development standards for steep slopes.

641 B. Alteration of a landslide hazard area on slopes less than 40 percent is prohibited unless the city concludes from
642 the critical area ~~report study~~ that the development proposal will not decrease slope stability on adjacent properties
643 and the development proposal can be designed so that the landslide hazard to the project and adjacent property is
644 eliminated or mitigated to meet city-defined factors of safety, per administrative rule.

645 C. Buffers in Landslide Hazard Areas.

646 1. The buffer from the top of a slope shall be designed to protect persons and property from damage due to
647 catastrophic slope failure and slope retreat over the lifetime of the use and provide an area of vegetation to
648 promote shallow stability, control erosion and promote multiple benefits to wildlife and other resources. The
649 buffer distance from the top of slope shall be equal to the greater of:

650 a. The distance from the toe of slope upslope at a slope of 2:1 (horizontal to vertical) to a point that
651 intersects with the site's ground elevation; or

652 b. A horizontal distance from the top of the slope equal to the vertical height of the slope; or

653 c. Fifty feet from the top of the slope.

654 2. The buffer from the toe of a slope shall provide for the safety of persons and property from the run-out
655 resulting from slope failure and shall be the greater of:

- 656 a. A horizontal distance equal to the vertical height of the slope; or
- 657 b. Fifty feet from the toe of the slope.
- 658 D. Buffer Reduction. The buffer may be reduced to a minimum of 15 feet based on analysis of specific development
659 plans provided by a qualified professional that demonstrates to the public works director's satisfaction that the
660 reduction will adequately protect the proposed development, adjacent developments, uses and other nearby critical
661 areas, and will not result in reduced slope stability.
- 662 E. Increased Buffer. The buffer may be increased where the community development director determines a larger
663 buffer is necessary to prevent risk of damage to proposed and existing development.
- 664 F. Clearing and Grading in Landslide Hazard Areas. When associated with an allowed alteration within a landslide
665 hazard area, clearing and grading activities shall conform to the following standards:
- 666 1. Clearing and grading in landslide hazard areas shall be allowed only from April 1st to November 1st.
- 667 2. Clearing and grading shall be sequenced as follows:
- 668 a. No clearing or grading shall occur in a landslide hazard area until after the area to be cleared and/or
669 graded has been marked in the field and the markings have been approved by the city.
- 670 b. Clearing and grading for and installation of temporary erosion and sedimentation control measures in
671 landslide hazard areas shall occur prior to clearing and grading for roads and utilities.
- 672 c. Clearing and grading for roads and utilities in landslide hazard areas shall be completed prior to any
673 clearing or grading of lots or building pads and shall be the minimum necessary to accomplish the project
674 engineering designs.
- 675 d. Clearing and grading of lots, building pads or other retained vegetation shall subsequently be removed
676 only if it is a specific element of an approved structure and subject to specific development approval from
677 the city.
- 678 3. Approved clearing and grading pursuant to this section shall use directional felling, approved skidding plans
679 and other techniques to minimize damage to soils and understory vegetation.
- 680 G. Roads and Utilities. Roads and utilities may be permitted within landslide hazard areas and associated buffers if
681 the city determines that no other practical alternative exists.
- 682 H. Utility Lines and Pipes. Utility lines and pipes shall be permitted in the landslide hazard area only when the
683 applicant demonstrates that no other practical alternative is available. The line or pipe shall be located above ground
684 and be properly anchored and/or designed so that it will continue to function in the event of erosion. Stormwater
685 conveyance shall be allowed only through a high-density polyethylene pipe with fuse-welded joints, or similar
686 product that is technically equal or superior. (Ord. 1198 § 23 (Exh. E), 2017; Ord. 1176 § 2, 2016).
- 687 **19.12.120 Steep slope hazard areas.**
- 688 A. Alterations. No development or alteration shall be allowed in steep slope hazard areas unless the development or
689 alteration is one of the following:
- 690 1. Any alteration on slopes 40 percent or steeper with a vertical elevation change of less than or equal to 20
691 feet, provided the critical areas study-report demonstrated that no adverse impact will result;
- 692 2. Any alteration of a slope, which has been created through previous legal grading activities, may be regraded
693 as part of an approved development proposal. Any remaining slopes in excess of 40 percent shall be subject to
694 the steep slope protections of this chapter;
- 695 3. Surface water or stormwater conveyance approved by the city in conformance with the stormwater
696 management requirements in Chapter 15.18 SMC;

- 697 4. Trails construction approved by the city;
- 698 5. Utility construction approved by the city, if the city determines that no other feasible alternative exists.
699 Utility lines or pipes shall be located above ground and properly anchored and/or designed so that they will
700 continue to function in the event of an underlying slide. Stormwater conveyance shall be allowed only through
701 a high-density polyethylene pipe with fuse-welded joints, or similar product that is technically equivalent or
702 superior;
- 703 6. Trimming and cutting of vegetation on steep slopes approved by the city; provided that the soils are not
704 disturbed.

705 B. Buffers in Steep Slope Hazard Areas.

706 1. The buffer from the top of a slope shall be designed to protect persons and property from damage due to
707 catastrophic slope failure and slope retreat over the lifetime of the use and provide an area of vegetation to
708 promote shallow stability, control erosion and promote multiple benefits to wildlife and other resources. The
709 buffer distance from the top of slope shall be equal to the greater of:

710 a. The distance from the toe of slope upslope at a slope of 2:1 (horizontal to vertical) to a point that
711 intersects with the site's ground elevation; or

712 b. A horizontal distance from the top of the slope equal to the vertical height of the slope; or

713 c. Fifty feet from the top of the slope.

714 2. The buffer from the toe of a slope shall provide for the safety of persons and property from the run-out
715 resulting from slope failure and shall be the greater of:

716 a. A horizontal distance equal to the vertical height of the slope; or

717 b. Fifty feet from the toe of the slope.

718 C. Buffer Reduction. The buffer may be reduced to a minimum of 15 feet based on analysis of specific development
719 plans provided by a qualified professional that demonstrates to the public works director's satisfaction that the
720 reduction will adequately protect the proposed development, adjacent developments, uses and other nearby critical
721 areas, and will not result in reduced slope stability.

722 D. Increased Buffer. The buffer may be increased where the community development director determines a larger
723 buffer is necessary to prevent risk of damage to proposed and existing development. (Ord. 1198 § 23 (Exh. E), 2017;
724 Ord. 1176 § 2, 2016).

725 **19.12.130 Seismic hazard areas.**

726 A. Alteration of a seismic hazard area shall only be allowed if mitigation is implemented that provides for adequate
727 factors of safety against liquefaction, surface rupture, lateral spreading, seismically induced landsliding, and
728 settlement.

729 B. Structures in seismic hazard areas shall conform to applicable analysis and design criteria of the International
730 Building Code. (Ord. 1198 § 23 (Exh. E), 2017; Ord. 1176 § 2, 2016).

731 **19.12.140 Channel migration and associated erosion hazard zones.**

732 A. The administrator shall assemble all available channel migration and erosion hazard maps and studies from King
733 County and other sources in order to determine the location and severity of known channel migration and erosion
734 hazard zones, and shall maintain maps showing the boundaries of all known channel migration and erosion hazard
735 zones. The administrator is hereby authorized to adopt administrative rules to establish the process and criteria for
736 designating and classifying channel migration and erosion hazard zones. An applicant for a development permit may
737 submit a report by a qualified professional engineer in support of a determination of the boundaries or classification
738 of channel migration and/or erosion hazard areas on a specific property if there is a discrepancy between the
739 approved channel migration zone or erosion hazard map and site-specific conditions or data, or for unmapped

740 potential channel migration zones or erosion hazard areas. It is a goal of the city of Snoqualmie to retain and restore
741 channel migration zones as practicable to restore riparian functions in applicable areas over time.

742 B. No new development may be permitted in the severe channel migration zone unless otherwise allowed under this
743 section.

744 C. The following activities are allowed within the severe and moderate channel migration zone:

745 1. Trails and boardwalks;

746 2. Forest practices;

747 3. Ongoing agriculture;

748 4. Bridges, utilities and transportation structures when no other feasible alternative exists;

749 5. Development with a primary purpose of protecting or restoring ecological functions.

750 D. Existing structures may be maintained and improved on existing legal lots in the moderate channel migration
751 zone and/or erosion hazard area; provided, the footprint may not be expanded toward the source of channel
752 migration or erosion hazard.

753 E. New structures may be permitted in the moderate channel migration zone on existing legal lots; provided, that a
754 feasible alternative location outside of the channel migration hazard is not available on site, and the structure and
755 supporting infrastructure, including septic system, are located at the farthest distance from any source of channel
756 migration or erosion hazard.

757 F. Subdivision of land by any means, including short subdivision or binding site improvement plan, is prohibited
758 within the moderate channel migration zone.

759 G. New structural flood hazard reduction measures may be allowed in a channel migration zone to protect existing
760 development only where demonstrated through an engineering analysis to be necessary, and when nonstructural
761 methods are infeasible and such measures are located landward of associated wetlands and buffer areas except
762 where no alternative exists as documented in a geotechnical analysis. (Ord. 1198 § 23 (Exh. E), 2017; Ord. 1176 § 2,
763 2016).

764 **19.12.150 Frequently flooded areas.**

765 A. Standards for building and development in frequently flooded areas are set forth in Chapter 15.12 SMC, Flood
766 Hazard Regulations. SMC 15.12.170, Floodways, adopted by Ordinance 621, 1989, and as hereafter amended, is
767 hereby adopted by reference.

768 B. No encroachment, including fill, new construction, substantial improvement or other development shall be
769 permitted within the floodway except as described in SMC 15.12.170.

770 C. No new construction or reconstruction of residential structures shall be permitted within the floodway, except as
771 described in SMC 15.12.170.

772 D. All new construction and substantial improvement shall comply with all other applicable flood hazard reduction
773 standards of Chapter 15.12 SMC, Flood Hazard Regulations.

774 E. New structural flood hazard reduction measures are allowed only where demonstrated to be necessary, and when
775 nonstructural measures are infeasible and mitigation is accomplished, and provided, such measures are landward of
776 associated wetlands and buffer areas except where no alternative exists as documented in a geotechnical analysis.
777 (Ord. 1237 § 3, 2020; Ord. 1198 § 23 (Exh. E), 2017; Ord. 1176 § 2, 2016).

778 **19.12.160 Streams.**

779 A. Classification of Streams. Streams shall be classified in accordance with WAC 222-16-030 as follows:

780 1. Class 1 are Type S (shorelines) streams and include waters, within their bankfull width, as inventoried as
781 “Shorelines of the State” (rivers over 20 cfs, marine shorelines and lakes over 20 acres) under Chapter 90.58
782 RCW and the rules promulgated pursuant to Chapter 90.58 RCW, including periodically inundated areas of
783 their associated wetlands. “Bankfull width” is the measurement of the lateral extent of the water surface
784 elevation perpendicular to the channel at bankfull depth.

785 2. Class 2 are Type F (fish) streams and include segments of natural waters other than Type S waters that are
786 within the bankfull widths of defined channels and periodically inundated areas of their associated wetlands, or
787 within lakes, ponds, or impoundments having a surface area of one-half acre or greater at seasonal low water
788 that in any case contain fish habitat or are described by one of the four categories in WAC 222-16-030(2).

789 3. Class 3 are Type Np (non-fish perennial) streams and include all segments of natural waters within the
790 bankfull width of defined channels that are perennial non-fish habitat streams. Perennial streams are waters that
791 do not go dry at any time during a year of normal rainfall. However, for the purpose of water typing, Type Np
792 waters include the intermittent dry portions of the perennial channel below the uppermost point of perennial
793 flow.

794 4. Class 4 are Type Ns (non-fish seasonal) streams and include all segments of natural waters within the
795 bankfull width of the defined channels that are not Type S, F, or Np waters. These are seasonal, non-fish habitat
796 streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not
797 located downstream from any stream reach that is a Type Np water. Ns waters must be physically connected by
798 an aboveground channel system to Type S, F, or Np waters.

799 ~~5. Type C (Conveyance). As defined by the city of Snoqualmie, “Type C waters” are those natural open-~~
800 ~~ephemeral drainage courses (including where bridged, piped or culverted) that are not Type S, F, Np or Ns-~~
801 ~~waters, which contain flow only during or immediately after periods of precipitation, and which flow generally~~
802 ~~less than 30 days per year.~~

803 B. No alteration to a stream or riparian management zone ~~buffer~~ shall be permitted unless the city grants a public
804 agency or utility exception or reasonable use exception, or unless the city finds that the development proposal is one
805 of the permitted uses identified in subsection C of this section and the project as proposed preserves or enhances the
806 important stream and buffer functions and is otherwise consistent with the purposes of this chapter.

807 C. Permitted Uses and Alterations. Subject to the requirements of the underlying zoning designation and other
808 applicable codes and ordinances, the following uses and alterations shall be permitted within streams or their
809 ~~buffers~~ riparian management zones, in accordance with the standards set forth in this section when done in
810 compliance with the provisions of other applicable codes and ordinances. Mitigation shall be required for any impact
811 to the critical area or its buffer from these permitted uses and alterations:

812 1. Stream Crossings. Stream crossings may only be permitted when there is no other reasonable access
813 resulting in less impact on the stream and/or its buffer. Stream crossings shall use all reasonably feasible
814 construction techniques to avoid disturbance to the stream bed or bank. In the case of Class 2, Class 3 or Class
815 4 streams, bottomless culverts or other appropriate methods demonstrated to provide fisheries protection may
816 be used if the applicant demonstrates that such methods and their implementation will pose no harm to the
817 stream bank or bed and will not adversely impact fish habitat as demonstrated in a report from a qualified
818 consultant submitted by the applicant. The applicant shall be responsible to obtain and comply with all other
819 applicable state and federal permits. Crossings shall not occur over salmonid spawning areas unless no other
820 possible crossing site exists. Crossings shall be minimized and serve multiple purposes and properties
821 whenever possible. Construction of stream crossings shall be in conformance with applicable permit limitations
822 established by state resource agencies. Stream crossings shall be designed in accordance with the Washington
823 Department of Fish and Wildlife’s Water Crossing Design Guidelines (2013), as updated. New crossings shall
824 be evaluated under future climate change scenarios for 2040 and 2080, or similar, as required by state and
825 federal agencies.

826 2. Stream Relocations. Class 1 streams shall not be relocated. Class 2 streams shall not be relocated except for
827 public road projects which have been approved by a variance and by applicable state resource agencies. Class 3
828 and Class 4 streams may only be relocated provided the in-stream resources are preserved or enhanced, all

829 appropriate floodplain protection measures are used, and the stormwater management requirements in Chapter
830 15.18 SMC, and all other applicable permit and code requirements have been met. A proposal to relocate a
831 Class 2, Class 3 or Class 4 stream must be accompanied by a stream mitigation plan.

832 3. Stream Channel Stabilization. Stream channel stabilization may only be allowed when movement of the
833 stream channel threatens existing residential or commercial structures, public improvements, unique natural
834 resources, or the only possible existing access to property. Proposals to stabilize a stream channel must be done
835 in compliance with the provisions of this chapter and other applicable codes and ordinances, including but not
836 limited to shoreline regulations pursuant to Chapter 19.08 SMC, Shoreline Regulations.

837 4. Type C Maintenance. Maintenance associated with Type C waters that do not carry anadromous salmonids,
838 and that do not meet the definition of a wetland, may be maintained through use of best management practices
839 developed in consultation with other state and federal agencies with jurisdiction.

840 5. Educational and Research Activities. Educational and research activities are permitted, not including
841 construction of buildings or other permanent structures.

842 6. Enhancement or Mitigation. Enhancement or other mitigation plans are permitted, including landscaping in
843 accordance with conditions of development imposed by the city.

844 7. Drainage Facilities. Discharges from drainage facilities are permitted, provided the stormwater management
845 requirements in Chapter 15.18 SMC have been met and the city finds that the wetland functions can be
846 preserved or enhanced and provided stormwater discharges to streams from drainage facilities will not
847 negatively affect the rate of flow nor decrease the water quality of the stream.

848 8. Public Utilities. Public utilities may be permitted in the stream buffer, provided no practical alternative exists
849 and adequate provision is made to protect or enhance the function of the stream buffer through appropriate
850 mitigation. Unless located within a road right-of-way permitted pursuant to subsection (C)(9) of this section,
851 sewer utilities may be constructed only in the outer 15 percent of a wetland or stream buffer if engineering
852 design dictates, and if the other requirements of this section are met. All utility corridors should be designed
853 and coordinated to accommodate joint use in order to reduce the number of such corridors. Proposals to cross
854 wetlands, streams or their buffers must include a mitigation plan, and must be designed to implement best
855 management practices. Upon completion of the utility installation, wetlands, streams, and their buffers must be
856 restored to preproject configurations or enhanced if preproject conditions were degraded, based on an approved
857 mitigation plan which shall require maintenance and monitoring per the provisions of this chapter.

858 9. Roads and Rights-of-Way. Roads and other rights-of-way are permitted, provided no practical alternative
859 exists and adequate provision is made to protect or enhance the stream through appropriate mitigation. Roads
860 shall be designed and maintained to prevent erosion and restriction of the natural movement of groundwater as
861 it affects the critical area.

862 Roads must be located to conform to the topography so that minimum alteration of natural conditions may be
863 required. Where feasible, roads and utilities shall be similarly aligned to minimize the area of disturbance.
864 Roads shall be designed and constructed per the stormwater management requirements in Chapter 15.18 SMC.
865 A restoration plan for the area, designed per the standards of a mitigation plan, shall be required.

866 10. Other Uses. Other uses may be permitted by the city only following review and approval of a critical areas
867 [study-report](#) and upon a determination that such use can be developed in a manner that would not degrade the
868 quantitative and qualitative functioning of the stream.

869 11. Passive Recreation. Passive recreation may be permitted, provided public access shall only be allowed upon
870 a finding by the director that:

871 a. Such public access will not adversely affect habitat or water quality values of the critical area ~~or its~~
872 ~~buffer~~, and that the design reflects current Priority Habitat and Species data and WDFW management
873 recommendations;

- 874 b. Public access shall be limited to previous trails, boardwalks, viewing areas, covered seating, and
 875 displays, and must be located in areas which have the lowest sensitivity to human disturbance or
 876 alteration;
- 877 c. Public access must be specifically developed for interpretive, educational or research purposes by, or in
 878 cooperation with, the city, or as part of the adopted Snoqualmie comprehensive plan or other official plan
 879 or development approval adopted by the city;
- 880 d. No motorized vehicles shall be allowed within a wetland, stream or their buffers except as required for
 881 necessary maintenance or security;
- 882 e. Vegetative edges, structural barriers, signs or other measures must be provided wherever necessary to
 883 protect wetlands by limiting access to designated public use or interpretive areas;
- 884 f. Access areas must incorporate design features and materials which protect water quality and allow
 885 adequate surface and groundwater movement;
- 886 g. Must be located so as not to disturb nesting, breeding and rearing areas;
- 887 h. Trails should be located in the outer 25 percent of the buffers. Trail access within the remainder of the
 888 buffer or wetland may be allowed provided no practical alternative exists and adequate provision is made
 889 to protect or enhance the wetland through appropriate mitigation;
- 890 i. If trails are allowed to cross wetlands, boardwalks shall be used to minimize the impact.

891 12. Trails, Boardwalks and Viewing Areas. A continuous riverwalk trail, boardwalk and public viewing areas
 892 within the buffer of the Snoqualmie River and Kimball Creek.

893 13. Decks, Patios and Walkways. Decks, patios and walkways associated with commercial development and
 894 parks/trail development permitted by this chapter and the underlying zoning, provided such facilities are
 895 designed and constructed to afford public access to views of the riverfront and provide a public easement as
 896 part of an overall public boardwalk and viewing platform system within the buffer of the Snoqualmie River
 897 within the Urban Riverfront Environment from southerly margin of S.E. Fir Street to the eastern property line
 898 of Riverview Park.

899 ~~D. Stream BuffersRiparian Management Zones. Riparian Management Zones (RMZ) are designated based on the~~
 900 ~~estimated average 200 year site potential tree height, extending outward on each side of a stream from the ordinary~~
 901 ~~high water to the distances prescribed in Table 19.12.160-1~~ Streams shall have the following prescribed buffers as
 902 ~~specified in Table 19.12.160-1:~~

903 **Table 19.12.160-1.**
 904

905 **Stream-BufferRiparian Management Zone Widths**
 906

Stream Classification	External- BufferRMZ Width
Class 1 streams and Class 2 streams with anadromous salmonids	See Shoreline Regulations at SMC 19.08'.400-feet
Class 2 streams	200 75 feet
Class 3 streams	5 100 feet
Class 4 streams	100 25 feet

Stream Classification	External-BufferRMZ Width
Snoqualmie River South Fork and right bank of mainstem within the Natural Shoreline Environment ^{1,2}	200 feet
Snoqualmie River within Urban Riverfront Environment, generally located between S.E. Fir Street and Meadowbrook Way S.E. ^{1,2}	25 feet

907

908 ¹-Areas of the Snoqualmie River not identified in Table 19.12.160-1 shall use the prescribed Class 1 stream bufferriparian management zone.

909 ² See Chapter 19.08 SMC for shoreline environments and associated maps.

910 E. Mitigation. Mitigation shall be required for permitted alterations of streams or their riparian management
911 zonesbuffers. Stream replacement or enhancement shall result in no net loss of stream functions either on or off site
912 due to the alteration. (Ord. 1198 § 23 (Exh. E), 2017; Ord. 1176 § 2, 2016).

913 **19.12.170 Wetlands.**

914 A. Wetland Inventory. The city initially conducted a wetland inventory in 1991 and continues to update the
915 inventory as new information becomes available. The wetland inventory maps, on file with the director, are hereby
916 incorporated herein by this reference. Property owners, the director, and/or members of the public may use these as a
917 general guide but the maps do not provide a comprehensive accounting of areas subject to this chapter nor do they
918 provide a definitive critical area designation. The exact location of a wetland and the associated boundary shall be
919 determined through the performance of a field delineation by a qualified wetland consultant using the approved
920 federal wetland delineation manual and applicable regional supplements as specified by WAC 173-22-035.

921 B. Report for Wetlands.

922 1. If the administrator determines that the site of a proposed development includes, is likely to include, or is
923 adjacent to a wetland, a wetland report, prepared by a qualified professional, shall be required unless
924 preparation of a report is excused or waived in accordance with SMC 19.12.060.A or 19.12.060.B. The expense
925 of preparing the wetland report shall be borne by the applicant.

926 2. Minimum Standards for Wetland Reports. The written report and the accompanying plan sheets shall be
927 consistent with SMC 19.12.060 and shall contain the following information, at a minimum:

928 a. The name and contact information of the applicant; the name, qualifications, and contact information for
929 the primary author(s) of the wetland critical area report; a description of the proposal; identification of all
930 the local, state, and/or federal wetland-related permit(s) required for the project; and a vicinity map for the
931 project.

932 b. A statement specifying the accuracy of the report and all assumptions made and relied upon.

933 c. Documentation of any fieldwork performed on the site, including field data sheets for delineations,
934 rating system forms, baseline hydrologic data, etc.

935 d. A description of the methodologies used to conduct the wetland delineations, rating system forms, or
936 impact analyses including references.

937 e. Identification and characterization of all critical areas, wetlands, water bodies, shorelines, floodplains,
938 and other buffers-critical areas on or adjacent to the proposed project area.

939 f. For each wetland identified on site and within 300 feet of the project site provide: the wetland rating,
940 including a description of and score for each function, per wetland ratings (subsection C of this section);
941 required buffers; hydrogeomorphic classification; wetland acreage based on a professional survey from the
942 field delineation (acreages for on-site portion and entire wetland area including off-site portions);
943 Cowardin classification of vegetation communities; habitat elements; soil conditions based on site

944 assessment and/or soil survey information; and to the extent possible, hydrologic information such as
945 location and condition of inlets/outlets (if they can be legally accessed), estimated water depths within the
946 wetland, and estimated hydroperiod patterns based on visual cues (e.g., algal mats, drift lines, flood debris,
947 etc.). Provide acreage estimates, classifications, and ratings based on entire wetland complexes, not only
948 the portion present on the proposed project site.

949 g. A description of the proposed actions, including an estimation of acreages of impacts to wetlands and
950 buffers based on the field delineation and survey and an analysis of site development alternatives,
951 including a no-development alternative.

952 h. An assessment of the probable cumulative impacts to the wetlands and buffers resulting from the
953 proposed development.

954 i. A description of reasonable efforts made to apply mitigation sequencing pursuant to mitigation
955 sequencing (SMC 19.12.090) to avoid, minimize, and mitigate impacts to critical areas.

956 j. A discussion of measures, including avoidance, minimization, and compensation, proposed to preserve
957 existing wetlands and restore any wetlands that were degraded prior to the current proposed land use
958 activity.

959 k. A conservation strategy for habitat and native vegetation that addresses methods to protect and enhance
960 on-site habitat and wetland functions.

961 l. An evaluation of the functions of the wetland and adjacent buffer. Include reference for the method used
962 and data sheets.

963 m. A copy of the site plan sheet(s) for the project must be included with the written report and must
964 include, at a minimum:

965 i. Maps (to scale) depicting delineated and surveyed wetland and required buffers on site, including
966 buffers for off-site critical areas that extend onto the project site; the development proposal; other
967 critical areas; grading and clearing limits; areas of proposed impacts to wetlands and/or buffers
968 (include square footage estimates).

969 ii. A depiction of the proposed stormwater management facilities and outlets (to scale) for the
970 development, including estimated areas of intrusion into the buffers of any critical areas. The written
971 report shall contain a discussion of the potential impacts to the wetland(s) associated with anticipated
972 hydroperiod alterations from the project.

973 C. State Ratings System. The categorization of wetlands set forth herein is intended to implement the Washington
974 State Department of Ecology wetland rating system found in the Washington State Wetlands Rating System
975 (Western Washington, [2014 Update Version 2](#), Ecology Publication No. [2314-06-0029](#)) and associated guidance
976 documents as it now exists or may hereafter be revised by the Department of Ecology, which is hereby incorporated
977 herein by this reference. References herein to wetland scores are those scores derived by application of the
978 Washington State Wetlands Rating System. Wetland rating categories shall be applied as the wetland ~~exists at the~~
979 ~~time of the adoption of this chapter or as it~~ exists at the time of an associated permit application. Wetland categories
980 shall not change due to illegal modifications.

981 D. Wetland Categorization. Wetlands shall be categorized as follows:

982 1. Category I. Category I wetlands are those that represent unique or rare wetland types, are more critical to
983 disturbance than most wetlands, are relatively undisturbed and contain ecological attributes that are impossible
984 to replace within a human lifetime, or provide a high level of functions. Category I wetlands in the city include:

985 a. Wetlands with high conservation value, which are identified by scientists of the Washington Natural
986 Heritage Program as important ecosystems for maintaining plant diversity in our state;

987 b. Bogs;

988 c. Mature and old growth forested wetlands larger than one acre; or

989 d. Wetlands that perform functions at high levels and scoring 23 or more points (out of 27) on the
990 questions related to functions.

991 2. Category II. Category II wetlands are difficult, though not impossible, to replace, and provide high levels of
992 some functions. These wetlands occur more commonly than Category I wetlands, but still need a relatively high
993 level of protection. Category II wetlands are wetlands with a moderate level of functions, scoring between 20
994 and 22 points.

995 3. Category III. Category III wetlands are wetlands with a moderate level of functions, scoring between 16 and
996 19 points. Such wetlands generally have been disturbed in some ways and are often less diverse or more
997 isolated from other natural resources in the landscape than Category II wetlands.

998 4. Category IV. Category IV wetlands are wetlands with the lowest levels of functions, scoring fewer than 16
999 points, and are often heavily disturbed. These wetlands could be replaced, or in some cases improved.
1000 However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands
1001 may provide some important functions, and also need to be protected.

1002 ~~E. Impacts to Wetlands Less Than 1,000 Square Feet. The following wetlands are exempt from the buffer provisions~~
1003 ~~contained in this chapter and the normal mitigation sequencing process in SMC 19.12.090. They may be filled if~~
1004 ~~impacts are fully mitigated based on provisions in this chapter. If available, impacts should be mitigated through the~~
1005 ~~purchase of credits from a mitigation bank, consistent with the terms and conditions of the program or bank, in~~
1006 ~~order to verify the following conditions, a critical area report for wetlands meeting the requirements in SMC~~
1007 ~~19.12.180 must be submitted.~~

1008 ~~1. All isolated Category III and IV wetlands less than 1,000 square feet that:~~

1009 ~~a. The wetland is not associated with a riparian corridor;~~

1010 ~~b. The wetland is not associated with other wetlands through surface or groundwater connections;~~

1011 ~~c. The wetland does not contain habitat identified as essential for local populations of species identified by the~~
1012 ~~Washington Department of Fish and Wildlife as priority species;~~

1013 ~~d. Compensatory flood storage for the proposed alteration has been provided within city limits with the equivalent to~~
1014 ~~the amount of flood storage removed from the wetland; and~~

1015 ~~e. If located in the city's 100-year floodplain, the proposal is consistent with the requirements of Chapter 15.12~~
1016 ~~SMC, Flood Hazard Regulations.~~

1017 EF. Filling or Alteration of Wetlands.

1018 ~~1. No alteration of a wetland or associated buffer, except those covered in this section, shall be permitted unless~~
1019 ~~the city grants a public agency or utility exception or reasonable use exception, or unless the city finds that the~~
1020 ~~development proposal is one of the permitted uses identified in subsection H of this section and the project as~~
1021 ~~proposed preserves or enhances the important wetland and buffer functions and is otherwise consistent with the~~
1022 ~~purposes of this chapter;~~

1023 12. The fill shall not result in the loss of flood storage and shall be compensated for within city limits;

1024 23. If the fill is located in the city's 100-year floodplain, the proposal must be consistent with the requirements
1025 of Chapter 15.12 SMC, Flood Hazard Regulations;

1026 34. The alteration shall not result in deficient buffers that do not adequately protect the remaining wetland.

1027 FG. Alterations Prohibited. Unless otherwise allowed by ~~this section, subsection G,~~ no wetland or associated buffer
1028 shall be altered, unless the city grants a public agency or utility exception or reasonable use exception, or finds that

1029 the development proposal is one of the permitted uses identified in subsection GH of this section and the project as
1030 proposed preserves or enhances the important wetland and buffer functions and is otherwise consistent with the
1031 purposes of this chapter. ~~Wetlands which conform to subsection E of this section are exempt from the provisions of~~
1032 ~~this subsection.~~

1033 GH. Permitted Uses and Alterations. Subject to the requirements of the underlying zoning designation and other
1034 applicable codes and ordinances, the following uses and alterations shall be permitted within wetlands or their
1035 buffers, in accordance with the standards set forth in this section. Mitigation per the requirements of this chapter
1036 shall be required for any impact to the critical area from these permitted uses and alterations:

1037 1. Educational and Research Activities. Educational and research activities are permitted, not including
1038 construction of buildings or other permanent structures;

1039 2. Enhancement. Enhancement of habitat is permitted, based on the submittal of an enhancement plan prepared
1040 by a qualified consultant, reviewed and approved by the city in accordance with conditions of development
1041 imposed by the city;

1042 3. Drainage Facilities. Drainage facilities located in the outer 25 percent of a prescribed wetland buffer are
1043 permitted when required by engineering constraints, and when such discharges are designed to be infiltrated
1044 into appropriate soils or discharged as surface sheet flow in appropriate slope conditions. Such discharges and
1045 facilities must meet the stormwater management requirements in Chapter 15.18 SMC. The city must review
1046 and approve the submittal to determine that wetland functions will be preserved or enhanced, that stormwater
1047 discharges meet the requirements in Chapter 15.18 SMC, that stormwater discharges to the wetland's outer
1048 buffer will not negatively affect the hydroperiod of the wetland except as allowed by SMC 15.18.180, and that
1049 there will be no adverse impacts to the water quality of the wetland;

1050 4. Public Utilities. Public utilities may be permitted in the wetland and wetland buffer, provided no practical
1051 alternative exists and adequate provision is made to protect or enhance the function of the wetland or stream
1052 buffer through appropriate mitigation. Unless located within a road right-of-way permitted pursuant to
1053 subsection (GH)(5) of this section, sewer utilities may be constructed only in the outer 25 percent of a
1054 prescribed wetland buffer if necessary for gravity flow and if the other requirements of this section are met. All
1055 construction must be designed to mitigate or protect against erosion, uncontrolled drainage, restriction of
1056 groundwater movement, slides, pollution, habitat disturbance, loss of flood-carrying and/or storage capacity,
1057 and excessive excavation or fill. Upon completion of installation, wetland and stream buffers must be restored
1058 to preproject configurations, replanted as required and maintained, as necessary, until newly planted vegetation
1059 is established. All utility corridors should be designed to accommodate joint use in order to reduce the number
1060 of such corridors;

1061 5. Roads and Rights-of-Way. Roads and other rights-of-way are permitted, provided no practical alternative
1062 exists and adequate provision is made to protect or enhance the wetland through appropriate mitigation. Roads
1063 shall be designed and maintained to prevent erosion and restriction of the natural movement of groundwater as
1064 it affects the critical area. Roads must be located to conform to the topography so that minimum alteration of
1065 natural conditions may be required. Where feasible, roads and utilities shall be similarly aligned to minimize
1066 the area of disturbance. Roads shall be constructed so as to minimize adverse impacts on the hydroperiod of the
1067 wetland, and on the habitat functions of the upland buffer to a degree acceptable to the city. A restoration plan
1068 for the area, designed per the standards of a mitigation plan, will be required to be reviewed and approved by
1069 the city;

1070 6. Other Uses. Other uses may be permitted by the city only following review and approval of a critical areas
1071 report study and upon a determination that such use can be developed in a manner which would not degrade the
1072 quantitative and qualitative functioning of the wetland or stream;

1073 7. Passive Recreation. Passive recreation may be permitted, provided public access shall only be allowed only
1074 on the following conditions upon a finding by the director that:

1075 a. A finding by the director that ~~S~~such public access will not adversely affect habitat or water quality
1076 values of the critical area ~~or its buffer;~~

- 1077 b. Public access shall be limited to previous trails, boardwalks, viewing areas, covered seating, and
1078 displays, and must be located in areas which have the lowest sensitivity to human disturbance or
1079 alteration;
- 1080 c. Public access must be specifically developed for interpretive, educational or research purposes by, or in
1081 cooperation with, the city, or as part of the adopted Snoqualmie comprehensive plan or other official plan
1082 or development approval adopted by the city;
- 1083 d. No motorized vehicles shall be allowed within a wetland, stream or their buffers except as required for
1084 necessary maintenance or security;
- 1085 e. Vegetative edges, structural barriers, signs or other measures must be provided wherever necessary to
1086 protect wetlands by limiting access to designated public use or interpretive areas;
- 1087 f. Access areas must incorporate design features and materials which protect water quality and allow
1088 adequate surface and groundwater movement;
- 1089 g. Access areas ~~M~~ must be located so as not to disturb nesting, breeding and rearing areas;
- 1090 h. Trails should be located in the outer 25 percent of the buffers. Trail access within the remainder of the
1091 buffer or wetland may be allowed provided no practical alternative exists and adequate provision is made
1092 to protect or enhance the wetland through appropriate mitigation; and
- 1093 i. If trails are allowed to cross wetlands, boardwalks shall be used to minimize the impact~~s~~;
- 1094 8. Agricultural Activities. Ongoing agricultural activities, including mowing for hay and greenchop in existence
1095 prior to 1995, provided such uses do not increase the degree of nonconformity.

1096 **H.** Wetland Buffers. Wetlands shall have the following prescribed buffers, in accordance with the wetland
1097 characteristics and the impact of the adjacent land use, per the following table:

1098 **Table 19.12.170-1. Wetland Buffers**

Wetland Category	Buffer width (in feet) based on habitat score			
	3 – 4	5	6 – 7	8 – 9
Category I: Based on total score	75	105	165	225
Category I: Bogs and wetlands of high conservation value	190	190	190	225
Category I: Forested	75	105	165	225
Category II: Based on total score	75	105	165	225
Category III (all)	60	105	165	225
Category IV (all)	40	40	40	40

1100 **I.** Mitigation Ratios. When alteration of wetland or buffers requires mitigation by compensation, compensation for
1101 impacts shall be provided at the following ratios shown in the table below:
1102

1103 **Table 19.12.170-2. Mitigation Ratios**

Category and Type	Creation or Reestablishment ¹	Rehabilitation Only ¹	Enhancement Only ¹	Mitigation Bank
Category IV All	1.5:1	3:1	6:1	See SMC 19.12.180

Category and Type	Creation or Reestablishment ¹	Rehabilitation Only ¹	Enhancement Only ¹	Mitigation Bank
Category III All	2:1	4:1	8:1	See SMC 19.12.180
Category II All	3:1	6:1	12:1	See SMC 19.12.180
Category I Forested	6:1	12:1	24:1	See SMC 19.12.180
Category I Bog	Not considered possible ²	6:1 Rehabilitation of a bog	Case-by-case basis ²	See SMC 19.12.180
Category I Natural Heritage Site	Not considered possible ²	6:1 Rehabilitation of a natural heritage site	Case-by-case basis ²	See SMC 19.12.180
Category I Based on Score for Functions	4:1	8:1	16:1	See SMC 19.12.180
Buffer	Minimum of 1:1 ³	Minimum of 1:1 ³	Minimum of 1:1 ³	See SMC 19.12.180

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¹ See the following document for additional guidance: Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10. ~~March 2006~~ April 2021. Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance (Version 2+). Washington State Department of Ecology Publication No. ~~2106-06-0031a~~. Olympia, WA, or as amended.

² Class I bogs and natural heritage sites are deemed irreplaceable wetlands, and therefore no amount of compensation would replace these ecosystems. Avoidance is the best option. In the rare case when impacts cannot be avoided, replacement ratios will be determined on a case-by-case basis, and will be significantly higher than for other Class I wetlands.

³ The city may require a buffer enhancement ratio greater than 1:1 for exceptional second growth forest or mitigation of an already functioning buffer based on the critical area report, buffer modification or consideration of vegetation structure slope and flow paths.

(Ord. 1198 § 23 (Exh. E), 2017; Ord. 1176 § 2, 2016).

19.12.180 Mitigation banking.

A. The director may approve mitigation banking as a form of compensatory mitigation for wetland and stream impacts when the provisions of this chapter require mitigation and when it is clearly demonstrated that the use of a mitigation bank will provide equivalent or greater replacement of critical area functions and values when compared to conventional on-site mitigation, provided that all of the following criteria are met:

1. Banks shall only be used when they provide significant ecological benefits including long-term conservation of critical areas, important species, habitats and/or habitat linkages, and when they are consistent with the city's comprehensive plan and create a viable alternative to the piecemeal mitigation for individual project impacts to achieve ecosystem-based conservation goals.

2. The bank shall be established in accordance with the Washington State Mitigation Banking Rule, Chapter 173-700 WAC or as revised, and Chapter 90.84 RCW and the federal mitigation banking guidelines as outlined in the Federal Register Volume 60, No. 228, November 28, 1995. These guidelines establish the procedural and technical criteria that banks must meet to obtain state and federal certification.

3. Preference shall be given to mitigation banks that implement restoration actions that have been identified formally by an adopted shoreline restoration plan, watershed planning document prepared and adopted pursuant to Chapter 90.82 RCW, a salmonid recovery plan or project that has been identified on the salmon recovery board habitat project list or by the Washington Department of Fish and Wildlife as essential for fish and wildlife habitat enhancement.

4. Banks shall only be used if the off-site mitigation has a greater likelihood of providing equal or improved critical areas functions than the altered critical area, and there is a clear potential for success of the proposed mitigation at the identified mitigation site.

1136 B. Mitigation banks shall not be subject to the replacement ratios outlined in the replacement ratio table in Table
1137 19.12.170-2, but shall be determined as part of the mitigation banking agreement and certification process. (Ord.
1138 1198 § 23 (Exh. E), 2017; Ord. 1176 § 2, 2016).

1139 **19.12.190 Fish and wildlife habitat conservation areas.**

1140 A. Designation. All waters of the state, including wetlands, and streams, and their buffers, together with all publicly
1141 owned open spaces of greater than 10 acres, not including land use perimeter buffers, are hereby designated as fish
1142 and wildlife habitat conservation areas, including Meadowbrook Farm, the Two Sisters Return Open Space,
1143 Snoqualmie Point, Three Forks Natural Area, the Snoqualmie River Open Space and the Kimball Creek Open
1144 Space. Other areas, such as those of primary association for state and federal listed wildlife species, state sensitive
1145 species, and Priority Habitat Species as designated by the Washington Department of Fish and Wildlife, as well as
1146 Habitats of Local Importance, shall also be designated as fish and wildlife habitat conservation areas based upon a
1147 habitat study conducted pursuant to this section.

1148 B. Alteration. Development proposals in or adjacent to a fish and wildlife habitat conservation area shall not disturb
1149 the qualities of the habitat that are essential to maintain feeding, breeding or nesting of a listed species that may
1150 utilize the habitats within the fish and wildlife habitat conservation area. (Ord. 1198 § 23 (Exh. E), 2017; Ord. 1176
1151 § 2, 2016).

1152 **19.12.200 Critical aquifer recharge areas.**

1153 A. Designation. Critical aquifer recharge areas are designated as follows:

1154 1. Category I critical aquifer recharge areas include those areas mapped by King County and determined are to
1155 be highly susceptible to groundwater contamination and that are located within a sole source aquifer or a
1156 wellhead protection area.

1157 2. Category II critical aquifer recharge areas include those areas mapped by King County and determined:

1158 a. Determined to hHave a medium susceptibility to groundwater contamination and are located in a sole
1159 source aquifer or a wellhead protection area; or

1160 b. Are highly susceptible to groundwater contamination and are not located in a sole source aquifer or
1161 wellhead protection area.

1162 3. Category III critical aquifer recharge areas include those areas mapped by King County and determined to
1163 have low susceptibility to groundwater contamination.

1164 B. Declassification. An applicant may request that the city and King County declassify a specific area included in
1165 the map adopted in subsection A of this section. The application must be supported by a critical areas report that
1166 includes a hydrogeologic assessment. The application to declassify an area shall be reviewed by the city and a
1167 determination made to amend the map as appropriate.

1168 C. Category I Prohibited Uses. The following new uses or activities are not allowed in Category I critical aquifer
1169 recharge areas:

1170 1. Transmission pipelines carrying petroleum or petroleum products;

1171 2. Sand and gravel, and hard rock mining on land that is not zoned for mining as of the effective date of the
1172 ordinance codified in this chapter;

1173 3. Mining of any type below the upper surface of the saturated groundwater that could be used for potable
1174 water supply;

1175 4. Processing, storage, and disposal of radioactive wastes, as defined in Chapter 43.200 RCW;

1176 5. Hydrocarbon extraction;

1177 6. Commercial wood treatment facilities on permeable surfaces;

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- 1178 7. Asphalt and concrete facilities;
- 1179 8. Animal containment areas;
- 1180 9. Golf courses;
- 1181 10. Cemeteries;
- 1182 11. Wrecking and salvage yards;
- 1183 12. Landfills for hazardous waste, municipal solid waste, or special waste;
- 1184 13. On-site septic systems on lots smaller than one acre without a treatment system that results in effluent
1185 nitrate-nitrogen concentrations below 10 milligrams per liter;
- 1186 14. All underground storage tanks, including tanks that are exempt from the requirements of WAC Title 173,
1187 with hazardous substances, as defined in Chapter 70.105 RCW, that do not comply with standards of Chapter
1188 173-360 WAC; and
- 1189 15. Aboveground storage tanks for hazardous substances, as defined in Chapter 70.105 RCW, unless protected
1190 with primary and secondary containment areas and a spill protection plan.

1191 D. Category II Prohibited Uses. The following new uses or activities are not allowed in Category II critical aquifer
1192 recharge areas:

- 1193 1. Mining of any type below the upper surface of the saturated groundwater that could be used for potable
1194 water supply;
- 1195 2. Disposal of radioactive wastes, as defined in Chapter 43.200 RCW;
- 1196 3. Hydrocarbon extraction;
- 1197 4. Commercial wood treatment facilities located on permeable surfaces;
- 1198 5. Underground storage tanks with hazardous substances, as defined in Chapter 70.105 RCW, that do not meet
1199 the requirements of Chapter 173-360 WAC;
- 1200 6. Aboveground storage tanks for hazardous substances, as defined in Chapter 70.105 RCW, unless protected
1201 with primary and secondary containment areas and a spill protection plan;
- 1202 7. Wrecking yards;
- 1203 8. Landfills for hazardous waste, municipal solid waste, or special waste;
- 1204 9. On-site septic systems on lots smaller than one acre without a treatment system that results in effluent
1205 nitrate-nitrogen concentrations below 10 milligrams per liter.

1206 E. Category III Prohibited Uses. The following new uses or activities are not allowed in Category III critical aquifer
1207 recharge areas:

- 1208 1. Disposal of radioactive wastes, as defined in Chapter 43.200 RCW;
- 1209 2. Hydrocarbon extraction;
- 1210 3. Commercial wood treatment facilities located on permeable surfaces;
- 1211 4. Underground storage tanks, including tanks that are exempt from the requirements of WAC Title 173, with
1212 hazardous substances, as defined in Chapter 70.105 RCW, that do not comply with standards of Chapter 173-
1213 360 WAC;

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1214 5. Aboveground storage tanks for hazardous substances, as defined in Chapter 70.105 RCW, unless protected
1215 with primary and secondary containment areas and a spill protection plan;

1216 6. Wrecking yards; and

1217 7. Landfills for hazardous waste, municipal solid waste, or special waste.

1218 F. Hydrogeologic Assessment. Land uses and activities shall not measurably degrade the quality of groundwater in a
1219 critical aquifer recharge area. Development proposals or alterations involving the following uses of land or activities
1220 shall prepare and submit, as part of their critical area study-report pursuant to SMC 19.12.060, a hydrogeologic
1221 assessment of the proposed site to determine if the development proposal or alteration will cause contaminants to
1222 enter a critical aquifer recharge area:

1223 1. Hazardous substance processing or handling;

1224 2. On-site sewage disposal for subdivisions, short plats, and commercial and industrial sites;

1225 3. Land application of sludge on sites with an application rate of more than 20 dry tons of sludge per 10-year
1226 period or 4.3 dry tons per acre per year;

1227 4. Landfills;

1228 5. Animal containment areas;

1229 6. Mining operations;

1230 7. Golf courses;

1231 8. Cemeteries;

1232 9. Asphalt and concrete facilities;

1233 10. Wrecking and salvage yards;

1234 11. Any other activity that the director, in his or her discretion, determines has the potential to threaten the
1235 quality of groundwater in a critical aquifer recharge area.

1236 G. Containment. Every development proposal involving hazardous substance processing or handling which is
1237 located in or adjacent to a critical recharge area shall provide containment devices adequate in size to contain on site
1238 any unauthorized release of hazardous substances from any area where these substances are either stored, handled,
1239 treated, used, or produced. Containment devices shall prevent such substances from penetrating into the ground.
1240 This provision also applies to releases that may mix with storm runoff.

1241 H. Hazardous Substances Management Plan. Every development proposal involving hazardous substance processing
1242 or handling which is located in or adjacent to a critical recharge area shall prepare a plan containing procedures to be
1243 followed to prevent, control, collect, and dispose of any unauthorized release of a hazardous substance.

1244 I. Storage Tanks.

1245 1. Building and Fire Code Compliance. All storage tanks proposed to be located in a critical aquifer recharge
1246 area must comply with local building code requirements and must conform to the requirements for secondary
1247 containment as provided in the current edition of the International Fire Code, adopted in Chapter 15.04A SMC
1248 or as amended.

1249 2. Underground Tanks. All new underground tanks located in or adjacent to a critical recharge area shall be
1250 designed and constructed so as to:

1251 a. Prevent releases due to corrosion or structural failure for the operational life of the tank;

- 1252 b. Be protected against corrosion, constructed of noncorrosive material, steel-clad with a noncorrosive
1253 material, or designed to include a secondary containment system to prevent the release or threatened
1254 release of any stored substance; and
- 1255 c. Use material in the construction or lining of the tank which is compatible with the substance to be
1256 stored.
- 1257 3. Aboveground Tanks. No new above-ground storage tank located in or adjacent to a critical recharge area
1258 shall be installed, used or maintained in any manner which may allow the release of a hazardous substance to
1259 the ground, groundwaters, or surface water.
- 1260 J. Agriculture. Agricultural activities in or adjacent to a critical recharge area shall use best management practices to
1261 prevent ground quality degradation from livestock waste.
- 1262 K. Sewage Disposal. All residential, commercial or industrial development proposals located in or adjacent to a
1263 critical recharge area and within 150 feet of a public sewer system shall be connected to the sewer system.
- 1264 L. Golf Courses. Golf course operations proposed in or adjacent to a critical recharge area shall be subject to a golf
1265 course maintenance plan using best management practices to protect groundwater quality. The plan shall detail the
1266 proposed use of fertilizers, herbicides, pesticides, fungicides, or other maintenance agents, with projected
1267 application methods and schedules and measures to prevent pollution of groundwater.
- 1268 M. Commercial Vehicle Repair and Servicing. Commercial vehicle repair and servicing must be conducted over
1269 impermeable pads and within a covered structure capable of withstanding normally expected weather conditions.
1270 Chemicals used in the process of vehicle repair and servicing must be stored in a manner that protects them from
1271 weather and provides containment should leaks occur. No dry wells shall be allowed in critical aquifer recharge
1272 areas on sites used for vehicle repair and servicing. Dry wells existing on the site prior to facility development must
1273 be abandoned using techniques approved by the Washington State Department of Ecology prior to commencement
1274 of the proposed activity.
- 1275 N. Other Uses. All other uses shall be conditioned in accordance with the applicable state and federal regulations as
1276 necessary to protect critical aquifer recharge areas. (Ord. 1198 § 23 (Exh. E), 2017; Ord. 1176 § 2, 2016).
- 1277 **19.12.210 Administration and enforcement.**
- 1278 A. This chapter shall be administered by the director, who shall be responsible for the interpretation and application
1279 of the provisions hereof. No department of the city shall issue any permit or approval to which the provisions of this
1280 chapter apply without the approval of the director.
- 1281 B. Application for or acceptance of any permit or approval for any use, activity or development proposal constitutes
1282 the consent of the applicant for the director to enter the subject site during regular business hours to inspect any use,
1283 activity or development proposal for which a permit or approval has been applied for or granted to ensure
1284 compliance with the provisions of this chapter, to verify the accuracy of information provided by the applicant or to
1285 verify that work is being performed in accordance with approved plans and permits.
- 1286 C. Stop Work Orders. In the event the director shall determine that any use, activity or construction on a
1287 development proposal is not in compliance with the requirements of this chapter or the conditions of any permit or
1288 approval relating to critical areas, the director is authorized to issue a stop work order. The stop work order shall be
1289 posted prominently on the site. When a stop work order has been posted, the use, activity or construction on the
1290 development proposal shall not continue until the violation has been corrected. It shall be a misdemeanor to continue
1291 the use, activity or construction on a development proposal after the posting of a stop work order, and it shall further
1292 be a misdemeanor to remove a stop work order prior to correction thereof.
- 1293 D. Enforcement Penalties. Any unauthorized alteration of a critical area ~~or buffer~~ shall constitute a public nuisance
1294 subject to abatement, and any knowing and intentional unauthorized alteration of a critical area ~~or buffer~~ shall
1295 constitute a misdemeanor. Each day of violation shall constitute a separate offense. The director or his or her
1296 designee shall have a right to enter upon any property at reasonable times and to make such inspection necessary to
1297 determine compliance with the provisions of this chapter. If the property is occupied, the director shall make

1298 reasonable effort to locate the owner or person in charge to request entry. The director is further authorized to take
1299 such actions as may be necessary to enforce the provisions of this chapter.

1300 E. Notice to Restore. In addition to all other remedies, the director shall have the authority to issue a notice to restore
1301 any unauthorized alteration of a critical area ~~or buffer~~ within a reasonable time specified in the notice. For purposes
1302 of this subsection, what constitutes a reasonable time shall be determined with due consideration of the
1303 environmental harm caused by the alteration and the potential environmental harm caused by delay in restoration.
1304 The notice shall be given by in-person delivery, or mailing to the person responsible for the alteration, to his agent,
1305 or to the record owner of the property, and shall be given by certified mail, return receipt requested, and ordinary
1306 mail; provided, the failure of the addressee to accept the certified mailing shall not affect the director's authority
1307 hereunder. If the site is not restored within the time specified in the notice, then the director may cause the site to be
1308 restored to the extent necessary to prevent further environmental harm, and the person responsible for the alteration
1309 shall be responsible for the full cost of such restoration.

1310 F. Permit Revocation. In addition to all other remedies, a permit or approval that is subject to critical areas review
1311 may be revoked or suspended upon a finding by the director that the development is proceeding in violation of any
1312 of the terms or conditions of the permit or approval relating to the critical areas.

1313 G. Administrative Rules. The director shall have the authority to adopt administrative rules not inconsistent with the
1314 provisions of this chapter that are necessary for the implementation of this chapter and to incorporate best
1315 management practices in any alterations authorized under this chapter. If any administrative rule prescribed or
1316 authorized by this chapter has not been adopted at the time of an application requiring critical areas review, the
1317 director shall have the authority to require the use of appropriate guidance documents recommended by the
1318 Department of Ecology or standards recommended by the city's qualified critical areas consultant. (Ord. 1198 § 23
1319 (Exh. E), 2017; Ord. 1176 § 2, 2016).

1320 **19.12.220 Severability.**

1321 If any provision of this chapter or its application to any person or property is held invalid, the remainder of the
1322 chapter or the application of the provision to other persons or property shall not be affected. (Ord. 1198 § 23 (Exh.
1323 E), 2017; Ord. 1176 § 2, 2016).

1324 **19.12.230 Liberal construction.**

1325 This chapter shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.
1326 (Ord. 1198 § 23 (Exh. E), 2017; Ord. 1176 § 2, 2016).