RIDGEFIELD DEVELOPMENT CODE
CHAPTER 18.280:
CRITICAL AREAS PROTECTION

18.280.170 - Definitions.

"Active fault" means a fault that is considered likely to undergo renewed movement within a period of concern to humans. Faults are commonly considered to be active if the fault has moved one or more times in the last ten thousand years.

"Adjacent" means immediately adjoining (in contact with the boundary of the influence area) or within a distance less than that needed to separate activities from critical areas to ensure protection of the functions and values of the critical areas. Adjacent shall mean any activity or development located:
   a. On site immediately adjoining a critical area; or
   b. A distance equal to or less than the required critical area buffer width and building setback.

"Alteration" means any human-induced [City Option: anthropogenic] change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to: grading, filling, dredging, channelizing, clearing (vegetation), applying pesticides, discharging waste, construction, compaction, excavation, modifying for storm water management, relocating, or other activities that change the existing landform, vegetation, hydrology, wildlife, or habitat value, of critical areas.

"Anadromous fish" means fish that spawn in fresh water and mature in the marine environment.

"Applicant" means a person who files an application for a permit under this chapter and who is either the owner of the land on which that proposed activity would be located, a contract purchaser, or the authorized agent of such a person.

"Aquifer recharge area" means an area that, due to the presence of certain soils, geology, and surface water, acts to recharge ground water by percolation.

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

"Base flood elevation" means the water surface elevation of the base flood. It shall be referenced to the National Geodetic Vertical Datum of 1929 (NGVD).

"Best available science" means current scientific information used in the process to designate, protect, or restore critical areas that is derived from a valid scientific process as defined by WAC 365-195-900 through WAC 365-195-925.

"Best management practices" means conservation practices or systems of practice and management measures that:
   a. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, and sediment;
b. Minimize adverse impacts to surface water and ground water flow, circulation patterns, and the chemical, physical, and biological characteristics of wetlands;

c. Protect trees and vegetation designated to be retained during and following site construction; and

d. Provides standards for proper use of chemical herbicides within critical areas.

"Buffer" means the zone contiguous with a critical area that is required for the continued maintenance, function, and structural stability of the critical area.

"Building setback line (BSBL)" means a line beyond which the foundation of a structure shall not extend.

"Channel migration zone (CMZ)" means the lateral extent of likely movement along a stream or river during the next one hundred years as determined by evidence of active stream channel migration movement over the past one hundred years.

"City" means the City of Ridgefield.

"Clearing" means the removal of vegetation by any means and includes cutting or grubbing vegetation.

"Community development director" means the community development director for the City of Ridgefield or his or her designee.

"Compensation project" means actions specifically designed to replace project-induced critical area and buffer losses. Compensation project design elements may include, but are not limited to, land acquisition, planning, construction plans, monitoring, and contingency actions.

"Compensatory mitigation" means types of mitigation used to replace project-induced critical area and buffer losses or impacts.

"Critical aquifer recharge area" means areas designated by WAC 365-190-080(2) that are determined to have critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2).

"Critical areas" means any of the following areas or ecosystems: wetlands, critical aquifer recharge areas, streams, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas as defined by the Growth Management Act (RCW 36.70A.170).

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

"Developable area" means a site or portion of a site that may be utilized as the location of development, in accordance with the rules of this chapter.

"Erosion" means the process by which soil particles are mobilized and transported by natural agents such as wind, rain, frost action, or stream flow.
"Erosion hazard area" means those areas that because of natural characteristics, including vegetative cover, soil texture, slope gradient, and rainfall patterns, or human-induced changes to such characteristics, are vulnerable to erosion.

"FEMA" means Federal Emergency Management Agency. The agency that, oversees the administration of the National Flood Insurance Program (44 CFR).

"Fish and wildlife habitat conservation areas" means areas necessary for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-080(5). These areas include:

a. Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association;

b. Habitats of local importance, including, but not limited to, areas designated as priority habitat by the department of fish and wildlife;

c. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish and wildlife habitat;

d. Waters of the state, including lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface water and watercourses within the jurisdiction of the state of Washington;

e. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;

f. State natural area preserves and natural resources conservation areas; and

g. Land essential for preserving connections between habitat blocks and open spaces.

"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation of runoff or surface waters from any source.

"Floodplain" means any land area susceptible to being inundated by floodwaters from any source.

"Floodway dependent structure" means structures that are floodway dependent include, but are not limited to, dams, levees and pump stations, stream bank stabilization, boat launches and related recreational structures, bridge piers and abutments, and fisheries enhancement or stream restoration projects.

"Flood hazard area" means any area subject to inundation by the base flood or risk from channel migration including but not limited to an aquatic area, wetland, or closed depression.

"Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance Administration has delineated many areas of flood hazard, floodways, and the risk premium zones (CFR 44 Part 59).

"Flood insurance study" means the official report provided by the Federal Insurance Administration that includes the flood profiles and the FIRM (CFR 44 Part 59).
"Flood proofing" means adaptations that ensure a structure is substantially resistant to the passage of water below the flood protection elevation and resists hydrostatic and hydrodynamic loads and effects of buoyancy.

"Flood protection elevation" means an elevation that is one foot above the base flood elevation.

"Formation" means an assemblage of earth materials grouped together into a unit that is convenient for description or mapping.

"Formation, confining" means the relatively impermeable formation immediately overlaying a confined aquifer.

"Frequently flooded areas" means lands in the floodplain subject to a one percent or greater chance of flooding in any given year and those lands that provide important flood storage, conveyance, and attenuation functions, as determined by the director, in accordance with WAC 365-190-080(3). Classifications of frequently flooded areas include, at a minimum, the one-hundred-year floodplain designations of the Federal Emergency Management Agency (FEMA) and National Flood Insurance Protection (NFIP).

"Functions and values" means the beneficial roles served by critical areas, including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, ground water recharge and discharge, erosion control, and recreation. This should be divided into "functions" and also "values".

"Geologically hazardous areas" means areas that may not be suited to development consistent with public health, safety or environmental standards, because of their susceptibility to erosion, sliding, earthquake, or other geological events as designated by WAC 365-190-080(4). Types of geologically hazardous areas include erosion, landslide, seismic, volcanic hazards, and mine.

"Grading" means any excavation, clearing, filling, leveling, or contouring of the ground surface by human or mechanical means.

"Hazard areas" means areas designated as frequently flooded or geologically hazardous areas due to potential for erosion, landslide, seismic activity, mine collapse, or other geologically hazardous conditions, including steep slopes.

"High-intensity land use" means land uses consisting of commercial, urban, industrial, institutional, retail, residential with more than one unit per acre, agricultural (dairies, nurseries, raining and harvesting crops, requiring annual tilling, raising and maintaining animals), high-intensity recreation (golf courses, ball fields), and hobby farms.

"Heavy equipment" means such construction machinery as backhoes, treaded tractor, dump trucks, and front-end loaders.

"Hydraulic project approval (HPA)" means a permit issued by the State of Washington's Department of Fish and Wildlife for modification to waters of the state in accordance with RCW Chapter 75.20.

"Impervious surface area" means any non-vertical surface artificially covered or hardened so as to prevent or impede the percolation of water into the soil mantle including, but not limited to, roof tops swimming pools, paved or graveled roads and walkways or parking areas and excluding landscaping and surface water retention/detention facilities.
"Isolated wetland" means those wetlands that are outside of and not contiguous to any one-hundred-year floodplain, lake, river, or stream and have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.

"Lake" means an area permanently inundated by water in excess of two meters deep and greater than twenty acres in size measured at the ordinary high water mark.

"Landslide" means episodic down slope movement of a mass of soil or rock that includes, but is not limited to, rock falls, slumps, mudflows, and earth flows.

"Landslide hazard areas" means areas that are potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

"Low-intensity land use" means and includes, but is not limited to, forestry, open space (such as passive recreation and natural resources preservation).

"Lowest floor" means the lowest enclosed area (including basement) of a structure. An area used solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest point, provided that the enclosed area meets all of the structural requirements of the flood hazard development standards.

"Minor utility project" means the placement of a utility pole, street sign, anchor, vault, or other small component of a utility facility, where the disturbance of an area is less than seventy-five square feet.

"Mitigation" means the process of minimizing or compensating for adverse environmental impact(s) of a proposal on a critical area.

"Monitoring" means the collection of data by various methods for the purpose of understanding natural systems and features, evaluating the impact of development proposals on such systems, and/or assessing the performance of mitigation measures imposed as conditions of development.

"Native vegetation" means plant species that are indigenous to the region.

"Ordinary high water mark" means on all lakes, streams, and tidal waters, the biological vegetation mark that indicates the "ordinary" high water level (WAC 173-22-030(11)).

"Practical alternative" means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impact to critical areas.

"Priority habitat" means habitat types or elements with unique or significant value to one or more species as classified by the state department of fish and wildlife.

"Qualified professional" means a person with experience and training in the pertinent scientific discipline, and who is a qualified expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental sciences, fisheries, geomorphology or related field, and two years of related work experience.

a. A qualified professional for habitats or wetlands must have a degree in biology or a related environmental science and professional experience related to the subject.
b. A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the state of Washington.

c. A qualified professional for critical aquifer recharge areas must be a hydrologist, geologist, engineer, or other scientist with experience in preparing hydrological assessments.

"Reasonable use" means a legal concept articulated by federal and state courts in regulatory taking cases.

"Riparian habitat" means areas adjacent to aquatic systems with flowing water that contains elements of both aquatic and terrestrial ecosystems that mutually influence each other.

"Salmonid" means a member of the fish family Salmonidae. In King County, chinook, coho, chum, sockeye, and pink salmon; cutthroat, brook, brown, rainbow, and steelhead trout; kokanee; and native char (bull trout and Dolly Varden).

"Section 404 permit" means a permit issued by the Army Corp of Engineers for the placement of dredge or fill material waterward of the ordinary high water mark or clearing in waters of the United States, including wetlands, in accordance with 33 United State Code (USC) Section 1344.

"Seismic hazard areas" means area that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction.

"Species, threatened and endangered" means those native species that are listed in rule by the state department of fish and wildlife pursuant to RCW 77.12.070 as threatened (WAC 232-12-011) or endangered (WAC 232-12-014), or that are listed as threatened and endangered under the federal Endangered Species Act (16 U.S.C. 1533).

"Steep slopes" means those slopes forty percent or steeper within a vertical elevation change of at least ten feet. A slope is defined by establishing its toe and top and is measured by averaging the inclination over at least ten feet of vertical relief.

"Stream" means any portion of a watercourse, either perennial or intermittent, where the surface water flow is sufficient to produce a defined channel or bed. Streams also include natural watercourses modified by humans. Streams do not include irrigation ditches, canals, stormwater run-off facilities, or other entirely artificial watercourses.

"Topping" means the severing of main trunks or stems of vegetation at any place above twenty-five percent of the vegetation height.

"Unavoidable" means adverse impacts that remain after all appropriate and practicable avoidance and minimization have been achieved.

"Understory" means the vegetation layer of a forest that includes shrubs, herbs, grasses, and grass-like plants, but excludes trees.

"Utility" means a service and/or facility that produces, transmits, carries, stores, processes, or disposes of electrical power, gas, potable water, stormwater, communications (including, but not limited to, telephone and cable), sewage, oil and the like.

"Vegetation" means plant life growing below, at, and above the soil surface.
"Vegetation alteration" means any clearing, grading, cutting, topping, limbing, or pruning of vegetation.

"Water dependent activities" means a use or portion of a use that cannot exist in a location that is not adjacent to the water, but is dependent on the water by reason of the intrinsic nature of its operations. A use that can be carried out only on, in, or adjacent to water. Examples of water dependent uses include: fishing, marinas, moorage, and boat launching facilities; aquaculture; surface water intake; and sanitary sewer and storm drain outfalls.

"Water resources inventory area (WRIA)" means one of sixty-two watersheds in the state of Washington, each composed of the drainage areas of a stream or streams, as established in Chapter 173-500 WAC as it existed on January 1, 1997.

"Water typing system" means the system used to classify freshwater surface water systems. Current regulations establish "interim" water typing (1-5) until fish habitat water type maps are available for permanent water typing (S, F, Np, Ns) (WAC 222-16-031).

"Wetland" means as defined by RCW 36.70 or as hereafter amended, those areas that are inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway.

Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate conversion of wetlands.

"Wetlands rating system" means wetlands shall be rated according to the Washington State Wetland Rating System for Western Washington, Department of Ecology, Publication #93-74, or as revised.

(Ord. 903 § 2(part), 2006).